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federal register

MONDAY, SEPTEMBER 13, 1976

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Monday	Tuesday	Wednesday	Thursday	Friday
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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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Title 3—The President

Executive Order 11937 • **September 10, 1976**

Relating to Appointments to the Quetico-Superior Committee

By virtue of the authority vested in me by the Constitution and statutes of the United States of America, and as President of the United States of America, Executive Order No. 11342 of April 10, 1967, is hereby amended as follows:

SECTION 1. Section 2(b) is amended by deleting "Two" and inserting "Five" in lieu thereof.

SEC. 2. Section 4(a) is amended to read as follows:

"Sec. 4. *Terms; compensation.* (a) The terms of the members of the Committee appointed pursuant to subsections 2(a) and 2(b) of this Order shall be limited to the remaining life of the Committee, determined in accord with the Federal Advisory Committee Act (5 U.S.C. App. I), at the time of the appointment; however, in the event that the life of the Committee is extended beyond January 5, 1977, any member so appointed prior to that date shall be deemed to be appointed for an additional term.".

SEC. 3. Section 6 is redesignated as Section 7 and a new Section 6 is added as follows:

"Sec. 6. *Responsibilities.* Notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act (5 U.S.C. App. I), except that of reporting annually to Congress, which are applicable to the Committee, shall be performed by the Secretary of Agriculture in accordance with guidelines and procedures established by the Office of Management and Budget.".

Gerald R. Ford

THE WHITE HOUSE,
September 10, 1976.

[FR Doc.76-26942 Filed 9-10-76;11:31 am]

rules and regulations

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

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

Title 7—Agriculture

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

[Valencia Orange Reg. 543, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period September 3–9, 1976. The quantity that may be shipped is increased due to improved market conditions for California-Arizona Valencia oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Valencia Orange Regulation 543 (41 FR 37091). The marketing picture now indicates that there is a greater demand for Valencia oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Valencia oranges to fill the current demand thereby making a greater quantity of Valencia oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

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

§ 908.843 [Amended]

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), and (ii) of § 908.843 (Valencia Orange Regulation 543 (41 FR 37091) are hereby amended to read as follows:

"(i) District 1: 337,000 cartons; (ii) District 2: 413,000 cartons."

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

Dated: September 8, 1976.

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

[FR Doc.76-26657 Filed 9-10-76;8:45 am]

PART 932—OLIVES GROWN IN CALIFORNIA

Grade and Size Requirements for Certain Olives

This amendment establishes grade and size requirements and size tolerances applicable to processed olives which are used in the production of limited use style olives during the 1976–77 fiscal year (September 1, 1976–August 31, 1977). They are the same requirements as have been established each fiscal year since 1971. Limited use means the use of processed olives in the production of halved, quartered, segmented, sliced, chopped, or minced canned ripe olives.

This amendment is issued under the marketing agreement, as amended, and Order No. 932, as amended (7 CFR Part 932), hereinafter referred to collectively as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act." The amendment was recommended by the Olive Administrative Committee, which is established under the order as the agency to administer its terms.

Section 932.52 (a) (2) and (a) (3) of the order specify the minimum sizes of processed olives (by variety) that may be used in the production of whole and pitted styles of canned ripe olives. The minimum sizes are expressed in terms of minimum weights for individual olives. Section 932.52(a) (3) also provides that use of processed olives smaller than the sizes prescribed for whole and pitted style may be established annually for limited use, and the subparagraph further provides that each such minimum size may also include a size tolerance as recommended by the committee and approved by the Secretary. Any such tolerances may also be recommended and approved annually. Therefore, this amendment approves establishment, for olives from the 1976–77 crop, of minimum sizes contained in § 932.52(a) (3) and includes a size tolerance of 25 percent for undersize Variety Group 1 olives and 20 percent for undersize Variety 2 olives.

This amendment reflects the committee's appraisal of the 1976–77 olive crop and marketing conditions and are its recommendations for the minimum grade and sizes of olives that will provide good quality fruit, of the styles specified, in the interest of consumers and producers.

It is found that amendment of Subpart—Rules and Regulations (7 CFR 932.108–932.161) by adding a new § 932.153 containing grade and size requirements and tolerances for processed olives for limited use, is in accordance with the order and will tend to effectuate the declared policy of the act. Therefore, such amendment, as hereinafter set forth, is approved.

It is further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), and good cause exists for making the provisions hereof effective at the time hereinafter set forth, in that (1) the time intervening between the date when the information upon which this amendment is based became available and the time such amendment must become effective in order to effectuate the declared policy of the act is insufficient; (2) the handling of the 1976 crop of olives is expected to begin on or about the effective time hereof; (3) compliance with the amended rules and regulations will require of handlers no special preparation therefor which cannot be completed by the effective time hereof; and (4) this amendment relaxes restrictions on the handling of olives.

Therefore, § 932.153a of Subpart—Rules and Regulations (7 CFR 932.108–932.161) is redesignated as § 932.153 and amended to read as follows:

§ 932.153 Establishment of grade and size requirements for processed 1976–77 olives for limited use.

(a) *Grade.* On and after September 8, 1976, any handler may use processed olives of the respective variety groups in the production of limited use styles of

canned ripe olives if such olives were processed after August 31, 1976, and meet the grade requirements specified in § 932.52(a)(1) as modified by § 932.149.

(b) *Sizes.* On and after September 8, 1976, any handler may use processed olives in the production of limited use styles of canned ripe olives if such olives were processed during the period September 1, 1976, through August 31, 1977, and meet the following requirements:

(1) The processed olives shall be identified and kept separate and apart from any olives processed before September 1, 1976, or after August 31, 1977;

(2) Variety Group 1 olives, except the Ascolano, Barouni, or St. Agostino varieties, shall be of a size which individually weigh 1/60 pound: *Provided,* That not to exceed 25 percent of the olives in any lot or sublot may be smaller than 1/60 pound;

(3) Variety Group 1 olives of the Ascolano, Barouni, or St. Agostino varieties shall be of a size which individually weigh 1/110 pound: *Provided,* That not to exceed 25 percent of the olives in any lot or sublot may be smaller than 1/140 pound;

(4) Variety Group 2 olives, except the Obliza variety, shall be of a size which individually weigh 1/180 pound: *Provided,* That not to exceed 20 percent of the olives in any lot or sublot may be smaller than 1/180 pound;

(5) Variety Group 2 olives of the Obliza variety shall be of a size which individually weigh 1/140 pound: *Provided,* That not to exceed 20 percent of the olives in any lot or sublot may be smaller than 1/140 pound.

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

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

Dated: September 8, 1976.

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

[FR Doc.76-26707 Filed 9-10-76;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 243—DEPORTATION OF ALIENS IN THE UNITED STATES

Advance Notice to Alien of Time and Place of Surrender for Deportation

Reference is made to the Notice of Proposed Rule Making which was published in the FEDERAL REGISTER of January 19, 1976 (41 FR 2647) 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 243.3 pertaining to the advance notice given an alien ordered deported as to the time and place of surrender for deportation.

In the notice it was proposed to amend the existing regulation by providing that once an order of deportation becomes final, an alien not in the physical custody of the Service shall be given not less than 72 hours advance notice in writing of the time and place of his surrender for deportation, and that the advance notice requirement shall not preclude taking an alien into custody at any time, including any time within the 72-hour period, if information is received that the alien is likely to abscond, or that his being at large constitutes a danger to public safety or security. However, in such an instance the alien's deportation shall not be effected prior to the expiration of 72 hours from the time of apprehension or of the 72-hour notice period, whichever is less.

Representations in favor of and in opposition to the proposed rule have been received, and they have all been carefully considered.

The Government Regulations Section of the Criminal Division of the Department of Justice which handles civil litigation under the Immigration and Nationality Laws supported the proposed rule because the existing regulation in many cases has served as a notice to "skip town" to the alien. They recommended that the proposal be further amended to provide that the alien could be taken into custody prior to the expiration of the 72-hour period where "the district director has reason to believe that the alien is likely to abscond". It has been decided to adopt this recommendation.

The representations which criticized the proposed rule argued that it was open-ended and vague; lacking in specificity as to the type, kinds, or degree of specificity of information which would result in taking the alien into custody prior to expiration of the 72-hour period, lacking in constitutional or procedural safeguards against the possible abuse of discretion by lower echelon Service officers and lacking any provision for administrative review of the exercise of that discretion. The proposal was also criticized because no opportunity is provided therein for informing the alien of the information giving rise to his being taken into custody nor is he given an opportunity under the proposal to rebut that information. Additionally, some representations suggested that the Service ought to be able to determine the likelihood to abscond at a stage of the proceedings when the alien can still seek administrative review of the custody determination. In this connection several representations suggested that the Service should not wait until it is ready to deport the alien before detaining him as likely to abscond but should set release conditions at an earlier stage, when he can still seek administrative review of the custody determination. It is the policy of the Service that, to the extent practicable, when the necessity of arresting the alien is perceived early enough he will be arrested or re-arrested promptly in accordance with 8 CFR 242.2(a) or 8 CFR 242.2(c), with right of administrative appeal. Nevertheless, there are particular circumstances in which the suggested procedure can not be followed, necessitating last minute arrest of the alien. One of these circumstances is when the risk that the alien will run away does not become substantial until the very end. Another is when the alien has been under an order of deportation for over six months and the authority of the Service to keep him in custody for any reason except immediate deportation is barred by section 242(d) of the Immigration and Nationality Act.

In the light of the foregoing, the following changes have been made to the proposed regulation. The penultimate sentence of the proposed regulation will be changed to read: "The advance notice requirement above does not preclude taking an alien into custody at any time, including any time within the 72-hour period, if his being at large constitutes a danger to public safety or security, or the district director has reason to believe that the alien is likely to abscond, or if information is received that the alien is likely to abscond". The order in which the conditions have been set forth has been rearranged to establish an order of priority of reasons for which the Service may take an alien into custody prior to the expiration of the 72-hour period.

In response to several suggestions received and in order to provide the alien taken into custody with the reasons or information on which that decision was based and prevent the possibility of abuse of discretion by lower echelon Service officers, a new paragraph is being added to the proposed regulation. That paragraph provides that an alien shall be taken into custody only pursuant to an order issued by an official empowered under 8 CFR 242.2(a) to issue warrants of arrest. Those officials are district directors, acting district directors, deputy district directors, assistant district directors for investigations, and officers in charge at locations specified in 8 CFR 242.1(a). 8 CFR 242.2(a) also provides that when a warrant of arrest is served, the alien is to be informed of the reason for his arrest and of his right to be represented by counsel. It is at this time that the alien would have an opportunity to rebut the reasons of the district director or information received which led to his placement in custody prior to expiration of the 72-hour period.

In promulgating this rule, the Service wishes to emphasize that it is not an "instant deportation" rule. Even if taken into custody to prevent his absconding, the alien will not be deported prior to the expiration of 72 hours from the date the notice to surrender for deportation was issued.

The following rule, modified as described above, is hereby prescribed. Section 243.3 is revised to read as follows:

§ 243.3 Expulsion.

Once an order of deportation becomes final, an alien, not in the physical custody of the Service, shall be given not less than 72 hours advance notice in writing of the time and place of his surrender for deportation. If the alien fails to surrender as directed, he shall be deported without further notice when located. When an alien is directed to surrender

for deportation, he shall do so notwithstanding the filing of an application for a stay of deportation unless he has been informed prior to the surrender date that a stay has been granted. The advance notice requirement above does not preclude taking an alien into custody at any time, including any time within the 72 hour period, if his being at large constitutes a danger to public safety or security, or the district director has reason to believe the alien is likely to abscond, or if information is received that the alien is likely to abscond. However, in such an instance, the alien's deportation shall not be effected prior to the expiration of 72 hours from the time of apprehension or of the 72 hour notice period, whichever is less. An alien shall be taken into custody prior to the time specified in the surrender notice only pursuant to an order by an official empowered under § 242.2(a) of this Chapter to issue warrants of arrest.

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

The basis and purpose of the rule prescribed in this order is to set forth conditions under which an alien, not in the physical custody of the Service, may be taken into custody prior to the expiration of the 72-hour advance notice period given an alien between the time the alien is notified to surrender for deportation, and the alien's actual surrender for deportation. The establishment of provisions for taking an alien into custody prior to the expiration of the 72-hour period is necessary to prevent aliens from absconding to avoid deportation after they have been issued the required written advance notice of the time and place of surrender for deportation.

Effective date: The amendment contained in this order shall become effective October 13, 1976.

Dated: September 7, 1976.

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

[FR Doc.76-26633 Filed 9-10-76;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Docket No. R-0038; (Reg. B)]

PART 202—EQUAL CREDIT OPPORTUNITY

Termination of Proposed Rulemaking and Extension of Effective Date

The purpose of this notice is to announce that the Board of Governors is terminating consideration of the amendments to § 202.6 of its Regulation B (Docket No. R-0038), which were published in the FEDERAL REGISTER on June 4, 1976 (41 FR 22592). In addition, the Board is extending the effective date of § 202.6 to June 1, 1977.

The existing language of § 202.6 (which the Board has decided to retain) requires a creditor to determine whether a particular account is one which both spouses will use or for which both will be contractually liable. The creditor must then designate the account accordingly. Section 202.6(a)(2)(i) now provides that when the creditor reports information concerning the account to a consumer reporting agency, it must report the information "in a manner which will enable the agencies to provide access to information about the account in the name of each spouse."

The Board's proposed amendment to § 202.6 would have substituted the phrase "in a way which reflects the participation of each spouse" for "in the name of each spouse."

Upon review of the comments received in response to the publication of the proposed amendments, the Board has determined that the most appropriate mechanism for regulating the designation and reporting by creditors of credit information relating to joint accounts held by married persons is contained in the present version of § 202.6. Therefore, the Board has decided not to adopt the proposed amendments.

The Board recognizes, however, that, because of the uncertainty that has existed until now about the reporting requirements of § 202.6, many creditors and the credit reporting industry are not prepared to comply with the provisions of the section by November 1, 1976. Therefore, the Board has decided to extend the effective date of the designation and reporting requirements of § 202.6 to June 1, 1977. The Board's proposed revision of Regulation B, which was published in the FEDERAL REGISTER on July 20, 1976 (41 FR 29870), will be amended to incorporate this change.

§ 202.6 [Amended]

For the reasons stated in this notice and pursuant to the authority granted in section 703 of the Equal Credit Opportunity Act (Title VII of the Consumer Credit Protection Act, as amended, 15 U.S.C. 1601 et seq.), the Board amends § 202.6 of Regulation B (12 CFR 202), effective October 6, 1976, as follows: (1) The date "June 1, 1977" is substituted for the date "November 1, 1976" wherever the latter appears in § 202.6; (2) the date "October 1, 1977" is substituted for the date "February 1, 1977" where the latter appears twice in § 202.6(b)(1)(ii); and (3) the phrase "June 1977" is substituted for the phrase "November 1976" where the latter appears in § 202.6(b)(1)(ii).

By order of the Board of Governors, September 2, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-26755 Filed 9-10-76;8:45 am]

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Delegation of Authority to the Secretary of the Federal Open Market Committee

Section 10 of the Federal Reserve Act (12 U.S.C. 247(a)) requires the Board to keep a record of policy actions of the Federal Open Market Committee and to include such record in its annual report to Congress. Effective this date, the Board of Governors has delegated to the Secretary of the Federal Open Market Committee authority to approve policy record entries for inclusion in the annual report if no Board member has asked for review at a Board meeting of a draft distributed for review by Board members individually.

To reflect this delegation of authority, effective immediately, § 265.2 is amended by adding a new paragraph (i) to read as follows:

§ 265.2 **Specific functions delegated to Board Employees and to Federal Reserve Banks.**

* * * * *

(i) The Secretary of the Federal Open Market Committee (or, in his absence, the Deputy Secretary) is authorized: To approve for inclusion in the Board's annual report to Congress records of policy actions of the Federal Open Market Committee.

The provisions of section 553 of Title 5, United States Code, relating to notice and public participation and deferred effective date were not followed in connection with the adoption of § 265.2(i) because the rule is procedural in nature and does not constitute a substantive rule subject to the requirements of such section.

By order of the Board of Governors of the Federal Reserve System, September 1, 1976.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.76-26681 Filed 9-10-76;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 76-NW-15-AD; Amdt. 39-2720]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727-100/100C Series Airplanes

There have been failures of the aft cargo door lower stop fittings on Boeing Model 727-100 and 727-100C series airplanes. Also, there has been resultant cracking in the door frame to which the fittings are attached. Failure of a door-stop fitting results in a significant loss of door strength. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspections of the stop fittings and repair/replacements as necessary on affected Boeing Model 727-100 and 727-100C series 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 the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING: Applies to all Model 727-100 and 727-100C series airplanes certificated in all categories, listed in Boeing Alert Service Bulletin No. 727-52-A102, or later FAA approved revisions, with P/N 65-19670 -2 and -3 aft cargo door lower stop fittings which have accumulated 15,000 or more pressurization cycles. Compliance required as indicated.

To detect cracks in the aft cargo door lower stop fittings, accomplish the following:

A. Within the next 500 flights from the effective date of this AD, unless accomplished within the last 500 flights, and thereafter at intervals not to exceed 500 flights until the eddy current inspection per paragraph B or terminating action per paragraph D is accomplished, visually inspect (externally) the aft cargo door lower stop fittings (two forward and two aft) and attaching door frame for cracking in accordance with Figure 1, Steps 1 and 2 of Boeing Alert Service Bulletin No. 727-52-A102, Revision 1, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

B. Within the next 2,500 flights from the effective date of this AD, unless accomplished within the last 2,500 flights, and thereafter at intervals not to exceed 2,500 flights until terminating action per paragraph D is accomplished, eddy current inspect the aft cargo door lower stop fittings (two forward and two aft) for cracks in accordance with Figure 1, Steps 1 and 4 of Boeing Alert Service Bulletin No. 727-52-A102, Revision 1, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

C. If a cracked fitting(s) and/or frame(s) are detected:

1. Replace the fitting and repair or replace the door frame section, as necessary, prior to further flight in accordance with Boeing Alert Service Bulletin No. 727-52-A102, Revision 1, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region; or

2. Continue service with no more than one cracked fitting and/or frame for up to 50 flights under the following conditions:

a. Frame cracks may not extend along the frame more than 4.5 inches, including the length of the stop fitting cutout, and no cracks may be present in the frame flange radius. Stop drill all frame cracks, which do not terminate in an existing fastener hole.

b. Assure that the stop fittings adjacent to the cracked fitting, including the lower sill stop fitting, are crack-free by the external visual inspection specified in the service bulletin.

c. Within 25 flights repeat the external visual inspection of the adjacent fittings and frame per paragraph C2a and b of this section.

d. Within 50 flights replace the fitting with a crack-free 7079-T6 aluminum or steel fitting and repair or replace the door frame, as necessary, in accordance with the service bulletin.

D. Installation of a new steel fitting in accordance with Boeing Alert Service Bulletin No. 727-52-A102, Revision 1, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, constitutes terminating action for this AD at that fitting.

E. For the purpose of this AD, when conclusive records are not available to show the number of flights accumulated by a particular fitting, the number of flights may be computed by dividing the airplane time-in-service since the fitting was installed in the airplane by the operator's fleet average time per flight for his Model 727 airplanes.

F. Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, may adjust the repetitive inspection intervals in this AD, if the request contains substantiating data to justify the increase for that operator.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive, who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective September 21, 1976.

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

C. B. WALK, Jr.,
Director, Northwest Region.

(NOTE: The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.)

Issued in Seattle, Washington, September 1, 1976.

[FR Doc.76-26407 Filed 9-10-76;8:45 am]

[Airspace Docket No. 76-SO-82]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Georgia, South Carolina, and Barnwell, South Carolina, transition areas.

The three transition areas are described in § 71.181 (41 FR 440) and all contain reference to Restricted Area 6004. The restricted area was revoked effective August 16, 1976, and it is necessary to amend the descriptions by deleting reference to R-6004. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

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

In § 71.181 (41 FR 440), the Georgia transition area is amended as follows:

"* * * excluding the portion within R-6004." is deleted.

In § 71.181 (41 FR 440), the South Carolina transition area is amended as follows:

"* * * excluding the airspace within R-6004." is deleted.

In § 71.181 (41 FR 440), the Barnwell, South Carolina, transition area is amended as follows:

"* * * excluding the portion within R-6004." is deleted.

(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 East Point, Ga., on August 27, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-26419 Filed 9-10-76;8:45 am]

[Airspace Docket No. 76-SO-83]

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

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Atlanta, Ga., (Dobbins AFB/NAS Atlanta) control zone.

The control zone is described in § 71.181 (41 FR 355). In the description extensions are predicated on the Lost Mountain RBN, the Norcross VORTAC and the extended centerline of Runway 29. The extension predicated on Lost Mountain is no longer required as the RBN is being decommissioned on October 1, 1976. The Norcross extension is no longer required as the instrument approach procedure upon which it was predicated has been cancelled. The extension predicated on Runway 29 will not be required as the basic radius of the control zone is being increased from five miles to six miles to accommodate Category E aircraft. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

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

In § 71.171 (41 FR 355), the Atlanta, Ga., (Dobbins AFB/NAS Atlanta) control zone is amended to read:

Within a 6-mile radius of Dobbins AFB/NAS Atlanta (Lat. 33°54'54" N., Long. 84°-30'59" W.); within 1.5 miles each side of Dobbins TACAN 301° radial, extending from the 6-mile radius zone to 6.5 miles northwest of the TACAN; excluding the portion within the Atlanta, Ga., (Charlie Brown County Airport) control zone. This control zone is effective from 0700 to 2300 hours, local time, daily.

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

Issued in East Point, Ga., on August 27, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-26420 Filed 9-10-76;8:45 am]

[Airspace Docket No. 76-GL-33]

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

Cancellation of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to cancel the Delaware, Ohio, transition area.

The proposed Non-Directional Beacon and the instrument approach procedure at Delaware Municipal Airport, Delaware, Ohio, have not been implemented.

Since this cancellation imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective immediately as hereinafter set forth:

In § 71.181 (41 FR 440) the following transition area is cancelled:

DELAWARE, OHIO

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

Issued in Des Plaines, Illinois, on August 24, 1976.

LEON C. DAUGHERTY,
Acting Director, Great Lakes Region.

[FR Doc.76-26423 Filed 9-10-76;8:45 am]

[Airspace Docket No. 76-SO-32]

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

Alteration and Extension of VOR Airways

On June 24, 1976, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (41 FR 26028) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would realign and extend Federal Airways V-3, V-37 and V-51 and lower the airway floor of V-437 between Jetty Intersection, Fla., and Starfish Intersection, Ga., all in the vicinity of Jacksonville, Fla.

Subsequent to publication of the NPRM, it was determined that an operational advantage would result by altering the V-3 radial south of Brunswick, Ga., from 176° T/176° M to 175° T/175° M. Thereby providing at least 15 degrees divergence between airways.

Since this is a minor alteration which will not appreciably alter the airway alignment, it has been concluded that this is a minor matter upon which the public would have no desire to comment and which may be effected herein without recourse to further public notice.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

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

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

1. In V-3 "Ormond Beach, Fla.; INT Ormond Beach 334° and Jacksonville, Fla., 159° radials; Jacksonville; Brunswick, Ga." is deleted and "Ormond Beach, Fla.; INT Ormond Beach 345° and Brunswick 175° radials; Brunswick, Ga." is substituted therefor.

2. In V-37 "Savannah, Ga.," is deleted and "Jacksonville, Fla.; Brunswick, Ga.; Savannah, Ga.," is substituted therefor.

3. In V-51 "Ormond Beach, Fla.; INT Ormond Beach 344° and Jacksonville, Fla., 159° radials; Jacksonville;" is deleted and "Ormond Beach, Fla.; INT Ormond Beach 345° and Jacksonville, Fla., 155° radials; Jacksonville;" is substituted therefor.

4. In V-437 "Ormond Beach, Fla., 37 miles, 76 miles 75 MSL, Savannah, Ga.;" is deleted and "Ormond Beach, Fla.; Savannah, Ga.;" is substituted therefor.

(Sec. 307(a) and 1110 Federal Aviation Act of 1958 (49 U.S.C. 1348(a), and 1510), Executive Order 10854 (24 FR 9565) and sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Washington, D.C., on August 27, 1976.

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

[FR Doc.76-26424 Filed 9-10-76;8:45 am]

[Airspace Docket No. 76-WE-18]

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

Designation of Control Zone

On July 15, 1976, a notice of proposed rule making was published in the FEDERAL REGISTER (41 FR 29152) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would establish a new control zone at the Naval Auxiliary Landing Field, Crows Landing, California.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 GMT, November 4, 1976.

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

Issued in Los Angeles, California on August 30, 1976.

LYNN L. HINK,
Acting Director, Western Region.

In consideration of the foregoing, the FAA proposes the following airspace action.

§ 71.171 [Amended]

In § 71.171 (41 FR 355) the following control zone is added:

CROWS LANDING, CALIFORNIA

Within a 5-mile radius of NALP Crows Landing (latitude 37°24'35" N., longitude 121°06'40" W.) excluding the portion within a 1-mile radius of Patterson Field, Patterson, California (latitude 37°28'05" N., longitude 121°10'06" W.) This control zone will be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously established as published in the Airman's Information Manual.

[FR Doc.76-26425 Filed 9-10-76;8:45 am]

[Airspace Docket No. 76-WE-5]

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

Alteration of Control Zone

On July 26, 1976, a Notice of Proposed Rule Making was published in the FEDERAL REGISTER (41 FR 30656) and stated that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Fullerton, California Control Zone.

Interested persons were given 30 days in which to submit written comments, suggestions or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 GMT, November 4, 1976.

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

Issued in Los Angeles, California on August 30, 1976.

LYNN L. HINK,
Acting Director, Western Region.

In § 71.171 (41 FR 355) the description of the Fullerton, California control zone is amended as follows:

FULLERTON, CALIFORNIA

Within a 3-mile radius of Fullerton Municipal Airport (latitude 33°52'20" N, longitude 117°58'45" W) and within 2.5 miles each side of the Fullerton Municipal Airport Runway 24 centerline extended, extending from the 3-mile radius zone to 5.5 miles east of Runway 24 threshold, excluding the portion within the Long Beach, California control zone. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

[FR Doc.76-26426 Filed 9-10-76;8:45 am]

[Airspace Docket No. 76-SO-85]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Paducah, Kentucky, transition area.

The Paducah transition area is described in § 71.181 (41 FR 440). In the description a transition area and extension is designated to provide controlled airspace protection for IFR operations at the Metropolis Airport, Metropolis, Illinois. The proposed NDB which would have supported IFR operations will now be used for VFR operations only; therefore, it is necessary to amend the Paducah transition area to revoke the airspace at Metropolis Airport. Since this amendment lessens the burden on the public, notice and public procedure hereon is unnecessary.

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

In § 71.181 (41 FR 440), the Paducah transition area is amended as follows:

"* * * VORTAC; within a 5.5-mile radius of Metropolis Airport, Metropolis, Ill. (latitude 37°11'09" N., longitude 88°45'02" W.); within 3 miles each side of the 353° bearing from Metropolis RBN (latitude 37°11'03" N., longitude 88°44'54" W.), extending from the 5.5-mile radius area to 8.5 miles north of the RBN * * *" is deleted and "* * * VORTAC * * *" is substituted therefor.

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

Issued in East Point, Ga., on August 30, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-26427 Filed 9-10-76;8:45 am]

[Airspace Docket No. 76-SW-40]

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

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Big Sandy, Tex., transition area.

On July 22, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 30137) stating the Federal Aviation Administration proposed to alter the Big Sandy, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

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

In § 71.181 (41 FR 440), the Big Sandy, Tex., transition area is amended as follows:

BIG SANDY, TEX.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Ambassador Field (latitude 32°35'-00" N., longitude 95°03'45" W.), and within 2.5 miles each side of the Big Sandy, Tex., Ambassador Field NDB 271° bearing extending from the 8.5-mile-radius area to a point 11.5 miles west of the NDB; within an 8.5-mile radius of Upshur County Airport, Gilmer, Tex. (latitude 32°41'57" N., longitude 94°56'55" W.) and an 8.5-mile radius of Holly Lake Ranch Airport, Hawkins, Tex. (latitude 32°41'46" N., longitude 95°12'36" W.).

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

Issued in Fort Worth, Tex., on September 1, 1976.

PAUL J. BAKER,
Acting Director, Southwest Region.

[FR Doc.76-26611 Filed 9-10-76;8:45 am]

[Airspace Docket No. 76-PC-2]

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

Redesignation of Controlled Airspace

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to change the description of the Saipan Island control zone.

On April 1, 1976, the Pacific-Asia Region invited interested persons to comment on a proposal to relocate the Saipan nondirectional radio beacon (NDB) from a place serving the abandoned Kobler Field to a position 2,900 feet from the landing threshold of Runway 7 of Saipan International Airport (Isley Field). All comments received were favorable.

It is necessary to redescribe the Saipan Island control zone because of this relocation.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Because this action merely reorients a control zone from an abandoned airport to an adjacent one, it is a minor matter in which the public would have no particular desire to comment further. Therefore, notice and public procedure thereon are unnecessary. In order to provide sufficient time for changes to be depicted on appropriate charts, this amendment will become effective on November 4, 1976.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, November 4, 1976, as hereinafter set forth. § 71.171 (41 FR 355) is amended by deleting the description of Saipan Island and substituting the following therefor:

Within a 5-mile radius of Saipan International Airport (lat. 15°07'13" N., long. 145°43'49"E.) and within 3 miles each side of the Saipan RBN (lat. 15°06'46" N., long. 145°42'40" E.) 265° bearing, extending from the 5-mile radius zone to 8.5 miles west of the RBN, and within 2 miles each side of the extended centerline of the east/west runway, extending from the 5-mile radius zone to 7.5 miles east of Saipan International Airport. This control zone is effective from 0600 to 1800, local time, daily and during the specific dates and times established in advance by a Notice to Airman. The effective date and time will thereafter be continuously published in the Pacific Chart Supplement.

(Secs. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Washington, D.C., on September 2, 1976.

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

[FR Doc.76-26408 Filed 9-10-76;8:45 am]

[Airspace Docket No. 76-NW-14]

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

Designation of Additional Control Area

On July 6, 1976, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (41 FR 27739) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate an additional control area in the vicinity of Boardman, Oreg.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, November 4, 1976, as hereinafter set forth. In § 71.163 (41 FR 348) the following additional control area is added:

BOARDMAN, OREGON

That airspace extending upward from 1200 AGL bounded on the northeast by the southwest edge of V-4, on the southeast and the southwest by the north edge of V-112, and on the northwest by the southeast edge of V-520; excluding the portion within Restricted Area R-5704 during its published hours of designation.

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

Issued in Washington, D.C., on September 3, 1976.

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

[FR Doc.76-26409 Filed 9-10-76;8:45 am]

[Airspace Docket No. 76-SO-80]

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

PART 73—SPECIAL USE AIRSPACE

Division and Renumbering of Restricted Areas

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to renumber the Cape Kennedy, Fla., Restricted Areas 2902 A and B and to divide R-2902A into four areas.

These actions will not alter the overall dimensions nor increase the present altitude limitations. Controlling and using agencies will remain the same as will the time of designation. They will provide more flexible management and make the airspace more easily available for public use when it is not in use by the using agency. Because these actions are considered minor actions on which the public would have no particular desire to comment, notice and public procedure are unnecessary.

Due to changing mission requirements of the Air Force Eastern Test Range the Cape Kennedy Restricted Areas are activated for missile operations and short duration tests/missions that are hazardous to aircraft.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective 0901 GMT, November 4, 1976, as hereinafter set forth.

§ 71.151 [Amended]

Section 71.151 (41 FR 345) is amended as follows:

1. "R-2902 Cape Kennedy, Fla." is deleted.

2. "R-2922 Cape Kennedy, Fla. R-2925 Cape Kennedy, Fla." is added.

§ 73.29 [Amended]

Section 73.29 (41 FR 664) is amended as follows:

1. R-2902A Cape Kennedy, Fla., title and text is deleted.

2. R-2902B Cape Kennedy, Fla., title and text is deleted.

3. R-2921 Cape Kennedy, Fla., is added as follows:

R-2921 CAPE KENNEDY, FLA.

Boundaries. Beginning at Lat. 28°41'40" N., Long. 80°35'00" W.; to Lat. 28°38'00" N., Long. 80°47'02" W.; to Lat. 28°45'00" N., Long. 80°37'50" W.; to point of beginning.
Designated altitudes. Surface to 14,000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, Air Force Eastern Test Range, Patrick AFB, Fla.

4. R-2922 Cape Kennedy, Fla., is added as follows:

R-2922 CAPE KENNEDY, FLA.

Boundaries. Beginning at Lat. 28°38'00" N., Long. 80°47'02" W.; to Lat. 28°40'00" N., Long. 80°40'28" W.; to Lat. 28°34'00" N., Long. 80°35'45" W.; to Lat. 28°24'30" N., Long. 80°38'00" W.; to Lat. 28°24'30" N., Long. 80°41'45" W.; to Lat. 28°30'30" N., Long. 80°43'30" W.; to Lat. 28°37'35" N., Long. 80°46'50" W.; to point of beginning.
Designated altitudes. Unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, Air Force Eastern Test Range, Patrick AFB, Fla.

5. R-2923 Cape Kennedy, Fla., is added as follows:

R-2923 CAPE KENNEDY, FLA.

Boundaries. Beginning at Lat. 28°40'00" N., Long. 80°40'28" W.; to Lat. 28°41'40" N., Long. 80°35'00" W.; thence three nautical miles from, and parallel to the shoreline to Lat. 28°30'00" N., Long. 80°29'05" W.; to Lat. 28°30'00" N., Long. 80°36'42" W.; to Lat. 28°34'00" N., Long. 80°35'45" W.; to point of beginning.
Designated altitudes. Surface to 5000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, Air Force Eastern Test Range, Patrick AFB, Fla.

6. R-2924 Cape Kennedy, Fla., is added as follows:

R-2924 CAPE KENNEDY, FLA.

Boundaries. Beginning at Lat. 28°24'30" N., Long. 80°38'00" W.; to Lat. 28°24'30" N., Long. 80°30'30" W.; thence three nautical miles from, and parallel to the shoreline to Lat. 28°30'00" N., Long. 80°29'05" W.; to Lat. 28°30'00" N., Long. 80°36'42" W.; to point of beginning.
Designated altitudes. Surface to 5000 feet MSL.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, Air Force Eastern Test Range, Patrick AFB, Fla.

7. R-2925 Cape Kennedy, Fla., is added as follows:

R-2925 CAPE KENNEDY, FLA.

Boundaries. Beginning at Lat. 28°40'00" N., Long. 80°40'28" W.; to Lat. 28°41'40" N., Long. 80°35'00" W.; thence three nautical miles from, and parallel to the shoreline to Lat. 28°24'30" N., Long. 80°30'30" W.; to Lat. 28°24'30" N., Long. 80°38'00" W.; to Lat. 28°34'00" N., Long. 80°35'45" W.; to point of beginning.
Designated altitudes. 5000 feet MSL to unlimited.
Time of designation. Continuous.
Controlling agency. Federal Aviation Administration, Miami ARTC Center.
Using agency. Commander, Air Force Eastern Test Range, Patrick AFB, Fla.

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

Issued in Washington, D.C., on September 3, 1976.

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

[FR Doc.76-26410 Filed 9-10-76;8:45 am]

[Airspace Docket No. 76-GL-30]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to change the using agency for Restricted Area R-4305 Lake Superior, Minn.

The change will correct the identity of the military organization for whom the restricted area is designated.

Since designation of a different using agency is a minor amendment upon which the public would have no particular desire to comment, notice and public procedure thereon are unnecessary. However, as it is essential that the correct using agency of the restricted area be identified, good cause exists for making this amendment effective immediately.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective on September 13, 1976. In § 73.43 (41 FR 680) the using agency for R-4305 Lake Superior, Minn., is changed to read as follows:

Using agency. Commander, Eighth Air Force, Barksdale AFB, La.

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

Issued in Washington, D.C., on September 3, 1976.

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

[FR Doc.76-26411 Filed 9-10-76;8:45 am]

[Airspace Docket No. 76-SW-34]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Establishment of Jet Route

On July 15, 1976, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (41 FR 29153) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate J-168 from Wichita Falls, Tex., direct to Lamar, Colo.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. Two comments were received. The Air Transport Association endorses the proposal. The Department of the Air Force's Representative objected, stating that "This proposal has the potential for adversely impacting Sheppard AFB flying training operations." Since the Fort Worth ARTCC provides direct routing only when training is not being affected, designation of the jet route would not derogate the training program.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 GMT, November 4, 1976, as hereinafter set forth.

§ 75.100 (41 FR 704) is amended by adding the following:

Jet Route No. 168 from Wichita Falls, Tex., to Lamar, Colo.

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

Issued in Washington, D.C., on September 3, 1976.

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

[FR Doc.76-26412 Filed 9-10-76;8:45 am]

[Docket No. 16078; Amdt. No. 1037]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Information Center, AIS-230, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

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

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective November 4, 1976.*

Flagstaff, AZ—Pulliam Arpt., VOR-A, Amdt. 2
Flagstaff, AZ—Pulliam Arpt., VOR/DME Rwy 21, Original
Modesto, CA—Modesto City-County/Harry Sham Field, VOR Rwy 10L/R, Amdt. 6
Modesto, CA—Modesto City-County/Harry Sham Field, VOR Rwy 28L/R, Amdt. 7
Santa Ynez, CA—Santa Ynez Arpt., VOR-A, Amdt. 3
Santa Ynez, CA—Santa Ynez Arpt., VOR-B, Amdt. 2

* * * *effective October 21, 1976.*

Alma, GA—Bacon County Arpt., VOR Rwy 33; Amdt. 3
Lawrenceville, GA—Gwinnett County Arpt., VOR Rwy 7, Amdt. 5
Lawrenceville, GA—Gwinnett County Arpt., VOR/DME Rwy 25, Amdt. 1
Bowling Green, KY—Bowling Green-Warren County, VOR/DME Rwy 21, Original
Leonardtown, MD—St. Mary's County Arpt., VOR Rwy 29, Original
Hastings, MI—Hastings Muni. Arpt., VOR Rwy 12, Amdt. 4
Clinton, NC—Sampson County Arpt., VOR/DME-A, Original
New Philadelphia, OH—Harry Clever Field, VOR/DME-A, Amdt. 2
Eagle Lake, TX—Eagle Lake Arpt., VOR Rwy 17, Amdt. 2
Gilmer, TX—Gilmer-Upshur County Arpt., VOR/DME-A, Original
Gruver, TX—Cluck Ranch Arpt., VOR/DME-A, Original
Stevens Point, WI—Stevens Point Muni. Arpt., VOR Rwy 3, Amdt. 8
Stevens Point, WI—Stevens Point Muni. Arpt., VOR Rwy 21, Amdt. 12
Stevens Point, WI—Stevens Point Muni. Arpt., VOR Rwy 30, Amdt. 11

* * * *effective September 23, 1976*

Grand Rapid, MN—Grand Rapids Itasca County Arpt., VOR Rwy 34, Amdt. 4

* * * *effective August 27, 1976*

Olympia, WA—Olympia Arpt., VOR Rwy 17, Amdt. 8

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective October 21, 1976.*

Laconia, NH—Laconia Muni. Arpt., LOC Rwy 8, Amdt. 2

* * * *effective September 23, 1976.*

Tucson, AZ—Tuscon Int'l Arpt., LOC Rwy 11L, Amdt. 7
Mosinee, WI—Central Wisconsin Arpt., LOC (BC) Rwy 26, Amdt. 3

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective November 4, 1976.*

Modesto, CA—Modesto City-County/Harry Sham Field, NDB Rwy 28R, Amdt. 2

* * * *effective October 21, 1976.*

Colby, KS—Shaltz Field, NDB Rwy 17, Amdt. 1
Portland, ME—Portland Int'l Jetport, NDB Rwy 11, Amdt. 10
Indianola, MS—Indianola Legion Field, NDB Rwy 17, Original
Indianola, MS—Indianola Legion Field, NDB Rwy 18, Amdt. 1, cancelled
Indianola, MS—Indianola Legion Field, NDB Rwy 35, Original
Indianola, MS—Indianola Legion Field, NDB Rwy 36, Amdt. 1, cancelled
Laconia, NH—Laconia Muni. Arpt., NDB Rwy 8, Amdt. 2
Clinton, NC—Sampson County Arpt., NDB Rwy 6, Amdt. 1
Burnet, TX—Burnet Muni. Kate Craddock Field, NDB-A, Amdt. 1

* * * *effective October 7, 1976.*

Troutdale, OR—Portland-Troutdale Arpt., NDB-A, Amdt. 4

* * * *effective September 23, 1976.*

Antigo, WI—Langlade County Arpt., NDB Rwy 16, Original
Greenville, TX—Majors Arpt., NDB Rwy 17, Original
Brownsville, TX—Brownsville Int'l Arpt., NDB Rwy 31L, Original
El Campo, TX—El Campo Metro Inc., NDB Rwy 35, Original

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective November 4, 1976.*

Modesto, CA—Modesto City-County/Harry Sham Field, ILS Rwy 28R, Amdt. 6

* * * *effective October 21, 1976.*

Portland, ME—Portland Int'l Jetport, ILS Rwy 11, Amdt. 13

* * * *effective September 23, 1976.*

Tucson, AZ—Tucson Int'l Arpt., ILS Rwy 11L, Amdt. 5
Greenville, TX—Majors Arpt., ILS Rwy 17, Original
Mosinee, WI—Central Wisconsin Arpt., ILS Rwy 8, Amdt. 2

5. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, *effective November 4, 1976.*

Norman, OK—Max Westheimer Field, RNAV Rwy 3, Original

* * * *effective October 21, 1976.*

Omaha, NE—Millard Arpt., RNAV Rwy 12, Original
Albuquerque, NM—Albuquerque Int'l Arpt., RNAV Rwy 8, Amdt. 3

* * * *effective September 23, 1976.*

Tucson, AZ—Tucson Int'l Arpt., RNAV Rwy 11L, Amdt. 2, cancelled
Tucson, AZ—Tucson Int'l Arpt., RNAV Rwy 29R, Amdt. 1, cancelled

Correction: In Docket Number 15967, Amendment Number 1032, To Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER Dated Thursday, August 5, 1976, on page 32736, under § 97.27, *effective September 16, 1976:*

* * * Appleton, WI—Outagamie County Arpt.

Change NDB Rwy 2 Amdt 4 to NDB Rwy 3 Amdt 4, and NDB Rwy 20 Amdt 2 to NDB Rwy 21 Amdt 2.

Under § 97.29, *effective September 16, 1976:*

* * * Appleton, WI—Outagamie County Arpt.

Change ILS Rwy 2 Amdt 5 to ILS Rwy 3 Amdt 5.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; (49 U.S.C. 1438, 1354, 1421, 1510), and sec. 6(c) Department of Transportation Act, (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on September 2, 1976.

JAMES M. VINES,
Chief, Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969, (35 FR 5610).

[FR Doc.76-26406 Filed 9-10-76;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER I—COMMODITY FUTURES TRADING COMMISSION

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

Applications for Registration of Associated Persons

The Commodity Futures Trading Commission has amended § 1.10b of the General Regulations to obviate the necessity of repeating in full certain information which associated persons have previously furnished to the Commission. A person who seeks to renew his registration as an associated person of a futures commission merchant under section 4k of the Commodity Exchange Act, as amended (the "Act"), 7 U.S.C. 6k (Supp. IV, 1974), is required to file a new application for registration on Form 4–R in accordance with § 1.10b of the General Regulations under the Act, 17 CFR 1.10b. The Commission has recently received comments from several futures commission merchants that it is unduly burdensome to have an associated person respond in full to all items of Form 4–R for the purpose of re-registration when much of the information called for by the Form has already been furnished to the Commission in a previous application and has not changed since that application was submitted. The Commission agrees with these comments.

The amendment to § 1.10b provides that persons applying for renewal of registrations as associated persons may insert the words "No Change" in order to complete the items on Form 4–R listed below, if there has been no change in the information previously furnished to the Commission on Form 4–R in response to these items and no additional information is required to be furnished in response to these items in order to update the information. These items are as follows:

Item No.:	*Subject matter*
8	Prior employment.
9	Prior residence addresses.
10, 10A	Registrations with commodity or securities exchanges as commodity futures representative, customers' man or account executive.
11, 11A	Memberships on commodity or securities exchanges or in national securities associations.
13, 13A	Examinations taken testing knowledge of commodity futures trading.
14	Colleges and specialized institutions attended.

In addition, if there has been no change in the information previously furnished to the Commission in response to these items but additional information is required to be furnished in order to update the information, the amendment permits applicants for renewal to complete these items by inserting the words "Information Since Last Application" and providing all such additional information. All other items on application Form 4–R (i.e., items 1 through 7, 12, 12A, 12B, 15A, 15B, 15C, 15D and 15E) must be completed in full in response to the instructions on the Form by all applicants seeking to renew their registration as associated persons.

In consideration of the foregoing, the Commission, pursuant to its authority in sections 4k and 8a(5) of the Act, 7 U.S.C. 6k and 12a(5) (Supp. IV, 1974), hereby amends § 1.10b of Chapter I of Title 17 of the Code of Federal Regulations by designating the present paragraph as (a) and adding a new paragraph (b) thereto to read as follows:

§ 1.10b Applications for registration of associated persons.

* * * * *

(b) Each registrant applying for renewal of its registration as an associated person on Form 4–R may insert the words "No Change" in response to any of the following items of Form 4–R, if there has been no change in the information called for by the item for which such response is given from that previously furnished to the Commission by the registrant on Form 4–R and no additional information is required to be furnished in response to the item:

Item 8—Prior employment.
Item 9—Prior resident addresses.
Items 10, 10A—Registrations with commodity or securities exchanges as commodity futures representative, customers' man or account executive.
Items 11, 11A—Memberships on commodity or securities exchanges or in national securities associations.
Item 13, 13A—Examinations taken testing knowledge of commodity futures trading.
Item 14—Colleges and specialized institutions attended.

If there has been no change in the information previously furnished to the Commission by the registrant on Form 4–R in response to any of the items listed above, but additional information is required to be furnished by the registrant in response to any of such items, the registrant may complete any of such items by inserting the words "Information Since Last Application" and by providing all such additional information as required by the item for which such response is made. If a registrant applies for renewal on Form 4–R and completes any of the items listed above as provided in this paragraph, all information previously furnished to the Commission by the registrant on Form 4–R in response to those items shall be deemed incorporated by reference on the Form 4–R on which such application for renewal is made.

The foregoing amendment is adopted effective immediately. The Commission finds that the foregoing action relieves a burden heretofore imposed and otherwise relates solely to agency practice and procedures. For these reasons, the Commission finds that the notice and other public procedures called for by 5 U.S.C. 553, are not required.

Issued in Washington, D.C. on September 8, 1976.

By the Commission.

WILLIAM T. BAGLEY,
Chairman.

[FR Doc.76–26685 Filed 9–10–76;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

PART 2—GENERAL POLICY AND INTEPRETATIONS

PART 154—RATE SCHEDULES AND TARIFFS

Rehearings

SEPTEMBER 2,1976.

In the matter of national rates for jurisdictional sales of natural gas dedicated to interstate commerce on or after January 1, 1973, for the period January 1, 1975 to December 31, 1976; Docket No. RM75–14. Order granting petitions for rehearing for purposes of further consideration, granting interventions and providing for oral argument (issued September 2, 1976).

On July 27, 1976, (41 FR 33364) the Commission issued its Opinion No. 770 and its order amending Section 2.56a of the Statement of General Policy and Interpretations, Part 2, Subchapter A of the Chapter I of Title 18 of the Code of Federal Regulations. These provisions of the Regulations set forth, inter alia, a new national rate of $1.42 per Mcf, with a one cent per quarter escalator, for sales of natural gas from wells commenced on and after January 1, 1975, and new dedications of natural gas to interstate commerce on and after January 1, 1975; these provisions also set forth a new national rate of $1.01 per Mcf for sales of natural gas from wells commenced and new dedications of natural gas on or after January 1, 1973 and prior to January 1, 1975.

Petitions to intervene out of time were subsequently filed by a number of parties.[1] After review of the petitions to intervene it appears that all may have a substantial interest in the instant proceeding that may not be adequately represented by any other party to the proceeding.

On August 12, 1976, Continental Oil Company filed with the Commission a petition for rehearing of Opinion No. 770. It stated:

On July 27, 1976, the Commission issued Opinion No. 770 in the above docket. In that Opinion, the Commission did not expressly

[1] Senator Hubert H. Humphrey (July 28, 1976); Senators Abourezk, Durkin and Proxmire and Representatives Bedell, Brodhead, Harrington, Harris, Hughes, Maguire, Moffett, Moss, Ottinger and Seiberling (July 30, 1976); Representatives Oberstar and Studds (August 4, 1976); Public Utilities Commission of the State of South Dakota (August 6, 1976); Public Service Commission of Wisconsin (August 23, 1976); and County of Erie, New York and City of Buffalo, New York (August 26, 1976).

state that any rates collected under Opinion No. 770 would, as a matter of law, be collected subject to refund, should the rates be modified by the Commission on rehearing or at the instance of a court having jurisdiction under Section 19(b) of the Natural Gas Act (15 U.S.C. § 717r(b)). Nor did the Commission state that the Commission has jurisdiction and discretion to order the ultimate disposition of refund liability, if any, including the reduction or elimination thereof, in a subsequent proceeding, subject to judicial review. This Petition for Rehearing respectfully calls upon the Commission to issue an order in the above docket expressly stating the above positions of law without modifying the legal principles involved.

Timely applications for rehearing, reconsideration and clarification of Opinion No. 770 were also filed by other parties to this proceeding and by certain of the aforementioned intervenors.[2] An application for rehearing and reconsideration was filed out of time by Enserch Exploration, Inc. For the reasons hereinafter set forth, we grant all petitions for rehearing, reconsideration, and/or clarification of Opinion No. 770 for the sole purpose of further consideration of that opinion.

Section 19(a) of the Natural Gas Act provides that any person "aggrieved by an order" of the Commission "may apply for rehearing within thirty days after the issuance of that order" and that such petitions if not acted upon "within thirty days after it is filed . . . may be deemed to have been denied."[3] Because these time constraints do not allow sufficient time for a considered decision of the Commission upon all of the applications for rehearing of Opinion No. 770, the public interest requires that we grant the applications for rehearing in part for the sole purpose of reconsideration of Opinion No. 770. This action does not constitute a grant or denial of any or all of the petitions for rehearing of Opinion No. 770 on their merits in whole or in part.[4]

Because the Commission intends to deal with all applications for rehearing in a single order, it is important to note that the Commission's order of August 13, 1976, imposing a refund condition pursuant to the order of the Court of Appeals for the District of Columbia Circuit, did not constitute a denial of Continental Oil Company's August 12, 1976 petition for rehearing.

In the applications for rehearing, reconsideration and clarification, several issues have been raised which warrant further examination. These include:

1. The productivity computation and the reliability of AGA reserve data and API drilling data.

2. The reliability of JAS drilling cost data.

3. The inclusion and extent of an income tax component in the DCF cost analysis.

4. Whether lease acquisition costs should be allowed in their entirety.

5. The use of an escalator to various rates established.

6. Whether renewal contracts should be permitted the 52 cent rate and whether contracts of unlimited duration should be permitted that rate after 20 years.

7. Whether 1973–1974 biennium gas should be vintaged and whether such gas should be entitled to a rate different than that established in Opinion No. 699–H.

8. Whether wells "recompleted" or drilled into existing reservoirs on or after January 1, 1975 should be entitled to the $1.42 rate.

9. The effect of advance payments on the cost of capital.

10. The necessity for a biennial review.

11. Whether the investment allocation method is more appropriate than the liquid credit method of dealing with the joint production of gas and liquids and what is the appropriate allocation basis.

12. The need to permit pipelines to stretch out any surcharge and the use of a carrying charge therewith.

13. The need for special relief for deep water and deeper drilling.

We find that it is in the public interest to hear oral argument on these issues and any other issues raised on rehearing from the parties that filed applications for rehearing, reconsideration and clarification.

In view of the importance of this proceeding, we believe that oral argument should be held as soon as possible. Accordingly, any applicant for rehearing, notice of its intent to present argument, reconsideration or clarification, giving will be permitted to address the aforementioned issues before the Commission on September 16 and 17, 1976. The oral argument will commence at 12:00 noon (EDST) on September 16, 1976, and conclude no later than 3:00 P.M. (EDST) on September 17, 1976. The allowance of time for oral argument will be determined by the Commission after requests for allotments of time have been received. Each participant that wishes to be heard on oral argument shall so indicate by September 7, 1976, and at the same time shall indicate to the Commission the amount of time which it requests to present its argument. Those parties having common interests and who will espouse a common view on any of the aforementioned issues are requested to make a single presentation on oral argument of their positions. The parties will be advised by notice of the Secretary of the time allotted on or before September 10, 1976.

The Commission orders: (A) The above-mentioned petitioners are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions to intervene; and *Provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved by any order of the Commission entered in this proceeding.

(B) The petitions for rehearing of Opinion No. 770 filed by the parties listed in Appendix A and that of Enserch Exploration, Inc., are hereby granted for the sole purpose of further consideration of Opinion No. 770.

(C) Oral argument by the parties filing applications for rehearing will be heard on the above-mentioned issues raised in the applications for rehearing in this proceeding commencing at 12:00 noon (EDST) on September 16, 1976, and concluding no later than 3:00 P.M. (EDST) on September 17, 1976, in Hearing Room A of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(D) Each party hereto desiring to present oral argument upon such issues raised in the various applications for rehearing filed herein, shall file its request for an allotment of time therefor with the Secretary of the Commission on or before September 7, 1976.

(E) The Secretary is directed to publish this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A

PARTIES FILING APPLICATIONS FOR REHEARING

American Public Gas Association, et al.
Indicated Producer Respondents
Atlanta Gas Light Company
Commonwealth of Pennsylvania, et al.
South Dakota Public Utilities Commission
Aztec Oil and Gas Company
Senator James Abourezk, et al.
County of Erie, New York, et al.
Alabama Gas Corporation
GHK Company and Gasanadarko, Ltd.
Continental Oil Company
Mountain Fuel Supply Company
Interstate Natural Gas Association of America
Public Service Commission of the State of New York
Cities Service Gas Company
United Distribution Companies
Belco Petroleum Corporation
Austral Oil Company, Inc.
Georgia Public Service Commission

[FR Doc.76-26764 Filed 9-10-76;8:45 am]

Title 19—Customs Duties

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

[T.D. 76-259]

PART 1—GENERAL PROVISIONS

Port Limits of Mobile, Alabama

On June 25, 1976, a notice of proposal to extend the port limits of Mobile, Alabama, in the Mobile, Alabama, Customs district (Region V) was published in the FEDERAL REGISTER (41 FR 26224). No comments were received regarding the proposal.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951

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[2] Appendix A sets forth a list of all parties filing petitions for rehearing of Opinion No. 770.

[3] 52 Stat. 831 (1938); 15 U.S.C. § 717r(a) (1970).

[4] Area Rate Proceeding, et al. (Southern Louisiana Area), 40 F.P.C. 1091 (1968).

(3 CFR, 1949–1953 Comp., Ch. II), and pursuant to the authority provided by Treasury Department Order No. 190, Rev. 11 (41 FR 20198), the port limits of Mobile, Alabama, in the Mobile, Alabama, Customs district (Region V), are extended to include all the territory within the boundaries of Mobile and Baldwin Counties, Alabama.

§ 1.2 [Amended]

To reflect this change, the table in § 1.2(c) of the Customs Regulations (19 CFR 1.2(c)) is amended by deleting the language "(including territory described in E.O. 10042, Mar. 10, 1949; 14 FR 1155)." which appears after "Mobile, Ala." in the column headed "Ports of entry" in the Mobile, Alabama, Customs district (Region V) and adding in lieu thereof the language "(including the territory described in T.D. 76–259)."

(Sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended (19 U.S.C. 1, 2).)

Effective date: This amendment shall become effective October 13, 1976.

Dated: September 2, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76–26720 Filed 9–10–76;8:45 am]

[T.D. 76–258]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Increase in the Interest Rate on Delinquent Payments of Deferred Taxes on Imported Alcoholic Beverages and To Reflect the Method by Which That Interest Rate May Be Changed

Section 24.4(f)(2) of the Customs Regulations (19 CFR 24.4(f)(2)) provides that, when any bill for deferred taxes on imported alcoholic beverages is not paid on time, interest at the rate of 6 percent per annum shall be charged on the delinquent tax bill. Section 6621 of the Internal Revenue Code of 1954 (26 U.S.C. 6621), added by Public Law 93–625 of January 3, 1975, and effective on July 1, 1975, increased this interest rate to 9 percent per annum. That section also requires the Secretary of the Treasury or his delegate to periodically adjust this interest rate to correspond, to the nearest full percent, to the existing "adjusted prime interest rate charged by banks" as defined in section 6621(c) of the Internal Revenue Code.

Pursuant to this latter requirement, Revenue Ruling 75–487, dated November 10, 1975, reduced the interest rate to 7 percent per annum, effective February 1, 1976. This 7 percent rate will remain in effect at least until January 31, 1978, when the rate may once again be adjusted in accordance with section 6621 of the Internal Revenue Code.

Accordingly, in order to provide for the new procedure by which the interest rate may be changed, paragraph (f)(2) of section 24.4 of the Customs Regulations (19 CFR 24.4(f)(2)) is amended to read as follows:

§ 24.4 Optional method for payment of estimated import taxes on alcoholic beverages upon entry, or withdrawal from warehouse, for consumption.

* * * * *

(f) *Payment procedure.*

(1) * * *

(2) *Interest on overdue accounts.* When any bill for deferred taxes is not paid within the period specified in subparagraph (f)(1) of this section, interest thereon from the date following the end of the specified period to the date of payment of the bill shall be assessed, collected, and paid in the same manner as the basic tax. The rate of interest to be assessed shall be 7 percent per annum or such other rate as is established by the Secretary of the Treasury or his delegate in accordance with 26 U.S.C. 6621(b).

(R.S. 251, as amended, sec. 624, 46 Stat. 759, sec. 201, 72 Stat. 1322, 1334, 1335, Ch. 736, 68A Stat. 917 (19 U.S.C. 66, 1624, 26 U.S.C. 5007, 5054, 5061, 7805).)

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

Effective date: The statutory change reflected by this amendment was effective July 1, 1975.

VERNON D. ACREE,
Commissioner of Customs.

Approved: September 2, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76–26721 Filed 9–10–76;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[Docket No. 75F–0060]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

ETHOXYLATED MONO- AND DIGLYCERIDES

The Food and Drug Administration is amending the food additive regulation for ethoxylated mono- and diglycerides (polyoxyethylene (20) mono- and diglycerides of fatty acids) by inserting the name "polyglycerate 60" and the Chemical Abstracts Service (CAS) Registry Number for the food additive; by removing the "solid-state" limitation on edible vegetable fat-water emulsions intended for use as substitutes for milk or cream in beverage coffee to provide for use of the additive in all physical forms of the substitutes (dry, frozen, and liquid); by recognizing "ethoxylated mono- and diglycerides" as the common name for the food additive; and by prescribing a condition for the use of the name "polyglycerate 60" on labeling; effective September 13, 1976; objections by October 13, 1976.

Notice was given by publication in the FEDERAL REGISTER of July 2, 1975 (40 FR 27960), that a petition (FAP 5A3103) had been filed by Glidden-Durkee Division, SCM Corp., 900 Union Commerce Bldg., Cleveland, OH 44115, proposing that § 121.1221 (21 CFR 121.1221) be amended (1) by adding "polyglycerate 60" as an alternative name for the food additive and (2) in the listing in paragraph (c), by deleting from item 6 in the "Use" column the term "solid-state," to expand the use of substitutes for milk or cream in beverage coffee to include all physical forms such as dry, frozen, and liquid coffee whiteners.

The Commissioner of Food and Drugs, having evaluated data in the petition and other relevant material, concludes that § 121.1221 should be amended as proposed, and he further concludes on his own initiative that the name "ethoxylated mono- and diglycerides," having been established as the common or usual name for "polyoxyethylene (20) mono- and diglycerides of fatty acids" as evidenced by its universal usage over a period of time, may be used in the food additive regulations without reference to the chemical name except where it is desirable for informational purposes to include initially the chemical name as a synonym; and that the CAS Registry Number for the additive should be included in the regulation.

Since "polyglycerate 60" has also been used as a name for the food additive, but to a lesser extent, and the petitioner has proposed its addition to § 121.1221, the Commissioner concludes that the use of this name in conjunction with the common name "ethoxylated mono- and diglycerides" or chemical name "polyoxyethylene (20) mono- and diglycerides of fatty acids" in parentheses should be permitted, e.g., "polyglycerate 60 (ethoxylated mono- and diglycerides)" or "polyglycerate 60 (polyoxyethylene (20) mono- and diglycerides of fatty acids)."

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Part 121 is amended in § 121.1221 by revising the section heading and introductory paragraph, by revising item 6 of the listing in paragraph (c), and by adding new paragraph (d) to read as follows:

§ 121.1221 Ethoxylated mono- and diglycerides.

The food additive ethoxylated mono- and diglycerides (polyoxyethylene (20) mono- and diglycerides of fatty acids) (polyglycerate 60) [Chemical Abstracts Service Registry No. 977051–30–1] may be safely used in food in accordance with the following prescribed conditions:

* * * * *

(c) * * *

Use	Limitations
* * *	* * *
6. As an emulsifier in edible vegetable fat-water emulsions intended for use as substitutes for milk or cream in beverage coffee.	Not to exceed 0.4 percent by weight of the finished vegetable fat-water emulsions.

(d) When the name "polyglycerate 60" is used in labeling it shall be followed by either "polyoxyethylene (20) mono- and diglycerides of fatty acids" or "ethoxylated mono- and diglycerides" in parentheses.

Any person who will be adversely affected by the foregoing regulation may at any time on or before October 13, 1976, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the regulation, specify with particularity the provisions of the regulation deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Six copies of all documents shall be filed and should be identified with the Hearing Clerk docket number found in brackets in the heading of this regulation. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This regulation shall become effective September 13, 1976.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)).)

Dated: September 3, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-26640 Filed 9-10-76;8:45 am]

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

PART 505—INTERPRETIVE STATEMENTS RE: WARNINGS ON ANIMAL DRUGS FOR OVER-THE-COUNTER SALE

PART 540—PENICILLIN ANTIBIOTIC DRUGS FOR ANIMAL USE

Procaine Penicillin G, Neomycin, Novobiocin

The Food and Drug Administration (FDA) is revoking regulations providing for the certification of procaine penicillin G-sodium novobiocin in oil, and procaine penicillin G-neomycin in oil for intramammary use, on September 13, 1976 or on the effective date of the court's mandate in *Masti-Kure Products Co. Inc.* v. *Mathews,* Civil Action No. 75–1231 (D.C. Cir. 1975), whichever is later.

Elsewhere in this issue of the FEDERAL REGISTER Food and Drugs is issuing a notice of effective date of withdrawal of approval for certain intramammary infusion products for treating mastitis. All parties marketing drugs that were approved under these monographs were issued a notice and opportunity for hearing, and final orders were issued withdrawing approval of the affected products. The Commissioner is currently revoking certain of the monographs that covered only mastitis products whose approval of the drug products are the subject of that notice. Monographs that cover both mastitis products and others are being amended to revoke those sections applicable to mastitis products.

The background and details of this action are fully discussed in the related notice published elsewhere in this issue of the FEDERAL REGISTER.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–351 (21 U.S.C. 360b)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

§ 505.10 [Amended]

1. Part 505 is amended in § 505.10 Animal drug warning and caution statements required by regulations by revoking the listing for "PENICILLIN-NEOMYCIN OINTMENT," which includes a parenthetical reference and one paragraph.

§§ 540.874b, 540.874c [Revoked]

2. Part 540 is amended by revoking § 540.874(b) Procaine penicillin G-sodium novobiocin in oil and § 540.874c Procaine penicillin G-neomycin in oil.

Effective date: These revocations are effective September 13, 1976 or on the effective date of the court's mandate in *Masti-Kure Products Inc.* v. *Mathews,* Civil Action No. 75–1231 (D.C. Cir. 1975), whichever is later.

(Sec. 512, 82 Stat. 343–351 (21 U.S.C. 360b).)

Dated: September 9, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-26761 Filed 9-10-76;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–1023]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for City of Carpinteria, California

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (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 1917 (§ 1917.10)), hereby gives notice of the final determinations of flood elevations for the City of Carpinteria, California under § 1917.8 of Title 24 of the Code of Federal Regulations.

The Administrator, to whom the Secretary has delegated the statutory authority, has developed criteria for flood plain management in flood-prone areas. In order to continue participation in the National Flood Insurance Program, the City must adopt flood plain management measures that are consistent with these criteria and reflect the base flood elevations determined by the Secretary in accordance with 24 CFR Part 1910.

In accordance with Part 1917, an opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. Pursuant to § 1917.8, no appeals were received from the community or from individuals within the community. Therefore, publication of this notice is in compliance with § 1917.10.

Final flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations are available for review at City Hall, 5775 Carpinteria Avenue, Carpinteria, California 93013.

Accordingly, the Administrator has determined the 100-year (i.e., flood with one percent chance of annual occurrence) flood elevations as set forth below:

Source of flooding	Location	Elevation in feet above mean sea level	Width from shoreline or bank of stream (facing downstream) to 100-yr flood boundary (feet)	
			Right	Left
Carpinteria Creek	Freeway 101	45	3,500	100
	Carpinteria Ave	33	250	200
	8th Street Footbridge	30	150	150
	South Pacific RR	13	500	200
Franklin Creek	Malibu Dr	21	500	800
	Freeway 101	18	400	1,100
	Carpinteria Ave	17	500	800
	7th St	15	600	1,200
	South Pacific RR	15	400	2,500
	3d St	10		2,200

(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 24, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-26666 Filed 9-10-76;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—ESTATE AND GIFT TAXES

[T.D. 7432]

PART 20—ESTATE TAX; ESTATES OF DECEDENTS DYING AFTER AUGUST 16, 1954

PART 25—GIFT TAX; GIFTS MADE AFTER DECEMBER 31, 1954

Use of Composite Listing in Evaluating Stocks and Bonds

PREAMBLE

This document contains amendments to the Estate Tax Regulations (26 CFR Part 20) under section 2031 of the Internal Revenue Code of 1954, and the Gift Tax Regulations (26 CFR Part 25) under section 2512 of the Internal Revenue Code of 1954. The amendments are designed to require that, when the records of the principal exchange are not available, the published composite listing of transactions on the combined exchanges be relied upon in the evaluation of stocks and bonds for both estate and gift tax purposes.

Section 2031 of the Code relates to the determination of the value of the gross estate of a decedent. Section 2512 of the Code relates to the valuation of gifts. Present regulations under both sections provide that the value of stocks and bonds is their fair market value. Where there is a market on a stock exchange, the fair market value is the mean between the highest and lowest quoted selling prices on the valuation date (for estate taxes) or the date of the gift (for gift taxes). If stocks or bonds are listed on more than one exchange, the records of the exchange where the stocks or bonds are principally dealt in are required to be employed.

On January 27, 1976, 375 publications of general circulation, including such publications as the Wall Street Journal, began reporting security transactions only by a daily composite listing of the combined exchanges. Consequently, it became impossible to determine from such listing the performance of a stock or bond on its principal exchange. The amended regulations provide that the records of the principal exchange be employed only when they are available in a generally available listing or publication of general circulation. When such records are not available, if the particular stock or bond is reported on a composite listing of combined exchanges available in a generally available listing or publication of general circulation, the amended regulation requires the use of such listing.

ADOPTION OF AMENDMENTS TO THE REGULATIONS

In order to require that the published composite listing of transactions on the combined exchanges be relied upon in the evaluation of stocks and bonds for both estate and gift tax purposes, the Estate Tax Regulations (26 CFR Part 20) under section 2031 of the Internal Revenue Code of 1954, and the Gift Tax Regulations (26 CFR Part 25) under section 2512 of the Internal Revenue Code of 1954 are amended as follows:

ESTATE TAX REGULATIONS

Paragraph 1. Section 20.2031-2(b) is amended by modifying the fourth sentence of paragraph (b)(1), and adding thereafter a new sentence. This amendment reads as follows:

§ 20.2031-2 Valuation of stocks and bonds.

* * * * *

(b) *Based on selling prices.* (1) * * * If the stocks or bonds are listed on more than one exchange, the records of the exchange where the stocks or bonds are principally dealt in should be employed if such records are available in a generally available listing or publication of general circulation. In the event that such records are not so available and such stocks or bonds are listed on a composite listing of combined exchanges available in a generally available listing or publication of general circulation, the records of such combined exchanges should be employed.

* * * * *

GIFT TAX REGULATIONS

Paragraph 2. Section 25.2512-2(b) is amended by modifying the fourth sentence of paragraph (b)(1), and adding thereafter a new sentence. This amendment reads as follows:

§ 25.2512-2 Stocks and bonds.

* * * * *

(b) *Based on selling prices.* (1) * * * If the stocks or bonds are listed on more than one exchange, the records of the exchange where the stocks or bonds are principally dealt in should be employed if such records are available in a generally available listing or publication of general circulation. In the event that such records are not so available and such stocks or bonds are listed on a composite listing of combined exchanges available in a generally available listing or publication of general circulation, the records of such combined exchanges should be employed.

* * * * *

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

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

WILLIAM E. WILLIAMS,
Acting Commissioner of Internal Revenue.

Approved: September 3, 1976.

CHARLES M. WALKER,
Assistant Secretary of the Treasury.

[FR Doc.76-26723 Filed 9-10-76;8:45 am]

Title 29—Labor

CHAPTER XXVI—PENSION BENEFIT GUARANTY CORPORATION

PART 2602—PAYMENT OF PREMIUMS

Correction

In FR Doc. 76-22678 appearing in the FEDERAL REGISTER of Thursday, August 5, 1976 on page 32740 § 2602.3(d) appearing on page 32741 is corrected to read as follows:

§ 2602.3 Filing requirement.

* * * * *

(d) No later than the last date prescribed for the payment of premiums for any plan year beginning on or after September 2, 1977, the plan administrator of each covered plan shall file in accordance with the instructions contained therein the premium declaration form prescribed by this part to enable the PBGC to reconcile the premium payments paid, with the actual premium payment due, for any plan year beginning on or after September 2, 1976.

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—GENERAL

[CGD 76-148]

PART 19—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

Revocation of Service Requirements for Certification as Qualified Member of Engine Department

In the July 26, 1976, issue of the FEDERAL REGISTER (41 FR 30648), an amendment deleting temporary regulations for adequate manning of vessels was published. That amendment deleted the regulations in Title 46 of the Code of Federal Regulations. This amendment deletes the temporary regulations in Title 33 of the Code of Federal Regulations.

This amendment is issued without notice of proposed rulemaking. The regulations are being deleted because they no longer serve a useful purpose and thus notice and public procedure thereon are unnecessary.

Accordingly, Part 19 of Title 33 of the Code of Federal Regulations is amended by deleting § 19.20.

(R.S. 4405, as amended, 4462, as amended, sec. 6(b)(1), 80 Stat. 938, (46 U.S.C. 375, 416, 49 U.S.C. 1655(b)); 49 CFR 1.46(b)).

Effective date: This amendment shall become effective on September 13, 1976.

Dated: September 1, 1976.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.76-26693 Filed 9-10-76;8:45 am]

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 206—FISHING AND HUNTING REGULATIONS

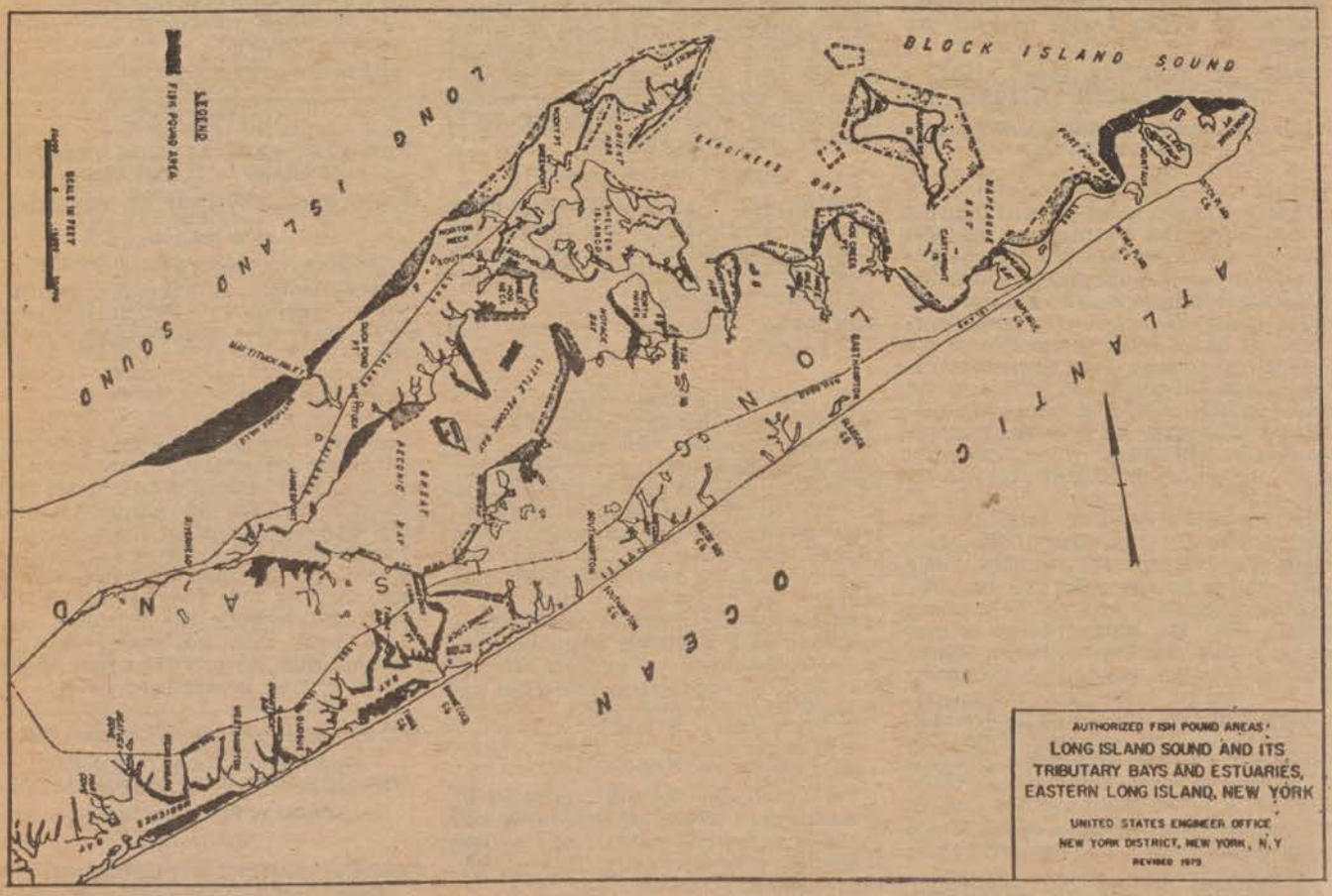
On 2 July 1976 there was published in the FEDERAL REGISTER (Vol. 41, No. 129, pages 27378 and 27379) a notice of proposed rulemaking to amend 33 CFR 206.40 which establishes new limits for fish pounds and traps in waters tributary to the Atlantic Ocean in the vicinity of Long Island, New York. Interested parties were given the opportunity to submit comments or objections on or before 2 August 1976.

No comments have been received and accordingly, the proposed amendment is hereby established without change and is set forth below effective September 13, 1976.

Dated: August 16, 1976.

VICTOR V. VEYSEY,
Assistant Secretary of the Army
(Civil Works).

§ 206.40 Bays and estuaries tributary to the Atlantic Ocean between Montauk Point, N.Y., and Cape Charles, Va. and in the State of New York, tributary to Long Island Sound; fishing.



[FR Doc.76-26014 Filed 9-10-76;8:45 am]

Title 38—Pensions, Bonuses and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 1—GENERAL PROVISIONS

Overpayment of Educational Benefits, Administrative Review

Section 1.968 provides that the amount of an overpayment of educational allowances or special training allowances on behalf of a veteran or eligible person constitutes a liability of the school in certain instances. Paragraph (f) provides that a request for an administrative review will be forwarded to Central Office where it will be considered by an ad hoc Board convened for that purpose. In the past, the few cases for review where the Regional Office had held the schools liable for the overpayment made to veterans could be handled expeditiously through an ad hoc process. However, because the volume of cases increased greatly the ad hoc review process was no longer administratively advantageous and a permanent Central Office School Liability Administrative Review Board was established. A permanent Board permits a more efficient review process.

Compliance with the provisions of § 1.12 as to notice of proposed regulatory development and delayed effective date is unnecessary in this instance and would serve no useful purpose because the amendment consists of internal procedure and practice.

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

In § 1.968, paragraph (f) is revised to read as follows:

§ 1.968 Educational benefits.

* * * * *

(f) *Administrative reviews.* A request for an administrative review will be forwarded to Central Office where it will be considered by the Central Office School Liability Administrative Review Board. The Board's decision will serve as authority for instituting collection proceedings, if appropriate, or for discontinuing collection proceedings instituted on the basis of the original decision of the field

station Committee in any case where the Board reverses a finding made by the Committee that the school is liable.

* * * * *

Effective date: This VA Regulation is effective September 7, 1976.

Approved: September 7, 1976.

By direction of the Administrator.

ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.76-26699 Filed 9-10-76;8:45 am]

PART 3—ADJUDICATION

Subpart B—Burial Benefits

PAYMENT OR REIMBURSEMENT FOR FUNERAL AND BURIAL EXPENSES

On pages 29188 and 29189 of the FEDERAL REGISTER of July 15, 1976, there was published a notice of proposed regulatory development to change provisions in Part 3 of Title 38, Code of Federal Regulations, relating to payment or reimbursement for funeral and burial expenses of deceased veterans. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

One written comment concerning burial benefits was received. This comment, however, did not relate to the proposed amendment.

For this reason the proposed amendment is hereby adopted without change and is set forth below.

Effective date: Sections 3.1600, 3.1601, 3.1602 and 3.1604 are effective September 7, 1976.

Approved: September 7, 1976.

By direction of the Administrator.

ODELL W. VAUGHN,
Deputy Administrator.

1. In § 3.1600, paragraphs (a), (b) (1), (2), (4), and (c) are revised to read as follows:

§ 3.1600 Payment of burial expenses of deceased veterans.

* * * * *

(a) *Wartime veterans.* When a veteran of any war dies, an amount not to exceed $250 ($800 if he (or she) dies of a service-connected disability) (where entitlement is based on § 3.8 (c) or (d), at a rate in Philippine pesos equivalent to $125 or $400 if death is service-connected) is payable on the burial and funeral expenses and transportation of the body to the place of burial, if otherwise entitled within the further provisions of §§ 3.1600 through 3.1611. For this purpose the period of any war is as defined in § 3.2, except that World War I extends only from April 6, 1917, through November 11, 1918, or if the veteran served with the United States military forces in Russia, through April 1, 1920. (38 U.S.C. 902; 907; 107(a))

(b) *Peacetime veterans.* The statutory burial allowance authorized by paragraph (a) of this section is payable based on service of a veteran rendered during other than a war period:

(1) If he (or she) was discharged or retired from active service for a disability incurred or aggravated in line of duty. The official service department records showing that the veteran was discharged or released from service for disability incurred in line of duty will be accepted for this purpose, notwithstanding, that the Veterans Administration has determined, in connection with a claim for monetary benefits, that the disability was not incurred in line of duty; or

(2) If he (or she) was at the time of his (or her) death in receipt of, or but for receipt of retirement pay would have been entitled to receive disability compensation; or

* * * * *

(4) If he (or she) dies of a service-connected disability. (38 U.S.C. 902)

(c) *Death while properly hospitalized.* If a person dies while properly hospitalized by the Veterans Administration, there is payable an allowance not to exceed $250 ($800 if he or she died of a service-connected disability) for the actual cost of funeral and burial, and an additional amount for transportation of the body to the place of burial. See § 3.1605. (38 U.S.C. 903; 907)

* * * * *

2. In § 3.1601, paragraph (a) (introductory portion) and (a)(2)(i) is revised to read as follows:

§ 3.1601 Claims and evidence.

(a) *Claims.* Claims for reimbursement or direct payment of burial and funeral expenses, transportation of the body and plot or interment allowance, must be received by the Veterans Administration within 2 years after the permanent burial or cremation of the body. Where the burial allowance was not payable at the death of the veteran because of the nature of his (or her) discharge from service, but after his (or her) death the discharge has been corrected by competent authority so as to reflect a discharge under conditions other than dishonorable, claim may be filed within 2 years from date of correction of the discharge. (38 U.S.C. 904)

* * * * *

(2) Claims for the plot or interment allowance may be executed by:

(i) The funeral director, if he (or she) provided the plot or interment services, or advanced funds to pay for them, and if the entire bill for such or any balance thereof is unpaid (if unpaid balance is less than $150 only the amount of the unpaid balance thereof will be payable to the funeral director); or

* * * * *

3. In § 3.1602, paragraph (a) is revised to read as follows:

§ 3.1602 Special conditions governing payments.

(a) *Two or more persons expended funds.* If two or more persons have paid from their personal funds toward the burial, funeral, plot, interment and transportation expenses, the burial and plot or interment allowance will be divided among such persons in accordance with the proportionate share paid by each, unless waiver is executed in favor of one of such persons by the other person or persons involved. The person in whose favor payment is waived will not be allowed a sum greater than that which was paid by such person. (See § 3.1601(a)(3).)

* * * * *

4. In § 3.1604, the introductory portion of paragraph (a) preceding subparagraph (1) is revised to read as follows:

§ 3.1604 Payments from non-Veterans Administration sources.

(a) *Contributions or payments by public or private organizations.* When contributions or payments on the burial expenses have been made by a State, any agency or political subdivision of the United States or of a State, or the employer of the deceased veteran only the difference between the entire burial expenses and the amount paid thereon by any of these agencies or organizations, not to exceed $250 ($800 if death was service connected), will be authorized. Contributions or payments by any other public or private organization such as a lodge, union, fraternal or beneficial organization, society, burial association or insurance company, will bar payment of the burial allowance if such allowance would revert to the funds of such organization or would discharge such organization's obligation without payment.

[FR Doc.76-26686 Filed 9-10-76;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 76-123]

PART 61—PERIODIC TESTS AND INSPECTION

Tailshaft Inspection

• Purpose. The purpose of this regulation change is to allow the District Commanders to extend, upon request, the period for the drawing of tailshafts fitted with oil lubricated bearings and mechanical seals. •

For a Certificate of Inspection to be reissued or remain valid, each tailshaft of an ocean or coastwise vessel, except for extensions as authorized by the Commandant, must be drawn as required by 46 CFR 61.20-15. Extensions are granted to vessels for the drawing of tailshafts fitted with oil lubricated bearings and mechanical seals that meet the qualifying criteria.

Due to the increase in the number of vessels being fitted with tailshafts having oil lubricated bearings and mechanical seals, an increasingly larger number of

vessels are requesting extensions. To expedite these requests, this regulation change will allow the extensions to be granted by the District Commanders. To provide for uniformity in the granting of extensions, this regulation will also set forth the qualifying criteria to be used in making the determinations that a vessel's tailshaft withdrawal period may be extended. Also, an editorial change is made to paragraph (d) for clarification purposes.

Proposed rules, which would have amended the rules for tailshaft inspection, were published in the March 1, 1972 issue of the FEDERAL REGISTER (37 FR 4292). This proposal was withdrawn by a notice published in the May 22, 1975 issue of the FEDERAL REGISTER (40 FR 23764).

The notice and public rulemaking procedure requirements in 5 U.S.C. 553(b) do not apply because the changes are procedural.

In consideration of the foregoing, Title 46 CFR, Chapter I, is amended as follows:

§ 61.20–15 Tailshaft survey.

* * * * *

(d) * * * but not to exceed four months for those vessels that do not have oil lubricated tailshafts with mechanical seals.

* * * * *

(e) Upon request, the District Commander may extend for a period not in excess of two years, the drawing of an oil lubricated tailshaft with mechanical seals for vessels of either single or multiple shafts if—

(1) the vessel qualifies for a normal four year interval between tailshaft drawings as required in paragraph (b) of this section;

(2) at the four year interval, the tailshaft has been examined in place including the condition of the bearing clearance, shaft seals and lubricating oil systems in the presence of a marine inspector;

(3) the seals and bearings were examined at the last drawings in the presence of a marine inspector;

(4) the keyway and the tapered end were examined and non-destructively tested in the presence of marine inspector;

(5) no major repairs by grinding or welding have been made to the shaft; and

(6) review of the vessel's file and last drydock report satisfies the District Commander that no deficiencies exist that would preclude the extension.

(46 U.S.C. 375; 416; 14 U.S.C. 633; 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b)) (46 U.S.C. 392 (b).)

Effective date. This amendment is effective on October 14, 1976.

Dated: September 1, 1976.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.76–26692 Filed 9–10–76;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

Amendment Permitting Waterfowl Hunting With Toxic Shot Material in Certain Shotshell Gauges in Areas Designated for Non-Toxic Shot Material

On pages 31386–31389 of the FEDERAL REGISTER of July 28, 1976, there was published a final ruling on the use of steel shot ammunition or ammunition containing pellets made of other approved material for waterfowl hunting. This ruling amended Subpart C, of Chapter I, Subchapter B of Title 50 of the Code of Federal Regulations by adding a new paragraph (j), to § 20.21—Hunting Methods. The amendment was worded as follows and became effective on August 27, 1976.

(j) With a shotgun containing shells loaded with shot composed of any metal other than steel or such material as may be approved by the Director pursuant to the procedures set forth in § 20.134: Provided, That this restriction applies only to the taking of ducks, geese, and swans (Anatidae), and coots (Fulica americana) in States designated or in areas within States described in Subpart K of 50 CFR Part 20.

On September 13, 1976, a final rulemaking was published in the FEDERAL REGISTER and this ruling designated zones in which steel shot only would be permitted for waterfowl hunting in hunting seasons commencing in 1976 in nine Atlantic Flyway States. Public comment on this rulemaking was received from July 28, 1976, until August 24, 1976. There was strong opposition expressed during this comment period with respect to the exclusive use of steel shot only in the designated zones of the nine Atlantic Flyway States because steel shot ammunition could not be supplied in 1976 in any gauge other than 12 gauge. Shotguns with barrels bore for 12 gauge ammunition were viewed as too large to be used by some people, particularly young people. A survey of waterfowl hunters conducted by the U.S. Fish and Wildlife Service in 1973 indicated that about 15 percent of all waterfowl hunters use gauges other than 12-gauge. As was pointed out in the Proposed rulemaking (41 FR 31395–31396) of July 28, 1976, an additional factor requiring consideration for 1976 was the limitation on the amount of steel shot ammunition that could be produced and distributed by the manufacturers in time for the 1976 hunting season.

It was anticipated at the time of the final rulemaking on July 28, 1976 (41 FR 31386) that 12 gauge ammunition would not be the only type of steel shot available. However, it has subsequently been brought to the Service's attention that supplies of steel shot ammunition would not be available in any gauge other than 12 gauge. In light of the rapidly approaching waterfowl hunting season and the late discovery of the unavailability of non-12 gauge shot, the Service now finds that it would be impracticable and contrary to the public interest within the meaning of section 553(b)(3)(B) of the Administrative Procedures Act to provide an opportunity for public comment on this amendment. The earliest opening date for the waterfowl hunting season is September 18, 1976 for sea ducks. Therefore, the States in the Atlantic Flyway must immediately begin the incorporation of these regulations if they are to be implemented and enforced at all. For the same reasons, the Service finds that there is "good cause" within the meaning of section 553(d)(3) of the Administrative Procedures Act to make this amendment effective immediately upon publication. Accordingly, Subpart C, of Chapter I, Subchapter B of Title 50 of the Code of Federal Regulations is amended by adding this exception to § 20.21(j).

This rulemaking is issued under the authority of the Migratory Bird Treaty Act (40 Stat. 755; 16 U.S.C. 703–711).

Dated: September 8, 1976.

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

Accordingly, 20.21(j) is amended as follows:

§ 20.21 Hunting methods.

* * * * *

(j) With a shotgun containing shells loaded with shot composed of any metal other than steel or such material as may be approved by the Director pursuant to the procedures set forth in § 20.134: *Provided,* That this restriction applies only to the taking of ducks, geese, and swans (Anatidae), and coots (Fulica americana) in States designated or in areas within States described in Subpart K of this Part 20. In the waterfowl hunting season commencing in 1976, for one year only, shot made of metal that is toxic to waterfowl can be used for hunting waterfowl in areas designated for approved non-toxic shot in the Atlantic Flyway and described in a final rulemaking published in the FEDERAL REGISTER on September 13, 1976: *Provided,* The toxic shot is used in shotguns with bores smaller than 12 gauge.

[FR Doc.76–26673 Filed 9–10–76;8:45 am]

PART 20—MIGRATORY BIRD HUNTING

Final Regulations Regarding Areas in Which Steel Shot Will Be Required for Waterfowl Hunting in Hunting Seasons Commencing in 1976

On page 31395 of the FEDERAL REGISTER of July 28, 1976 there was published a proposed ruling to amend Subpart K, § 20.105e of Title 50 Code of Federal Regulations. This proposal designated specific areas in the Atlantic Flyway in hunting seasons commencing in 1976 where no person shall take ducks, geese, and coots with a shotgun containing

shells loaded with shot composed of any metal other than such material as may be determined by the Director to be nontoxic when ingested by waterfowl. At the present time the only shot available for use in this regard is steel shot.

The areas described in the proposed ruling were located in Delaware, Florida, Maine, Maryland, Massachusetts, New Jersey, New York, North Carolina, and Virginia. The period of public comment extended from July 28 to August 23, 1976.

PURPOSE OF REGULATIONS

The purpose of the proposed regulations is to eliminate further deposition of lead pellets in specific major waterfowl hunting areas of the Atlantic Flyway. Spent lead pellets are known to be consumed by waterfowl causing death to a portion of the resource each year.

BACKGROUND

Regulations requiring the use of steel shot or other approved shot types for waterfowl hunting in specifically described areas in the United States were published in the FEDERAL REGISTER on July 28, 1976 along with a description of the reasons and purposes of the regulations.

On March 20, 1976, the Secretary of the Interior announced a plan for progressive implementations of steel shot over the next 3 years. According to this plan steel shot will be required for waterfowl hunting in specifically designated areas of the Atlantic Flyway in 1976, in the Mississippi Flyway in 1977 and in the Central and Pacific Flyways in 1978.

At a March 21, 1976, meeting of the Atlantic Flyway Council in Washington, D.C., Council members indicated that the Service should develop recommendations about specific areas and criteria for identifying them.

Accordingly, the Service recommended that steel shot be required for waterfowl hunting in counties or portions of counties in the Atlantic Flyway where waterfowl are harvested at the highest and most intensive levels as indicated by long-term records of the harvest of ducks. An additional factor requiring consideration for 1976 was a limitation on the amount of steel shot ammunition that could be produced and distributed by the manufacturers in time for the 1976 hunting season.

The following criteria were used to identify counties to be considered for use of steel shot in 1976:

1. An average annual harvest rate of 25 or more ducks per square mile.
2. An average annual duck harvest of 12,000 or more.

Counties meeting these criteria are believed to represent some of the most critical lead poisoning problem areas in the flyway. The high levels and intensity of harvest in these counties are indicative that hunting is sufficiently intensive to result in the annual deposition of large quantities of lead shot in waterfowl habitat.

Based on the above criteria, the Service identified 12 counties in nine States of the Atlantic Flyway. In consideration of limited availability of steel shot ammunition in 1976, and in order to insure that adequate amounts of ammunition would be available for hunters required to use steel shot, it was determined that the program would be implemented in no more than one county in each of the nine States. This information and the Service's recommendations were presented and discussed with Atlantic Flyway Council representatives at a meeting in Hershey, Pennsylvania, on April 27, 1976. Affected States not present were contacted separately immediately after the meeting.

Additionally, all States in the Atlantic Flyway were informed of the Service's recommendations for 1976 as presented at the Hershey, Pennsylvania meeting in a memorandum from the Director, U.S. Fish and Wildlife Service, dated May 7, 1976. Discussion with the nine States involved in the 1976 program regarding precise boundary descriptions of the recommended areas or alternative areas proposed by the States were in progress from April 27, 1976 to July 23, 1976. On July 28, 1976 descriptions of the proposed zones were published in the FEDERAL REGISTER (41 FR 31395–31396).

REVIEW OF PUBLIC COMMENTS AND SERVICE RESPONSES TO SAME

Written responses to the July 28, 1976 FEDERAL REGISTER publication of proposed rulemaking containing descriptions of areas in Delaware, Florida, Maine, Maryland, Massachusetts, New Jersey, New York, North Carolina, and Virginia where steel shot would be required for waterfowl hunting in hunting season commencing in 1976 were received and reviewed until August 24, 1976. Letters received during this period represented the views of 177 individuals, 12 organizations and 8 States. In addition, a public hearing was held in Cambridge, Maryland on August 25, 1976. It was attended by approximately 350 people, many of whom expressed their views on the proposed ruling to representatives of the U.S. Fish and Wildlife Service who were in attendance. The views expressed at this public hearing were considered.

All comments, with the exception of two organizations and four individuals, expressed objections to the proposed rulemaking. Many of the comments did not relate directly to the individual zones that were proposed, instead they questioned the need for a conversion to steel shot for waterfowl hunting and the adequacy of steel shot as a non-toxic alternative to lead shot. Public comment on these two issues was received by the U.S. Fish and Wildlife Service during the period July 23–November 15, 1974 in response to a July 23, 1974 notice in the FEDERAL REGISTER (39 FR 26764). With regard to the proposed rulemaking of July 28, 1976 (41 FR 31395) such comments were not considered relevant.

Objections directed more specifically to the proposed amendment relating to portions of nine States of the Atlantic Flyway in 1976 can be summarized as follows:

Comment. Lead poisoned waterfowl have not been observed in the zone or zones designated and waterfowl do not ingest lead shot in these areas because spent pellets disappear rapidly in bottom sediment or for other reasons spent pellets are not available to feeding waterfowl.

Response. Over 50,000 gizzards of waterfowl have been examined since studies of the subject of lead poisoning in waterfowl began in the early 1900's. Lead pellets have been found in the gizzards of a portion of the waterfowl population of all areas that have been sampled, including Alaska. Ducks, geese, and swans are known to feed on certain plant and animal life that can only be obtained by digging into soft mud bottoms of water areas. Some waterfowl foods are obtained from the bottoms of water areas that are quite deep. The so-called surface-feeding ducks are known to dive to the bottom of areas 10 to 15 feet in depth and diving duck species go deeper to feed in some situations. Feeding by waterfowl occurs in both fresh and saline waters and spent shot can be ingested in either situation.

Many areas do not have waterfowl deaths due to lead poisoning occurring as an observable phenomenon, therefore deaths due to this cause are not documented for all areas. A very small proportion of the deaths occurring to wild animal populations each year is observed by humans. Deaths due to lead poisoning are no exception. Individual birds affected by lead poisoning lose their ability to fly and subsequently move to dense vegetation. Unless a large number of such birds are affected at the same time at one location it is unlikely that deaths from this cause would be observed.

Comment. Shotgun shells loaded with steel will be available for 12 gauge guns but not for other gauges in 1976, consequently it is unfair to require the use of steel shot in designated zones in hunting seasons commencing in 1976 since many young hunters are not capable of hunting with shotguns as large as 12 gauge.

Response. Based on a survey of waterfowl hunters in the United States conducted by the U.S. Fish and Wildlife Service in 1973, approximately 15 percent of all waterfowl hunters use guns of gauges other than 12 gauge. The lack of steel shotshells in other gauges is a problem for young waterfowl hunters in the zones in which steel shot will be required; consequently, Subpart C, of Chapter I, Subchapter B of Title 50 of the Code of Federal Regulations has been amended to permit the hunting of ducks, geese, and coots in steel shot zones with guns loaded with shells containing other shot material, if such guns are of smaller bore than 12 gauge. This amendment will apply for one year only, that being the hunting seasons commencing in 1976, and it will apply only to those steel shot zones described in the final rulemaking presented below. The amendment described above was published in the FEDERAL REGISTER on September 13, 1976. As a result of this amendment the final ruling on zones requiring steel shot

will be changed from the proposed rulemaking (FR 41-31395) to reflect this one-year exception regarding gauges and shot material to be permitted for waterfowl hunting in the zones.

CORRECTION AND CLARIFICATION OF THE DESCRIPTIONS OF STEEL SHOT ZONES PROPOSED FOR NEW YORK, MASSACHUSETTS, AND DELAWARE

The original wording of the proposed zone for New York described the west boundary as a line extending northward from Long Island Sound. This should have been described as a line extending northward from the Long Island shoreline.

The original wording of the proposed zone for Massachusetts described the eastern boundary as a line extending northward along the shoreline of Ipswich Bay and the Atlantic Ocean to the Massachusetts-New Hampshire State line. This boundary can be described more accurately as a line extending northward along the shoreline of Ipswich Bay up to and including Little Neck, then across Plum Island Sound to Plum Island and northward along the Atlantic Ocean shoreline to the Massachusetts-New Hampshire State line.

In the original description of the areas proposed for Delaware an exclusion of uplands more than 150 yards from water was omitted and this provision should have been added.

ADOPTION AND EFFECTIVE DATE

Following review and consideration of the comments received on the proposed rulemaking of July 28, 1976 (41 FR 31395-31396) 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), deems it appropriate to adopt the following proposal with modifications as described above. In doing this, the Service recognized that at the comment period's close, time would be of the essence because of the rapidly approaching waterfowl hunting season and the need to provide the hunting public the maximum amount of time to acquire steel shot supplies. That is, if there were a 30 day delay in the effective date of these regulations after this final rulemaking, the Service is of the opinion that the States and the public would have insufficient time to implement and comply with the "steel shot" regulations. In particular, it was believed that the States would be unable to establish and publicize the necessary regulations and procedures to implement the regulation if a 30 day effective date was imposed. 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 this regulation will, therefore, be effective September 13, 1976.

Dated: September 8, 1976.

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

Accordingly, Subpart K of Chapter I, Subchapter B of title 50 of the Code of Federal Regulations is amended by adding to § 20.105e the following rules.

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

* * * * *

(e) *Atlantic, Mississippi and Central Flyways.*

Atlantic flyway

Non-toxic shot requirements: In the hunting seasons commencing in 1976, in the areas designated below, no person shall take ducks, geese, or coots with a 12 gauge shotgun loaded with any material other than steel. In the areas designated below, for one year only, shotguns loaded with materials other than steel will be permitted for taking ducks, geese, and coots, if the bore of such shotguns is smaller than 12 gauge.

DELAWARE

On all open waters, lakes, ponds, marshes, swamps, rivers, and streams and within a 150 yard zone of land adjacent to the margin of such waters in the following areas. Cropland drainage ditches in cultivated fields and temporary sheet water on cultivated fields will be excluded from this provision:

1. Woodland Beach Wildlife Area; 2. Little Creek Wildlife Area; 3. Gordon's Pond Wildlife Area; 4. Assawoman Wildlife Area; 5. Prime Hook Wildlife Area.

FLORIDA

In that portion of Brevard County, Florida, lying east of Interstate Highway 95.

MAINE

On the waters of the Kennebec River, known as Merrymeeting Bay, bounded as follows: From the high tension wires at Chop's Point to the first dam on the Androscoggin River, to the first road bridge on the Muddy, Cathance, Abbagadasset and Eastern Rivers, and the Richmond-Dresden Bridge on the Kennebec River, and within a 150 yard zone of land adjacent to the margins of these waters, being in the Counties of Cumberland, Sagadahoc and Lincoln.

MARYLAND

In Dorchester County, Maryland on all open waters, lakes, ponds, marshes, swamps, rivers and streams, and within a 150 yard zone of land adjacent to the margin of such waters. Cropland drainage ditches in cultivated fields and temporary sheet water on cultivated fields will be excluded from this provision.

MASSACHUSETTS

Within that portion of Essex County, Massachusetts, bounded on the north by the Massachusetts-New Hampshire State line; on the west by U.S. Rt. 1, from its intersection with the Massachusetts-New Hampshire State line southward to its juncture with Rt. 1A in Newburyport, thence southward on Rt. 1A to its juncture with Rt. 133 south of Ipswich, thence southeastward on Rt. 133 to its juncture with Rt. 128; bounded on the south by Rt. 128 from the juncture with Rt. 133 eastward to the west bank of the Annisquam River; bounded on the east by the west bank of the Annisquam River northward to Ipswich Bay and continuing northward along the shoreline of Ipswich Bay, up to and including Little Neck, then across Plum Island Sound to Plum Island and northward along the Atlantic Ocean shoreline to the Massachusetts-New Hampshire State line.

NEW JERSEY

In that portion of Atlantic County, New Jersey, lying east of the Garden State Parkway.

NEW YORK

In those portions of Nassau and Suffolk Counties, New York bounded on the south by the Long Island shoreline from the Robert Moses Causeway west to the Nassau County-New York City line; on the west by the New York City-Nassau County line northward from Long Island shoreline to the Sunrise Highway (Rt. 27); on the north by the Sunrise Highway (Rt. 27) eastward to its juncture with the Captree Highway (Robert Moses Causeway); on the east by the Captree Highway (Robert Moses Causeway) southward to its terminus at Fire Island Inlet.

NORTH CAROLINA

In Currituck County, North Carolina, on all open waters, lakes, ponds, marshes, swamps, rivers and streams, and within a 150 yard zone of land adjacent to the margin of such waters. Cropland drainage ditches in cultivated fields and temporary sheet water on cultivated fields will be excluded from this provision.

VIRGINIA

In the city of Virginia Beach on Back Bay and its tributaries and the marshes adjacent thereto, and the land and marshes between Back Bay and the Atlantic Ocean from Sandbridge to the North Carolina line, and the shore of North Landing River and the marshes adjacent thereto and along the shore of Lake Tecumseh and Red Wing Lake and the marshes adjacent thereto.

[FR Doc.76-26672 Filed 9-10-76;8:45 am]

PART 32—HUNTING

Ouray National Wildlife Refuge, Utah

The following special regulation is issued and is effective September 13, 1976.

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

UTAH

OURAY NATIONAL WILDLIFE REFUGE

Public hunting of ducks, mergansers and coots is permitted on the Ouray National Wildlife Refuge, Utah, from October 2, 1976, through January 2, 1977, inclusive, but only on the area designated by signs as open to hunting. This open area, comprising 1,375 acres, is delineated on maps available at refuge headquarters, Vernal, Utah, and from the Area Manager, U.S. Fish and Wildlife Service, Federal Building, Room 2215, 125 South State Street, Salt Lake City, Utah 84111.

Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of waterfowl, subject to the following special regulation:

(1) Vehicle travel within the refuge will be restricted to designated routes and parking areas.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 2, 1977.

HERBERT G. TROESTER,
Refuge Manager, Ouray National Wildlife Refuge, Vernal, Utah.

AUGUST 27, 1976.

[FR Doc.76-26618 Filed 9-10-76;8:45 am]

PART 32—HUNTING

Browns Park National Wildlife Refuge, Colorado

The following special regulation is issued and is effective September 13, 1976.

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

COLORADO

BROWNS PARK NATIONAL WILDLIFE REFUGE

Public hunting of ducks, geese, coots and mergansers on the Browns Park National Wildlife Refuge, Colorado, is permitted for the 1976–77 season in accordance with State regulations, except in those areas designated by signs as closed to hunting. This open area, comprising 1,775 acres, is delineated on maps available at refuge headquarters, Greystone, Colorado, and from the Area Supervisor, U.S. Fish and Wildlife Service, Federal Building, Room 2215, 125 South State Street, Salt Lake City, Utah 84111. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of waterfowl, subject to the following special regulations:

(1) Vehicle travel within the refuge will be restricted to designated routes and parking areas.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 10, 1977.

HERBERT G. TROESTER,
Refuge Manager, Browns Park National Wildlife Refuge, Greystone, Colorado.

AUGUST 27, 1976.

[FR Doc.76-26619 Filed 9-10-76;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 AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 927]

HANDLING OF BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER, AND BEURRE CLAIRGEAU VARIETIES OF PEARS GROWN IN OREGON, WASHINGTON AND CALIFORNIA

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

This notice invites written comments relative to the proposed Control Committee expenses of $103,947 and an assessment rate of $0.005 per standard western pear box or equivalent quantity of regulated winter pears to support committee activities during the 1976–77 fiscal period under Marketing Order No. 927. The committee has also proposed that unexpended assessment income from 1975–76 and prior years be carried over as a reserve.

Consideration is being given to the following proposals submitted by the Control Committee, established pursuant to the marketing agreement, as amended, and Order No. 927, as amended (7 CFR Part 927), as the agency to administer the terms and provisions thereof. Said agreement and order regulate the handling of Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California, and are effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The proposals are as follows:

(a) That expenses which are reasonable and necessary to be incurred by the Control Committee, during the period July 1, 1976, through June 30, 1977, will amount to $103,947.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 927.41, be fixed at $0.005 per standard western pear box of pears, or an equivalent quantity of pears in other containers or in bulk.

(c) That unexpended assessment funds in excess of expenses incurred during the fiscal period ended June 30, 1976, and prior years be carried over as a reserve in accordance with the applicable provisions of § 927.42.

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

All persons who submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112A, Washington, D.C. 20250, not later than September 24, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 8, 1976.

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

[FR Doc.76–26708 Filed 9–10–76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 233]

NEED AND AMOUNT OF ASSISTANCE

Hearings

Notice is hereby given that public hearings will be conducted in Pennsylvania, Texas, and California on September 28, 1976, October 19, 1976, and November 4, 1976, respectively, to receive comments regarding the revision of the regulations at 45 CFR 233.20, Need and Amount of Assistance. These regulations describe the Federal requirements upon State agencies, for the consideration, disregard, and setting aside of income and resources in determining eligibility for financial assistance to families with dependent children (AFDC).

A Notice of Intent, published in the FEDERAL REGISTER on July 8, 1976, 41 FR 27973, gives some details of the purposes of the revision and some of the areas on which comments are requested. The public is urged to attend these hearings and participate.

Individuals who wish to participate should register with the appropriate HEW Regional Office 24 hours prior to the hearing date either by writing or telephoning the contact person in the city in which they wish to be heard. Testimony from individuals who have not registered prior to commencement of the hearing will be heard following testimony of registrants. Late registration will be open at each hearing site one-half hour prior to commencement of hearing.

If for any reason attendance is not possible, individuals are urged to forward written statements to the Administrator, Social and Rehabilitation Service, P.O. Box 2382, Washington, D.C. 20013. Mailed comments will become part of the public hearing record and will be given the same consideration as testimony presented at the hearings. Questions will be pursued to the extent that time allows.

Persons who plan to testify, and those who are interested in obtaining background materials related to the hearings, should contact the appropriate HEW Regional Offices listed below.

The hearings are scheduled as follows:

SEPTEMBER 28, 1976—9:00 A.M.

Allegheny County Court House, 5th and Grant Streets, Pittsburgh, PA.

Contact person: Mr. Richard Gilbert, SRS Assistance Payments, 3535 Market Street, Philadelphia, PA. 19104. Area Code: 215/598–1304.

OCTOBER 19, 1976—9:30 A.M.

Dallas Convention Center, Akard and Canton Streets, Dallas, TX.

Contact person: Mr. Juan Acosta, SRS Assistance Payments, 1200 Main Tower Bldg., Dallas, TX. 75202. Area Code: 214/655–4085.

NOVEMBER 4, 1976—9:30 A.M.

San Franciscan Hotel, Market Street (Between 8th and 9th Streets), San Francisco, CA.

Contact person: Ms. Lucy H. Ellison, SRS Assistance and Public Services, 50 United Nations Plaza, San Francisco, CA. 94102. Area Code: 415/556–7800 or 415/556–6662.

Dated: September 7, 1976.

ROBERT FULTON,
Administrator, Social and Rehabilitation Service.

[FR Doc.76–26658 Filed 9–10–76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 76–NE–33]

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

Proposed Alteration of Control Zone

The Federal Aviation Administration is considering amending § 71.171 of the Federal Aviation Regulations so as to alter the Lebanon, New Hampshire, Control Zone.

A new non-directional beacon approach procedure has been developed to Runway 25 at the Lebanon Regional Airport, Lebanon, New Hampshire, utilizing the existing state-owned and operated Hanover, New Hampshire, non-directional radio beacon. A revision to the Lebanon, New Hampshire, Control Zone is necessary to provide controlled air-

space for aircraft executing this new approach.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 08103. All communications received on or before October 13, 1976 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with the Federal Aviation Administration officials by contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

As a minor rule, this proposal has been reviewed and does not require an inflationary impact statement.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

The Federal Aviation Administration, having completed a review of the airspace requirements for the area of Lebanon, New Hampshire, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of Lebanon Regional Airport Control Zone, Lebanon, New Hampshire, in its entirety and insert the following in lieu thereof:

LEBANON, N.H.

Within a 5-mile radius of the center, latitude 43°37'41" N., Longitude 72°18'21" W., of Lebanon Regional Airport, Lebanon, New Hampshire; within 3 miles each side of the Hanover NDB 246° and 066° bearings, extending from the 5-mile radius zone to 8.5 miles northeast of the NDB; within 2 miles either side of the centerline of runway 18 extended 5.5 miles from the end of the runway; within 2 miles either side of the White River NDB 075° bearing extending from the 5-mile radius zone to 7.5 miles from the end of runway 07.

(Sec. 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Burlington, Massachusetts on August 30, 1976.

QUENTIN S. TAYLOR,
Director, New England Region.

[FR Doc.76-26612 Filed 9-10-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-NW-22]

ALTERATION OF TRANSITION AREA

Lewiston, Idaho

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Lewiston, Idaho, Transition Area.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures, and Airspace Branch, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington, 98108. All communications received on or before October 13, 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Northwest Region, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108.

A review of procedures in the Lewiston, Idaho, area indicates there are excessive restrictions to arriving and departing aircraft utilizing the airspace of the presently designated Lewiston terminal area. The controlled airspace provided by the present low altitude airway structure and transition area is not compatible with all routes now being flown by aircraft arriving and departing the Lewiston, Idaho, and Pullman, Washington, airports. Additionally, the present airspace configuration does not support the effective use of radar in the arrival and departure phases.

The designation of additional transition area will result in more advantageous routing, a reduction in flying time with commensurate reduction in fuel costs and improved service to the user through better utilization of radar.

In consideration of the foregoing, the FAA proposed the following airspace actions.

In § 71.181 (41 FR 531), the description of the Lewiston, Idaho, Transition Area be amended to read as follows:

LEWISTON, IDAHO

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lewiston-Nez Perce County Airport (Latitude 46°22'29" N, Longitude 117°00'51" W); within 3 miles each side of the ILS localizer course extending from the 5-mile radius circle to 16.5 miles east of the airport, and within 2.5 miles each side of the Lewiston VOR 065° radial extending from the VOR to 6 miles northeast of the VOR; that airspace extending upward from 1,200 feet above the surface bounded on the east by W. Longitude 116°, bounded on the south by N. Latitude 46°, bounded on the west by the arc of a 19-mile radius circle centered on the Walla Walla VOR (Latitude 46°06'13" N, Longitude 118°17'29" W), and bounded on the north by V-536.

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

Issued in Seattle, Washington, on August 30, 1976.

C. B. WALK,
Director, Northwest Region.

[FR Doc.76-26417 Filed 9-10-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-SO-81]

ALTERATION OF TRANSITION AREA

Williamston, N.C.

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Williamston, N.C., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before October 26, 1976 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conference must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Williamston transition area described in § 71.181 (41 FR 440) would be amended by deleting the present description and substituting the following therefor:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Martin County Airport (Lat. 35°51'45" N., Long. 77°10'35" W.); within 3 miles each side of the 018° bearing from the Williamston RBN (Lat. 33°51'39" N., Long. 77°10'31" W.), extending from the 6.5-mile radius area to 8.5 miles north of the RBN.

The proposed alteration is required for the following reasons:

1. Increase basic radius area from 5 miles to 6.5 miles to provide additional controlled airspace for IFR departures.

2. Revoke an extension predicated on the Rocky Mount VOR as it will not be needed if the basic radius area is increased.

3. Establish an extension north of the Williamston RBN to provide controlled airspace for a proposed instrument approach procedure to Martin County Airport Runway 21.

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

Issued in East Point, Ga., on August 27, 1976.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.76-26418 Filed 9-10-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-GL-31]

DESIGNATION OF TRANSITION AREA

Belvidere, Ill.

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Belvidere, Illinois.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018. All communications received on or before October 13 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018.

The rule proposed herein has been reviewed in accordance with Executive Order 11821, titled "Inflation Impact Statements" (39 FR 41501, November 29, 1974), and it has been determined that an inflation impact statement is not required.

A standard instrument approach procedure has been developed to the Belvidere Airport, Belvidere, Illinois.

Controlled airspace is required to protect this procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (41 FR 440), the following transition area is added:

BELVIDERE, ILLINOIS

That airspace extending upward from 700 feet above the surface within a five mile radius of Belvidere Airport (latitude 42°19'-25" N, longitude 88°50'25" W); and within two miles either side of the 319° bearing from the airport extending from the five mile radius area to 6.5 miles from the airport.

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

Issued in Des Plaines, Illinois, on August 24, 1976.

LEON C. DAUGHERTY,
Acting Director,
Great Lakes Region.

[FR Doc.76-26421 Filed 9-10-76;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 76-GL-32]

DESIGNATION OF TRANSITION AREA

Marysville, Ohio

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Marysville, Ohio.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018. All communications received on or before October 13, 1976 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon, Des Plaines, Illinois 60018.

The rule proposed herein has been reviewed in accordance with Executive Order 11821, titled "Inflation Impact Statements" (39 FR 41501, November 29, 1974), and it has been determined that an inflation impact statement is not required.

A standard instrument approach procedure has been developed to the Union County Airport, Marysville, Ohio.

Controlled airspace is required to protect the procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as herinafter set forth:

In § 71.181 (41 FR 440), the following transition area is added:

MARYSVILLE, OHIO

That airspace extending upward from 700 feet above the surface within a 5 mile radius of the Union County Airport, (latitude 40°13'29" N, longitude 83°21'00" W); and within 2 miles on each side of the 088° bearing from the airport extending from the 5 mile radius area to 8 miles west of the airport.

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

Issued in Des Plaines, Illinois, on August 24, 1976.

LEON C. DAUGHERTY,
Acting Director,
Great Lakes Region.

[FR Doc.76-26422 Filed 9-10-76;8:45 am]

[14 CFR Parts 121 and 135]

[Docket No. 16097; Notice No. 76-18]

PART 135—REGULATORY REVIEW PROGRAM

Air Taxi Operators and Commercial Operators of Small Aircraft

The Federal Aviation Administration gives public notice of the Part 135 Regulatory Review. This program will be administered by the Safety Regulations Division, Flight Standards Service. The Review will proceed in accordance with the following key events: (1) The development and distribution of an Agenda and Compilation of Proposals; (2) The holding of a review conference at the Stouffer Denver Inn, Denver, Colorado during the week of November 8–12, 1976; (3) The issuance of a notice of proposed rulemaking with 90 days for comments; and, (4) The analysis of comments and adoption of appropriate amendments.

The need for a general upgrading of Part 135, as well as additional specific requirements has been under intense study and analysis by the FAA for several years. A fundamental objective of the Review is to provide a level of safety for Commuter Air Carriers, "Air Taxi Operators", comparable to that of Part 121 Certificate Holders. This upgrading is part of the new Regulatory Review Program which will be administered by the Operations Review Branch, AFS–920.

Operating experience under Part 135 in recent years has shown a need for upgrading of the Part including some additional requirements. The increasing volume and complexity of air taxi operations, especially those known as "Commuter Air Carriers", and the use of more complex aircraft with higher passenger carrying capacity, has shown a need to ensure a higher level of safety. The upgrading of the rules under which these carriers operate will involve changes to several existing sections and the addition of new subparts.

The FAA in its Listening Session with Commuter Airline Association of America on June 8, 1976 was requested to "issue a draft NPRM and call a mini-conference of all interested parties to discuss same".

Accordingly, the FAA announces the Part 135 Regulatory Review and the availability of the Agenda and Compilation of Proposals for the conference. While many of the proposals in the Compilation resulted from sources outside of the FAA, all proposals to be discussed at the conference were developed by the General Aviation and the Air Carrier Divisions of Flight Standards Service. Some were previously discussed at the Operations Review Conference held in December 1975. Proposals other than

those developed and distributed by the FAA in the Compilation of Proposals are not within the scope of this Regulatory Review and will not be discussed at the conference.

Several committees chaired by FAA will be established to discuss the proposals during the conference. The Agenda and Compilation of Proposals, information concerning registration for the conference, and reservations for rooms will be distributed to all listed air taxi operators and will be provided to anyone who requests the information prior to the conference from the Operations Review Branch, AFS–920, 800 Independence Avenue, SW., Washington, D.C. 20591. Telephone 202–426–8146. Copies will also be available for inspection and copying in the FAA Rules Dockets, Docket No. 16097. The Agenda and Compilation of Proposals may be used by attendees at the conference. The Agenda, in addition to providing general information relating to the conference, will contain detailed information on scheduling of the proposals for discussion by the respective committees. Persons who plan to attend the conference should be aware that the following procedures have been established to facilitate the workings of the conference.

1. The conference will begin at 9:00 a.m. on the morning of November 8, in the Stouffer Denver Inn, Denver, Colorado. There will be no admission fee or other charge to attend and participate in the conference. All conference sessions will be open, on a space available basis, to all interested persons who registered to attend. If necessary to complete the Agenda, conference sessions may be extended to evenings or additional days.

2. All meetings will be recorded. Copies of the tapes may be purchased, at fees determined in accordance with 49 CFR 7.95(j), from the Office of the Chief Counsel, AGC–24, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591.

3. The FAA will not consider material presented at the conference by participants on any issue that is not contained in the Compilation of Proposals distributed by the FAA. Position papers or clarification of language in the proposals may be accepted at the discretion of the Committee Chairman.

4. All proposals appearing in the Agenda will not necessarily be included in a notice of proposed rulemaking, and although the FAA may propose a change or indicate concurrence or agreement in its comments, this is not intended to indicate a final FAA position. The FAA will decide after discussion of these proposals at the conference and subsequent analysis, which proposals will be adopted, changed, expanded, rejected, or deferred. The FAA may, after the conference, dispose of all proposals that are not adequately supported or that require further research and study, without including them in the notice of proposed rulemaking.

"Pending Notices" Appendix A to this notice identifies a number of notices of proposed rulemaking which affect Part 135. These notices will be pursued to a conclusion outside the Review and the substance of the rules proposed in these notices will not be considered during this Review.

"Petitions for Rulemaking" Appendix B of this notice shows the status of Part 135 and the last amendment thereto and lists petitions for rulemaking which affect Part 135. These or other petitions may or may not be included for consideration in the Review. Those which are at an advanced state of processing may be acted upon independently of the Review.

"Proposed and Final Rulemaking." The proposals and discussion thereon will be used by the FAA in developing an appropriate notice of proposed rulemaking which will be published in the FEDERAL REGISTER. This notice, when published, will provide interested persons an opportunity to comment on specific proposed amendments to Part 135 and Part 121. Final rules adopted as a result of the notice will be issued after consideration of all comments received in response to this Notice.

(Sections 313(a) and 601(c) of the Federal Aviation Act of 1958 (U.S.C. 1354(a) and 1421) and section 6(c) of the Department of Transportation Act (45 U.S.C. 1655(c)).)

Issued in Washington, D.C., on September 9, 1976.

J. A. FERRARESE,
Acting Director,
Flight Standards Service.

APPENDIX A—PENDING NOTICES OF PROPOSED RULEMAKING EXCLUDED FROM THIS REVIEW

The FAA has issued a number of notices of proposed rulemaking proposing amendment to Part 135 of the Federal Aviation Regulations. These notices will be pursued to a conclusion outside this Review and the substance of these proposals will not be considered herein. They are identified below:

1. Notice 74–25 (39 FR 24667, July 5, 1974) *"Air Transportation of Handicapped Persons."* This notice proposed "amending Parts 121 and 135 of the Federal Aviation Regulations to provide rules for the safe carriage by the holders of Part 121 and 135 certificates of persons who, because of a physical condition, may require the assistance of another person during an emergency evacuation." The notice affects §§ 135.27, 135.81 and 135.139. The comment period closed October 9, 1974.

Notice 75–39, (40 FR 236, December 8, 1975) *Clarifying and Editorial Change.* This notice proposed amending Part 135 (among others) of the Federal Aviation Regulations to make several clarifying and editorial changes. This notice affects §§ 135.2, 135.11, 135.43, 135.67, 135.127, 135.138, 135.140, 135.144, 135.144a, 135.555, 135.163, and 135.167. The comment period closed March 8, 1976.

3. Notice 76–7, (41 FR 13952, April 1, 1976) *"Air Carriers, Commercial Operators, and Air Taxi Operators: Operation of Certain Large Airplanes Under the Rules Governing Air Taxi Operations."* This notice proposed amending Part 135 (among others) of the Federal Aviation Regulations to permit, with certain exceptions, air carriers, commercial operators, air travel clubs, and air taxi operators temporarily to conduct operations in airplanes having a maximum passenger capacity of 10 seats or less, a maximum payload capacity of 7,500 pounds or less, and a maximum zero fuel weight of 25,000 pounds or less, up to maximum certificated takeoff weight, in accordance with the rules of Part 135 of the Federal Aviation Regulations. This notice affects § 135.2. The comment period closed May 3, 1976.

4. In addition to the above, several notices are scheduled for issuance under the Operations Review Program which will contain a number of proposed amendments to Part 135 of the Federal Aviation Regulation which are not included in this Review. Sections 135.7(b), 135.39(d), 135.43(e), 135.60(d)(3), 135.63(b) and (h) (new), 135.65(b), 135.68, 13581(g), 135.97(a)(2), 135.107(b), 135.111(a), 135.131(g), 135.142(a) and (b), and 135.161(a)(b) and (c) will be affected to some extent.

APPENDIX B—STATUS OF PART 135 OF FEDERAL AVIATION REGULATIONS AND RELATED ACTIONS

The last amendment to this part (as of July 1, 1976) is Amendment 135–41, "Certain Part 121 Equipment Requirements for Certain Airplanes," issued May 13, 1975, and effective May 15 (40 FR 21704, May 19, 1975).

In addition, the FAA has received several petitions for rulemaking, described below to amend Part 135. Item Nos. 1 and 2 are within the scope of this Review and may be discussed and disposed of as a result of this Review, Item Nos. 3 and 4 will not be discussed as they are outside the scope of this Review.

1. National Air Transportation Conference, Inc., and Executive Air Fleet Corporation (Docket No. 12768) and to amend § 135.2(b) to rescind certain equipment requirements for operations of large aircraft under 27,000 pounds maximum certificated takeoff weight with passenger capacities of not more than 12 persons.

2. Air Illinois, Inc., Golden West Airlines, Inc., and Swift Aire Lines, Inc., (Docket No. 15733) petition for rulemaking to Part 135 to permit operations of certain large aircraft under Part 135 in lieu of the rules of Part 121.

3. The Helicopter Association of America (Docket No. 14307) seeks to rescind § 135.89, "Helicopter Operations: Emergency landing areas."

4. The Helicopter Association of America (Docket No. 15730) seeks to rescind § 135.1(b)(2), "Nonstop sightseeing flights that begin and end at the same airport, and are conducted within a 25-mile radius of the airport."

[FR Doc.76–26887 Filed 9–10–76;8:45 am]

Office of Hazardous Materials Operations

[49 CFR Part 173]

[Docket No. HM–139; Notice No. 76–5]

TRANSPORTATION OF HAZARDOUS MATERIALS

Conversion of Individual Exemptions to Regulations of General Applicability

The Materials Transportation Bureau is considering amending the regulations governing the transportation of hazardous materials to incorporate therein a number of changes based on data and analysis supplied in selected exemption applications or on existing exemptions which have been granted to individual applicants allowing them to perform particular functions in a manner that varies from that specified by the regulations. Adoption of these exemptions as rules of general applicability would provide wider

access to the benefits of transportation innovations recognized as effective and safe.

Comments by: October 15, 1976.

Addressed to: Docket Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to Docket No. HM–139 and be submitted in triplicate.

For further information: Complete copies of the exemptions and their related applications and supporting documentation are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street, SW., Washington, D.C. Telephone 202–426–2077.

BACKGROUND

The regulations governing the transportation of hazardous materials as they have evolved from early in this century tend to be extremely specific in describing how particular hazardous materials must be packaged for shipment and how they are to be handled and stowed during shipment. Also tending to be extremely specific are the regulations pertaining to tanks and tank cars for the carriage of bulk hazardous materials by highway or railroad. Amendments to the regulations have not kept pace with commercial development of new commodities and new packaging materials and techniques. Often the exemptions issued had little or no safety implication, but strictly speaking were determined necessary to assure compliance. As a result, the granting of one or more forms of administrative relief (e.g. special permits, exemptions, waivers, deviation authorizations) became a necessary practice for the various Federal agencies responsible for administering hazardous materials regulations on a mode-by-mode basis before the consolidation of rulemaking and exemption responsibility in the Material Transportation Bureau.

A permanent remedy of the problem may require a restructuring of some of the regulations to make them more flexible. The Bureau believes that many existing practices and techniques now sanctioned only by virtue of exemptions granted to an individual holder or groups of holders are prime candidates for adoption directly into the regulations. In addition, there are some applications for exemption that obviously present little or no safety concern. In such cases, provision should be made in the regulations for general use of practice or technique. Each of the proposed amendments described in the table below is founded upon either: (1) Actual shipping experience gained under an exemption, or (2) the data and analysis supplied in the application. In each case the resulting level of safety being afforded the public is considered at least equal to the level of safety provided by the current regulations.

Analysis of these proposed amendments also indicates that the costs of regulatory enforcement will not be significantly affected, nor will additional costs be imposed on the private sector, consumers, or Federal, State or local governments, since these amendments, if adopted, will authorize the general use of shipping alternative previously available to only a few users under exemptions. The safety record or analysis of shipments under the identified exemptions demonstrate that significant environmental impacts will not result from any of the amendments proposed herein.

Adoption of an amendment derived from an existing exemption will obviate the need for that exemption and effective terminate it, in which even the affected exemption holder and parties to that exemption will be individually notified. Adoption of an amendment derived from an application for exemption should provide the relief sought, in which event, the exemption request will be denied and the applicant so notified. In the event the Bureau decides not to adopt any of those proposed amendments, that application will be evaluated and acted upon in accordance with the applicable provisions of the exemption procedures in 49 CFR Part 107, Subpart B. Consequently, persons commenting on proposed amendments may wish to address both the proposed amendment and the exemption application. Consideration of comments on the merits of including within an amendment modes of transportation other than those for which the exemption application requested is anticipated.

Each mode of the transportation for which a particular exemption is authorized or requested is indicated in the "Nature of Exemption or Application" of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft. The status of the exemption action is indicated in the column titled Identification Number where prefix "E" means an exemption has been issued and prefix "SP" means a special permit exists under previous authorities. The suffix "No" means no applications for exemptions are pending, but the Bureau is taking action by this proposal; the suffix "X" means a renewal application is pending; and the suffix "P" means one or more party status applications are pending; and the suffix "N" means a new application for exemption is pending.

(49 CFR U.S.C. 1804, 1806; 49 CFR 1.53(e), paragraph (a)(4) of App. A. to Part 102, and Part 107, Subpart B)

Issued in Washington, D.C., on September 7, 1976.

ALAN I. ROBERTS,
Director, Office of Hazardous Materials Operations.

Proposed amendments of hazardous materials regulations to terminate special permits and exemptions

Identification No.	Applicant or holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
E-3848-No	RMI Co	173.208(a)	Authorizes shipment of titanium metal powder, wet with not less than 50 pct water by weight in any DOT specification full removable head drum authorized in 49 CFR 173.154 (mode 1).	To add para. (2) to read. "(2) Titanium metal powder, wet, with not less than 50% water by weight may be packed in any full removable head drum specified in Section 173.154."
E-4965-No, E-5018-P	Westinghouse Electric Corp.; Daniel International Corp.	173.306(e)(i)	To amend DOT-E 5013, to allow shipments of certain refrigerating machines in non-DOT specification packaging by additional shippers (modes 1, 2, 3).	To amend subpara. (i) to read. "(i) Each pressure vessel may not contain more than 5,000 pounds of Group I refrigerant as classified in American National Standard B9.1 or not more than 50-pounds of refrigerant other than Group I."
SP 5018	E. I. du Pont de Nemours & Co., Inc.; Hercules Inc.; Vicksburg Chemical Co.; Department of Defense NASA.	173.336(a)	Authorizes shipment of nitrogen tetroxide in compliance with 49 CFR 173.336(a)(3), except each valve opening is made gas-tight by the use of metal screw plugs or screw caps (modes 1, 2).	To amend the 1st sentence of subpara. (3) to read. "(3) Each tank must be equipped with gas-tight valve protection caps which must be approved by the Bureau of Explosives or all valve openings made gas-tight by the use of screw plug or screw caps."
SP 4852, SP5337	Allied Chemical Corp., Mallinckrodt Chemical Works.	173.209(a)(2)	Authorizes shipment of etching acid liquid, n.o.s. in a DOT specification 37M cylindrical steel overpack with an inside specification 2S or 2SL polyethylene container not over 55 gal capacity or a specification 6D cylindrical steel overpack with inside specification 2SL polyethylene container not over 55 gal capacity (modes 1, 2, 3).	To amend subpara. (2) to read, "(2) Spec. 6D (nonreusable) or 37M (178.102, 178.134 of this chapter). Cylindrical steel overpack with inside Spec. 2S or 2SL (178.35 or 178.35a of this chapter) polyethylene container not over 55 gallons capacity. Spec. 37M overpack of over 30 gallons must be constructed of at least 20-gauge steel throughout."
E-5401	Dow Chemical Co	173.262(a)	Authorizes shipment of hydrobromic acid not over 49 percent strength in a DOT specification 37M cylindrical steel overpack with an inside specification 2SL polyethylene container (modes 1, 2).	To add subpara. (12) to read, "(12) Specification 37M (nonreusable) (§ 178.134 of this chapter) cylindrical steel overpack with inside Spec. 2SL (§ 178.35a of this chapter) polyethylene container. Overpack must have rolled hoops and be constructed of 20-gauge body and 18-gauge heads."
E-5602	E. I. du Pont de Nemours & Co.; Inc.	173.119(m)(5)	Authorizes shipment of flammable liquids n.o.s. in a DOT specification 37P steel drum of not over 15 gal capacity with an inside polyethylene liner (modes 1, 2, 3).	To amend the 1st sentence of subpara. (5) to read, "Steel drums, not over 15-gallons capacity with polyethylene liner (nonreusable container)."

Identification No.	Applicant or holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
E-5655	MC/B Manufacturing Chemists	173.364(a)(2)	Authorizes shipment of poisonous solids, class B in inside plastic bottles or jars otherwise packed in accordance with 49 CFR 173.364(a)(2) (modes 1, 2).	To amend the 1st sentence of subpara. (2) to read. "In inside plastic bottles or jars, chipboard, pasteboard, or fiber cartons, cans, or boxes, of not over 5-pounds capacity each, packed in outside fiberboard or wooden boxes."
SP 6165-X	E. I. du Pont de Nemours & Co., Inc.; Thompson-Hayward Chemical Co.; Lehigh Valley Chemical Co.	173.272(g)	To renew SP 6165 authorizing shipment of sulfuric acid in DOT-6D/2S or 2SL packaging (modes 1, 2, 3).	To amend subpar. (g) to read. "(g) Sulfuric acid concentration of greater than 95-percent to not over 100.5 percent: Authorized packagings is described in subparagraphs (1) through (4), (6), and (14) through (22) of paragraph (i) of this section."
		173.272(i)		To amend the last sentence of subpara. (i)(6) to read. "Overpack of 30-gallon capacity and over must be constructed of at least 16-gauge steel throughout when used for sulfuric acid of 99 percent or greater concentration."
E-6211	Foote Chemical Co.; Stauffer Chemical Co.	173.247a(a)	Authorizes shipment of vanadium oxytrichloride blanketed by an inert nonsoluble gas in DOT Specification MC-310, MC-311, or MC-312 cargo tanks, (mode 1).	To add subpara. (3) to read. "(3) Specification MC-310, MC-311, or MC-312 (§ 178.343 of this chapter). Tank motor vehicles. Authorized only for vanadium oxytrichloride blanketed by an inert non-soluble gas."
E-6220	Economics Laboratory, Inc.; Van Waters & Rogers; DuBois Chemicals.	173.277(a)(7)	Authorizes shipment of a solution not exceeding 16 percent sodium hypochlorite in DOT specification 21P fiber drum overpack with an inside Specification 2S, 2SL, 2T, or 2U polyethylene container (mode 1).	To add subpara. (7) to read. "(7) Specification 21P (§ 178.225 of this chapter). Fiber drum overpack with inside Spec. 2S, 2SL, 2T, or 2U (§ 178.35, 178.35(a), 178.21, or 178.24 of this chapter) polyethylene container. Authorized for not over 16-percent sodium hypochlorite solution only."
SP-6411	ProSoCo, Inc.; Diversey Chemicals; Zea Chemical; Hooker Chemical Corp.	173.263(a)(17)	Authorizes shipment of compounds, cleaning, liquid containing hydrochloric (muriatic) acid in DOT Specification 37M cylindrical steel overpack with an inside specification 2U polyethylene container (modes 1, 2).	To amend subpara. (17) to read. "(17) Spec. 6D or 37M (non-reusable container) (§ 178.102, 178.134 of this chapter). Cylindrical steel overpacks with inside Spec. 2S, 2SL, 2T, 2TL or 2U (§ 178.35, 178.35a, 178.21, 178.27 or 178.24 of this chapter) polyethylene container."
E-6475	FMC Corp.	173.266(b)(9)	Authorizes shipment of hydrogen peroxide solution in water containing not over 52 percent hydrogen peroxide by weight in a DOT specification 37P steel drum with an inside specification 2U polyethylene container having a minimum thickness of .015 mil, not over 15 gal capacity (modes 1, 2, 3).	To add subpara. (9) to read. "(9) Spec. 37P (§ 178.133 of this chapter). Steel drums, not over 15-gallons capacity, with inside Spec. 2U (§ 178.24 of this chapter) polyethylene container having a minimum thickness of .015 mil. The closure of the inside 2U container must be vented to prevent accumulation of internal pressure and the head with the closure must be marked "Keep This End Up" or "Keep Plug Up To Prevent Spillage"."
SP 6767	Hercules Inc.	173.63(a)(1)	Authorizes shipment of detonating primers in accordance with 49 CFR 173.63(a)(1), except inside packaging may consist of polyethylene plastic bags not subject to static generation (mode 1).	To amend the 1st 2 sentences of subpara. (1) to read. "(1) Spec. 14, 15A or 16A (§ 178.165, 178.168, or 178.185 of this chapter). Wooden boxes (see § 173.67(a)(1), Note (1) or Spec. 12H 32F, or 23H (§ 178.209, 178.214, or 178.219 of this chapter), fiberboard boxes, with inside container which must be polyethylene plastic bags not subject to static generation, pasteboard cartons containing not more than 50 primers each, or pasteboard or plastic tube inclosing each primer with wires, or pasteboard, wooden, metal or plastic tubes or spools with wires wrapped around the tube or spool."
SP 6886, SP 6887, SP 6888, SP 6995.	Feed Services Corp.; Leonard's Truck Service; Stauffer Chemical Co.; FMC Corp.; Molasses Truck Service; Fertilizers Inc.; PMS West; Lommix Inc.; American Transfer Co., Allyn Transportation Co.; W. S. Hatch Co., Inc.; Valley Nitrogen Products Inc., Pennzoil Chemical Inc.	173.245(a)(29)	Authorizes shipment of phosphoric acid and solutions thereof in MC-308 tank motor vehicles fabricated from 12 gauge, type 16 stainless steel (mode 1).	To amend subpara. (a)(29) to read. "(29) Specification MC-303 or MC-304. Tank motor vehicle meeting § 178.343-2(c) of this subchapter. Spec. MC-303 must have tanks fabricated from 12-gauge, Type 316 stainless steel. Authorized only for phosphoric acid and solutions thereof."
		173.245(a)(31)	Authorizes shipment of phosphoric acid and solutions thereof in MC-306 tank motor vehicles fabricated from 12-gauge, Type 316 stainless steel (mode 1).	To amend subpara. (a)(31) to read. "(31) Specification MC-306, MC-310, MC-311, or MC-312 (§§ 178.340, 178.343 of this subchapter). Tank motor vehicles. If cargo tank is constructed with bottom outlets, they must meet § 178.343-5 of this subchapter. Specification MC-306 must have tanks fabricated from 12-gauge, Type 316 stainless steel. Authorized only for phosphoric acid and solution thereof."
SP 6892	Ohio Art Co.; Mattel, Inc.	173.100(p)	Authorizes shipment of toy plastic caps as prescribed in 49 CFR 173.100(p), except the plastic sheet of blister package is 0.006 in. in thickness (modes 1, 2, 3).	To amend the 1st sentence of subpara. (p) to read; "(p) Toy plastic or paper caps for toy pistols in sheets, strips, rolls, or individual caps, must not contain more than an average of twenty-five hundredths of a grain of explosive composition per cap and must be packed in inside packages constructed of cardboard not less than 0.013 inch in thickness, metal not less than 0.008 inch in thickness, or noncombustible plastic not less than 0.006 inch in thickness, which shall provide a complete enclosure and the minimum dimensions of each side or end of such package shall be not less than ¼ inch in height."
SP 6914-X	Hercules, Inc.	173.66(c)	To renew SP 6914, authorizing shipment of blasting caps having inside packaging consisting of polyethylene bags (mode 1).	To amend the last sentence of subpara. (c) to read: "All inside containers must then be packed snugly in polyethylene plastic bags not subject to static generation, cartons or wrappings made of paper or pasteboard."
SP 6941-X	Mobay Chemical Corp.; Rubicon Chemicals, Inc.; Olin Corp.; BASF Wyandotte Corp.; Allied Chemical.	173.346(a)(12)	To renew SP 6941, authorizing shipment of toluene diisocyanate in MC-304 or MC-307 cargo tanks equipped with external valves (modes 1, 3).	To add at the end of subpara. (12): "Tank motor vehicles designed and constructed to Spec. MC-304 or MC-307 except for bottom outlets equipped with approved external ball valves are authorized for toluene diisocyanate only."
SP 6945	Helmerich & Payne, Inc.; Stauffer Chemical Co.	173.141(a)(7)	Authorizes shipment of ethyl mercaptan in DOT specification 105A200ALW tank cars (mode 2).	To amend subpara. (a)(7) to include specification 105A200ALW tank cars. Authorized for ethyl mercaptan only.
E-6954	Department of Defense	173.145(a)(7)	Authorizes shipment of methylhydrazine in DOT specification MC-312 tank motor vehicles (mode 1).	To amend subpara. (a)(7) by deleting the last sentence which now reads. "Authorized only for dimethylhydrazine, unsymmetrical".
E-6957	Hooker Chemicals & Plastics Corp.	173.271(a)(11)	Authorizes shipment of phosphorus trichloride in DOT specification 103CW tank cars fabricated from type 430 stainless steel (mode 2).	To amend subpara. (a)(11) to include specification 103CW tank cars fabricated from type 430 stainless steel. Authorized for phosphorus trichloride only.

Identification No.	Applicant or holder	Regulation affected	Nature of exemption or application	Nature of proposed amendment
E-7034-X	E. I. du Pont de Nemours & Co., Inc.	173.373(a)	To renew SP 7034 authorizing shipment of paranitroaniline solid in DOT-56 portable tanks (mode 1).	To add subpara. (a)(5) to read. "(5) Spec. 56 (§ 178.252 of this chapter). Metal portable tank. Authorized for paranitraniline (paranitroaniline), solid only."
E-7279	Hill Brothers Chemical Co.	173.263(a)(15)	Authorizes shipment of hydrochloric acid solution, inhibited in a DOT specification 12B fiberboard box with 1 inside polyethylene bottle of not more than 3 gal capacity (modes 1, 2).	To amend subpara. (a)(15) to read. "(15) Spec. 12A or 12B (§ 178.210 or § 178.205 of this chapter). Fiberboard boxes with inside containers of polyethylene, or other nonfragile plastic material resistant to the lading (bags are not authorized), not over 1-gallon capacity each, or not more than one 3-gallon capacity, suitably cushioned to prevent movement within the box. Gross weight of completed package must not exceed 65 pounds."

[FR Doc.76-26677 Filed 9-10-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 614-1]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California: Imperial County Agricultural Burning Implementation Plan

On July 25, 1973, the Air Resources Board of the State of California submitted revised Rules and Regulations of the Imperial County Air Pollution Control District (APCD) as a revision to the California State Implementation Plan (SIP). This submission will be addressed in this notice, except when such submission is deficient in a specific area. In this event, the appropriate portions of the earlier submissions have been evaluated and will be discussed in this notice.

The changes contained in the July 25, 1973, submission and being acted upon by this package consist of the addition of an Agricultural Burning Implementation Plan, which contains many new rules governing this activity and provides for their enforcement.

It is the purpose of this notice to propose approval of all the changes included in the July 25, 1973, submission.

Pursuant to Section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as a SIP revision and, therefore, invites public comment on the State's submission and his proposed approval or disapproval.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:

Imperial County Air Pollution Control District, 940 West Main Street, El Centro, CA 92243.
California Air Resources Board, 1709 11th Street, Sacramento, CA 95814.
Environmental Protection Agency, Region IX, 100 California Street, San Francisco, CA 94111.
Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington, DC 20460.

Interested persons may participate in this rulemaking by submitting written comments to the Regional Administrator, EPA, Region IX; Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section; 100 California Street, California 94111. Relevant comments received on or before October 13, 1976 will be considered. Comments received will be available for inspection during normal working hours at the Region IX office and the EPA Public Information Reference Unit.

This notice is isued under the authority of Section 110 of the Clean Air Act, as amended (42 U.S.C. 1857c-5).

Date: September 2, 1976.

L. RUSSELL FREEMAN,
Deputy Acting Regional Administrator.

[FR Doc.76-26598 Filed 9-10-76;8:45 am]

[40 CFR Part 52]

[FRL 614-2]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California: Lassen County Agricultural Burning Implementation Plan

On July 25, 1973, the Air Resources Board of the State of California submitted revised Rules and Regulations of the Lassen County Air Pollution Control District (APCD) as a revision to the California State Implementation Plan (SIP). This submission will be addressed in this notice, except when such submission is deficient in a specific area. In this event, the appropriate portions of the earlier submissions have been evaluated and will be discussed in this notice.

The changes contained in the July 25, 1973, submission and being acted upon by this package consist of the addition of an Implementation Plan for Agricultural Burning, which contains many new rules governing this activity and provides for their enforcement.

It is the purpose of this notice to propose approval of all the changes included in the July 25, 1973, submission.

Pursuant to Section 110 of the Clean Air Act, as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as a SIP revision and, therefore, invites public comment on the State's submission and his proposed approval or disapproval.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:

Lassen County Air Pollution Control District, 175 Russell Avenue, Susanville CA 96130.
California Air Resources Board, 1709 11th Street, Sacramento CA 95814.
Environmental Protection Agency, Region IX, 100 California Street, San Francisco CA 94111.
Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington DC 20460.

Interested persons may participate in this rulemaking by submitting written comments to the Regional Administrator, EPA, Region IX; Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section; 100 California Street, California 94111. Relevant comments received on or before October 13, 1976 will be considered. Comments received will be available for inspection during normal working hours at the Region IX office and the EPA Public Information Reference Unit.

This notice is issued under the authority of Section 110 of the Clean Air Act, as amended (42 U.S.C. 1857c-5).

Dated: September 2, 1976.

L. RUSSELL FREEMAN,
Deputy Acting Regional Administrator.

[FR Doc.76-26599 Filed 9-10-76;8:45 am]

[40 CFR Part 52]

[FRL 614-3]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California: Modoc County Agricultural Burning Implementation Plan and Air Contaminant Standards

On July 25, 1973, the Air Resources Board of the State of California submitted revised Rules and Regulations of the Modoc County Air Pollution Control District (APCD) as a revision to the California State Implementation Plan (SIP). This submission will be addressed in this notice, except when such submission is deficient in a specific area. In this event, the appropriate portions of the earlier submissions have been evaluated and will be discussed in this notice.

The changes contained in the July 25, 1973 submission and being acted upon by this package include the following: addition of a rule listing the State and Fed-

eral air contaminant standards and the addition of an Agricultural Burning regulation, which contains many new rules governing this activity and provides for their enforcement.

It is the purpose of this notice to propose approval of all the changes included in the July 25, 1973 submission.

Pursuant to Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as a SIP revision and, therefore, invites public comment on the State's submission and his proposed approval or disapproval.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:

Modoc County Air Pollution Control District, 202 W. Fourth Street, Alturas CA 96101.
California Air Resources Board, 1709 11th Street, Sacramento CA 95814.
Environmental Protection Agency, Region IX, 100 California Street, San Francisco CA 94111.
Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street, S.W., Washington D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments to the Regional Administrator, EPA, Region IX; Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section; 100 California Street, San Francisco, CA 94111. Relevant comments received on or before October 13, 1976 will be considered. Comments received will be available for inspection during normal working hours at the Region IX office and the EPA Public Information Reference Unit.

This notice is issued under the authority of Section 110 of the Clean Air Act, as amended. (42 U.S.C. 1857c-5.)

Dated: September 2, 1976.

L. RUSSELL FREEMAN,
Deputy Acting Regional Administrator.

[FR Doc.76-26600 Filed 9-10-76;8:45 am]

[40 CFR Part 52]

[FRL 614-4]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California: San Diego County, Procedural Changes

On July 25, 1973, July 19, 1974, July 22, 1975, and April 21, 1976, the Air Resources Board of the State of California submitted revised Rules and Regulations of the San Diego County Air Pollution Control District (APCD) as a revision to the California State Implementation Plan (SIP). The submissions listed above will be addressed in this notice, except when such submissions are deficient in a specific area. In this event, the appropriate portions of the earlier submissions have been evaluated and will be discussed in this notice.

On July 19, 1974 and November 3, 1975 revisions to Rule 61, *Storage of Volatile Organic Compounds*, and Rule 63, *Volatile Organic Compound Loading Facilities*, were submitted by the Air Resources Board. These rules are not being acted upon in this notice because of the many unique questions involved in this area of air pollution control. These rules are to be addressed in a separate FEDERAL REGISTER notice.

Regulation VIII, submitted on January 10, 1975 and November 3, 1975, dealing with the Air Pollution Emergency Contingency Plan, is not being acted upon at this time because the Air Resources Board has indicated to EPA that a revision is forthcoming of all local agency regulations addressing the emergency episode requirements. This action by the State is in response to the recent approval by EPA of the State of California Emergency Episode Plan. The State's plan sets forth requirements which the local agencies' plans must meet. A separate FEDERAL REGISTER notice addressing this issue will be published after the submission to EPA of the local agency emergency episode regulations by the State.

Additionally, the significant changes to the San Diego County new source review rules (Regulation II) submitted on July 25, 1973, July 19, 1974, and July 22, 1975, will be acted upon in a separate FEDERAL REGISTER notice.

The changes contained in the July 25, 1973, July 19, 1974, July 22, 1975, and April 21, 1976 submissions being acted upon by this package include the following: addition of authority for specified individuals to arrest violators of regulations; revision of rule controlling organic solvents; addition of rules governing open burning; addition of reporting requirements for permits; exemption of emission data from confidentiality clauses; and other minor changes of a procedural nature.

It is the purpose of this notice to propose approval of all the changes included in the July 25, 1973, July 19, 1974, July 22, 1975, and April 21, 1976 submissions with the exception of the rules specified above which are not being acted upon at this time.

Rule 66, *Organic Solvents*, has been revised to conform to the Federal promulgation for control of dry cleaning solvent vapor losses (40 CFR Part 52.246), control of degreasing operations (40 CFR Part 52.252), and organic solvent usage (40 CFR Part 52.260). It is proposed to rescind the substitute regulations in 40 CFR Part 52.246(b), and 40 CFR Part 52.252(b) for San Diego County. It is also proposed to rescind 40 CFR Part 52.260 in its entirety since the regulation applies only to San Diego.

Regulation IX, *Public Records*, now allows emission data to be made available to the public, which is consistent with 40 CFR Part 51.10(e); it is proposed to rescind the current disapproval notice in 40 CFR Part 52.224(a) and rescind the substitute regulation in 40 CFR Part 52.224(b) or San Diego County.

Pursuant to Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as a SIP revision and, therefore, invites public comment on the State's submission and his proposed approval or disapproval.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:

San Diego County Air Pollution Control District, 9150 Chesapeake Drive, San Diego CA 92123.
California Air Resources Board, 1709 11th Street, Sacramento CA 95814.
Environmental Protection Agency, Region IX, 100 California Street, San Francisco CA 94111.
Public Information Reference Unit, Room 2922 (EPA Library), 401 "M" Street, S.W., Washington D.C. 20460.

Interested persons may participate in this rulemaking by submitting written comments to the Regional Administrator, Attention Air and Hazardous Materials Division, Air Programs Branch, California SIP Section; EPA, Region IX; 100 California Street, San Francisco, CA 94111. Relevant comments received on or before October 13, 1976 will be considered. Comments received will be available for inspection during normal working hours at the Region IX office and the EPA Public Information Reference Unit.

This notice is issued under the authority of Section 110 of the Clean Air Act, as amended. (42 U.S.C. 1857c-5).

Dated: September 2, 1976.

L. RUSSELL FREEMAN,
Deputy Acting Regional Administrator.

[FR Doc.76-26601 Filed 9-10-76; 8:45 am]

[40 CFR Part 52]

[FRL 614-5]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California: Siskiyou County Agricultural Burning Implementation Plan, Etc.

On July 25, 1973, the Air Resources Board of the State of California submitted revised Rules and Regulations of the Siskiyou County Air Pollution Control District (APCD) as a revision to the California State Implementation Plan (SIP). This submission will be addressed in this notice, except when such submission is deficient in a specific area. In this event, the appropriate portions of the earlier submissions have been evaluated and will be discussed in this notice.

The significant changes to the Siskiyou County new source review rules (Regulation II), submitted on July 25, 1973, will be acted upon in a separate FEDERAL REGISTER notice.

The changes contained in the July 25, 1973 submission and being acted upon by this package include the following: addition of an exemption to the uncombined water regulation for visible emissions; addition of an implementation plan for agricultural burning; exemption of emission data from confidentiality clauses; and other minor changes of a procedural nature.

It is the purpose of this notice to propose approval of all the changes contained in the July 25, 1973 submission

with the exception of the rules specified above which are not being acted upon at this time.

Rule 2.13, *Regulation for Public Availability of Emissions Data*, now allows emission data to be made available to the public, which is consistent with 40 CFR Part 51.10(e); it is proposed to rescind the current disapproval notice in 40 CFR Part 52.224(a) and rescind the substitute regulation in 40 CFR Part 52.224(b) for Siskiyou County.

Pursuant to Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as a SIP revision and, therefore, invites public comment on the State's submission and his proposed approval or disapproval.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:

Siskiyou County Air Pollution Control District, 525 So. Foothill Drive, Yreka CA 96097.
California Air Resources Board, 1709 11th Street, Sacramento CA 95814.
Environmental Protection Agency, Region IX, 100 California Street, San Francisco CA 94111.
Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street, S.W., Washington DC 20460.

Interested persons may participate in this rulemaking by submitting written comments to the Regional Administrator EPA, Region IX; Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section; 100 California Street, San Francisco, CA 94111. Relevant comments received on or before October 13, 1976 will be considered. Comments received will be available for inspection during normal working hours at the Region IX office and the EPA Public Information Reference Unit.

This notice is issued under the authority of Section 110 of the Clean Air Act, as amended (42 U.S.C. 1857c-5).

Dated: September 2, 1976.

L. RUSSELL FREEMAN,
Deputy Acting Regional Administrator.

[FR Doc.76-26602 Filed 9-10-76;8:45 am]

[40 CFR Part 52]

[FRL 614-6]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California: Sutter County, Agricultural Burning, Etc.

On July 25, 1973, July 19, 1974, January 10, 1975, and July 22, 1975, the Air Resources Board of the State of California submitted revised Rules and Regulations of the Sutter County Air Pollution Control District (APCD) as a revision to the California State Implementation Plan (SIP). Because the July 25, 1973 submission is superseded by the July 19, 1974, January 10, 1975, and July 22, 1975 submissions, only the latest submissions will be addressed in this notice, except when such latter submissions are deficient in a specific area. In this event, the appropriate portions of the earlier submissions have been evaluated and will be discussed in this notice.

The significant changes to the Sutter County new source review rules (Regulation III), submitted on July 25, 1973 and July 19, 1974, will be acted upon in a separate FEDERAL REGISTER notice.

The changes contained in the July 19, 1974, January 10, 1975, and July 22, 1975 submissions and being acted upon by this package include the following: revision of a definition for agricultural burning; exemption of emission data from confidentiality clauses; addition of requirements for waste wood burning; addition of requirements for rice straw burning; addition of requirements for range improvement burning; and other minor changes of a procedural nature.

It is the purpose of this notice to propose approval of all the changes contained in July 19, 1974, January 10, 1975, and July 22, 1975 submissions except the rules specified above that are not being acted upon at this time.

Rule 1.3, *Public Records*, now allows emission data to be made available to the public, which is consistent with 40 CFR Part 51.10(e); it is proposed to rescind the current disapproval notice in 40 CFR Part 52.224(a) and rescind the substitute regulation in 40 CFR Part 52.224(b) for Sutter County.

Pursuant to Section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as a SIP revision and, therefore, invites public comment on the State's submission and his proposed approval or disapproval.

Copies of the proposed revision are available for public inspection during normal business hours at the following locations:

Sutter County Air Pollution Control District, 142 Garden Highway, Yuba City, CA 95991.
California Air Resources Board, 1709 11th Street, Sacramento, CA 95814.
Environmental Protection Agency, Region IX, 100 California Street, San Francisco, CA 94111.
Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, DC 20460.

Interested persons may participate in this rulemaking by submitting written comments to the Regional Administrator, EPA, Region IX; Attention: Air and Hazardous Materials Division, Air Programs Branch, California SIP Section; 100 California Street, San Francisco, CA 94111. Relevant comments received on or before October 13, 1976 will be considered. Comments received will be available for inspection during normal working hours at the Region IX office and the EPA Public Information Reference Unit.

This notice is issued under the authority of Section 110 of the Clean Air Act, as amended (42 U.S.C. 1857c-5).

Dated: September 2, 1976.

L. RUSSELL FREEMAN,
Deputy Acting Regional Administrator.

[FR Doc.76-26603 Filed 9-10-76;8:45 am]

[40 CFR Part 180]

[FRL 615-4; PP5F1606/P32]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Tolerance for the Pesticide Chemical 2-Chloro-N-(2-Ethyl-6-Methylphenyl)-N-(2-Methoxy-1-Methylethyl)Acetamide

On April 23, 1975, the Environmental Protection Agency (EPA) gave notice (40 FR 17872) that Ciba-Geigy Corp., PO Box 11422, Greensboro, NC 27409, had filed a pesticide petition (PP 5F1606). This petition proposed that 40 CFR Part 180 be amended by the establishment of tolerances for combined residues of the herbicide (2-chloro-N-(2-ethyl-6-methylphenyl) - N - (2 -methoxy - 1 - methylethyl)) acetamide and its metabolites determined as 2-((2-ethyl-6-methylphenyl)amino) propanol and 4-(2-ethyl - 6 - methylphenyl) - 2 - hydroxy - 5 - methyl-3-morpholinone in or on the following raw agricultural commodities: corn forage and fodder at 0.75 part per million (ppm); fresh corn, including sweet corn (kernels plus cob with husk removed) at 0.05 ppm (negligible residue); and in eggs, milk, and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.02 ppm (negligible residue).

Ciba-Geigy has subsequently amended the petition by requesting that the tolerance for combined residues of the herbicide and its metabolites be established only in or on the raw agricultural commodity corn grain, excluding popcorn, at 0.1 ppm.

Based on data submitted in the petition and all other relevant material, it has been determined that no detectable residues are expected to result in or on corn grain. Short-term feeding studies have been conducted and evaluated, and even though the long-term chronic feeding study requirement will not be satisfied until February 1978, it has been concluded that a tolerance of 0.1 ppm in or on corn can be set at this time. In the event that the chronic study should give any indication of potential or actual adverse effects, the Agency intends to revoke this tolerance. Therefore, no significant chronic exposure would result, and the Agency has determined that the proposed tolerance will protect the public health. The petitioner has also agreed by letter to the Agency dated March 18, 1976 to remove the product from the market if the chronic study should prove the product to be carcinogenic. The 0.1 ppm level is being set at the level of sensitivity of the analytical method for enforcement purposes and will be calculated as a residue at this level in determining cumulative tolerances for this pesticide. The pesticide is considered to be useful for the purpose for which the tolerance is sought, and there is no reasonable expectation of residues in eggs, milk, meat, or poultry as delineated in 40 CFR 180.6(a)(3). Because this petition was amended by increasing the level of residues from that initially requested, the establishment of the 0.1 ppm toler-

ance for residues of the herbicide and its metabolites is being proposed to allow opportunity for public comment. It is, therefore, proposed that the tolerance be established as set forth below.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before October 13, 1976, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St. SW, Washington, DC 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and of others interested in inspecting them. The comments must be received on or before October 13, 1976, and should bear a notation indicating the subject "PP5F1606/P32". All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: September 2, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

(Sec. 408(d)(2), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2))

It is proposed that 40 CFR Part 180, Subpart C be amended by the establishment of a new § 180.368 containing a 0.1 ppm tolerance for combined residues of the herbicide 2-chloro-N-(2-ethyl-6-methylphenyl - N - (2 - methoxy - 1 - methylethyl) acetamide and its metabolites determined as 2-((2-ethyl-6-methylphenyl) amino) propanol and 4-(2-ethyl - 6 - methylphenyl) - 2 - hydroxy - 5 - methyl-3-morpholinone in or on the raw agricultural commodity corn grain (excluding popcorn) to read as follows:

§ 180.368 2 - chloro - N - (2 - ethyl - 6 - methylphenyl) - N - (2 - methoxy - 1 - methylethyl) acetamide; tolerances for residues.

A tolerance is established for combined residues of the herbicide (2-chloro-N - (2 - ethyl-6-methylphenyl) -N-(2-methoxy-1-methylethyl) acetamide and its metabolites, determined as the derivatives, 2 - ((2 - ethyl-6-methylphenyl) amino) propanol and 4-(2-ethyl-6-methylphenyl) - 2-hydroxy-5-methyl-3-morpholinone, each expressed as the parent compound, in or on the following raw agricultural commodity:

Commodity:	*Parts per million*
Corn grain (exc. pop)	0.1

[FR Doc.76-26731 Filed 9-10-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20903; RM-2706]

FM BROADCAST STATIONS, DECATUR, TEX.

Proposed Table of Assignments

Adopted: September 1, 1976.
Released: September 8, 1976.

In the matter of amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations (Decatur, Texas).

1. *Petitioner, proposal and comments:* (a) Notice of Proposed Rule Making is hereby issued concerning the amendment of the FM Table of Assignments (§ 73.202(b) of the Commission's Rules and Regulations) with regard to the community of Decatur, Texas.

(b) The petition for rule making, of which Public Notice was given (Report No. 983) June 8, 1976, was filed on behalf of Wise Media, Inc. (petitioner) proposing the assignment of Channel 244A to Decatur as its first FM assignment. No oppositions were filed to the petition.

(c) Channel 244A could be assigned to Decatur in conformity with the mileage separation requirements provided a site is chosen at least 14.5 kilometers (9 miles) northwest of Decatur.

(d) Petitioner states that if the channel is assigned it will promptly apply for a construction permit to build a broadcast facility.

2. *Demographic data:* (a) Decatur is located in north-central Texas, approximately 61 kilometers (38 miles) northwest of Fort Worth, Texas, and 96 kilometers (60 miles) northwest of Dallas, Texas.

(b) Population: (1970 U.S. Census)—Decatur, 3,240, seat of Wise County, 19,687.

(c) Present aural services: Decatur has no local aural services.

(d) Economic considerations: Petitioner states that the Bureau of Economic Analysis, U.S. Department of Commerce, projects a 139.6 percent increase in population from 1970 through 2020. It notes an effective buying income of $49,206,000 and total retail sales of $27,416,000, for Wise County. In addition, petitioner points out that the six banks in Wise County show total deposits of $50,784,812, in 1975, with an increase of 5,148,486, since 1974. It notes that the economy of the area is based upon oil and gas production, livestock, and gravel production.

3. *Additional considerations:* (a) Petitioner states that, although Wise County is served by six newspapers, it must rely on broadcasting facilities outside of the boundaries of the county. It contends that there is a clear need to have a broadcasting facility to serve the people of Wise County.

(b) In its engineering study, petitioner indicates that a Class A station operating from an assumed site with maximum power and antenna height above average terrain would provide a 70 dBu signal over Decatur because the terrain slopes downward toward Decatur. However, the Commission's terrain study indicates that it may be difficult to provide a 70 dBu signal to the entire community because the terrain configuration is contrary to petitioner's allegation. The petitioner should therefore include a showing that city grade coverage may be obtained over all parts of the community, depicting with particularity the facilities to be used as it would be shown in an application for a construction permit.

(c) Petitioner's engineering study shows a small area of preclusion to be limited to the co-channel (244A).

4. Comments are invited on the following proposal to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules:

City	Channel No. Present	Proposed
Decatur, Tex.		244A

5. The Commission's authority to institute rule making proceedings; showings required; cut-off procedures used; and filing requirements are contained below and are incorporated herein.

6. Interested parties may file comments on or before October 18, 1976, and reply comments on or before November 8, 1976.

Federal Communications Commission.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission Rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, NW., Washington, D.C.

[FR Doc.76-26687 Filed 9-10-76;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 202]

EQUAL CREDIT OPPORTUNITY

Termination of Proposed Rulemaking

CROSS REFERENCE: For a document terminating proposed rulemaking in 12 CFR Part 202 see FR Doc.76-26755 in the Rules section of this issue.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-12758; File No. S7-652]

EXEMPTION OF CERTAIN NON-BANK LENDERS

Broker-Dealer Registration Requirement

The Securities and Exchange Commission today published for comment proposed Rule 15a-5 [17 CFR 240.15a-5] which would exempt from the broker-dealer registration requirement of Section 15(a)(1) of the Securities Exchange Act of 1934 (the "Act") non-bank lenders participating in the guaranteed loan program of the Small Business Administration (SBA).[1] The rule is proposed to be adopted pursuant to section 15(a)(2) of the Act.

Proposed Rule 15a-5 would exempt from the Act's broker-dealer registration requirement non-bank lenders participating in the SBA's guaranteed loan program provided that their securities activities, requiring such registration, are limited to making such loans and selling the guaranteed portion. The exemption would be available to financial institutions participating in the SBA loan program and would permit such institutions to sell the guaranteed portion of a note evidencing any such loan provided that the sale is made through, or to, a broker or a dealer registered with the Commission pursuant to Section 15(a)(1) of the Act.

The text of proposed § 240.15a-5 is as follows:

§ 240.15a-5 Exemption of certain non-bank lenders.

A lender approved under the rules and regulations of the Small Business Administration shall be exempt from the registration requirements of section 15(a)(1) of the Act if it does not engage in the business of effecting transactions in securities or of buying and selling securities for its own account except in respect of receiving notes evidencing loans to small business concerns and selling through, or to, a registered broker or dealer the portion of such notes guaranteed by the Small Business Administration.

Interested persons are invited to submit written views, data and arguments concerning proposed Rule 15a-5 before October 15, 1976. 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. All submissions should refer to File No. S7-652.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 1, 1976.

[FR Doc.76-26583 Filed 9-10-76;8:45 am]

[1] *See* 15 U.S.C. 636.

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.

[Public Notice CM-6/94]

DEPARTMENT OF STATE

STUDY GROUP 6 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Group 6 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on October 14, 1976 at 2:00 p.m. in Room 804 of the Lincoln Campus Center, University of Massachusetts at Amherst.

Study Group 6 deals with matters relating to the propagation of radio waves by and through the ionosphere. The agenda for the meeting on October 14 is:

1. Review international texts and determine further actions requried;
2. Identify needed new texts and establish a time table for the work;
3. Organization for work in consideration of the structure of the international Study Group.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the Chairman. Admittance of public members will be limited to the seating available.

GORDON L. HUFFCUTT,
Chairman, U.S. National Committee.

SEPTEMBER 7, 1976.

[FR Doc.76-26620 Filed 9-10-76;8:45 am]

[Public Notice CM-6/93]

SHIPPING COORDINATING COMMITTEE; SUBCOMMITTEE ON SAFETY OF LIFE AT SEA

Meeting

The working group on subdivision and stability of the Subcommittee on Safety of Life at Sea, a subcommittee of the Shipping Coordinating Committee, will hold an open meeting at 9:30 a.m. on Wednesday, October 6, 1976, in Room 8236 of the Department of Transportation, 400 Seventh Street, S.W., Washington, DC.

The purpose of the meeting is to:

Review the report of the 19th Session of the Subcommittee on Subdivision, Stability and Load Lines of the Intergovernmental Maritime Consultative Organization (IMCO) held in London, June 21-25, 1976; and

Discuss items of work in preparation of the 20th Session of that Subcommittee.

Requests for further information on the meeting should be directed to Mr. William A. Cleary, Jr., United States Coast Guard. He may be reached by telephone on (area code 202) 426-2187.

The Chairman will entertain comments from the public as time permits.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

SEPTEMBER 7, 1976.

[FR Doc.76-26621 Filed 9-10-76;8:45 am]

[Public Notice CM-6/92]

SHIPPING COORDINATING COMMITTEE; SUBCOMMITTEE ON MARITIME LAW

Meeting

A meeting of the Subcommittee on Maritime Law of the Shipping Coordinating Committee will be held at 10:00 a.m. on Friday, October 15, 1976, in Room 6320 of the Department of State, 2201 C Street, N.W., Washington, D.C. The meeting will be open to the public

The purpose of the meeting is to discuss preparations for the Ad Hoc Intergovernmental Group on Container Standards, which meets under the auspices of the United Nations Conference on Trade and Development (UNCTAD). The Ad Hoc Group will meet in Geneva November 1-12, 1976. The principal item on the agenda of the October 15 meeting will be the consideration of the U.S. position for the Ad Hoc Group on Container Standards.

Any questions concerning this meeting should be directed to Mr. Richard Johe, Office of Maritime Affairs, Department of State. He may be reached by telephone on (area code 202) 632-1313.

Comments from the public will be welcomed.

RICHARD K. BANK,
Chairman,
Shipping Coordinating Committee.

SEPTEMBER 2, 1976.

[FR Doc.76-26622 Filed 9-10-76;8:45 am]

[Public Notice CM-6/91]

ADVISORY PANEL ON MUSIC

Meeting

Pursuant to Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that the Advisory Panel on Music has scheduled a meeting to be held on Wednesday, October 6, 1976, in Room 507 at the Department of State, Annex 2, 515 22nd Street, N.W., Washington, D.C. The meeting hours will be from 9:30 a.m. to 12:30 p.m. and from 2:00 p.m. to 5:30 p.m.

The sessions will be open to the public. The agenda is:

(1) review of program policies and guidelines;

(2) review of recent overseas tours in the music field sponsored by the Department of State;

(3) evaluation of tapes and records of performing arts groups which are planning tours abroad, and other music groups which wish to be considered as candidates for grants, sponsorship or other assistance in connection with overseas tours.

Members of the public in attendance who wish to comment on the agenda items may do so, subject to restrictions of time and direction of the Chair.

For the purpose of fulfilling building security requirements, it is requested that persons wishing to attend this open session advise the Executive Secretary, Beverly Gerstein, by telephone before October 4; the telephone number is (area code 202) 632-2846.

The meeting room has a seating capacity of 30, so the public will be admitted on a first-come, first-served basis.

GUY E. CORIDEN,
Director, Office of
International Arts Affairs.

SEPTEMBER 7, 1976.

[FR Doc.76-26623 Filed 9-10-76;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C. Section 925(c) the following named persons have been granted relief from disabilities imposed by Federal laws with respect to acquisition, transfer, receipt, shipment or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding the convictions of each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be dangerous to the public interest.

Allen, Carl L., Jr., RR 2, Box 121, Pattonsburg, Missouri, convicted on March 6, 1972, in the Circuit Court of Daviess County, Missouri.

Ariale, Dominic, 1127 50th Street, Brooklyn, New York, convicted on or about November 12, 1971, in the United States District Court, Eastern District of New York, New York.

Ashworth, Clayton L., Jr., 3039 East Grange Avenue, Cudahy, Wisconsin, convicted on February 18, 1971, in the Circuit Court of the County of Milwaukee, Wisconsin.

Beaumier, Blair E., Route 1, 454 Beaumier Lane, Sobieski, Wisconsin, convicted on March 25, 1970, in the Shawano-Menominee County Court, Shawano County, Wisconsin.

Breitenstein, Dennis M., 54 Aldine Avenue, Reading, Pennsylvania, convicted on December 16, 1964, in the Berks County Court of Common Pleas, Reading, Pennsylvania.

Brewster, Daniel B., Green Road, Glydon, Maryland, convicted on June 25, 1975, in the United States District Court, District of Columbia, Washington, D.C.

Burr, Ronnie K., 113 S. Hill Avenue, Albemarle, North Carolina, convicted on March 27, 1968, in the Superior Court, Stanley County, North Carolina.

Caricofe, Bruce H., P.O. Box 2386, Route 6, Stuart Road, Martinsville, Virginia, convicted on January 6, 1958, in the Circuit Court, Rockingham County, Virginia.

Carson, Charles H., Sr., 2647 Chesapeake Blvd., Norfolk, Virginia, convicted on December 8, 1937, Miami, Florida; on November 9, 1938, in the United States District Court, Eastern District of Virginia; and on September 12, 1939, in the Superior Court, Edgecombe County, North Carolina.

Chack, Thomas J., 2202 Schofield Avenue, Schofield, Wisconsin, convicted on February 5, 1973, in the Circuit Court, Marathon County, Wisconsin.

Criss, Frederick C., 801 German Street, Erie Pennsylvania, convicted on November 19, 1969, in the Erie County Court of Common Pleas, Criminal Division, Erie, Pennsylvania.

Cullop, Edward H., Star Route 4, Box 105, Brightwood, Virginia, convicted on November 1, 1954, in the Roanoke County Circuit Court, Salem, Virginia.

Eakins, John F., 440 Minneopa, Ottumwa, Iowa, convicted on or about December 26, 1972, in the District Court of the State of Iowa, Van Buren County.

Filipow, Louis G., Route 5, Marietta, Ohio, convicted on January 4, 1973, in the General Court of Justice, Superior Court Division, Cumberland County, North Carolina.

Fogle, Robert M., Sr., 2158 Fig Street, Simi Valley, California, convicted on February 12, 1974, in the Superior Court, County of Ventura, State of California.

Grewe, Allen P., 2235 North Snelling, Roseville, Minnesota, convicted on September 7, 1974, in the District Court, Tenth Judicial District, County of Pine, Minnesota.

Hayes, Berlin, 3556 W. 113th Street, Inglewood, California, convicted on November 15, 1967, in the Superior Court of California for Los Angeles County.

Janecek, John C., Route 2, Wilber, Nebraska, convicted on January 8, 1973, in the District Court, Salina County, Wilber, Nebraska.

Kotlarz, Francis J., III, 2415 Buchanan Street, Beaumont, Texas, convicted on June 6, 1968, in the Criminal District Court of Jefferson County, Texas.

Leuty, Ben David, 135 Forrest Lake Drive, NW, Atlanta, Georgia, convicted on January 27, 1972, in the United States District Court, District of New Jersey.

Luna, Felipe J., 645 South 6th Street, Milwaukee, Wisconsin, convicted on or about August 24, 1965, in the Circuit Court, County of Milwaukee, Milwaukee, Wisconsin.

McGee, Bryan T., 924 Eskridge Street, Olympia, Washington, convicted on February 1, 1974, in the Superior Court, County of Thurston, State of Washington.

Menius, Richard Benard, 966 Kenleigh Circle, Winston-Salem, North Carolina, convicted on April 21, 1976, in the United States District Court for Middle District of North Carolina.

Miller, Joe E., 4942 Bellingham E. Drive, Indianapolis, Indiana, convicted on May 25, 1967, in the United States District Court, Southern District of Indiana, Indianapolis, Indiana.

Murray, Raymond E., 3711 East 11th Street, Kansas City, Missouri, convicted on April 3, 1962, in the Circuit Court, Howell County, West Plains, Missouri; and on December 11, 1963, in the Circuit Court, Jackson County, Missouri.

Nalis, Joseph F., 314 Chestnut Street, Harrisburg, Pennsylvania, convicted on July 2, 1969, in the Court of Common Pleas, Dauphin County, Pennsylvania; and on January 8, 1971, in the Court of Common Pleas, Dauphin County, Pennsylvania.

Parrinello, Charles, 3525 Second, Detroit, Michigan, convicted on June 28, 1930, in the Recorder's Court, Detroit, Michigan; and on or about May 26, 1939, in the United States District Court, Eastern Judicial District of Michigan.

Quinn, John Paul, 10726 12th Avenue, NW, Seattle, Washington, convicted on May 12, 1967, in the Superior Court, King County, Washington.

Riley, Fred, Level Plains Trailer Court, Lot 36, Z Street, Level Plains, Alabama, convicted on May 24, 1949, in the Circuit Court for Houston County, Alabama.

Roelofs, Thomas Barry, P.O. Box 52, Capeville, Virginia, convicted on January 10, 1973, in the United States District Court, Eastern District of California, Sacramento, California.

Rogers, Richard Scot, 4904 McCargar, Yakima, Washington, convicted on September 29, 1972, in the Washington Superior Court, County of Kittitas, Washington.

Schott, Robert L., 29827 Charlemagne, Novi, Michigan, convicted on July 25, 1951, in the Circuit Court, First Judicial Circuit, County of Douglas, State of South Dakota.

Schultz, Frederick K., 1410 Primrose Place, Homewood, Alabama, convicted on June 19, 1964, on May 12, 1965, and on October 18, 1967, in the State Court for Norfolk, Virginia.

Shelton, Donald R., 316 East Lexington, Bennington, Kansas, convicted on March 20, 1942, in the District Court of Riley County, Kansas; on October 6, 1943, and on August 16, 1949, in the District Court of Saline County, Kansas.

Shultz, Gregori E., 21 Wingaersheek Road, Gloucester, Massachusetts, convicted on January 27, 1965, in the Middlesex Superior Court, Cambridge, Massachusetts.

Snyder, John N., 3882 Hereford Road, Erie, Pennsylvania, convicted on April 27, 1971, Court of Common Pleas, Erie County, Pennsylvania.

Starcher, Roger L., P.O. Box 3002, Parkersburg, West Virginia, convicted on July 12, 1968, in the Circuit Court of Wood County, West Virginia.

Stevens, James D., 3315 Irving, Denver, Colorado, convicted on April 22, 1968, in the District Court, City and County of Denver, Colorado.

Thielen, John P., 3320 Bridge Street South, Minnetonka, Minnesota, convicted on April 17, 1959, in the District Court, Linn County, Iowa.

Thompson, Thomas F., Jr., Route 1, Box 83, Sugar Grove, Virginia, convicted on March 5, 1969, and on May 12, 1969, in the Circuit Court of Smyth County, Marion, Virginia.

Tonn, Gregory Allen, 1920 Oakdale Avenue, West Saint Paul, Minnesota, convicted on November 16, 1970, in the District Court, Second Judicial District, Ramsey County, Minnesota; and on October 18, 1972, in the District Court, Second Judicial District, Ramsey County, Minnesota.

Waldron, Clarence D., Route 1, Box 11, Hardy, Virginia, convicted on or about December 29, 1971, and on January 11, 1973, in the Circuit Court, Bedford County, Virginia.

Wiessner, Dennis E., 305 N. 10th Street, Allentown, Pennsylvania, convicted on March 8, 1972, in the Court of Common Pleas of Lehigh County, Pennsylvania.

Wiley, Melvin W., R.D. 2, Saegertown, Pennsylvania, convicted on September 12, 1972, in the Court of Common Pleas of Crawford County (Criminal), Pennsylvania.

Wood, Roland, W., 3312 Urban Street, Winston-Salem, North Carolina, convicted on April 6, 1964, and on April 7, 1964, in the Superior Court of Forsyth County, North Carolina.

Signed at Washington, D.C., this 20th day of August 1976.

REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.76-26691 Filed 9-10-76;8:45 am]

Internal Revenue Service

CLOSED MEETINGS OF THE ART ADVISORY PANEL OF THE COMMISSIONER OF INTERNAL REVENUE

Availability of Report

Pursuant to the provision of the Federal Advisory Commitee Act, 5 U.S.C. App. I (Pub. L., 92-463), and OMB Circular A-63 of March 27, 1974, a supplemental report on the closed meetings, during the period November 19, 1974 to July 16, 1975, of the Art Advisory Panel of the Commissioner of Internal Revenue has been filed with the Secretary and furnished to the Library of Congress. Copies of the report are available for public inspection at the following locations:

The Library of Congress, Rare Book Division, Room 256, Main Building, 10 First Street, S.E., Washington, D.C.

Internal Revenue Service, Freedom of Information Reading Room, Room 1565, 1111 Constitution Avenue, N.W., Washington, D.C.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.76-26722 Filed 9-10-76;8:45 am]

DEPARTMENT OF JUSTICE

UNITED STATES V. EXXON CORP.

Stipulation of Settlement in Action To Enjoin Discharge of Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on September 1, 1976, a stipulation of settlement and order in "United States v. Exxon Corporation," was approved and signed by the United States District Court for the Disrtict of Alaska. The stipulation requires Exxon Corporation to pay the United States $100,000 as a civil penalty, to apply to the Environmental Protection Agency for National Pollutant Discharge Elimination System permits for exploratory drilling operations conducted within the territorial seas of the State of Alaska, and to discharge pollutants from such operations only in accordance with the terms of said permits.

Although it is Departmental Policy to allow, in ordinary circumstances, public comment for 30 days prior to entry of a consent decree to enjoin discharges of pollutants the environment, 28 CFR 50.7 recognizes that extraordinary circumstances may require the adoption of an alternative procedure where it is clear that the public interest will not be compromised by that procedure. The Assistant Attorney General of the Land and Natural Resources Division determined that effectuation as soon as possible of the "United States v. Exxon" stipulation—even prior to opportunity for public comment thereon—was of extreme importance to assure that NPDES permits will be sought for all exploratory drilling operations in Alaska. In addition, 33 U.S.C. 1342(b)(3) provides that before any NPDES permit can be issued, there must be the opportunity for a public hearing on each permit application. Thus, in the circumstances of the present case, the Assistant Attorney General has established the following procedures for public comment.

The Department of Justice will receive, from the date of publication of this notice, written comments relating to the stipulation of settlement. Comments should be addressed to the Assistant Attorney General for the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to "United States v. Exxon Corporation," D.J. Ref. 90-5-1-1-483.

The stipulation of settlement may be examined at the office of the United States Attorney, District of Alaska, P.O. Box 680, Anchorage, Alaska; the Clerk of the District Court, District of Alaska, Anchorage, Alaska; and the Pollution Control Section, Land and Natural Resources Division, Department of Justice, Room 2629, Department of Justice Building, Ninth Street and Pennsylvania Avenue, Northwest, Washington, D.C. A copy of the stipulation of settlement may be obtained in person or by mail from the Pollution Control Section.

PETER R. TAFT,
Assistant Attorney General,
Land and Natural Resources Division.

[FR Doc.76-26653 Filed 9-10-76;8:45 am]

Antitrust Division

UNITED STATES V. PARKER-HANNIFIN AND PUROLATOR, INC.

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, the following written comment on the proposed judgment filed with the United States District Court for the Central District of California in Civil Action No. 71-1011-FW, C.D. Calif., *United States of America* v. *Parker-Hannifin Corporation and Purolator, Inc.*, was received by the Department of Justice and is published herewith, together with Justice's response to this comment.

Dated: September 3, 1976.

CHARLES F. B. MCALEER,
Assistant Chief, Judgments and Judgment Enforcement Section, Antitrust Division.

GRUMMAN AEROSPACE CORPORATION,
Bethpage, N.Y., August 19, 1976.

MR. DWIGHT MOORE,
Chief, Los Angeles Office, Antitrust Division, Department of Justice, Los Angeles, Calif.

Re United States v. Parker-Hannifin Corp. et al., Civil No. 71-1011-LTL, United States District Court, Central District of California.

Reference: Letter dated October 28, 1974 from W. D. Paxson of Grumman Aerospace Corporation to Raymond P. Hernacki, Esq., Department of Justice.

DEAR MR. MOORE: Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)-(h)) and Section V of the Competitive Impact Statement filed on June 22, 1976 in the captioned proceeding relating to the proposed consent judgment submitted for entry also on June 22, 1976 in this proceeding, we respectfully submit our comments on said proposed judgment as set forth below.

As we stated in the above-referenced letter to the Department of Justice, our preference is not to have any divestiture by Parker-Hannifin. However, we fully recognize that the antitrust laws must be enforced. At the same time, we trust it is understood that our principal interest as a prime contractor for the Department of the Navy is one of fulfilling our obligations under the F-14A prime contract including required delivery schedules and of minimizing costs to Grumman and the Department of the Navy. It is paramount that Grumman prevent any disruption of scheduled F-14A deliveries or any additional cost burdens to the F-14A program.. In consideration thereof and of the inclusion of ten important F-14A fuel system components in the divestiture, we are particularly interested in the selection of the purchaser under the divestiture and in the purchaser's design and production capabilities, engineering skills and financial and management qualifications.

Accordingly, we recommend that the proposed judgment be amended to provide that prior to approval by the Plaintiff or the Court of the divestiture under provisions of Section IX B, the pertinent Prime Contractors (including Grumman) shall be advised in writing by the Plaintiff of the name of the proposed purchaser and all pertinent information respecting the proposed divestiture, and afforded reasonable opportunity, but not less than thirty days, to submit written comments thereto which shall be evaluated and considered in determining whether or not approval of the divestiture should be given.

Very truly yours,

JOHN O'BRIEN,
Senior Vice President.

UNITED STATES
DEPARTMENT OF JUSTICE,
ANTITRUST DIVISION,
Los Angeles, Calif., August 30, 1976.

Mr. JOHN O'BRIEN,
Senior Vice President,
Grumman Aerospace Corporation,
Bethpage, N.Y.

Re: United States v. Parker-Hannifin Corp., et al.

DEAR MR. O'BRIEN: In your letter of August 19, 1976 you expressed the concern of Grumman Aerospace Corporation (Grumman) that the purchaser of the assets to be divested by Parker-Hannifin under the proposed judgment have the requisite design and production capabilities, engineering skills and financial and management qualifications to produce the ten F-14A fuel system components included in the divestiture without disruption of scheduled F-14A deliveries or any additional cost burdens to the F-14A program. We share these concerns and have included provisions in the proposed judgment to achieve these goals.

For example, Section V B of the proposed judgment states:

B. The contract of divestiture and divestiture ordered by this Final Judgment shall be made to a single purchaser who shall demonstrate to the plaintiff that it has the potential to design and manufacture the Divestiture Components. Divestiture shall be accomplished so as to not disrupt delivery schedules, and should be made so as to minimize inconvenience to prime contractors.

Additionally, Section V E requires that Parker-Hannifin reimburse each prime contractor, including Grumman, for the additional costs resulting from the divestiture and Sections V C and V D of the proposed judgment require Parker-Hannifin to assist the purchaser in promptly accomplishing the divestiture.

You also suggest that the proposed judgment be amended to provide that Grumman be given the opportunity to submit written comments concerning the proposed purchaser to be considered in determining whether or not approval of the divestiture should be given. We can afford Grumman the desired opportunity to comment, without the necessity of amending the judgment, because as plaintiff, we must approve the proposed purchaser. This is mandated by Section IX B, which provides:

B. The divestiture ordered by this Final Judgment shall be first approved by the Plaintiff, or failing such approval, the approval of the Court, after reasonable notification to the plaintiff that defendant intends to seek Court approval.

Also, Section IX D states:

D. At least sixty (60) days in advance of the anticipated closing date of any contract of divestiture pursuant to this Final Judgment, Parker shall supply plaintiff with the name of the proposed purchaser, and all pertinent information respecting the proposed divestiture, together with any additional information plaintiff may request. Plaintiff will advise Parker in writing, within 30 days after Parker has supplied all the requested information, of plaintiff's objections, if any, to the proposed divestiture.

Thus, I can assure you that the Antitrust Division will consult with Grumman, the Department of the Navy, and other knowledgeable persons or firms before approving the proposed purchaser and the terms of the proposed divestiture. It is therefore believed that the proposed judgment, as written, combined with this expressed intention of the Antitrust Division to consult Grumman before approving any proposed divestiture, provides for Grumman's input so that an amendment of the proposed judgment is unnecessary. We are required to publish your letter and this reply, forthwith, in the FEDERAL REGISTER.

Thank you for your comments.

Sincerely,

RAYMOND P. HERNACKI,
Assistant Chief,
Los Angeles Field Office.

[FR Doc.76-26615 Filed 9-10-76;8:45 am]

UNITED STATES OF AMERICA V. N.V. NEDERLANDSCHE COMBINATIE VOOR CHEMISCHE INDUSTRIE, ET AL.

Proposed Judgment

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, the following written comments on the proposed judgment filed with the United States District Court for the Southern District of New York in Civil Action No. 70 Civ. 2079 (D.N.E.), *United States of*

America v. N. V. Nederlandsche Combinatie Voor Chemische Industrie, et al., were received by the Department of Justice and are published herewith, together with Justice's response to the comments.

CHARLES F. B. MCALEER,
Assistant Chief, Judgments and Judgment Enforcement Section.

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

United States of America, Plaintiff, against N. V. Nederlandsche Combinatie Voor Chemische Industrie, et al., Defendants. ((D.N.E.) Civil No. 70 Civ. 207.)

PLAINTIFF'S THIRD RESPONSE TO COMMENTS UPON THE PROPOSED CONSENT JUDGMENT BETWEEN THE UNITED STATES AND DEFENDANTS BOEHRINGER MANNHEIM GMBH AND VEREINIGTE CHININFABRIKEN ZIMMER & CO. GMBH

This response is directed to the third and final group of comments (attached hereto as Exhibit A) upon the proposed consent judgment between the United States and defendants Boehringer Mannheim GmbH and Vereinigte Chininfabriken Zimmer & Co. ("consenting defendants"). These comments were received during the period following June 30, 1976 and ending July 29, 1976, the closing date for all comments. This response is made in accordance with the provisions of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16 (b) & (d)).

The proposed consent judgment and Competitive Impact Statement were filed with the Court on April 30, 1976, and published in the Federal Register on May 3, 1976 (41 Fed. Reg. 18328–34 (1976)). Comments received as of May 29th and the response of the United States thereto ("First Response to Comments," attached hereto as Exhibit B), dated June 18, 1976, were published in the Federal Register on July 1, 1976 (41 Fed. Reg. 27090–95 (1976)). Comments received as of June 30, 1976 and the response of the United States thereto ("Second Response to Comments"), dated July 26, 1976, were published in the Federal Register on August 3, 1976 (41 Fed. Reg. 32441–45 (1976)). This response and the comments to which it is directed will also be published together in the Federal Register.

During this third comment period the Department of Justice received three comments upon the proposed consent judgment. One comment, received from a consumer of quinidine-based drugs, is directed toward the continued high prices of these products. Another comment, written by a registered pharmacist, inquires as to the procedures available to obtain monetary recovery for alleged overcharges for quinidine-based drugs. Copies of plaintiff's First Response to Comments together with this response have been mailed to the writers of these comments.

A third letter, written under a fictitious name, purports to have evidence or knowledge that a quinine cartel still exists and controls the supply of the raw material used in the production of quinine and quinidine-based drugs. This writer suggests that the raw material, cinchona bark, should be made available at a non-discriminatory price to any and all qualified parties who wish to produce quinidine.

I. THE EXTREME PRICE INCREASE FOR QUINIDINE-BASED PRODUCTS IN THE POST-1966 PERIOD AND PRIVATE REMEDIES AVAILABLE TO USERS OR PURCHASERS OF QUINIDINE-BASED PRODUCTS

In plaintiff's First Response to Comments (See Exhibit B below), factors which could have contributed at least in part to the post-1966 price increases of quinidine-based products are discussed. Also discussed in plaintiff's First Response to Comments are the private remedies available to users of quinidine-based products. The inquiry made by Mr. Robert A. Garland, a registered pharmacist, as to what remedies he might have for recovery, is covered by Part II of the First Response to Comments (See Exhibit B, attached), which discusses the effect of a prior class action brought on behalf of wholesalers and retailers of quinine, quinidine, other cinchona products and any other related products or substances. If Mr. Garland is not foreclosed from recovery by that class action, or if he believes that price increases during the post-1966 period are the result of violations of the antitrust laws, he retains his right to bring antitrust civil damage or injunctive proceedings against consenting defendants or any of the original defendants in the above entitled action. This consent decree, however, when approved by the Court, may not be used as *prima facie* evidence in private litigation pursuant to Section 5(a) of the Clayton Act (15 U.S.C. § 16(a)).

II. ALLEGATION THAT A CARTEL CONTROLLING THE SUPPLY OF THE RAW MATERIAL, CINCHONA BARK, EXISTS AND SUGGESTION THAT CINCHONA BARK BE MADE AVAILABLE TO ALL POTENTIAL PRODUCERS OF QUINIDINE

Plaintiff has received an extensive comment from a writer using a fictitious name, A. A. Curiae, alleging that a German and Dutch cartel exists that controls the supply of the raw material, cinchona bark, and by virtue of this exclusive access to the raw material controls the production and marketing of bulk quinidine, thereby maintaining high prices for quinine and quinidine.

Because this comment is written under a fictitious name, plaintiff has no direct means of contacting the writer to request the evidence underlying his allegations. Entry of the proposed consent judgment, of course, will not terminate consideration or investigation of complaints or indications of post-judgment violations in the industry. Facts underlying complaints of antitrust violations should, therefore, be brought to the attention of the Department of Justice.

The writer also suggests that cinchona should be made available at a non-discriminatory price to any and all qualified parties who wish to produce quinidine. Pursuant to Paragraph V of the proposed decree, for a period of ten years, if consenting defendants (including each of consenting defendants' subsidiaries, successors and assignees) sell any product (defined in Section II of the proposed final judgment as cinchona or any pharmaceutical product composed in whole or in part of quinine, quinidine or cinchona derivatives or any other product containing a not insubstantial amount of any of these substances) to any person other than a distributor purchasing only for resale, they must sell such product to any financially and commercially responsible person if the product is available and not a specialty product. Moreover, Paragraph IV of the proposed consent judgment prohibits consenting defendants, through arrangements with others, from confining the processing or manufacturing of the product to any certain manufacturers or processors and through such arrangements from allocating, dividing or sharing purchases of cinchona bark. These and other prohibitions coupled with affirmative obligations imposed upon consenting defendants are designed to foster competition within this industry.

Plaintiff, in connection with relief in this case, does not, however, have the power to control the acts of the governments of the major cinchona-producing countries, which, as is discussed in Section I of plaintiffs First Response to Comments (See Exhibit B below), regulate the export of and the export price of cinchona bark and its derivatives.

Dated: August 26, 1976.

Respectfully submitted: Donald A. Kaplan and Julie Brooks Murray.

EXHIBIT A

ROANOKE, VA., *June 16, 1976.*

Hon. Judge DAVID N. EDELSTEIN,
U.S. District Court,
New York, N.Y.

DEAR JUDGE EDELSTEIN: This communication is directed to you in regard to the proposed Quinine settlement as delineated in one of the drug journals. As a drug store owner and Pharmacist during the period in question, I remember quite well the dramatic price increases of these drugs, perhaps as high as five or six times the price we were accustomed to.

Accordingly, what steps should this writer make and to whom for any claim that might be due me as a result of these overcharges?

Thanking you for your attention to this matter, I am,

Yours truly,

ROBERT A. GARLAND,
Registered Pharmacist.

Mr. JOEL DAVIDOW,
Chief, Foreign Commerce Section, Antitrust Division, Department of Justice, Washington, D.C.

DEAR SIR: Considering that the matter critically affects the lives of millions of U.S. citizens, one has to be dismayed at the small number and piteous quality of the letters you have received in the matter of: *United States v. N.F. Nederlandsche Conbinatie Voor Chemische Industrie, et al.* (FEDERAL REGISTER, July 1, 1976).

Even more dismaying is the feeble, fatuous and disingenuous reply to these letters prepared by Messrs. Kaplan and Murray for the Department of Justice. Does anyone really believe that "interviews with leading U.S. pharmaceutical manufacturers, importers and government officials of nations which produce the raw material" have yielded reliable or useful information in this matter? They are simply passing on propaganda generated by the cartel. For the pharmaceutical manufacturers, when the bulk price of Quinidine goes up, the price of their tablets and the size of their profit goes up. Should one expect them to be concerned out of altruism? One might reflect in this connection that merely 4 or 5 pharmaceutical houses supply well over 80% of all Quinidine preparations prescribed in the U.S. Who wants to rock that boat, the annual market value of which is many times the market value of the bulk Quinidine?

The Quinidine market is as thoroughly cartelized today as it ever was. Does anyone believe that Dutch control of Indonesian raw material ceased when Indonesia's Dutch colonial status ceased? Does anyone find it remarkable that the German and Dutch shares of the bulk Quinidine market remain constant at about 85% of all Quinidine imported into the U.S.? Does anyone think it significant that Quinidine produced from new Cinchona plantations in Zaire costs the same as Quinidine produced from old Cinchona plantations in Indonesia? With the U.S. market for bulk Quinidine now exceeding $30,000,000 in value and the technology for producing Quinidine being in the public domain, why is its production still so overwhelmingly dominated by the same Dutch and German interests?

It is useful to recall that several years ago the U.S. firm Hexagon Laboratories began the

production of Quinidine using U.S. Government stockpiled Quinine as raw material. Shortly thereafter, the U.S. broke its contract to supply this Quinine to Hexagon and subsequently sold it to the Dutch party of the cartel. How is one to infer from this history that the U.S. has a really serious interest in decartelizing the Quinidine market?

Quinine sold for the production of Quinidine has essentially the same quality as Quinine sold for consumption as such. How can it be explained then that the former is sold at a considerably lower price than the latter? Is it unreasonable to suggest that someone with long colonial experience might know exactly how to go about acquiring a virtual monopoly on the raw material upon which Quinidine production depends? The control of raw material is not only a matter of price, it is a matter of access. Who has the access in Indonesia?

Who has it in Zaire? Who would be surprised to discover that it is none other than the well-known Dutch and German parties to the cartel? Regardless of the "nationalization" of Cinchona production in Indonesia and Zaire, the practical fact is that the production and marketing of bulk Quinidine are as tightly controlled as ever.

Where does relief from this situation lie? Shortage of Cinchona, if in fact one ever existed, was brief and transient. Cinchona is now in abundant supply and will remain so at the growers' will. As long as Cinchona is available only in highly localized areas and is "nationalized" in these areas, the price of Quinine, hence also Quinidine, will remain high. The prospect that Zaire will place itself in aggressive competition with Indonesia is as unlikely as that the Dutch and Germans will actually compete with each other. Could it be that the two situations run parallel?

What can be undertaken, at the least, is an effort to make these plentiful raw materials available at non-discriminatory prices to any and all qualified parties who wish to produce Quinidine.

Very truly yours,

A. A. CURIEA.

cc: Hon. DAVID N. EDELSTEIN,
Chief Judge, U.S. District Court, Southern District of New York.

JUNE 22, 1976.

MRS. MANNIE J. DOLIN
2 Bratenahl Place
Bratenahl, Ohio 44108.

DEAR SIRS: Under Doctor's orders I have been taking Quinaglute Dura-Tabs NDC 41-101-10 (Quinidine gluconate) manufactured by Cooper Laboratories, Wayne, N.J. 07470, U.S.A. I am now paying $27.80 per hundred. I was told the war raised the price but see no reduction since its ending.

Sincerely,

RHODA DOLIN.

EXHIBIT B

UNITED STATES DISTRICT COURT, FOR THE SOUTHERN DISTRICT OF NEW YORK

United States of America, plaintiff, against N. V. Nederlandsche Combinatie Voor Chemische Industrie, et al., defendants. (D.N.E.; Civil No. 70, Civ. 2079.)

PLAINTIFF'S RESPONSE TO COMMENTS UPON THE PROPOSED CONSENT JUDGEMENT BETWEEN THE UNITED STATES AND DEFENDANTS, BOEHRINGER MANNHEIM GMBH AND VEREINIGTE CHININFABRIKEN, ZIMMER & CO. GMBH

This response to comments upon the proposed consent judgment between the United States and defendants Boehringer Mannheim Gmbh and Vereinigte Chininfabriken Zimmer & Co. Gmbh ("Consenting Defendants") is made and filed in accordance with the provisions of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16(b) & (d)). The proposed consent judgment and a Competitive Impact Statement were filed with the Court on April 30, 1976 and published in the FEDERAL REGISTER on May 3, 1976 (41 Fed. Reg. 18328-18334 (1976)). Comments received as of May 29, 1976 will be published simultaneously with this response and typewritten copies of the comments are attached hereto as Exhibit A.

As of May 29, 1976 the Department of Justice has received 32 comments upon the proposed consent judgment. Other than simple requests for copies of the settlement papers, these comments with one exception (discussed below) are concerned with three topics: (1) the sharp increase in price for quinidine-based drugs in the post 1966 period; (2) the availability of private remedies for supposed overcharges for quinidine-base drugs related to these price increases; and (3) the effect of the proposed consent judgment on the present prices to the consumer of quinine and quinidine-based products. One additional comment raises a number of different questions which will be discussed separately below.

I. THE EXTREME PRICE INCREASE FOR QUINIDINE-BASED PRODUCTS IN THE POST 1966 PERIOD

Almost all of the comments upon the proposed consent judgment are directed at the substantial increase in retail prices for quinidine-based drugs which has occurred mainly in the early 1970's. While the complaint in this action, which was filed on May 21, 1970, alleges a conspiracy beginning in 1958 and ending in 1966, the proposed judgment is designed to prevent these consenting defendants from engaging in any illegal price fixing, customer or market allocation or bid rigging in the future. Unfortunately, factors not within control of these consenting defendants and, thus, beyond the power of this consent judgment to remedy, have undoubtedly contributed to the recent price increases.

In order to determine reasons for recent price increases, the Department of Justice conducted interviews with leading United States pharmaceutical manufacturers, importers and government officials of nations which produce the raw material (cinchona bark). These inquiries indicate several factors other than illegal private collusion may, in part, explain the price increases.

A significant factor affecting current prices is the involvement of governments in the production, pricing and export of raw cinchona bark. For instance, Indonesia, the largest producer of cinchona bark, has nationalized almost all of the cinchona plantations and controls the export of cinchona products through a government-owned company. In addition, Indonesian law forbids the export of the raw bark, requiring that it be processed initially in Indonesia. One result is that prices charged for quinine sulphate by the Indonesian government-owned company to United States importers rose from approximately $70 per kilogram (2.2 pounds) to approximately $190 per kilogram between June 1974 and June 1975. Another example of government involvement is found in Zaire, the only other major producer of cinchona bark. Although both public and private ownership of cinchona plantations exists in Zaire, the export price of cinchona bark is controlled by the government. Price increases that are a result of regulation by foreign governments within their borders may be beyond the reach of the antitrust laws of the United States.

According to all sources interviewed, another major factor contributing to the price increases is an unprecedented and unanticipated increase in the demand for quinidine heart medicine and for quinidine antimalarial agents. The problem of increased demand is compounded by the fact that it takes at least seven years, and more often 14 years, before cinchona trees mature enough to be commercially useful. Even then, the bark may be stripped only at seven-year intervals. Therefore, it would normally take nearly a decade for the supply of raw material to respond to a dramatic increase in demand as is presently occurring.

Adding to the problem are international currency fluctuations and the devaluation of the United States dollar that have occurred in the past several years, which put United States purchasers of West German and Dutch products (whose currencies are among the strongest) at a disadvantage. As most cinchona products are processed by West German and Dutch businesses (consenting defendants are West German corporations), these currency fluctuations and devaluations are probably reflected in quinine prices. Still another factor contributing to the price increases is the pervasive world-wide inflation, which has pushed up cost at every stage of production of the product. This inflation has generally been more pronounced outside the United States; thus, products imported into the United States such as quinine and quinidine reflect these higher rates of inflation.

In summary, many significant factors, other than conduct by consenting defendants and other private persons and firms subject to attack under our antitrust laws, may be among the causes for the recent price increases for quinidine-based drugs. Nonetheless, the Department of Justice will continue to monitor the situation for evidence of illegal practices, not only as part of its continuing specific responsibility for supervision under the proposed consent judgment, but also pursuant to its general responsibility to protect the American consumer against violations of the antitrust laws.

II. PRIVATE REMEDIES AVAILABLE TO USERS OF QUINIDINE-BASED DRUGS RELATED TO RECENT PRICE INCREASES

If users of quinidine-based drugs believe that the recent price increases are the result of violations of the antitrust laws, they retain their full rights to bring antitrust civil damage actions against consenting defendants or any of the original defendants in the above entitled action. Section 4 of the Clayton Act (15 U.S.C. § 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages such person has suffered. The entry of the proposed final judgment will not have any effect on the right of any potential private plaintiffs claiming they have been damaged as a result of post 1966 conduct to sue for monetary damages or any other legal or equitable remedies.

However, with respect to persons believing they have been overcharged for quinidine products or otherwise damaged as a result of the activities during the 1958 to 1966 period which were the subject of the complaint in this action, their rights to sue under Section 4 of the Clayton Act may be foreclosed as a result of two antitrust class actions brought on behalf of consumers of cinchona bark derivative products and wholesalers and retailers of these same products in the United States District Court for the Eastern District of Pennsylvania. A class action entitled *Mary Cusick, Executrix of the Estate of Richard J. Cusick, Deceased, et al.* v. *N. V. Nederlandsche Combinatie Voor Chemische Industrie, et al.*, Civil Action No. 68-2457 (the "Cusick action"), was

filed on November 6, 1968 on behalf of individual consumers of quinine, quinidine, other cinchona products and any other related products or substances, who would have suffered as a result of the same violations alleged in the complaint in this action. A second class action entitled *Sol S. Turnoff Drug Distributors, Inc., et al.* v. *N. V. Nederlandsche Combinatie Voor Chemische Industrie, et al.*, Civil Action 69-1883 (the "Turnoff action"), was brought on August 14, 1969 on behalf of wholesalers and retailers of the same products, suffering as a result of the same alleged violations. Boehringer was named as a defendant in both actions and contributed $180,000 to a joint settlement pool, which totaled $1,300,000. The plaintiff makes no comment with respect to the effect of these settlements on Boehringer's wholly-owned subsidiary, Zimmer, which was named in the complaints but not in the settlements.

Against the total settlement pool all injured members of the two classes were entitled to file claims. An order establishing the classes for settlement purposes and providing for notice to class members was signed by the United States District Court for the Eastern District of Pennsylvania on April 10, 1973. The terms of the settlement and notices of the opportunity to file claims or to request exclusion from the settlement pursuant to Rule 23(c)(2) of the Federal Rules of Civil Procedure were printed in English or Spanish newspapers throughout the United States. The individual druggists and wholesalers each received a similar notice by direct mail. Approximately 750 consumer claims and 750 wholesaler and retailer claims were filed. A final order approving the settlement was signed by the same court on June 25, 1973.

As a consequence of these settlements, all potential users, retailers or wholesalers of cinchona bark products, except for those requesting exclusion from the two classes, had an opportunity to receive relief based upon the same antitrust violations by consenting defendant Boehringer alleged in the complaint in this action. All other potential private plaintiffs who might have been damaged by the alleged violations retain their rights to sue for monetary damages and any other legal and equitable relief based on the 1958-1966 period. However, this proposed consent judgment, when approved by the Court, may not be used as prima facie evidence in private litigation pursuant to Section 5(a) of the Clayton Act (15 U.S.C. § 16(a)).

III. EFFECT OF THE PROPOSED CONSENT JUDGMENT ON THE PRESENT PRICES TO THE CONSUMER OF QUININE AND QUINIDINE-BASED PRODUCTS

The effects of the proposed consent judgment are described in detail beginning at Section 3 of the Competitive Impact Statement, entitled "The Proposed Consent Judgment And Its Antiticipated Effects On Competition." The comments, however, are generally addressed to what effect the proposed consent judgment wil have upon persons who are paying present prices for quinidine-based drugs. To the extent these prices are the result of the factors described under Section I above, the proposed consent judgment will have little effect on such prices, and will offer little opportunity for redress to consumers. However, the proposed consent judgment will prevent and restrain consenting defendants from taking any action of a nature similar to that alleged in the complaint, such as fixing prices, allocating markets, rigging bids, establishing quotas and allocating supplies, which might have contributed to the recent sharp price increase. The goal of this final judgment is a more diverse and competitive industry in quinine and quinidine drugs at both the manufacturing and the refining stage (at least with respect to private persons and firms).

IV. RESPONSE TO ADDITIONAL QUESTIONS AND COMMENTS RAISED BY JAMES MORGAN SCOTT, JR.

In addition to inquiries siimlar to those raised by other persons commenting upon the proposed judgment, Mr. James Morgan Scott, Jr. raises several additional questions and puts forward several additional comments which are dealt with below.

Mr. Scott inquires as to the total damage to the United States public caused by the known and suspected illegal practices of consenting defendants. There has been no determination of the total damage to the United States public resulting from the practices alleged to have been committed by consenting defendants during the period of the conspiracy, 1958 to 1966. However, to the extent that damages to the United States as a quinine purchaser and seller and damages to members of the quinine-product consuming public or to sellers of these products make up part of the total damage to the United States public, some figures are available. Defendant Boehringer has paid $100,000 in settlement of a damage suit brought by the United States based upon the allegations similar to those in this action, *United States* v. *N. V. Nederlandsche Combinatie Voor Chemische Industrie, et al.*, 70 Civ. 2080 (S.D.N.Y., filed May 21, 1970). Defendant Boehringer also contributed $180,000 to the settlement of the two private treble damage class actions referred to in Section II above. Of course, these amounts do not necessarily represent the total damage to the United States Government or to the members of the private treble damage class allegedly sustained at the hands of consenting defendants for their actions during the period 1958 to 1966 any more than does any other settlement of a damage action.

Mr. Scott next poses three questions as to the wisdom and propriety of the settlement and why no damages were recovered. The United States does not, by this proposed consent judgment, concede the innocence of consenting defendants, nor do consenting defendants concede any wrongdoing under the antitrust laws. The essence of a consent judgment is that the parties have seen fit to avoid the cost and uncertainties of full litigation in favor of this proposed consent judgment which, as stated in the Competitive Impact Statement, provides for relief which fully prohibits and corrects the violations alleged in the complaint.

In Section 4 of the Competitive Impact Statement, the Government's position with respect to the alternative of full trial on the merits is stated fully. Furthermore, the sole purpose of this action was to enjoin and restrain consenting defendants from continuing or renewing any of the violations of the antitrust laws alleged in the complaint. No damages were sought in this action. A separate damage action brought on behalf of the United States (described in Section 3 of the Competitive Impact Statement) was settled for $100,000.

Mr. Scott inquired as to the cost to United States taxpayers of this lawsuit thus far. This action was filed on May 21, 1970 and was part of a larger investigation by the Department of Justice that began in 1966 with Grand Jury hearings. During the early Grand Jury stages of the investigation, two or three attorneys from the Antitrust Division were devoting nearly full time to the investigation. This lasted approximately one and one half to two years. Subsequent to indictments by the Grand Jury in 1968, a much smaller amount of time was expended, since most of the activity in the case was related to the settlement agreements reached with various defendants. Thus, in total, approximately three to five person-years in attorneys' time have been spent in the investigation, litigation and settlement of all aspects of the criminal, civil injunctive and civil damage cases involving the quinine cartel of the 1958 to 1966 period. Mr. Scott also inquired as to the number of active cases in the Antitrust Division and how many cases have been filed. As of April 30, 1976, there were 150 pending cases in which the Antitrust Division of the Department of Justice presently has responsibility. Since July 1, 1969, the Antitrust Division has initiated 464 civil and criminal cases.

Mr. Scott also inquired as to the percentage of complaints to the Antitrust Division which result in the filing of a case and what portion of filed cases result in settlements. There is no way to determine what percentage of complaints by members of the public result in the filing of cases by the Antitrust Division. Very often investigations are commenced before any complaint is received. On the other hand, many complaints do not involve violations of the antitrust laws. The great majority of all cases filed by the Antitrust Division result in settlement, either by a consent judgment in civil cases or by pleas of nolo contendere or guilty in criminal cases.

Mr. Scott requests further explanation of the statement, following Section 6 of the Competitive Impact Statement, that no materials and documents of the type described in Section (b) of the Antitrust Procedures and Penalties Act (15 U.S.C. § 16(b)) were considered determinative in formulating this proposed consent judgment. Such statement simply means that no one particular document or group of documents alone convinced the Department of Justice to enter into the proposed consent judgment presented to the Court for its approval. The Department was, of course, aware of the numerous documents produced in this action and the testimony of witnesses before the Grand Jury. It was the totality of this evidence rather than any particular part of it or any document subsequently furnished to the Department of Justice which was determinative in formulating the proposed consent judgment. Consequently, Mr. Scott's next comment, where he suggested that it would be more truthful to say that several hundred pounds of material were considered determinative in reaching the settlement, is not entirely incorrect. Within the meaning of the statutory requirements, however, no such documents in and of themselves were "determinative", but it is correct to assume that the substantial evidence upon which the original lawsuit was based was considered by attorneys for the Department of Justice in connection with this proposed consent judgment.

Mr. Scott's final inquiry concerns the volume of the pleadings and transcripts in this case. With respect to consenting defendants, the only documents filed are the complaint, proposed consent judgment, Competitive Impact Statement, two orders by the Court related to the procedures under the Antitrust Procedures and Penalties Act and a statement pursuant to section 2(g) of the Act (15 U.S.C. § 16(g)) filed by consenting defendants. There was one hearing in court related to the settlement, on December 9, 1974. The transcript of that proceeding contains 42 pages.

Dated: June 17, 1976.

Respectfully submitted,

DONALD A. KAPLAN.
JULIE BROOKS MURRAY.

[FR Doc.76 26016 Filed 9-10-76;8:45 am]

Law Enforcement Assistance Administration

NATIONAL MINORITY ADVISORY COUNCIL ON CRIMINAL JUSTICE

Meeting

This is to provide notice of meeting of the National Minority Advisory Council on Criminal Justice (NMACCJ).

The Advisory Council will meet on October 8 and 9, 1976. The meeting will be held at the Seattle Hilton Hotel, 6th and University, Seattle, Washington 98101. The meeting will convene at 9:00 a.m. and will be open to the public. Discussion will continue on the methodology to be utilized in accomplishing the national needs assessment of minorities and their relationship with the criminal justice system.

For further information, please contact Mr. Lewis W. Taylor, Special Assistant to the Administrator for Minorities and Women, 633 Indiana Avenue, NW., Washington, DC 20531, telephone number 202/376-3936.

JAY A. BROZOST,
Attorney-Advisor,
Office of General Council.

[FR Doc.76-26652 Filed 9-10-76;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: San Diego Zoological Garden, Post Office Box 551, San Diego, California 92112. Clyde A. Hill, Curator of Mammals.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED:
Export two male and two female black & white ruffed lemurs Varecia variegata, endangered species for breeding in captivity

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
San Diego Zoological Garden
P. O. Box 551
San Diego, California 92112
Phone: 714-234-5151

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☐ MR. ☐ MRS. ☐ MISS ☐ MS. | HEIGHT | WEIGHT
DATE OF BIRTH | COLOR HAIR | COLOR EYES
PHONE NUMBER WHERE EMPLOYED | SOCIAL SECURITY NUMBER
OCCUPATION

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OF KIND OF BUSINESS, AGENCY, OR INSTITUTION
Public zoo - Wildlife exhibition, research programs in addition to educational and related activities

ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT

NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC. Clyde A. Hill, Curator of Mammals 714-234-5151
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Export from San Diego, CA

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☒ YES ☐ NO
(If yes, list license or permit numbers)
PRT 8-383-I-E, ES409
1962-10 (of 1944 law issued 62)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)
Not required

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF
$ Not required

10. DESIRED EFFECTIVE DATE
ASAP

11. DURATION NEEDED
Until terminated

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(a)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (Do not print) Clyde A. Hill | Clyde A. Hill | DATE 28 July 1976

3-200
10/75

INSTRUCTIONS

ZOOLOGICAL SOCIETY OF SAN DIEGO,
San Diego, Calif., July 28, 1976.

Director (FWS/LE),
U.S. Fish and Wildlife Service, U.S. Department of the Interior, P.O. Box 19183, Washington, D.C.

DEAR SIR: The San Diego Zoological Garden requests an endangered species permit to export two male and two female black and white reffed lemurs *Varecia variegata.*

1. COMMON AND SCIENTIFIC NAMES OF THE SPECIES OR SUBSPECIES, NUMBER, AGE AND SEX OF THE WILDLIFE TO BE COVERED IN THE PERMIT.

The San Diego Zoo has a male and two female black and white ruffed lemurs *Varecia variegata* born in 1972 at our institution, plus a male born here in 1974. We propose to sell these primates to the Assiniboine Park Zoo, 2355 Corydon Avenue, Winnipeg, Manitoba, Canada R3P OR5. Mr. Ken Chisholm of Mich Ken Breeding Farms, 01314 Charlevoix Street, Montreal Quebec H3K 2Z9 will be acting as the Winnipeg Zoo's agent.

2. COPY OF THE CONTRACT OR OTHER AGREEMENT UNDER WHICH SUCH WILDLIFE IS TO BE IMPORTED, SHOWING THE COUNTRY OF ORIGIN, NAME AND ADDRESS OF THE SELLER OR CONSIGNOR, DATE OF THE CONTRACT, NUMBER AND WEIGHT (IF AVAILABLE), AND DESCRIPTION OF THE WILDLIFE.

Attached are photocopies of letters from Mr. Clive G. Roots, Zoo Director, and Mr. Chisholm. Data to fulfill this section are contained in these letters.

3. A FULL STATEMENT OF JUSTIFICATION FOR THE PERMIT INCLUDING DETAILS OF THE PROJECT OR OTHER PLANS FOR UTILIZATION OF THE WLDLIFE IN RELATION TO ZOOLOGICAL, EDUCATIONAL, SCIENTIFIC, OR PROPAGATIONAL PURPOSES AS APPROPRIATE AND THE PLANNED DISPOSITION OF THE WILDLIFE UPON TERMINATION OF THE PROJECT.

In 1965, after two years of negotiation with the Malagasy Government, the San Diego Zoo was made an official repository of various lemur species, including *Varecia variegata.* Our goal was to learn the captive husbandry of these primates, propagate them and send them to zoos within the United States and the rest of the world so that the species could be conserved in captivity. By establishing them in different continents and countries we should ensure their survival regardless of national calamity, whether natural or man-made. The two pairs going to Winnipeg are an effort to continue and expand the captive breeding population.

4. A DESCRIPTION AND THE ADDRESS OF THE INSTITUTION OR OTHER FACILITY WHERE THE WILDLIFE WILL BE USED OR MAINTAINED.

The ruffed lemurs *Varecia variegata* will be held at the Assiniboine Park Zoo, which has the reputation of being one of Canada's leading zoological gardens. It is owned and operated by the City of Winnipeg and financed by the Province of Manitoba as a non-profit, public facility. There is no admission charge to the zoo and the attendance averages 1.5 million visitors annually. The postal address is: The City of Winnipeg, Parks and Protection Department, Assiniboine Park Zoo, 2355 Corydon Avenue, Winnipeg, Manitoba R3P OR5.

5. A STATEMENT THAT AT THE TIME OF APPLICATION THE WILDLIFE TO BE IMPORTED IS STILL IN THE WILD, WAS BORN IN CAPTIVITY OR HAS BEEN REMOVED FROM THE WILD.

The four lemurs to be sent to the Assiniboine Zoo were born in the San Diego Zoo. One male and two females were born on 26 April 1972. The male is tattooed "J" on the

inside of the upper lip, the females are tattooed "9" and "10". The second male was born in 1974 and is tattooed "BK2" on the inside of the upper lip.

6. A RESUME OF THE APPLICANT'S ATTEMPTS TO OBTAIN THE WILDLIFE TO BE IMPORTED FROM SOURCES WHICH WOULD NOT CAUSE THE DEATH OR REMOVAL OF ADDITIONAL ANIMALS FROM THE WILD.

All the animals in this transaction were born in captivity, thus will not be a drain on the natural population of wild lemurs.

(v) FOR THE FIVE YEARS PRECEDING THE DATE OF THIS APPLICATION PROVIDE A DETAILED DESCRIPTION OF ALL MORTALITIES INVOLVING THE SPECIES COVERED IN THE APPLICATION AND HELD BY THE APPLICANT, IF ANY (OR ANY OTHER WILDLIFE OF THE SAME GENUS OR FAMILY HELD BY THE APPLICANT), INCLUDING THE CAUSES OF SUCH MORTALITIES AND THE STEPS TAKEN TO AVOID OR DECREASE SUCH MORTALITIES.

The Assiniboine Park Zoo has never exhibited the ruffed lemur *Varecia variegata*. There have been no mortalities of other lemur species at the Assiniboine Park Zoo for a period of five years preceding the date of this application.

7. (i) A COMPLETE DESCRIPTION, INCLUDING PHOTOGRAPHS OR DIAGRAMS, OF THE AREA AND FACILITIES IN WHICH THE WILDLIFE WILL BE HOUSED.

The Assiniboine Park Zoo maintains an exhibit which contains four cages designated for the display and propagation of lemurs. These currently contain lemurs of the species *Lemur mongoz* and *Lemur macaco rufus*, but one is vacant. This lemur accommodation is basically an open air display. The vacant exhibit comprises a large outdoor cage and indoor quarters (see attached drawing). The outdoor cage is enclosed entirely in 1" weldmesh and is landscaped and planted, containing rocks, logs, grass, trees, shrubs, climbing branches and feed and resting shelves. The partitions between each lemur exhibit are densely planted with shrubs. The indoor quarters contain several shelves at different heights and are heated by means of electric, thermostatically controlled heaters.

(ii) A BRIEF RESUME OF THE TECHNICAL EXPERTISE AVAILABLE, INCLUDING ANY EXPERIENCE THE APPLICANT OR HIS PERSONNEL HAVE HAD IN PROPAGATING THE SPECIES OR CLOSELY RELATED SPECIES TO BE IMPORTED.

Personnel resumes of the Assiniboine Park Zoo senior staff are enclosed. In their zoo careers these officers have had experience in the propagation of the following closely related lemurs: Mongoose Lemur—*Lemur mongoz;* Black Lemur—*Lemur macaco;* Ringtailed Lemur—*Lemur catta.*

(iii) A STATEMENT OF WILLINGNESS TO PARTICIPATE IN A COOPERATIVE BREEDING PROGRAM AND MAINTAIN OR CONTRIBUTE DATA TO A STUDBOOK.

No studbook for the ruffed lemurs exists. We are willing to participate in a studbook if one is started.

(iv) A DETAILED DESCRIPTION OF THE TYPE, SIZE AND CONSTRUCTION OF THE CONTAINER; ARRANGEMENTS FOR FEEDING, WATERING, AND OTHERWISE CARING FOR THE WILDLIFE IN TRANSIT; AND THE ARRANGEMENTS FOR CARING FOR THE WILDLIFE ON IMPORTATION INTO THE UNITED STATES.

The lemurs will be transported on Western Airlines to Vancouver and Air Canada from Vancouver to Winnipeg. Trasportation to Los Angeles will be made by zoo truck driven by an experienced primate keeper. The shipping crates will exceed the minimum standards required by the International Air Transport Association (IATA). Feeding and watering facilities are built into the crates. At Vancouver the lemurs will be met by Kuhne and Nagel, customs house brokers. The Winnipeg Zoo will make advance arrangements with these brokers when shipping reservations are confirmed.

The Winnipeg Zoo will also have the Stanley Park Zoo in Vancouver meet the animals at the airport, care for them and assist the customs house brokers. The San Diego Zoo has met the registration standards for HEW effective 11 October 1975.

8. (iv) THE PLANNED DISPOSITION OF SUCH WILDLIFE UPON TERMINATION OF THE ACTIVITIES SOUGHT TO BE AUTHORIZED.

The Manitoba Museum of Man and Nature receives all suitable carcasses after thorough postmortem examination at the Provincial Pathology Laboratory. After preparation such carcasses or "parts thereof" are made available to the University of Manitoba, the University of Winnipeg and other interested institutes of higher learning.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I, Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Sincerely,

CLYDE A. HILL,
Curator of Mammals.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. This application has been assigned File Number PRT 2-330-07; please refer to this number when submitting comments. All relevant comments received on or before October 13, 1976 will be considered.

Dated: September 7, 1976.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.76-26664 Filed 9-10-76;8:45 am]

Office of Hearings and Appeals

[Docket No. M 76-550]

BALDWIN COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Baldwin Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Underground Mine, Buchanan County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner seeks modification of the foregoing standard as it applies to the following face equipment: one 14 BU-7 Joy loader, one Epling cutting machine, one Paul's repair roof bolter, one Royal roof bolter, one Epling mine tractor, and two Mescher mine tractors.

2. Petitioner operates in the Blair coal seam, which has an average height, in those areas where the foregoing equipment is being used, of between 36-38 inches.

3. Petitioner produces 130 tons of coal per day on one production shift, and describes its roof and floor conditions as good.

4. Petitioner states that, due to the height of the coal-bed, installation of cabs or canopies would reduce operator visibility by at least 85 percent, and would yield cramped operating positions, endangering personal safety.

5. Petitioner states that there have never been any fatal roof falls in the subject mine, or in adjoining mines in this coal seam.

6. Petitioner states that installation of cabs and canopies would create more of a danger than a benefit in the subject mine.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 13, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

SEPTEMBER 2, 1976.

[FR Doc.76-26643 Filed 9-10-76;8:45 am]

[Docket No. M 76-529]

DEAN JONES COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Dean Jones Coal Company, Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 7 Mine, Lee County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner seeks a modification of the foregoing standard as it applies to all electric and self-propelled electric face equipment in its No. 7 Mine.

2. Said No. 7 Mine is an underground, bituminous coal mine, with an average height of 30 inches.

3. Petitioner states that installation of canopies would confine the operator and impair his mobility, thus creating a safety hazard.

4. Petitioner states that due to the low coal height in its No. 7 Mine, canopies or cabs would prevent the miner operator from having the necessary peripheral vision of equipment and surroundings to permit safe operation.

5. Petitioner states that it has an approved roof control plan, approved by the Virginia Division of Mines and by the Mining Enforcement and Safety Administration, which is adequate for roof support in this mine.

6. Petitioner states that its accident record for roof falls is clean, and that no fatalities or injuries by roof falls have occurred in any of its underground mines since their opening in 1967.

7. Petitioner employs a Wilcox continuous miner which has a height of 26 inches, and its coalbed has some dips and nonuniform slopes. The miner operator, Petitioner states, feels that it would be impossible to operate the miner safely with a canopy or cab installed, as it would diminish necessary peripheral vision and limit operator movement to the point of creating a safety hazard.

8. Petitioner states that canopies or cabs installed on its electric face equipment would be a greater hinderance than a help in its continuous miner operation due to its coal height and the impaired peripheral vision created by said installation. Petitioner thus maintains that application of this required safety standard presents more of a safety hazard than operating without a canopy or cab in the circumstances of its mining operation.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 13, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 2203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

SEPTEMBER 1, 1976.

[FR Doc.76-26644 Filed 9-10-76;8:45 am]

[Docket No. M 76-530]

DEAN JONES COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Dean Jones Coal Company, Inc., has filed a petition to modify the application of 30 CFR 75.1710 to its No. 8 Mine, Lee County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710-1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner seeks a modification of the foregoing standard as it applies to all electric and self-propelled electric face equipment in its No. 8 Mine.

2. Said No. 8 Mine is an underground, bituminous coal mine, with an average height of 36 inches.

3. Petitioner states that installation of canopies would confine the operator and impair his mobility, thus creating a safety hazard.

4. Petitioner states that due to the low coal height in its No. 8 Mine, canopies or cabs would prevent the miner operator from having the necessary peripheral vision of equipment and surroundings to permit safe operation.

5. Petitioner states that it has an approved roof control plan, approved by the Virginia Division of Mines and by the Mining Enforcement and Safety Administration, which is adequate for roof support in this mine.

6. Petitioner states that its accident record for roof falls is clean, and that no fatalities or injuries by roof falls have occurred in any of its underground mines since their opening in 1967.

7. Petitioner employs a Wilcox continuous miner which has a height of 26 inches, and its coalbed has some dips and nonuniform slopes. The miner operator, Petitioner states, feels that it would be impossible to operate the miner safely with a canopy or cab installed, as it would diminish necessary peripheral vision and limit operator movement to the point of creating a safety hazard.

8. Petitioner states that canopies or cabs installed on its electric face equipment would be a greater hindrance than a help in its continuous miner operation due to its coal height and the impaired peripheral vision created by said installation. Petitioner thus maintains that ap-

plication of this required safety standard presents more of a safety hazard than operating without a canopy or cab in the circumstances of its mining operation.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 13, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

SEPTEMBER 1, 1976.

[FR Doc.76-26645 Filed 9-10-76;8:45 am]

KIMBERLY COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Kimberly Coal Company, Inc. has filed a petition to modify the application of 30 CFR 75.1710 to its No. 4 Mine, Buchanan County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner seeks modification of the foregoing standard as it applies to the following electric face equipment: two Paul Elswick P–11003 roof bolting machines, one Epling Spinner MFS 1 battery tractor, and one Mescher HD12–P loading machine.

2. Petitioner states that it operates in the Splashdam coal seam, with a height of between 40–60 inches on the haul road. Petitioner states that the height of the seam varies, but that at present it is between 48–60 inches.

3. Petitioner produces an average of 135 tons of coal per day, on one production shift. The floor and roof in its subject mine is uneven, with rolls and dips throughout. It has several times encountered dips that lower the seam height to 40 inches. The mine, according to Petitioner, is wet, and the bottom heaves at times.

4. Petitioner states that application of the foregoing standard will result in hazards in its mine as follows:

(a) The uneven top and floor conditions will cause hazards to the equipment operators and the other miners, due to the operator's visibility being obstructed;

(b) Equipment operators may have to lean out of the side of the cab or canopy to see their direction of travel. This causes a hazard to the operators of being mashed or pinned against a rib or a mine timber; and

(c) Roof bolts and roof-bolt half-headers will be broken, causing the roof to become unsupported.

5. Petitioner states that its subject mine uses the full roof bolting system with half-headers on each roof bolt, and other support if needed. The length of the roof bolts is 36 inches, and they are set on 4 foot centers, with 3 by 36 inch half-headers. This mine has draw slate from 0 to 6 inches. If the canopies or cabs should hit the roof-bolts and dislodge them, this draw slate will break out and fall, petitioner states. Petitioner further maintains that it has had excellent results with the present roof control plans. The top consists of laminated sandstone, with very firm shale, above the draw rock.

6. Petitioner suggests that at least 6 inches of clearance be required over the top of canopies and cabs.

7. Petitioner states that its mine does not have conditions that will permit the use of cabs or canopies safely, as required by the foregoing standard. Petitioner may be able to buy or have constructed, canopies or cabs, for its mine equipment, but installing these parts on a solid frame that will support the canopies or cabs will generate other problems that have not been answered. Mining equipment of this design was not built to accommodate canopies or cabs.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 13, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

SEPTEMBER 2, 1976.

[FR Doc.76-26646 Filed 9-10-76;8:45 am]

[Docket No. M 76-516]

LITTLE ROCK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Little Rock Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Mine, Wise County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner states that it has been recently cited by the Mining Enforcement and Safety Administration for noncompliance with the foregoing mandatory standard, with respect to the following equipment.

(a) One Long-Airdox coal loader with a height from the ground of 25 inches;

(b) One AR–4 Elkhorn scoop with a height from ground of 25 inches;

(c) One roof-bolting machine manufactured by Pauls Repair Shop, Grundy, Virginia, with a height from ground of 24 inches.

2. Petitioner states that at present the coal height in the Norton Seam, in which it mines, ranges from 38 to 56 inches with rolls and swags that vary in elevation from 2 to 6 feet in short distances. However, according to the Virginia Iron Coal & Coke Company, Coeburn, Virginia, engineering section, the coal height in some cases will reduce to 20 inches further back in the unmined section.

3. Petitioner contends that installation of canopies on the foregoing equipment will probably impair operator visibility and flexibility, and increase the probability of collision-type accidents.

4. Petitioner contends that due to the rolls in the coal seam and the changing height of the seam in its No. 1 Mine, it would be almost impossible to design and install canopies which would effectively provide the operator any additional protection.

5. Petitioner states that informal discussions with the miners, who average 10 years of mining experience each, who operate the afore-described equipment, reveals that in their opinion, installation of canopies on this type of equipment would create danger to them and would not improve personal safety.

6. Petitioner states that installation of canopies on the foregoing equipment, as in this type of mine, could compromise rather than enhance safety.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 13, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 1, 1976.

[FR Doc.76–26647 Filed 9–10–76;8:45 am]

[Docket No. M 76–544]

M & S COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), M & S Coal Company, Inc. has filed a petition to modify the application of 30 CFR 75.1710 to its No. 1 Underground Mine, Buchanan County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with Section 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner seeks modification of the foregoing standard as it applies to the following electric face equipment: one Joy loading machine, one S & S battery tractor, one Royal roof bolting machine, one Paul Elswick roof bolting machine.

2. Petitioner operates in the Splashdam coal seam, which has an average height, in those areas where the foregoing equipment operates, of between 54–89 inches.

3. Petitioner produces an average of 100 tons of coal per day on one production shift. Its roof and floor conditions are described as uneven, with rolls and dips continually throughout the mine.

4. Petitioner maintains that the installation of canopies or cabs on its present equipment would not increase the protection of miners due to the design of said face equipment. Some of its equipment is as old as 30 years, and such equipment is not provided with frames which will support canopies or cabs.

5. Petitioner states that it does not wish to train its miners to rely on canopies or cabs inasmuch as it believes that the approved roof control plan may be disregarded, in that miners will not properly install roof supports, or will fail to scale the loose roof material down as they do now.

6. Petitioner states that if canopies or cabs are installed, miners will be inclined to lean outside of the canopy or cab to see their direction of travel, creating a hazard of personal injury.

7. Petitioner states that it may be able to buy or have constructed, canopies or cabs, for this mine equipment, but that installing these parts on a solid frame that will support the strength of the canopies or cabs will engender other problems that have not been answered. Mining equipment of this design was not built for the installation of canopies or cabs, Petitioner states.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 13, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

SEPTEMBER 2, 1976.

[FR Doc.76–26648 Filed 9–10–76;8:45 am]

[Docket No. M 76–535]

PYRO MINING CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Pyro Mining Company has filed a petition to modify the application of 30 CFR 75.1710 to its Pyro No. 2 Mine, Union County, Kentucky.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner seeks modification of the foregoing standard for the reason that the use of canopies or cabs on its electric face equipment allegedly will result in a diminution of safety to the miners in its Pyro No. 2 Mine.

2. Petitioner states that the height of the coal in said mine, as compared to the size of the equipment operating therein, generates the diminution of safety to the miners described.

3. Petitioner states that a notice to provide safeguards issued on November 27, 1973, gives the height of the coal in said Pyro No. 2 Mine as 54 inches. Donan Engineering of Madisonville, Kentucky, was commissioned to measure the average height of the coal, and the clearance from the bottom to the Pyrite concretions or other protruding objects in the roof. This report does not allow for 8-inch cross bars that are used in addition to roof bolting in unusual roof conditions.

4. Petitioner states that the clearance between the equipment and the normal roof, excluding any Pyrite concretions and/or cross bars, will not permit the safe use of canopies or cabs. Petitioner states that information contained in an extension of a notice of violation issued by Federal Inspector Welborn F. Vaughn on July 1, 1975, the measurements by Donan Engineering, and said safeguard notice all coincide as to the height of the coal compared to the size of the equipment in its Pyro No. 2 Mine.

5. Petitioner states that the two most valuable assets a miner possesses are hearing and sight, and that miners depend on sight more than hearing for their safety. Canopies or cabs reduce the miners' visibility by approximately 72 percent, Petitioner maintains.

6. Petitioner states that the installation of canopies or cabs would cause more injuries or perhaps deaths than would occur if they were not used at all. There have been several deaths that were directly attributed to canopies or cabs since the enforcement of this safety standard, Petitioner states. One such accident occurred as recently as February 3, 1976. This accident claimed the life of a car driver in West Virginia. The coal height was 48 inches to 56 inches.

7. Petitioner states that the average roof conditions at its Pyro No. 2 Mine are the best in its mining area. No person has been seriously injured or killed by a roof fall in Pyro No. 2 Mine or the Pyro No. 1 Mine. Pyro No. 1 Mine opened in August 1964, and closed in 1967. Pyro No. 2 Mine has been operating since April 1967, and neither mine, Petitioner avers, has had a serious injury or death from a roof fall.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 13, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

SEPTEMBER 2, 1976.

[FR Doc.76-26649 Filed 9-10-76;8:45 am]

[Docket No. M 76-531]

RUFUS TESTER T/A R & W COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Rufus Tester T/A R & W Coal Co. has filed a petition to modify the application of 30 CFR 75.1710 to its No. 9 Mine, Dickenson County, Virginia.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib and face rolls.

To be read in conjunction with § 75.-1710 is 30 CFR 75.1710–1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner states that it is unable to comply with the foregoing standard due to the fact that its coal seam runs from 26 o 3 2inches in height.

2. Petitioner states that it would be impossible for men to operate equipment under these circumstances in this seam of coal.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 13, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

SEPTEMBER 2, 1976.

[FR Doc.76-26650 Filed 9-10-76;8:45 am]

[Docket No. M 76-536]

SMITH & STOVER COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is herby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Smith and Stover Coal Company has filed a petition to modify the application of 30 CFR 75.1710 to its Hunter Mine, Raleigh County, West Virgina.

30 CFR 75.1710 provides:

An authorized representative of the Secretary may require in any coal mine where the height of the coalbed permits that electric face equipment, including shuttle cars, be provided with substantially constructed canopies, or cabs, to protect the miners operating such equipment from roof falls and from rib face rolls.

To be read in conjunction with § 75.1710 is 30 CFR 75.1710–1 which in pertinent part provides:

* * * Except as provided in paragraph (f) of this section, all self-propelled electric face equipment, including shuttle cars, which is employed in the active workings of each underground coal mine on and after January 1, 1973, shall, in accordance with the schedule of time specified in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph (a), be equipped with substantially constructed canopies or cabs, located and installed in such a manner that when the operator is at the operating controls of such equipment he shall be protected from falls of roof, face, or rib, or from rib and face rolls. The requirements of this paragraph (a) shall be met as follows:

(1) On and after January 1, 1974, in coal mines having mining heights of 72 inches or more;

(2) On and after July 1, 1974, in coal mines having mining heights of 60 inches or more, but less than 72 inches;

(3) On and after January 1, 1975, in coal mines having mining heights of 48 inches or more, but less than 60 inches;

(4) On and after July 1, 1975, in coal mines having mining heights of 36 inches or more, but less than 48 inches;

(5) On and after January 1, 1976, in coal mines having mining heights of 24 inches or more, but less than 36 inches; and

(6) On and after July 1, 1976, in coal mines having mining heights of less than 24 inches. * * *

The substance of Petitioner's statement is as follows:

1. Petitioner operates its Hunter Mine in which the coalbed height varies between 27 and 29 inches.

2. Petitioner states that by memorandum to all district managers dated September 20, 1973, the Mining Enforcement and Safety Administration's (MESA) Acting Assistant Administrator interpreted the foregoing standard to mean that the mining heights in the aforesaid sections were "the distance from the floor to the finish roof, less twelve inches," so that the effective mining heights for the application of the aforesaid sections to Petitioner's mine would be a maximum of 27 to 29 inches, less 12 inches, yielding a mining height for said purposes of less than 24 inches.

3. Petitioner states that technology does not presently exist to enable it to equip its self-propelled, electric face equipment with suitable canopies to protect and provide for the safety of the equipment operators.

4. The average mining height for the subject mine without any deduction or decrease in said height is 27 to 29 inches, and, according to Petitioner, the average decrease in said height as a result of installation of supplemental supports in accordance with approved roof support plans reduces the said average mining height to a maximum of 25 to 27 inches.

5. Petitioner states that the coal seam also undulates and rolls, resulting in ascending and descending grades that further limit and prevent the effective use of cabs and canopies.

6. Petitioner states that operators of face equipment, including shuttle car operators, are under MESA-approved plans for permanently and/or temporarily supported roof at all times. Such roof support is deemed satisfactory for all other personnel in the mines including the helpers on self-propelled, electric face equipment and these helpers and other personnel freely move about the mine under the protection of approved roof support.

7. Petitioner maintains that the application of the mandatory standard will result in a diminution of safety to the miners in its Hunter Mine, as follows:

(a) By installing cabs or canopies on its face equipment, it would create an impairment of vision and place its operators in a cramped position;

(b) The combination of impaired vision and cramped position could cause the operator to expose his body and appendages, such as head and feet, to the risk of being crushed between the machine and rib;

(c) Ingress to and egress from the cab would be limited and could effectively prevent quick escape when mining conditions warrant such escape;

(d) Impaired vision could be a major cause of operators damaging or severing power cables by running over them; and

(e) Impaired vision would also subject the operators and fellow employees to increased risks of injury because the operator cannot adequately see other employees and/or equipment.

8. The alternate method Petitioner proposes to establish in lieu of the mandatory standard is to request a modification until such time as technology establishes, beyond doubt, that canopies can be safely used in Petitioner's mine.

REQUEST FOR HEARING OR COMMENTS

Persons interested in this petition may request a hearing on the petition or furnish comments on or before October 13, 1976. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

SEPTEMBER 2, 1976.

[FR Doc.76-26651 Filed 9-10-76;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COLUMBIA UNIVERSITY

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: 76-00412. Applicant: Columbia University—College of Physicians & Surgeons, Dept. of Pediatrics, BHA-115, 630 West 168th Street, New York, N.Y. 10032. Article: TCM1 Transcutaneous Oxygen Monitor System Including a TCM101 Calibrating Unit and Two Electrodes. Manufacturer: Radiometer A/S Denmark. Intended use of article: The article is intended to be used to evaluate the performance and clinical efficiency of an electrode designed specifically for continuous monitoring of the oxygen tension of the blood by use of a sensor which is attached to the skin. This is a very new development in the field of monitoring and is very important for caring for patients, especially newborn infants, with respiratory diseases.

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 provides continuous, non-invasive determination of transcutaneous oxygen tension. The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated August 17, 1976 that the capability described above is pertinent to the applicant's use in a performance analysis of the article as well as the assessment of its clinical feasibility for monitoring blood oxygen concentration of newborn infants and patients with respiratory disease. HEW also advises that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended uses.

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.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-26629 Filed 9-10-76;8:45 am]

LAMONT-DOHERTY OBSERVATORY

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: 76-00249. Applicant: Lamont-Doherty Geological Observatory of Columbia University, Route 9W, Palisades, New York 10964. Article: VG Micromass 903 Mass Spectrometer. Manufacturer: VG Micromass, United Kingdom. Intended use of article: The article is intended to be used mainly to analyze O^{18}/O^{16} and C^{13}/C^{12} ratios of very small samples of carbonate shell of organisms in the oceans and in the deep sea sediment cores with high precision and ease of operation. The article will also be used

to determine the C^{13}/C^{12} and O^{18}/O^{16} of CO_2 and O_2 gas. In addition, the article is intended to be used in training students in the operation and use of the instrument as well as the interpretation of results.

Comments: No comments have been received with respect to this application. A letter dated March 8, 1976 was received from Nuclide Corporation (Nuclide). Nuclide's letter which was received after expiration of the period for comment is being treated as an offer to provide additional factual information in accordance with Subsection 301.10 of the regulations.

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 (September 19, 1975).

Reasons: The foreign article is equipped with a triple collector system. The National Bureau of Standards (NBS) advises in its memoranda dated March 5, 1976 and August 19, 1976 that the use of a triple collector is pertinent to the applicant's intended research on very small samples of carbon dioxide. NBS further advises that although Nuclide apparently offered a triple collector system comparable to that of the article in February, 1976 and possibly could have developed one at the time of order, it knows of no system of equivalent scientific value to the foreign article which was available from a domestic manufacturer prior to September, 1975.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the foreign article was ordered.

(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.76-26630 Filed 9-10-76;8:45 am]

UNIVERSITY OF NEBRASKA MEDICAL CENTER

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: 76-00449. Applicant: University of Nebraska Medical Center, 4215 Emile Street, Omaha, Nebraska 68105. Article: Assorted clamps for a custom-made animal holder and a special resistance meter for microelectrodes. Manufacturer: Narishigi Scientific Instruments, Japan. Intended use of article: The clamps are intended to be used with existing equipment to support electrodes and electrode carrier and the ohm meter will be used in fabricating the electrodes during investigation of electrical signals from nerve cells in the brain of animals. Experiments are to be conducted to determine how limb-position sense is derived and encoded by sensory receptors.

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 application relates to compatible accessories for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes. The National Bureau of Standards advises in its memorandum dated August 18, 1976 that it knows of no domestic instrument of equivalent scientific value to the article for its intended uses.

The Department of Commerce knows of no other similar accessories being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

RICHARD M. SEPPA,
Director, Special Import Programs Division.

[FR Doc.76-26628 Filed 9-10-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

MINORITY ADVISORY COMMITTEE

Meeting Cancellation

Notice is given of the cancellation of meeting of the Minority Advisory Committee, ADAMHA, scheduled for September 15-17, 1976, and published in Vol. 41, No. 169, at page 36530 in the issue of Monday, August 30. This meeting will be rescheduled shortly and reannounced in the FEDERAL REGISTER.

Dated: September 7, 1976.

DAVID F. KEFAUVER,
Associate Administrator for Extramural Programs, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.76-26634 Filed 9-10-76;8:45 am]

Food and Drug Administration

[Docket No. 76N-0315; DESI 8200]

CERTAIN RADIOACTIVE PREPARATIONS CONTAINING THERAPEUTIC OR DIAGNOSTIC SODIUM IODIDE I-131

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

In a notice (DESI 8200) published in the FEDERAL REGISTER of January 27, 1971 (36 FR 1280), the Food and Drug Administration announced its conclusions that sodium iodide I-131 is (1) effective as a diagnostic agent of thyroid function and in localizing metastases associated with thyroid malignancies; and as a therapeutic agent for the treatment of hyperthroidism and selected cases of carcinoma of the thyroid; and (2) possibly effective for use in the management of euthyroid heart disease, such as angina pectoris and congestive heart failure. No person has submitted any data in support of the possibly effective indication and that indication is now reclassified as lacking substantial evidence of effectiveness. This notice offers an opportunity for a hearing concerning that indication and sets forth the conditions for marketing the drug products for the indications for which they continue to be regarded as effective. Persons who wish to request a hearing may do so on or before October 13, 1976.

1. NDA 8-200; Sodium Iodide I-131 Sterile Solution, Radiocaps-131 Capsules, Tracervial-131 Sterile Solution, Oriodide-131 Oral Solution, and Theriodide-131 Capsules, all containing sodium iodide I-131; marketed by Abbott Laboratories, Abbott Park, 14th & Sheridan Rd., North Chicago, IL 60064.

2. NDA 10-929; Iodotope Capsules, Oral Solution, and Injection, all containing sodium iodide I-131; marketed by E. R. Squibb & Sons, Inc., P.O. Box 4000, Princeton, NJ 08540.

The following drugs containing sodium iodide I-131, although not included in the January 27, 1971 notice, are affected by this notice:

1. NDA 16-515; Sodium Iodide I-131 Therapeutic Solution; and

2. NDA 16-517; Sodium Iodide I-131 Capsules; Mallinckrodt Chemical Works, Pharmaceutical Division, P.O. Box 5439, St. Louis, MO 63147.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request

an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drugs are effective for the indications listed in the labeling conditions below. The drugs now lack substantial evidence of effectiveness for the indication evaluated as possibly effective in the January 27, 1971 notice.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.*—The drug is in capsule or solution form suitable for oral administration or in sterile solution form suitable for parenteral administration.

2. *Labeling conditions.*—a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indications are as follows:

Radioiodide is indicated for use in performance of the radioactive iodide (RAI) uptake test to evaluate thyroid function. Diagnostic doses may also be employed in localizing metastases associated with thyroid malignancies.

Therapeutics doses of radioiodide may be indicated in the treatment of hyperthyroidism and selected cases of carcinoma of the thyroid. Palliative effects may be seen in patients with papillary and/or follicular carcinoma of the thyroid. Stimulation of radioiodide uptake may be achieved by the administration of thyrotropin. (Radioiodide will not be taken up by giant cell and spindle cell carcinoma of the thyroid or by amyloid solid carcinomas.)

3. *Marketing status.*—a. Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that, on or before November 12, 1976, the holder of the application submits, if he has not previously done so, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD-356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1 (f)).

b. Approval of an abbreviated new drug application (21 CFR 314.1(f)) must be obtained prior to marketing such product. Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111(a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the new drug application(s) and all amendments and supplements thereto providing for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug product(s) will have all the effects it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before October 13, 1976, a written notice of appearance and request for hearing, and (2) on or before November 12, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who request the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during working hours, Monday through Friday.

Communications forwarded in response to this notice should be identified with the reference number DESI 8200, directed to the attention of the appropriate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number): Division of Oncology and Radiopharmaceutical Drug Products (HFD-150), Rm. 17B-34, Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Division of Generic Drug Monographs (HFD-530), Bureau of Drugs.

Request for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC-20), Rm. 4-65.

Requests for the report of the National Academy of Sciences-National Research Council: Data Preparation Branch (HFD-614), Division of Drug Information Resources, Bureau of Drugs.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD-101), Bureau of Drugs.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-1053, as amended (21 U.S.C. 352, 355) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: September 2, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76-26639 Filed 9-10-76;8:45 am]

HEALTH CARE AND SERVICES

Open Meeting

The Food and Drug Administration (FDA) announces a forthcoming Ad Hoc Professional Meeting to be chaired by the Commissioner of Food and Drugs. The meeting will be held on September 15, 1976, at 1 p.m. in the HEW North Building Auditorium, 330 Independence Ave. SW., Washington, DC, and will be open to all interested health professionals.

The purpose of the meeting is to exchange information relative to FDA's established procedures for eliciting health professional input into the agency's decisionmaking process, to identify common problems within the sphere of FDA's responsibility that have an effect on the practitioner and/or the delivery of health services, to seek solutions to those problems, and to conduct other activities of mutual interest and benefit.

Further information may be obtained by contacting Alan S. Kaplan, M.D., Office of Professional Programs, (HFG-15), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852, (301) 443-5470.

Dated: September 7, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-26642 Filed 9-10-76;8:45 am]

[Docket No. 76F-0341]

TOYO SEIKAN KAISHA, LTD.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6B3223) has been filed by Toyo Seikan Kaisha, Ltd., 3-1 Uchisaiwaicho 1-Chome, Chiyoda-Ku, Tokyo 100, Japan, proposing that the food additive regulations be amended to provide for the safe use of components of a flexible laminated pouch intended to contact food under retort conditions. The petitioned food-contact surface is a polyethylene-polyisobutylene film. The adhesive component of the system is a polyurethane adhesive manufactured from polyethylene phthalate polymers, 4,4'-isopropylidene-diphenolepichlorohydrin resins and polyurethane resins produced by reacting toluene diisocyanate with trimethylolpropane or its chloroformate.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: September 3, 1976.

HOWARD R. ROBERTS,
Acting Director, Bureau of Foods.

[FR Doc.76-26641 Filed 9-10-76;8:45 am]

[Docket No. 76N-0081]

INTRAOCULAR LENSES

Notice to Manufacturers of Marketing Conditions

The Food and Drug Administration (FDA) is publishing this notice to explain the status of intraocular lenses under the provisions of the Medical Device Amendments of 1976 (Pub. L. 94-295) and requests comments on the investigational use guidelines that should be applicable to intraocular lenses. Comments should be submitted by November 12, 1976.

In a notice appearing in the FEDERAL REGISTER of April 6, 1976 (41 FR 14570), the Commissioner of Food and Drugs announced his determination that intraocular lenses were new drugs subject to section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) (hereafter, "the act"). That notice also stated that all intraocular lenses within the jurisdiction of the act after October 7, 1976 would be required to comply with the provisions of section 505 of the act and the regulations issued under that section. The notice also set forth the policy that FDA intended to follow in applying the requirements of section 505 and the implementing regulations to the distribution, investigation, and use of intraocular lenses.

On May 28, 1976, the Medical Device Amendments of 1976 became law adding sections 513 through 521 to the act (21 U.S.C. 360c through 360k) and amending other provisions. Because the definition of "device" has been expanded under the amended law, several products previously regulated as drugs now come within the definition of device. Intraocular lenses are such products. Moreover, new section 520(l)(1)(E) of the act (21 U.S.C. 360j(l)(1)(E)) provides that any device intended for human use that, by notice published in the FEDERAL REGISTER prior to the date of enactment, was declared to be a new drug is automatically classified in class III (premarket approval) unless, pursuant to a petition filed under section 520(l)(2) of the act, it is reclassified by the agency into class I (general controls), or class II (performance standards). (See section 513 of the act, 21 U.S.C. 360c.) A device classified in class III may not be introduced into interstate commerce unless there is in effect either an approved premarket approval application under section 515 of the act (21 U.S.C. 360e) or an investigational device exemption under section 520(g) of the act.

Section 520(l)(3)(D)(iii) of the act establishes a special effective date for the premarket approval application requirement as it applies to intraocular lenses. The requirement of an approved premarket approval application is not applicable to intraocular lenses until 18 months after the date of enactment of the amendments. This section of the act also authorizes the Commissioner, during the period beginning 180 days after the date of enactment (i.e., November 24, 1976), to restrict intraocular lenses to investigational use by experts who by training or experience are qualified to use the devices and who adhere to the requirements for investigational use of the devices under section 520(g) of the act and regulations proposed by FDA under Part 812 (21 CFR Part 812) in the FEDERAL REGISTER of August 20, 1976 (41 FR 35282). Under section 520(l)(3)(D)(iii) of the act, if intraocular lenses are restricted to investigational use, the Commissioner is required to assure that the devices are made reasonably available to all physicians meeting appropriate qualifications prescribed by him.

Accordingly, effective May 28, 1976, the date of enactment of the amendments, intraocular lenses are regulated as devices under the act and are classified in class III, premarket approval. Not later than November 28, 1977, intraocular lenses manufactured for distribution or distributed within the jurisdiction of the Federal Food, Drug, and Cosmetic Act that are not the subject of an approved premarket approval application under section 515 of the act, or an effective investigational device exemption under section 520(g) and proposed Part 812, shall be subject to regulatory action. The new drug controls announced in the FEDERAL REGISTER

of April 6, 1976 are no longer applicable to intraocular lenses since, as of May 28, 1976, they have been replaced by similar new controls applicable to class III devices. Accordingly, the portion of the April 6 notice that pertains to new drug controls is rescinded.

The Commissioner has concluded that it is necessary to restrict the use of intraocular lenses to investigational use by experts qualified by scientific training and experience to investigate the safety and effectiveness of such devices. The FDA will apply the restrictions so that lenses are reasonably available to physicians meeting appropriate qualifications to be prescribed in the guidelines for the testing of these products. The Commissioner believes that the regulations in proposed Part 812, which cover exemptions for investigational use of devices, are appropriate for investigational control of intraocular lenses, but he recognizes that these regulations may not be in effect by November 24, 1976 (i.e., the date upon which FDA may, under the statute, first require that an investigational device exemption be in effect to permit continued use of intraocular lenses). Therefore, to permit sponsors adequate time to develop and submit applications for investigational device exemptions that meet the requirements of Part 812, as published in final form, the Commissioner is establishing, as the date by which applications for investigational device exemptions for intraocular lenses must be filed, the effective date of the final regulations for Part 812, i.e., 90 days after publication of such regulations.

Interested persons may submit comments and suggestions pertinent to the restriction of intraocular lenses to use by experts by November 12, 1976, to Executive Secretary, Panel on Review of Ophthalmic Devices (HFK-410), 8757 Georgia Ave., Silver Spring, MD 20910. Previous submissions requested in the April 6, 1976 FEDERAL REGISTER notice relative to the development of Claimed Investigational Exemption for a New Drug (IND) guidelines applicable to intraocular lenses will be considered in the development of guidelines for testing of the lenses pursuant to exemptions for investigational use of these devices under section 520(g) of the act and Part 812.

Regulations describing the procedures to be followed when submitting applications for premarket approval will be published in the FEDERAL REGISTER in the near future, with opportunity for public comment.

Dated: September 8, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76-26635 Filed 9-10-76;8:45 am]

[Docket No. 76N-0307; DESI 8085]

METHOTREXATE AND METHOTREXATE SODIUM

Drugs for Human Use; Drug Efficacy Study Implementation; Followup Notice and Opportunity for Hearing

In a notice (DESI 8085) published in the FEDERAL REGISTER of October 21, 1970 (35 FR 16428), the Food and Drug Administration announced its conclusions that the drug products described below are effective for certain types of malignancies and possibly effective for treatment of others. The manufacturer of the drug products has deleted the possibly effective indications from the labeling. No data in support of the possibly effective indications have been submitted, and those indications are now reclassified as lacking substantial evidence of effectiveness. This notice offers an opportunity for a hearing concerning those indications and sets forth the conditions for marketing the drug products for the indications for which they are now regarded as effective. Persons who wish to request a hearing may do so on or before October 13, 1976. Other drugs included in the October 21, 1970 notice are not affective by this notice.

1. NDA 8-085; Methotrexate Tablets; and
2. NDA 11-719; Methotrexate Sodium Parenteral; Lederle Laboratories, Division of American Cyanamide Co., P.O. Box 500, Pearl River, NY 10965.

The following drugs were not included in the October 21, 1970 notice but are affected by this notice:

1. NDA 17-022; Methotrexate Tablets; and
2. NDA 17-023; Methotrexate Sodium Injection; Lederle Laboratories.

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. An approved new drug application is a requirement for marketing such drug products.

In addition to the holder(s) of the new drug application(s) specifically named above, this notice applies to all persons who manufacture or distribute a drug product, not the subject of an approved new drug application, that is identical, related, or similar to a drug product named above, as defined in 21 CFR 310.6. It is the responsibility of every drug manufacturer or distributor to review this notice to determine whether it covers any drug product he manufactures or distributes. Any person may request an opinion of the applicability of this notice to a specific drug product he manufactures or distributes that may be identical, related, or similar to a drug product named in this notice by writing to the Food and Drug Administration, Bureau of Drugs, Division of Drug Labeling Compliance (HFD-310), 5600 Fishers Lane, Rockville, MD 20852.

A. *Effectiveness classification.* The Food and Drug Administration has reviewed all available evidence and concludes that the drug products are effective for the indications listed in the labeling conditions below. Psoriasis is among the indications set forth in the labeling conditions below. At the time the October 21, 1970 notice was published, the drug products had not been approved for that indication. They were subsequently approved.

The drug products now lack substantial evidence of effectiveness for the indications evaluated as possibly effective in the October 21, 1970 notice.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviatcd supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* Methotrexate preparations are in tablet form suitable for oral administration or in sterile aqueous solution suitable for parenteral administration.

2. *Labeling conditions.* a. The labels bear the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug products are labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The Indications and Boxed Warning are as follows:

INDICATIONS

ANTINEOPLASTIC CHEMOTHERAPY

Methotrexate is indicated for the treatment of gestational choriocarcinoma, and in patients with chorioadenoma destruens and hydatidiform mole.

Methotrexate is indicated for the palliation of acute and subacute lymphocytic and meningeal leukemia. Greatest effect has been observed in palliation of acute lymphoblastic (stem-cell) leukemias. In combination with corticosteroids, methotrexate may be used for induction of remission. The drug is now most commonly used for the maintenance of induced remissions.

Methotrexate is also effective in the treatment of the advanced stages (III and IV, Peters Staging System) of lymphosarcoma, particularly in those cases in children; and in advanced cases of mycosis fungoides.

PSORIASIS CHEMOTHERAPY

Because of high risk attending its use, methotrexate is indicated only in the symptomatic control of severe, recalcitrant, disabling psoriasis which is not adequately responsive to other forms of therapy, but only when the diagnosis has been established, as by biopsy and/or after dermatologic consultation.

WARNING

METHOTREXATE MUST BE USED ONLY BY PHYSICIANS EXPERIENCED IN ANTIMETABOLITE CHEMOTHERAPY.

BECAUSE OF THE POSSIBILITY OF FATAL OR SEVERE TOXIC REACTIONS, THE PATIENT SHOULD BE FULLY INFORMED BY THE PHYSICIAN OF THE RISKS INVOLVED AND SHOULD BE UNDER HIS CONSTANT SUPERVISION.

DEATHS HAVE BEEN REPORTED WITH THE USE OF METHOTREXATE IN THE TREATMENT OF PSORIASIS.

IN THE TREATMENT OF PSORIASIS, METHOTREXATE SHOULD BE RESTRICTED TO SEVERE, RECALCITRANT, DISABLING PSORIASIS WHICH IS NOT ADEQUATELY RESPONSIVE TO OTHER FORMS OF THERAPY, BUT ONLY WHEN THE DIAGNOSIS HAS BEEN ESTABLISHED, AS BY BIOPSY AND/OR AFTER DERMATOLOGIC CONSULTATION.

1. Methotrexate may produce marked depression of bone marrow, anemia, leukopenia, thrombocytopenia, and bleeding.

2. Methotrexate may be hepatotoxic, particularly at high dosage or with prolonged therapy. Liver atrophy, necrosis, cirrhosis, fatty changes, and periportal fibrosis have been reported. Since changes may occur without previous signs of gastrointestinal or hematologic toxicity, it is imperative that hepatic function be determined prior to initation of treatment and monitored regularly throughout therapy. Special caution is indicated in the presence of preexisting liver damage or impaired hepatic function. Concomitant use of other drugs with hepatotoxic potential (including alcohol) should be avoided.

3. Methotrexate has caused fetal death and/or congenital anomalies; therefore, it is not recommended in women of childbearing potential unless there is appropriate medical evidence that the benefits can be expected to outweigh the considered risks. Pregnant psoriatic patients should not receive methotrexate.

4. Impaired renal function is usually a contraindication.

5. Diarrhea and ulcerative stomatitis are frequent toxic effects and require interruption of therapy; otherwise, hemorrhagic enteritis and death from intestinal perforation may occur.

3. *Marketing status of approved products.* Marketing of such drug products that are now the subject of an approved or effective new drug application may be continued provided that the holder of the application submits the following if he has not previously done so:

(a) On or before November 12, 1976, (i) a supplement for revised labeling as needed to be in accord with the labeling conditions described in this notice, and complete container labeling if current container labeling has not been submitted, and (ii) a supplement to provide updating information with respect to items 6 (components), 7 (composition), and 8 (methods, facilities, and controls) of new drug application form FD–356H (21 CFR 314.1(c)) to the extent required in abbreviated applications (21 CFR 314.1 (f)).

(b) On or before March 14 1976 data to show that it is biologically available in the formulation marketed.

4. *Marketing status of all other products.* (a) Approval of an abbreviated new drug application must be obtained prior to marketing such product. The application shall contain the information specified in 21 CFR 314.1(f) and shall include data of the kind required for this drug at the time of submission of the application to show that it is biologically available in the formulation proposed for marketing.

(b) Marketing prior to approval of a new drug application will subject such products, and those persons who caused the products to be marketed, to regulatory action.

C. *Notice of opportunity for hearing.* On the basis of all the data and information available to him, the Director of the Bureau of Drugs is unaware of any adequate and well-controlled clinical investigation, conducted by experts qualified by scientific training and experience, meeting the requirements of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) and 21 CFR 314.111 (a)(5), demonstrating the effectiveness of the drug(s) for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice.

Notice is given to the holder(s) of the new drug application(s), and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), wihtdrawing approval of the new drug application(s) and all amendments and supplements thereto providing for the indication(s) lacking substanital evidence of effectiveness referred to in paragraph A. of this notice on the ground that new information before him with respect to the drug product(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug products(s) will have all the effects it purports or is represented to have under the condiitons of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemented, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

In addition to the ground for the proposed withdrawal of approval stated above, this notice of opportunity for hearing encompasses all issues relating to the legal status of the drug products subject to it (including identical, related, or similar drug products as defined in 21 CFR 310.6), e.g., any contention that any such product is not a new drug because it is generally recognized as safe and effective within the meaning of section 201(p) of the act or because it is exempt from part or all of the new drug provisions of the act pursuant to the exemption for products marketed prior to June 25, 1938, contained in section 201(p) of the act, or pursuant to section 107(c) of the Drug Amendments of 1962; or for any other reason.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Parts 310, 314), the applicant(s) and all other persons who manufacture or distribute a drug product which is identical, related, or similar to a drug product named above (21 CFR 310.6), are hereby given an opportunity for a hearing to show why approval of the new drug application(s) providing for the claim(s) involved should not be withdrawn and an opportunity to raise, for administrative determination, all issues relating to the legal status of a drug product named above and all identical, related, or similar drug products.

If an applicant or any person subject to this notice pursuant to 21 CFR 310.6 elects to avail himself of the opportunity for a hearing, he shall file (1) on or before October 13, 1976, a written notice of appearance and request for hearing, and (2) on or before November 12, 1976, the data, information, and analyses on which he relies to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this proposal to withdraw approval. The procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of an applicant or any other person subject to this notice pursuant to 21 CFR 310.6 to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by such person not to avail himself of the opportunity for a hearing concerning the action proposed with respect to such drug product and a waiver of any contentions concerning the legal status of such drug product. Any such drug product labeled for the indication(s) lacking substantial evidence of effectiveness referred to in paragraph A. of this notice may not thereafter lawfully be marketed, and the Food and Drug Administration will initiate appropriate regulatory action to remove such drug products from the market. Any new drug product marketed without an approved NDA is subject to regulatory action at any time.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, or when a request for hearing is not made in the required format or with the required analyses, the Commissioner will enter summary judgment against the person(s) who requests the hearing, making findings and conclusions, denying a hearing.

All submissions pursuant to this notice of opportunity for hearing shall be filed in quintuplicate. Such submissions, except for data and information prohibited from public disclosure pursuant to 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the office of the Hearing Clerk (address given below) during working hours, Monday through Friday.

Communications forwarded in response to this notice should be identified with the reference number DESI 8085, directed to the attention of the appro-

priate office named below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852.

Supplements (identify with NDA number): Division of Oncology and Radiopharmaceutical Drug Products (HFD–150), Rm. 17B–34, Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Division of Generic Drug Monographs (HFD–530), Bureau of Drugs.

Request for Hearing (identify with Docket number appearing in the heading of this notice): Hearing Clerk, Food and Drug Administration (HFC–20), Rm. 4–65.

Requests for the report of the National Academy of Sciences-National Research Council: Public Records and Document Center (HFC–18), Rm. 4–62.

Other communications regarding this notice: Drug Efficacy Study Implementation Project Manager (HFD–101), Bureau of Drugs.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–1053, as amended (21 U.S.C. 352, 355)) and under the authority delegated to the Director of the Bureau of Drugs (21 CFR 5.31) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: September 2, 1976.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.76–26636 Filed 9–10–76;8:45 am]

[Docket No. 75N–0008]

INTRAMAMMARY INFUSION PRODUCTS FOR TREATING MASTITIS

Effective Date of Withdrawal of Approval

The Food and Drug Administration is terminating certification services for certain intramammary infusion products because the U.S. Court of Appeals for the District of Columbia Circuit has affirmed the February 24, 1975 order by the Commissioner of Food and Drugs (published in the FEDERAL REGISTER of March 5, 1975 (40 FR 10221) under Docket No. FDC–D–708) withdrawing the approvals of numerous Masti-Kure Products Co., Inc., fixed combination mastitis products.

The Commissioner proposed to withdraw certain approvals for fixed combination mastitis products and to terminate certification services for them in a notice published in the FEDERAL REGISTER of August 30, 1974 (39 FR 31678). He agreed to certify all batches of these products irrevocably committed to manufacture, and in return, the sponsors agreed not to legally contest the eventual termination of certification services. The agreement nevertheless permitted to sponsors to challenge the withdrawal of the approvals. One sponsor, Masti-Kure Products Co., Inc., obtained a preliminary injunction (*Masti-Kure Products Co., Inc.* v. *Weinberger, etc.*, Civil Action No. 74–1444 (D. D.C. Oct 21, 1974)) requiring certification of its products until agency action against these products was completed.

When the Commissioner issued the final order, published in the March 5, 1975 FEDERAL REGISTER, withdrawing the approvals for Masti-Kure's products, the court of appeals again stayed the FDA termination of certification services. At that time the other sponsors of combination mastitis products threatened to litigate the issue of certification services termination, and the Commissioner proposed resolution of the issue by out-of-court settlement. In April 1975, FDA agreed to certify all affected combination mastitis products until the circuit court ruled on Masti-Kure's appeal of the withdrawal order; Masti-Kure's attempt to enjoin this out-of-court settlement was denied (*Masti-Kure Products Co., Inc.* v. *Weinberger*, Civil Action No. 750876 (D. D.C., Sept. 3, 1975) appeal dismissed per stipulation). In accordance with this agreement, the Commissioner stayed the effective date of his order withdrawing approvals for mastitis products subject to the notices published in the FEDERAL REGISTER of June 3, and August 28, 1975 (40 FR 23918, 39540).

On August 12, 1976, the court of appeals affirmed the Commissioner's withdrawal of Masti-Kure's approvals (*Masti-Kure Products Co., Inc.* v. *Mathews*, Civil Action No. 75–1231 (D.C. Cir. 1976)) and stayed the effective date of the order for 30 days. Masti-Kure has filed a petiton for rehearing, which has stayed the mandate of the court under Fed. R. App. P. 41. The Commissioner, therefore, announces that certification services for all fixed combination mastitis products certified under the terms of the previous agreements will be terminated on September 13, 1976 or when the mandate of the court subsequently becomes effective, whichever is later. Few batches of these antibiotics have been certified in recent months, and the Commissioner does not believe that immediate removal of these products which do not pose a direct risk to the public health at this time (the drug products have not been shown to be effective as combinations) justifies the diversion of agency resources necessary to assure an effective recall of the products. Moreover, these drug products have been certified under court order for the past 2 years. For these reasons, the Commissioner has not ordered a recall of these drug products, and the antibiotic certificates shall remain effective in accordance with § 514.50 (21 CFR 514.50).

Published elsewhere in this issue of the FEDERAL REGISTER is a final order revoking several monographs underlying approvals of certain of the drug products covered by this notice.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–351 (21 U.S.C. 360b)) and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976 (41 FR 24262)).

Dated: September 9, 1976.

JOSEPH P. HILE,
Acting Associate Commissioner for Compliance.

[FR Doc.76–26760 Filed 9–10–76;8:45 am]

Office of Education

ADVISORY COUNCILS AND COMMITTEES

Annual Reports for 1976

In accordance with the policy of the Department of Health, Education, and Welfare, this is to notify interested persons that a copy of each annual report, covering calendar year 1975, of the advisory councils and committees affiliated with the Office of Education is deposited with the HEW Library, Room 1436, 330 Independence Avenue, SW., Washington, D.C. 20201. An additional set is filed with the Committee Management Officer, Office of Education, Room 4156, 400 Maryland Avenue, SW., Washington, D.C. 20202.

As required by Section 13 of the Federal Advisory Committee Act, eight copies of each report will be forwarded to the Library of Congress. As required by section 443 of the General Education Provisions Act, two copies of each report will be forwarded to the Congress of the United States.

Individual copies of these reports are available to the public upon request directly to the council or committee or to the Committee Management Officer. Following are the names and addresses of each council/committee whose report is now available:

Accreditation and Institutional Eligibility Advisory Committee, DHEW/OE, Room 3030 ROB, Washington, D.C. 20202.

National Advisory Council on Adult Education, 425 – 13th St., NW., Suite 323, Washington, D.C. 20004.

National Advisory Council on the Education of Bilingual Children, DHEW/OE, Room 422 Reporters Building, Washington, D.C. 20202.

National Advisory Council for Career Education, DHEW/OE, Room 3100 ROB, Washington, D.C. 20202.

Community Education Advisory Council, DHEW/OE, Room 5622 ROB, Washington, D.C. 20202.

Advisory Council on Developing Institutions, DHEW/OE, Room 3036 ROB, Washington, D.C. 20202.

National Advisory Council on the Education of Disadvantaged Children, 425 – 13th St., NW., Suite 1012, Washington, D.C. 20004.

National Advisory Council on Education Professions Development, 1111 20th St., NW., Suite 308, Washington, D.C. 20036.

Advisory Council on Environmental Education, DHEW/OE, Room 2025, Washington, D.C. 20202.

National Advisory Council on Equality of Educational Opportunity, 1325 G St., NW., Suite 710, Washington, D.C. 20005.

National Advisory Council on Ethnic Heritage Studies, DHEW/OE, Room 3907 ROB, Washington, D.C. 20202.

National Advisory Council on Extension and Continuing Education, 425 – 13th St., NW., Suite 529, Washington, D.C. 20004.

Advisory Council on Financial Aid to Students, DHEW/OE, Room 4931 ROB, Washington, D.C. 20202.

National Advisory Committee on the Handicapped, DHEW/OE, Room 2604 ROB, Washington, D.C. 20202.

National Advisory Council on Indian Education, 425 – 13th St., NW., Suite 326, Washington, D.C. 20004.

National Advisory Council on Vocational Education, 425 – 13th St., NW., Suite 412, Washington, D.C. 20004.

Advisory Council on Women's Educational Programs, 1832 M St., NW., Suite 821, Washington, D.C. 20036.

Dated: September 3, 1976.

ANN V. BAILEY,
Committee Management Officer,
Office of Education.

[FR Doc.76-26617 Filed 9-10-76;8:45 am]

ADVISORY COUNCIL ON ENVIRONMENTAL EDUCATION

Public Meeting

Notice is hereby given, pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), that a meeting of the Advisory Council on Environmental Education will be held on September 28 from 1 p.m. to 5 p.m., September 29 from 9 a.m. to 5 p.m., and September 30 from 9 a.m. to Noon, at the U.S. Office of Education in Room 4173, HEW North Building, 330 Independence Avenue, SW., Washington, D.C. 20201.

The Advisory Council on Environmental Education is established under (20 U.S.C. 1532) Environmental Education Act, P.L. 91-516, Section 3 (84 Stat. 1312), as amended by P.L. 93-278 (88 Stat. 121).

The Council shall:

(A) Advise the Commissioner and the Office concerning the administration of, preparation of general regulations for, and operation of preparation of general regulations for, and operation of programs assisted under the Environmental Education Act;

(B) Make recommendations to the Office with respect to the allocation of funds appropriated pursuant to Section 7 among the purposes set forth in paragraph (2) of subsection (b) of the Environmental Education Act and the criteria to be used in approving applications, which criteria shall insure an appropriate geographical distribution of approved programs and projects throughout the Nation;

(C) Develop criteria for the review of applications and their disposition; and

(D) Evaluate programs and projects assisted under the Environmental Education Act and disseminate the results thereof.

The meeting of the Council shall be open to the public.

The proposed agenda includes:

1. Consideration of reports prepared by sub-committees of the Council.

2. Presentation by contractor personnel and program staff on contract recently awarded to analyze resources for Environmental Education.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Advisory Council on Environmental Education located in Room 2025, Federal Office Building No. 6, 400 Maryland Avenue, SW., Washington, D.C.

Signed at Washington, D.C., on September 9, 1976.

EDWARD H. BROWN,
Acting Director,
Office of Environmental Education.

[FR Doc.76-26853 Filed 9-10-76;8:45 am]

Office of the Secretary

PRESIDENT'S COMMISSION ON OLYMPIC SPORTS

Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the President's Commission on Olympic Sports, established by the President in Executive Order No. 11868 dated June 19, 1975, amended by Executive Order No. 11873 dated July 21, 1975, and Executive Order No. 11936 dated September 8, 1976 will hold a meeting on September 25, 1976 from 10:00 AM to 5:00 PM, on September 26, 1976 from 9:00 AM to 5:00 PM, and on September 27, 1976 from 9:00 AM to 5:00 PM at the Alexandria Old Towne Holiday Inn Hotel, 480 King Street, Alexandria, Virginia.

A determination to close this meeting was made by the Assistant Secretary for Administration and Management for the Department of Health, Education, and Welfare on September 9, 1976. The closed meeting will discuss opinions and interpretations concerning an intra-agency memorandum prepared by the staff of the Commission, the disclosure of which would inhibit the frank and candid exchange of ideas and hinder the functioning of this Commission within the meaning of 5 U.S.C. 552(b).

Summary minutes, a roster of Commitee members and further information on the Commission may be obtained 14 days after the meeting from Mr. Michael T. Harrigan, Executive Director.

MICHAEL T. HARRIGAN,
Executive Director.

[FR Doc.76-26900 Filed 9-10-76;9:36 am]

National Institute of Education

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

Meeting

Notice is hereby given that the next meeting of the National Council on Educational Research will be held on September 17, 1976, at the National Institute of Education, 1200 19th Street, N.W., Washington, D.C., in Room 823. The meeting will convene at 9:30 a.m. and adjourn at 4:30 p.m.

The National Council on Educational Research is established under Section 405(b) of the General Education Provisions Act (20 U.S.C. 1221e(b)). Its statutory duties include:

(a) Establishing general policies for, and reviewing the conduct of the Institute;

(b) Advising the Assistant Secretary for Education and the Director of the Institute on development of programs to be carried out by the Institute;

(c) Recommending to the Assistant Secretary and the Director ways to strengthen educational research, to improve the collection and dissemination of research findings, and to insure the implementation of educational renewal and reform based upon the findings of eudcational research.

This meeting will be open to the public except for the closed session. The tentative agenda is as follows:

PUBLIC SESSION

9:30—Convene.
9:30-10:30—NCER Committee Meetings.
10:30-12:00—Executive Committee Report on Policy Agenda for NIE and Initial Assignment of Issues to NCER Committees.

EXECUTIVE SESSION

(CLOSED)

12:00-1:30—Luncheon: Executive Session on FY 1978 Budget.

PUBLIC SESSION

1:30-2:00—Report of Program Committee.
2:00-3:00—Discussion of Curriculum Development Policy Issues.
3:00-4:00—Staff Report and Discussion on NIE Relationships with State and Local Education Agencies.

The above closed session will consist of a discussion of the FY 1978 Budget which has not yet been released by the Executive Branch of the Federal Government. This is in accordance with the Council's policy that all sessions be open unless they concern confidential budgetary or personnel information or concern other matters requiring confidentiality. This policy is consistent with the provisions of the Federal Advisory Committee Act.

Members of the public are invited to attend the sessions. Written statements relevant to an agenda item (or to any other item considered of interest to the Institute) may be submitted at any time and should be sent to the Chairman and Mrs. Ella L. Jones, Administrative Coordinator of the Council, at the address shown below.

In accordance with Council Policy (NCER Resolution No. 013074-8) copies of Council resolutions and minutes of Council meetings can be obtained by contacting the Administrative Coordinator. Resolutions are available shortly after the particular meeting at which adopted. Because minutes require approval by the Council at a subsequent meeting, they are usually available approximately four to six weeks after the date of the meeting to which they refer.

In order to verify the tentative agenda, or assure adequate seating arrangements, interested persons are requested to contact the Administrative Coordinator, National Council on Educational Research, whose address and telephone number are listed below:

National Council on Educational Research, National Institute of Education, Washington, D.C. 20208, Telephone: 202-254-7900.

This meeting was previously announced in the FEDERAL REGISTER dated Tuesday, July 6, 1976.

Also, notice is hereby given that the National Council on Educational Research Program Development Committee will meet on September 16, 1976, from 10:30 a.m. to 4:00 p.m., in Room 722. This meeting will be open to the public, although seating is limited. Persons interested in attending this meeting should contact the Administrative Coordinator. The agenda is as follows:

(1) Field-initiated Studies: Policies and Procedures.
(2) Progress of the Curriculum Development Project With Special Attention to the Issue of Whether to Hold Regional Public Hearings.
(3) Status of the Director's Response to Questions of the Program Committee Regarding the Status of the Nation's Education R&D System.
(4) Staff Report on NIE Project Monitoring.
(5) Staff Report on NIE's External Information Activities.
(6) Staff Report on NIE Procurement Policies and Practices.
(7) Briefing on Staff Report About NIE Relationships with State and Local Education Agencies.
(8) Status Report on NIE Program to Increase the Participation of Women and Minorities in the Nation's R&D Effort.
(9) Status Report on Planning for NIE Activities Relevant to Postsecondary Education.
(10) Initial Discussion of Council Guidance to the Director on FY 1979 Planning.

Dated: September 10, 1976.

HAROLD L. HODGKINSON,
Director, National Institute of Education.

[FR Doc.76-26939 Filed 9-10-76;10:42 am]

National Institutes of Health

COMMISSION FOR THE CONTROL OF HUNTINGTON'S DISEASE AND ITS CONSEQUENCES

Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Commission for the Control of Huntington's Disease and Its Consequences, National Institute of Neurological and Communicative Disorders and Stroke, National Institutes of Health, on September 22, 1976, in Guggenheim Hall, Mt. Sinai Hospital, 98th Street and Fifth Avenue, New York City, N.Y. 10029.

The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m. subject to space available. The purpose of the meeting will be to receive testimony from interested members of the public and professionals.

Persons who wish to appear before the Commission, or to submit testimony for consideration, shall file a written statement or detailed summary of remarks with the Executive Director, address listed below, by September 15, 1976. The time allotted to each witness will be determined by the Commission based upon the number of individuals who request an opportunity to testify.

Dr. Nancy Wexler, Executive Director, Commission for the Control of Huntington's Disease and Its Consequences, NIH, Building 31, Room 8A11, Bethesda, Maryland 20014, (301) 496-9275, will accept written statements or summaries and provide substantive program information.

Mrs. Ruth Dudley, Chief, Office of Scientific and Health Reports, NINCDS, Building 31, Room 8A03, Bethesda, Maryland 20014, (301) 496-5751, will provide summaries of the meeting and rosters of Commission members.

(Catalog of Federal Domestic Assistance Program No. 13.852, National Institutes of Health.)

Dated: September 9, 1976.

SUZANNE L. FREMEAU,
Committee Management Director, National Institutes of Health.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-362; FDAA-520-DR]

NEW YORK

Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on September 3, 1976, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of New York resulting from Hurricane Belle beginning about August 9, 1976, is of sufficient severity and magnitude to warrant a major disaster declaration under Pub. L. 93-288. I therefore declare that such a major disaster exists in the State of New York.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Thomas R. Casey, FDAA Region II, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of New York to have been adversely affected by this declared major disaster:

The Counties of:

Nassau Suffolk

The City of New York.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Dated: September 3, 1976.

WILLIAM E. CROCKETT,
Acting Administrator, Federal Disaster Assistance Administration.

[FR Doc.76-26665 Filed 9-10-76;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N-76-629]

OCEAN COLONY-SOUTH, INC.

Notice of Hearing

In the Matter of: OCEAN COLONY-SOUTH, INC., Developer, Ocean Colony-South, Inc., OILSR No. 0-1456-38-26, No. ED-76-13-IS.

Notice is hereby given that: 1. Ocean Colony-South, Inc., Developer, Ocean Colony-South, Inc., its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. 90-348) (15 U.S.C. 1701 *et seq.*) received a Notice of Suspension dated August 16, 1976, which was sent to the developer pursuant to 15 U.S.C. 1706(b) and 24 CFR 1720.45(a) informing the developer that its amended Statement of Record submitted for Ocean Colony-South, Inc., was not effective pursuant to the Act, and the regulations contained in 24 CFR Part 1710.

2. The Respondent filed an answer dated September 2, 1976, in answer to the allegations of the Notice of Suspension dated August 16, 1976.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Suspension.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(b) and 24 C.F.R. 1720.155(b), it is hereby ordered that a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Suspension will be held before James W. Mast, Administrative Law Judge, in Room 7146, Department of Housing and Urban Development Building, 451 Seventh Street, S.W., Washington, D.C. on September 22, 1976 at 10:00 a.m. The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C. 20410 on or before September 16, 1976.

5. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the suspension of the Statement of Record, herein identified, shall continue until vacated by order of the Secretary, pursuant to 24 CFR 1720.155.

This Notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: September 7, 1976.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.76-26714 Filed 9-10-76;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 76-171]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from June 11, 1976 to July 19, 1976 (List No. 17-76). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

The Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, no longer manufactures certain kapok buoyant vests for Belknap, Inc., P.O. Box 28, Louisville, Kentucky 40201 and Approval Nos. 160.047/650/0, 160.047/651/0 and 160.047/652/0 were therefore terminated effective June 21, 1976.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

The Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, Texas 75237, no longer manufactures certain unicellular plastic foam buoyant vests for Belknap, Inc., P.O. Box 28, Louisville, Kentucky 40201 and Approval Nos. 160.052/420/0, 160.052/421/0 and 160.052/422/0 were therefore terminated effective June 21, 1976.

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD FOR MERCHANT VESSELS

The Cal-June, Inc., P.O. Box 9551, North Hollywood, California 91609, no longer manufactures certain foam filled life preservers and Approval Nos. 160.055/108/0 and 160.055/109/0 were therefore terminated effective June 11, 1976.

MARINE BUOYANT DEVICE

The Empress Corporation, 1144 South San Julian Street, Los Angeles, California 90015, no longer manufactures certain marine buoyant devices and Approval Nos. 160.064/290/0, 160.064/303/0, 160.064/304/0, 160.064/305/0, 160.064/419/0, 160.064/420/0, 160.064/421/0, 160.064/422/0, 160.064/423/0, 160.064/537/0 and 160.064/538/0 were therefore terminated effective July 19, 1976.

The Empress Corporation, 1144 San Julian Street, Los Angeles, California 90015, no longer manufactures certain marine buoyant devices for Sperry Top-Sider, P.O. Box 338, Naugatuck, Connecticut 06770 and Approval Nos. 160.064/759/0, 160.064/760/0, 160.064/761/0, 160.064/762/0, 160.064/763/0, 160.064/764/0 and 160.064/765/0 were therefore terminated effective July 19, 1976.

The Empress Corporation, 1144 San Julian Street, Los Angeles, California 90015, no longer manufactures certain marine buoyant devices for Nihon Kyumeikigu Mfg. Co., Ltd., Yamura Factory, 500 Shimoya Tsurushi, Yamanashi-Ken, Japan and Approval Nos. 160.064/842/0, 160.064/843/0, 160.064/844/0 and 160.064/845/0 were therefore terminated effective July 19, 1976.

Dated: September 7, 1976.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.76-26694 Filed 9-10-76;8:45 am]

Office of Hazardous Materials Operations

TRANSPORTATION OF HAZARDOUS MATERIALS

Exemption Applications

In accordance with the procedures governing the application for, and the proceeding of, exemption from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B), notice is hereby given that the Office of Hazardous Materials Operations of the Materials Transportation Bureau has received the applications described herein.

Comments by: October 15, 1976, with respect to applications for a new exemption: and October 1, 1976, with respect to applications for renewal and applications to become a party.

Addressed to: Docket Section, Office of Hazardous Materials Operations, Department of Transportation, Washington, D.C. 20590. Comments should refer to the application number and be submitted in triplicate.

For further information: Complete copies of the applications are available for inspection and copying at the Public Docket Room, Office of Hazardous Materials Operations, Department of Transportation, Room 6500, Trans Point Building, 2100 Second Street, S.W., Washington, D.C. Telephone number 202-426-2077.

Each mode of transportation for which a particular exemption, renewal or party status is requested is indicated by a number in the "Nature of Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

Application No.	Applicant	Regulation(s) affected	Nature of application
		Renewals	
2787-X	MTMC, Department of the Army, Washington, D.C.	49 CFR 173.302(a)(1)	To renew SP 2787, authorizing shipments of hydraulic accumulators precharged with nitrogen (modes 1, 2, 3, 4).
2981-X	Hercules, Inc., Wilmington, Del.	49 CFR 173.64(a), 173.93(a).	To renew SP 2981, authorizing shipment of slurry type explosives, class A or B, in plastic bag within a fiberboard tube (modes 1, 2).
3193-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.314, 173.315.	To renew SP 3193, authorizing shipment of certain halogenated hydrocarbons in certain DOT specification tank cars, portable tanks and tank motor vehicles (modes 1, 2, 3).
3307-X	Hercules Inc., Wilmington, Del.	49 CFR 173.154, 173.182.	To renew SP 3307, authorizing shipment of certain oxidizing materials in a plastic bag spiral tube packaging (modes 1, 2, 3).
3439-X	G. Frederick Smith Chemical Co., Columbus, Ohio.	49 CFR 173.269(a)	To renew SP 3439, authorizing shipment of perchloric acid, less than 72-percent concentration in DOT-2S/6D packagings (modes 1, 2).
4168-X	Air Products & Chemicals, Inc., Allentown, Pa.	49 CFR 173.304(a)(2)	To renew SP 4168, authorizing shipment of sulfur hexafluoride in DOT-3AA1800 cylinders filled to 120 pct) (modes 1, 2).
4354-X	Chemetron Corp., LaPorte, Tex.	49 CFR 173.245, 173.288.	To amend SP 4354, which presently authorizes DOT 6D and 37M overpacks with inside DOT 2S, 2SL, and 2T polyethylene containers with vented closures for shipments of certain chloroformates (modes 1, 2, 3).

Application No.	Applicant	Regulation(s) affected	Nature of application
		Renewals	
4554-X	B. F. Goodrich Chemical Co., Cleveland, Ohio.	49 CFR 173.315(a)(1)	To renew SP 4554, authorizing shipment of liquid ethylene in specially designed MC-331 cargo tank (mode 1).
5064-X	Mobay Chemical Corp., Kansas City, Mo.	49 CFR 173.377(g)	To renew SP 5064, authorizing shipment of organic phosphate compound mixtures, dry, in DOT-2D/44B packagings (modes 1, 2, 3).
5129-X	Diamond Shamrock Corp., Cleveland, Ohio.	49 CFR 173.314	To renew and amend SP 5129, authorizing anhydrous hydrogen chloride in DOT-105A500W and 105A600W tank cars (mode 2).
5196-X	Shell Oil Co., Houston, Tex.	49 CFR 173.315(a)(1)	To renew SP 5196, authorizing shipment of liquid ethylene in non-DOT specification cargo tanks (mode 1).
5200-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.314(c), 179.101-1(a).	To renew SP 5200, authorizing shipment of dispersant, refrigerant, or other gas mixtures in DOT-105A400W and 114A340W tank cars (mode 2).
5372-X	Dow Chemical Co., U.S.A., Freeport, Tex.; Union Carbide Corp., Tarrytown N.Y.	49 CFR 173.301(d), 173.302(a),1), 173.304(a)(2).	To renew SP 5372, authorizing shipment of certain compressed gases in cylinders complying with DOT specification 3AAX with certain exceptions (modes 1, 3).
5634-X	Matson Navigation Co., San Francisco, Calif.	49 CFR 173.119, 173.125.	To renew SP 5634, authorizing shipment of acetone and methanol in non-DOT specification portable tanks (modes 1, 3).
5680-X	Stauffer Chemical Co., Westport, Conn.	49 CFR 173.358(a)(11)	To renew SP 5680 authorizing shipment of an organic phosphate compound, liquid in DOT-105A300W tank cars (mode 2).
5736-X	Phillips Petroleum Co., Bartlesville, Okla.	49 CFR 173.314(c)	To renew SP 5736, authorizing shipment of liquid ethylene in proposed specification 113C120W tank cars (mode 2).
5749-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.315(a)	To renew SP 5749, authorizing shipment of a flammable compressed gas, n.o.s., in a MC-331 cargo tank (mode 1).
5849-X	Diamond Shamrock, Cleveland, Ohio.	49 CFR 173.217(a)(5)	To renew SP 5849, authorizing shipment of calcium hypochlorite mixtures, dry in DOT-21C fiber drum with aluminum sheet liner (modes 1, 2, 3, 4).
5967-X	Rocket Research Corp., Redmond, Wash.	49 CFR 173.304(a)(2)	To renew SP 5967 authorizing shipment of monochlorodifluoromethane (cool gas generator) in a non-DOT specification steel pressure vessel (modes 1, 2, 4, 5).
6016-X	Georgia Welding Supply Inc., Jacksonville, Fla.	49 CFR 173.315(a)(1)	To renew SP 6016, authorizing the transportation of liquefied oxygen, nitrogen, or argon in non-DOT specification portable tanks (mode 1).
6111-X	Air Products and Chemicals Inc., Allentown, Pa.; Liquid Carbonic Corp., Chicago, Ill.	49 CFR 173.315(a)	To renew SP 6111, authorizing shipment of liquid hydrogen in non-DOT specification cargo tanks (mode 1).
6116-X	AAI Corp., Baltimore, Md.	49 CFR 173.385(b)	To renew DOT-E 6116 authorizing shipment of tear gas grenades with functioning elements assembled therein (modes 1, 2, 3, 4).
6225-X	Great Lakes Chemical Corp., W. Lafayette, Ind.	49 CFR 173.252(g)	To renew and amend SP 6225 to authorize shipment of bromide in glass jugs in DOT-33A poly-styrene cases or DOT-15A boxes (modes 1, 3).
6501-X	Gearhart-Owen Industries, Inc., Fort Worth, Tex.	49 CFR 173.62(a)	To renew SP 6501, authorizing shipment of liquid high explosives in DOT-17E/44P composite packaging (mode 1).
6516-X	Chemetron Corp., LaPorte, Tex.	49 CFR 173.288	To renew SP 6516, authorizing shipment of certain chloroformates in DOT-111-A-W and 112A-W series tank cars (mode 2).
6517-X	Coyne Cylinder Co., Huntsville, Ala.	49 CFR 173.303(a)	To renew SP 6517, authorizing shipment of acetylene in cylinders complying with DOT specification 4BW with certain exceptions (modes 1, 2, 3).
6530-X	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.302(c)	To renew SP 6530, authorizing shipments of hydrogen cylinders charged to a pressure 10 percent in excess of their marked service pressure (mode 1).
6653-X	Shell Oil Co., Houston, Tex.	49 CFR 173.358	To renew SP 6653, authorizing shipment of a liquid organic phosphate compound in DOT-6D drums having inside polyethylene containers and to add monomethylchloroacetoacetamide (MMCAA) as an authorized commodity (modes 1, 2, 3).
6805-X	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.301(d), 173.302(a)(3), (f).	To renew SP 6805, authorizing shipment of compressed gas, n.o.s. in DOT-3AAX cylinders (mode 1).
6908-X	Airesearch Manufacturing Co. of Arizona, Phoenix, Ariz.	49 CFR 173.302(a)(1)	To renew SP 6908, authorizing shipment of a cold cold gas actuation system containing compressed gas in cylinders similar to DOT specification 39 (modes 1, 2, 4).
6912-X	Dow Chemical Co., Plaquemine, La.	49 CFR 172.101, 173.302(a)(1).	To renew SP 6912, authorizing shipment of a hydrogen sphere in a portable gas chromatographic instrument (mode 5).
6931-X	Allied Chemical Corp., Morristown, N.J.	49 CFR 173.245(a)(32)	To renew SP 6931, authorizing shipment of corrosive liquids, n.o.s. in AAR specification 201A-80W tank cars (mode 2).
7013-X	ASM Enterprises, Inc., Pine Bluff, Ark.	49 CFR 173.315(a)	To renew SP 7013, authorizing shipment of certain compressed gases in non-DOT specification ASME code cargo tanks (mode 1).
7015-X	Linde AG, Germany	49 CFR 172.101, 178.315(a)(1).	To reinstate SP 7015, authorizing the shipment of liquefied helium in a non-DOT specification insulated containerized portable tank (modes 1, 3).
7026-X	Hydraulic Research, Pacoima, Calif.	49 CFR 173.304(a)(1), 178.47.	To amend SP 7026, to provide for shipment of bromotrifluoromethane in modified DOT-4DS type pressure vessels (modes 1, 4, 5).
7031-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.63, 173.64, 173.65.	To renew SP 7031, authorizing shipment of class A and B explosives in DOT-12H boxes having flaps secured by hot melt adhesive (modes 1, 2, 3).

Application No.	Applicant	Regulation(s) affected	Nature of application
		Renewals	
7042-X	Walter Kidde & Co., Inc., Belleville, N.J.	49 CFR 173.302(a)(1), 173.304(a).	To amend and renew SP 7042, to provide for shipment of bromotrifluoromethane and other compressed gases in none-DOT specification aluminum cylinders (modes 1, 2, 3, 4).
7451-X	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.304	To renew USCG SP 4-67, authorizing shipment of liquid argon in Linde model 200-VCC Transportable cold converter mounted in a Matson dry freight container (mode 3).
7452-X	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del.	49 CFR 173.61	To renew USCG SP 23-73, authorizing shipment of class A explosives in 69 series or later containers owned by Sea-Land and now owned by Puerto Rico Marine Management, Inc. (mode 3).
7453-X	do	49 CFR 173.93	To renew USCG SP 25-70, authorizing shipment of "Pourvex Extra" propellant explosives (liquid) class B in polyethylene bags sealed against leakage overpacked in specification DOT-12H fiberboard boxes or DOT-14 wooden boxes (mode 3).
7454-X	do	49 CFR 176.410(e)(2)	To renew USCG SP 49-69, authorizing shipment of nitro carbo nitrate in the same magazine with dynamite without any type of bulkhead separating the two (mode 3).
7455-X	do	49 CFR 176.410(e)	To renew USCG SP 31-71, authorizing shipment of nitro carbo nitrate in the same magazine with dynamite, commercial boosters, and other nonpriming non-initiating types of explosives which are compatible with dynamite without any type of bulkhead separating the two (mode 3).
7456-X	do	49 CFR 173.370	To renew USCG SP 33-71, authorizing shipment of sodium cyanide in steel flo-bin type containers on a platform type Sea-Land or Puerto Rico Maritime Shipping Authorint container (mode 3).
7457-X	do	49 CFR 173.61	To renew USCG SP 46-75, authorizing containerized shipments of class A explosives (mode 3).
7459-X	ASM Enterprises, Pine Bluff, Ark.	49 CFR 173.315(a)(1)	To renew AA210, authorizing the transportation of LPG and MAPP gas in a cargo tank complying with ASME code, sec. U-69 (mode 1).
7462-X	Monsanto Corp., St. Louis, Mo.	49 CFR 173.245	To renew USCG SP 36-75, authorizing transportation of glacial acetic acid in MC-307 or MC-312 cargo tanks on cargo vessels (mode 3).
		Parties to an exemption	
2582-P	Air Products & Chemicals, Inc., Allentown, Pa.	49 CFR 173.304(a)(2)	To become a party to DOT-E 2582, authorizing shipment of nitrosyl chloride in monel cylinders (modes 1, 2).
5854-P	Puerto Rico Marine Management, Inc., Elizabeth, N.J.	49 CFR pt 173, Subpart C.	To become a party to DOT-E 5854, authorizing the shipment of flammable and combustible liquids in MC-306 cargo tanks with certain exceptions (modes 1, 2, 3).
6948-P	Thompson-Hayward Chemical Co., Memphis, Tenn.	49 CFR 173.358, 173.359.	To become a party to DOT-E 6948, to ship organic phosphate mixtures in a DOT-51 portable tank (mode 1).
7222-P	Michael F. Hardesty, Seattle, Wash.	49 CFR 173.260(d)	To become a party to DOT-E 7222, authorizing, the applicant to offer for transportation, by air, as carryon baggage, electric storage batteries in connection with a self propelled wheelchair (mode 5).

Appearing elsewhere in the Proposed Rules Section of this edition of the FEDERAL REGISTER is a notice of proposed rulemaking containing a number of proposed amendments to the regulations governing the transportation of hazardous materials based on selected applications or existing exemptions, one or more of which may be the subject of a pending application of renewal or to become a party thereto. In the event the Materials Transportation Bureau decides not to adopt any of those proposals that application will be evaluated and acted upon in accordance with the applicable provisions of the exemption procedures in 49 CFR Part 107, Subpart B.

(49 U.S.C. 1806; 49 CFR 153(e) and Part 107, Subpart B)

Issued in Washington, D.C., on September 7, 1976.

Dr. C. H. THOMPSON,
Chief, Regulations Division Office of Hazardous Materials Operations.

[FR Doc.76-26676 Filed 9-10-76;8:45 am]

Pipeline Safety Operations Office

[Docket No. 76-12W; Notice 2]

TRANS-ALASKA CRUDE OIL PIPELINE

Petition for Waiver for Girth Welds

On August 12, 1976, the Office of Pipeline Safety Operations (OPSO) in the Materials Transportation Bureau, issued a public notice stating that the Alyeska Pipeline Service Company (Alyeska) had advised the Department of Transportation that it expected to petition for waivers of provisions of the Department's pipeline safety regulations applicable to girth welds on the Trans-Alaska pipeline (41 FR 34375, August 13, 1976). As indicated, it was anticipated that the petition would be accompanied by a fracture mechanics analysis offered in support thereof. Accordingly, in that notice, OPSO set forth a preliminary determination of the information and data required for processing any request for a waiver to allow girth weld defects or arc burns greater than allowed by 49 CFR Part 195, Subpart D, on the basis of a fracture mechanics concept.

On September 1, 1976, Alyeska filed a petition for exemptions from the requirements of 49 CFR Part 195 governing the transportation of liquids by pipeline for 612 individual welds in the main line pipe of the Trans-Alaska Pipeline System. The petition consists of a letter requesting the "exemptions" and summarizing the supporting evidence and arguments; an Appendix I identifying each weld for which an exemption is requested by weld number and location, and setting forth in tabular form the type, location, and dimensions (length and depth) of defect for each listed weld or arc burn, together with the citation to the specific regulation in 49 CFR Part 195 from which an exemption is requested; an Appendix II discussing the environmental considerations on a location-by-location basis and the cost considerations associated with the repairs which would have to be made if the requested exemptions are not granted; two volumes of radiograph evaluations prepared by Southwest Research Institute containing, among other things, depth estimates from images of the defects as shown on radiographs identified by Alyeska as being radiographs of the welds for which the exemptions are requested; and Parts 1, 2, and 3 of Alyeska's Fracture Mechanics Study of Buried Girth Welds which are incorporated by reference but were actually delivered under separate correspondence which indicates that a Part 4 is to be delivered at a later date.

In support of its petition, Alyeska asserts that:

"* * * the material transmitted in support of this petition demonstrates that the presence of the discontinuities in the welds for which exemptions are requested does not jeopardize the integrity of either the welds involved or the Pipeline System as a whole and, further that it is not in the national interest to excavate these welds to perform repairs necessary to place them in strict compliance with applicable regulations. The welds for which exemptions are * * * requested only nominally fail to meet the dimensional limitations of applicable regulations. It would serve no useful purpose to require remedial work to literally comply with the regulations when the remedial work will not contribute to the strength of the welds nor to the integrity of the Pipeline System.

With respect to the fracture mechanics study submitted in support of its petition, Alyeska states:

That Study proposes alternative allowable flaws for all types of weld discontinuities, other than cracks. The Study supports the proposed alternative allowable weld flaws by fracture mechanics analyses using the worst case fatigue stress spectrum. The crack growth analyses in the Study account for both cyclic and sustained stresses in the most deleterious service environments and temperatures which will be present during operation of the Trans-Alaska Pipeline System.

The final output of the Study at Part 3 * * * consists of proposed allowable flaw size diagrams plotting weld discontinuity depth versus weld discontinuity length in accord with Requirement I of the Notice [Federal Register Notice of Anticipated Petition for Waiver (41 FR 34375, August 13, 1976)], which incorporates multiple safety factors resulting in highly conservative flaws. We request that discontinuities with dimensions which fall below the applicable curve

be accepted under Requirement I of the Notice without further remedial work and that exemptions from the requirements of applicable regulations be granted with respect to all welds identified in Appendix I containing such discontinuities.

Notwithstanding that it has petitioned for exemptions for 612 girth welds, Alyeska states in its petition that:

To assure timely completion of the Pipeline System, it is necessary that we continue to repair discrepant welds subject to this Petition while the Petition is pending. As repair of such welds is accomplished, we will notify you and request that such repaired welds be withdrawn from consideration hereunder.

Parts 1, 2, and 3 of Alyeska's fracture mechanics study which were delivered to OPSO in advance of the petition have been preliminarily reviewed for completeness against the information and data requirements specified in the August 13, 1976, Notice for Requirement I—Evaluation of Proposed Alternative Maximum Allowable Weld Defect and Arc Burn Sizes, and Alyeska has been notified of the following deficiencies which OPSO anticipates will be corrected by Alyeska's submission of Part 4 of the study:

1. A worst case fatigue stress spectrum based on the maximum operating pressure is required. The spectrum currently provided is not a worst case spectrum because the line pressure was only 830 psi.

2. Rationale for the worst case fatigue spectrum is required.

3. The fatigue cycles used for the fatigue analysis need to account for the complete stress range. Specifically, for the case of surges in the hoop stress spectrum, the stress range should be zero to 80 percent of SMYS, not 72 to 80 percent of SMYS. Similar adjustments are needed for the axial stress spectrum.

4. Environmental enhanced fatigue crack growth should include an appropriate factor on Maddox's data. This factor can be based on information available in the technical literature.

5. The flaw size used in the fatigue crack growth analysis should be the initial defect size enlarged by the appropriate factors of safety as published in the August 13, 1976, notice.

6. Minimum fracture toughness data are required for use in the fracture mechanics analysis. Omission of any data must be thoroughly justified.

7. The arc burn analysis requires a factor of safety of two on length and depth used to establish an allowable flaw (arc burn) size curve. An additional factor of two is required on arc burn depth estimated on the basis of metallographic examination of other arc burns of representative severity.

8. The weld defect depths must be estimated on the basis of inspection records and the uncertainties in the estimates must be identified. A 0.025 inch correction factor must be added to each of the Southwest Research Institute densitometer flaw depth measurements.

9. The methodology used to obtain defect dimension data must be indicated—in particular, the X-ray voltage, film type, and thickness and location of lead radiographic screens.

To the extent the incomplete petition and supporting documentation permits, OPSO has commenced verification and evaluation and hereby invites public comment thereon.

The petition and the enumerated supporting documentation and related correspondence are available in the public docket for inspection. Interested persons are invited to submit their comments in triplicate with respect to the matters discussed in the August 13, 1976, notice and with respect to the petition and supporting documentation filed by Alyeska on September 1, 1976. Comments received before October 4, 1976, will be considered in deciding what action should be taken regarding Alyeska's petition. his period for public comment may be extended, depending upon how soon Alyeska provides the information and data to correct the deficiencies in their petition for inclusion in the public docket.

(18 USC 831–835, 49 CFR 1.53(g)).

Issued in Washington, D.C. on September 9, 1976.

CESAR DELEON,
Acting Director, Office of Pipeline Safety Operations.

[FR Doc.76-26875 Filed 9-10-76;8:45 am]

Office of the Secretary

[OST File No. 40; Notice 76-9]

INTERAGENCY TASK FORCE ON MOTOR VEHICLE GOALS BEYOND 1980

Availability of Draft Report

The purpose of this notice is to announce the public availability of the draft report of the Interagency Task Force on Motor Vehicle Goals Beyond 1980.

On March 21, 1975, the Chairman of the Energy Resources Council (ERC) requested that the Secretary of Transportation lead a Federal Interagency Task Force to examine long-range energy goals of the motor vehicle fleet, compatible with environmental, safety and economic objectives. The members of the Task Force include representatives from Department of Transportation, Federal Energy Administration, Environmental Protection Agency, Energy Research and Development Administration, National Science Foundation, and other agencies of the Federal Government. The Task Force has now completed its study and submitted its draft report to the ERC.

Not only is the motor vehicle a principal user of petroleum, it is also a critical element in our national economy and lifestyle. Therefore, consideration of the future characteristics of the vehicle fleet, as influenced by possible combinations of market forces and government policies, constitutes a matter of substantial interest and concern to government, industry, and the public—and involves major issues of choice. Accordingly, the ERC believes that the Report should be published in draft form to provide the basis for broad public exposure and discussion of the information and issues it presents. The technical conclusions identified in the Report will, of course, have to be assessed in relation to these issues as the ERC moves toward the specific formulation of government policies. In this process, the draft Report should serve to refine and focus the associated debate.

The Department of Transporation has been requested to act for the ERC in disseminating the Report and in establishing a file for public comments. Single copies of the draft Report are available upon request to Mr. Paul Long, Chief Facilities Management Branch, TAD–443, U.S. Department of Transportation, Washington, D.C. 20590, phone (202) 426–9654. Copies also are available for inspection, and any comments received are available for inspection and copying, from 9:00 a.m. to 5:30 p.m. local time Monday through Friday, except Federal holidays, in the Office of the Assistant General Counsel for Operations and Legal Counsel, Room 10100, Nassif Building, 400 Seventh Street, SW., Washington, D.C., telephone (202) 426–4723. Comments on the Report (three copies, if possible) should identify the file number (OST File No. 40) and be sent to the Docket Clerk, Office of the General Counsel, TGC, Department of Transportation, Washington, D.C. 20590. All comments received by December 13, 1976, will be considered. Comments submitted to the Assistant Secretary or his staff will also be included in the file.

To provide for greater public understanding of the issues raised by the Report, public briefings will be held in three cities around the country; to provide greater opportunity for public comment, a public hearing will be held in Washington, D.C. The three briefings—open to the public—will be held as follows:

Hilton Hotel, 31500 Wick Road, Romulus, Michigan, September 14—2 p.m.
Holiday Inn Airport, 3702 North Belt East, Houston, Texas, September 16—10 a.m.
Marina Del Rey, 13534 Ball Way, Los Angeles, California, September 17—2 p.m.

The public hearing will be held Thursday, October 21, 1976, in room 2230, Nassif Building, 400 Seventh Street, SW., Washington, D.C. It will begin at 10:00 a.m. and continue until all who have requested to speak have been heard. It will be chaired by senior officials of agencies comprising the task force. Persons wishing to speak should furnish the following information by September 30, 1976,

1. Name
2. Business address
3. Telephone number during normal working hours
4. Capacity in which presentation will be made (e.g., public official, knowledgeable citizen, organization representative)

5. Issue(s) to be addressed
6. Amount of time desired
7. Written copy of presentation if one is to be submitted

Envelopes should be marked "MVG Hearing" and may be mailed or hand-delivered to the Assistant Secretary for Systems Development and Technology, Department of Transportation, Room 10414, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Issued in Washington, D.C., on September 9, 1976.

WILLIAM H. CLOSE,
Acting Assistant Secretary for Systems Development and Hearing.

[FR Doc.76-26901 Filed 9-10-76;9:50 am]

CIVIL AERONAUTICS BOARD

[Docket 29198; Order 76-9-38]

ALASKA AIRLINES, INC., ET AL.

Alaska Fares Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 8th day of September, 1976.

By Order 76-4-180, adopted April 30, 1976, the Board instituted an investigation (Docket 29198) into passenger fare increases proposed by Alaska Airlines, Inc. (Alaska); Northwest Airlines, Inc. (Northwest); and Western Air Lines, Inc. (Western). By Order 76-8-17, adopted August 3, 1976, the Board entitled the investigation the Alaska Fares Investigation and made Pan American World Airways, Inc. (Pan American) a party. Wien Air Alaska, Inc. (Wien) competes with Alaska in the Anchorage-Fairbanks and Fairbanks-Juneau markets. In order to insure a complete record in all markets under investigation, we will likewise make Wien a party to the proceeding.

Accordingly, pursuant to the Federal Aviation Act of 1958, It is ordered, That:

1. Wien Air Alaska, Inc. be and hereby is made a party in the Alaska Fares Investigation, Docket 29198; and

2. Copies of this order be served upon Alaska Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Western Air Lines, Inc., and Wien Air Alaska, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-26695 Filed 9-10-76;8:45 am]

COMMISSION ON CIVIL RIGHTS

ILLINOIS ADVISORY COMMITTEE

Agenda of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois Advisory Committee (SAC) to this Commission will convene at 10:30 a.m. and end at 2:30 p.m. on October 4, 1976, at 230 South Dearborn Street, Room 3251, Chicago, Illinois 60604.

Persons wishing to attend this meeting should contact the Committee Chairperson, or the Mid-Western Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting: The Education Sub-Committee will finalize plans on educational conference.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 8, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-26662 Filed 9-10-76;8:45 am]

KANSAS/MISSOURI ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Kansas/Missouri Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. and end at 9:30 p.m. on October 6, 1976, at the Neumann House, 6130 McGee, Kansas City, Missouri.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Central States Regional Office of the Commission, Old Federal Office Building, Room 3103, 911 Walnut Street, Kansas City, Missouri 64106.

The purpose of this meeting is to make further plans for the final report of the Bi-State Committee on Education.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 8, 1976.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.76-26663 Filed 9-10-76;8:45 am]

COMMISSION ON FEDERAL PAPERWORK

PUBLIC MEETING

Notice is hereby given of the seventh regular meeting of the Commission on Federal Paperwork to be held in Room S-497, the U.S. Capitol, on September 24, 1976.

The public portion of the meeting will commence at 9:00 a.m. In the public portion, the Commission will review progress on approved projects, staff proposals for future projects, and proposed Commission positions on specific paperwork problems. At the conclusion of the public portion, the Commission will meet in closed session to consider matters relating solely to its internal personnel and budget practices, as authorized by 5 U.S.C. 552(b)(2), or to examine personnel and similar files, disclosure of which would constitute an unwarranted invasion of privacy within the meaning of 5 U.S.C. 552(b)(6).

Anyone wishing to attend the public portion of the meeting is invited. For further details, contact the Commission on Federal Paperwork, Room 200, 1111 20th Street, NW., Washington, D.C. 20582, telephone (202) 653-5400.

FRANK HORTON,
Chairman.

[FR Doc.26679;Filed 9-10-76;8:45 a.m.]

ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

UNIVERSITY PROGRAMS ADVISORY PANEL

Determination To Establish

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), I hereby certify that the establishment of a University Programs Advisory Panel, hereinafter identified, is in the public interest in connection with the performance of duties imposed upon the Energy Research and Development Administration (ERDA) by the Energy Reorganization Act of 1974 and other applicable law. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to section 9(a)(2) of the Federal Advisory Committee Act and OMB Circular No. A-63 (Revised).

1. *Name of Advisory Committee.* University Programs Advisory Panel.

2. *Purpose.* To advise and recommend to the Director, Office of University Programs, ERDA, on matters pertaining to ERDA's relationships with the academic community, including ERDA operating policies and procedures relative to academic institutions; the assessment and development of energy-related manpower; types and levels of government-supported energy research, training, manpower and extension programs at post-secondary institutions; academic interfaces with National Labs, Energy Research Centers, state and local governments, industry, and other energy-related organizations; academic proposal handling procedures; inter- and multi-disciplinary programs; and other matters pertaining to ERDA's activities with the academic community. The Panel will provide a forum for discussion and airing of the views of the academic community on ERDA activities, and will help promote better understanding on the part of post-secondary education of ERDA programs, goals and policies. Additionally, an independent objective review will provide ERDA with policy recommendations in its relationships with academic institutions.

3. *Effective date of establishment and duration.* The University Programs Advisory Panel is established, effective on or before September 28, 1976, and after filing of the charter with the standing committees of Congress having legisla-

tive jurisdiction of the Energy Research and Development Administration. The Advisory Panel's termination date shall be October 1, 1978.

4. *Membership.* The membership of the University Programs Advisory Panel shall be balanced fairly in terms of the points of view represented and the functions to be performed, and will include persons drawn from the various types of academic institutions, including private and public universities, colleges, community colleges, etc. It will be composed predominantly of outstanding leaders in post-secondary education who will be balanced as much as possible in technical background and geographic relationships. There will be no discrimination on the basis of sex, race, color, creed, national origin or religion.

5. *University Programs Advisory Panel Operations.* The University Programs Advisory Panel will operate in accordance with provisions of the Federal Advisory Committee Act (Pub. L. 92-463), ERDA policy and procedures, OMB Circular No. A-63 (Revised), and other directives and instructions issued in implementation of the Act. The Panel will be provided by ERDA the necessary support to accomplish its purpose.

Effective date: September 28, 1976.

R. G. ROMATOWSKI,
Advisory Committee Management Officer.

[FR Doc.76-26684 Filed 9-10-76;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 615-1, OPP-50253]

CHEVRON CHEMICAL CO., ET AL.

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), experimental use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 239-EUP-75. Chevron Chemical Company, Richmond, California 94804. This experimental use permit allows the use of the remaining supply of 560 pounds of the desiccant, defoliant, and herbicide paraquat authorized in a previous experimental use permit; the pesticide will be used on dry beans as a harvest aid. A total of 960 acres is involved; the program is authorized only in the States of Colorado, Kansas, Michigan, Minnesota, Nebraska, New York, North Dakota, and Wisconsin. The experimental use permit is hereby extended for nine weeks and will expire October 31, 1976. A temporary tolerance for residues of the active ingredient in or on dry beans has been established.

No. 11558-EUP-1. Celanese Chemical Company, New York, New York 10036. This experimental use permit allows the use of 231,000 pounds of a fungicide which is a mixture of propionic acid and formaldehyde on forage stored in silos, bunkers, or pits as bales or loose hay, or silage; this fungicide is to be applied at the time of harvest for preservation purposes. A maximum of 30,000 tons of forage is involved; the program is authorized only in the States of Indiana, Michigan, and Ohio. The experimental use permit is effective from August 18, 1976, to August 18, 1977. An exemption from the requirement of tolerances for residues of the active ingredient in or on various forages has been established (40 CFR 180.1023, 180.1032, and 180.1001).

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: September 3, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-26604 Filed 9-10-76;8:45 am]

[FRL 614-8; PP6G1765/T80]

E. I. DU PONT DE NEUMOURS & CO.

Notice of Establishment of a Temporary Tolerance, 3 - Cyclohexyl - 6 - (Dimethylamino) - 1 - Methyl - 1,3,5 - Triazine -2,4 (1H,3H)-Dione

E. I. du Pont de Nemours and Co., Wilmington DE 19898, has submitted a pesticide petition (PP 6G1765) to the Environmental Protection Agency (EPA). This petition requests that a temporary tolerance be established for combined residues of the herbicide 3-cyclohexyl-6-(dimethylamino)-1-methyl-3,4,5-triazine1,2,4(1H,3H)-dione and its metabolites (calculated as the parent compound) in or on the raw agricultural commodity sugarcane at 0.2 part per million (ppm).

Establishment of this temporary tolerance will permit the marketing of the above raw agricultural commodity treated in accordance with an experimental use permit that is being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act.

An evaluation of the scientific data reported and other relevant material has shown that the requested tolerance is adequate to cover residues resulting from the proposed experimental use, and it has been determined that the temporary tolerance will protect the public health. The temporary tolerance is established for the pesticide, therefore, with the following provisions:

1. The total amount of pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. E. I. du Pont de Nemours and Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary tolerance expires September 3, 1977. Residues not in excess of 0.2 ppm remaining in or on sugarcane after this expiration date will not be considered to be actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerance. This temporary tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health.

Statutory Authority: Section 408(j) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(j)].

Dated: September 3, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-26606 Filed 9-10-76;8:45 am]

[FRL 615-2; OPP-50254]

J. J. MAUGET CO., ET AL.

Issuance of Experimental Use Permits

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), experimental use permits have been issued to the following applicants. Such permits are in accordance with, and subject to, the provisions of 40 CFR Part 172; Part 172 was published in the FEDERAL REGISTER on April 30, 1975 (40 FR 18780), and defines EPA procedures with respect to the use of pesticides for experimental purposes.

No. 7946-EUP-3. J. J. Mauget Co., Inc., Burbank, California 91504. This experimental use permit allows the use of 16 pounds of the insecticide dimethyl phosphate ester with 3-hydroxy-N,N-dimethyl - cis - crotonamide on trees (non-bearing) to evaluate control of a variety of insects. A total of 46.5 acres and approximately 930 trees are involved; the program is authorized only in the States of Arizona, California, Georgia, Kansas, Maryland, New York, New Jersey, and Ohio. The experimental use permit is effective from August 23, 1976, to August 23, 1977.

No. 4581-EUP-28. Pennwalt Corporation, King of Prussia, Pennsylvania 19406. This experimental use permit allows the use of 5,280 pounds of the insecticide 0,0-diethyl 0-(2-isopropyl-6 - methyl - 4 - pyrimidinyl) phosphorothioate; 2,000 pounds of the insecticide will be used indoors in residential, industrial, and food processing areas, and business sites, while 3,280 pounds will be used outdoors on ornamentals, trees, shrubs, and turf to control a large variety of insects. The program is authorized in the 48 contiguous States. The experimental use permit is effective from August 18, 1976, to August 18, 1977.

Interested parties wishing to review the experimental use permits are referred to Room E-315, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St., S.W., Washington, D.C. 20460. It is suggested that such

interested persons call 202/755-4851 before visiting the EPA Headquarters Office, so that the appropriate permits may be made conveniently available for review purposes. These files will be available for inspection from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: September 3, 1976.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.76-26605 Filed 9-10-76;8:45 am]

[FRL 614-7; OPP-240002B]

STATE OF MAINE

Approval of Amendment of Request for Interim Certification To Register Pesticides To Meet "Special Local Needs"

Pursuant to section 24(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), the State of Maine submitted to the Environmental Protection Agency (EPA) a request for Interim Certification to register pesticides for special local needs (Request), which was subsequently approved on November 20, 1975. Notice of approval of this Request was published in the FEDERAL REGISTER on December 11, 1975 (40 FR 57713). This initial Request sought authority to amend EPA registrations that involve "changed use patterns", as that term is defined in § 162.152(c) of the proposed regulations as they were published in the FEDERAL REGISTER on September 3, 1975 (40 FR 40538), and to amend EPA registrations that did not involve changed use patterns.

On July 15, 1976, the State of Maine sought to amend their Request to include authority to register "new products", as that term is defined in § 162.152(g) of the proposed regulations. This Agency has found that the specific requirements for registration of new products are satisfied in the Maine Request, in that Maine's registration program provides for both efficacy determination and product hazard review.

Accordingly, notice is hereby given that the Administrator, EPA, has approved the amendment from the State of Maine for Interim Certification allowing that State the authority to register new products. The State agency designated responsible for issuance of such registrations, the Maine Department of Agriculture was notified on August 24, 1976, that the amendment to its Request had been approved.

Copies of the amendment to the Request for Interim Certification from Maine, along with the letter reflecting the Agency's decision to approve the amendment, are available for public inspection at the following locations:

Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street, S.W., Washington, D.C. 20460.

Pesticide Branch, Hazardous Materials Control Division, EPA, John F. Kennedy Federal Bldg., Boston, Massachusetts 02203.

Dated: September 7, 1976.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc.76-26567 Filed 9-10-76;8:45 am]

[FRL 615-3; OPP-180092]

UNITED STATES ARMY

Crisis Exemption To Use Carbaryl To Control Flea Vectors of Plague in Colorado

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136), the Environmental Protection Agency (EPA) gives notice that the Rocky Mountain Arsenal of the U.S. Army (hereafter referred to as the "Army") has availed itself of a crisis exemption for the use of ten (10) percent carbaryl dust to control flea vectors of plague identified at the Arsenal, located in Adams County, Colorado. This exemption is subject to the provisions of §§ 166.2, 166.8, and 166.9 of 40 CFR Part 166. These regulations concerning exemption of Federal and State agencies for the use of pesticides under emergency conditions were published in the FEDERAL REGISTER on December 3, 1973 (38 FR 33303). As required, the Army has submitted in writing the following certified information.

On July 22, 1976, personnel of the Center for Disease Control (CDC), U.S. Department of Health, Education, and Welfare, located at Fort Collins, Colorado, identified the plague bacillus *Yersinia pestis* in fleas collected from the burrows of blacktailed prairie dogs in a colony at the Rocky Mountain Arsenal; the Arsenal occupies 17,000 acres.

According to the Army, plague epizootics had previous been identified in both rodents and fleas in 20 counties within the State of Colorado. Based on this increased incidence of plague in Colorado, the Chief, Plague Branch, CDC, Colorado, recommended that flea control measures be instituted immediately in prairie dog towns around human habitation at the Arsenal. The Colorado State Health Department also recommended that such control measures be taken to prevent the transmission of plague to humans. Approximately 1,000 acres of prairie dog towns near human habitation were identified and immediately quarantined until a control program could be conducted to reduce the flea indexes. The areas of human habitation included work areas, recreation areas, and adjacent local civilian communities.

An EPA-registered product containing 10 percent carbaryl dust was ordered in the amount of 3,200 pounds. This was the only dust registered for flea/plague control in burrows and readily available in Colorado. However, the manufacturer could only furnish 2,100 pounds, according to the Army. Therefore, an additional 1,100 pounds of a product containing 10 percent carbaryl dust was purchased to complete the control program; however, this product was not registered for plague control. No other pesticide registered for this use was readily available. The time element was so critical that there was no time to request a specific exemption.

In total, 3,200 pounds of 10 percent carbaryl dust was applied by rotary dusters to 1,000 acres at the Rocky Mountain Arsenal between August 3 and August 11, 1976. Under this exemption, 1,100 pounds of the carbaryl not registered for this use was applied to 343 acres. Two ounces of dust were applied to each burrow. The application of dust was under the technical supervision of two registered military entomologists and seven certified military pest controllers. Military and civilian personnel from the Arsenal operated the dusters.

Personal protective equipment and clothing, gloves, and respirators were utilized during pesticide applications to reduce human exposure. Carbaryl was placed directly into the burrows to minimize impact on non-target organisms and the environment. Empty pesticide containers were disposed of in accordance with EPA policy.

The official file concerning this exemption is available for inspection in the Registration Division (WH-567), Office of Pesticide Programs, EPA, Room E-315, 401 M St., SW., Washington, D.C. 20460.

Dated: September 7, 1976.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.76-26730 Filed 9-10-76;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COORDINATING COUNCIL

AFFIRMATIVE ACTION PROGRAMS FOR STATE AND LOCAL GOVERNMENT AGENCIES

Policy Statement

The Equal Employment Opportunity Coordinating Council was established by Act of Congress in 1972, and charged with responsibility for developing and implementing agreements and policies designed, among other things, to eliminate conflict and inconsistency among the agencies of the Federal government responsible for administering Federal law prohibiting discrimination on grounds of race, color, sex, religion, and national origin. This statement is issued as an initial response to the requests of a number of State and local officials for clarification of the Government's policies concerning the role of affirmative action in the overall equal employment opportunity program. While the Coordinating Council's adoption of this statement expresses only the views of the signatory

agencies concerning this important subject, the principles set forth below should serve as policy guidance for other Federal agencies as well.

1. Equal employment opportunity is the law of the land. In the public sector of our society this means that all persons, regardless of race, color, religion, sex, or national origin shall have equal access to positions in the public service limited only by their ability to do the job. There is ample evidence in all sectors of our society that such equal access frequently has been denied to members of certain groups because of their sex, racial, or ethnic characteristics. The remedy for such past and present discrimination is twofold.

On the one hand, vigorous enforcement of the laws against discrimination is essential. But equally, and perhaps even more important, are affirmative, voluntary efforts on the part of public employers to assure that positions in the public service are genuinely and equally accessible to qualified persons, without regard to their sex, racial or ethnic characteristics. Without such efforts equal employment opportunity is no more than a wish. The importance of voluntary affirmative action on the part of employers is underscored by Title VII of the Civil Rights Act of 1964, Executive Order 11246, and related laws and regulations—all of which emphasize voluntary action to achieve equal employment opportunity.

As with most management objectives, a systematic plan based on sound organizational analysis and problem identification is crucial to the accomplishment of affirmative action objectives. For this reason, the Council urges all State and local governments to develop and implement results oriented affirmative action plans which deal with the problems so identified.

The following paragraphs are intended to assist State and local governments by illustrating the kinds of analyses and activities which may be appropriate for a public employer's voluntary affirmative action plan. This statement does not address remedies imposed after a finding of unlawful discrimination.

2. Voluntary affirmative action to assure equal employment opportunity is appropriate at any stage of the employment process. The first step in the construction of any affirmative action plan should be an analysis of the employer's work force to determine whether percentages of sex, race or ethnic groups in individual job classifications are substantially similar to the percentages of those groups available in the work force in the relevant job market who possess the basic job related qualifications.

When substantial disparities are found through such analyses, each element of the overall selection process should be examined to determine which elements operate to exclude persons on the basis of sex, race, or ethnic group. Such elements include, but are not limited to, recruitment, testing, ranking, certification, interview, recommendations for selection, hiring, promotion, etc. The examination of each element of the selection process should at a minimum include a determination of its validity in predicting job performance.

3. When an employer has reason to believe that its selection procedures have the exclusionary effect described in paragraph 2 above, it should initiate affirmative steps to remedy the situation. Such steps, which in design and execution may be race, color, sex or ethnic "conscious," include, but are not limited to, the following:

The establishment of a long term goal, and short range, interim goals and timetables for the specific job classifications, all of which should take into account the availability of basically qualified persons in the relevant job market;

A recruitment program designed to attract qualified members of the group in question;

A systematic effort to organize work and re-design jobs in ways that provide opportunities for persons lacking "journeyman" level knowledge or skills to enter and, with appropriate training, to progress in a career field;

Revamping selection instruments or procedures which have not yet been validated in order to reduce or eliminate exclusionary effects on particular groups in particular job classifications;

The initiation of measures designed to assure that members of the affected group who are qualified to perform the job are included within the pool of persons from which the selecting official makes the selection;

A systematic effort to provide career advancement training, both classroom and on-the-job, to employees locked into dead end jobs; and

The establishment of a system for regularly monitoring the effectiveness of the particular affirmative action program, and procedures for making timely adjustments in this program where effectiveness is not demonstrated.

4. The goal of any affirmative action plan should be achievement of genuine equal employment opportunity for all qualified persons. Selection under such plans should be based upon the ability of the applicant(s) to do the work. Such plans should not require the selection of the unqualified, or the unneeded, nor should they require the selection of persons on the basis of race, color, sex, religion or national origin. Moreover, while the Council believes that this statement should serve to assist State and local employers, as well as Federal agencies, it recognizes that affirmative action cannot be viewed as a standardized program which must be accomplished in the same way at all times in all places.

Accordingly, the Council has not attempted to set forth here either the minimum or maximum voluntary steps that employers may take to deal with their respective situations. Rather, the Council recognizes that under applicable authorities, State and local employers have flexibility to formulate affirmative action plans that are best suited to their particular situations. In this manner, the Council believes that affirmative action programs will best serve the goal of equal employment opportunity.

Respectfully submitted,

HAROLD R. TYLER, JR.,
Deputy Attorney General and Chairman of the Equal Employment Coordinating Council.

MICHAEL H. MOSKOW,
Under Secretary of Labor.

ETHEL BENT WALSH,
Acting Chairman, Equal Employment Opportunity Commission.

ROBERT E. HAMPTON,
Chairman, Civil Service Commission.

ARTHUR E. FLEMMING,
Chairman, Commission on Civil Rights.

Because of its equal employment opportunity responsibilities under the State and Local Government Fiscal Assistance Act of 1972 (the revenue sharing act), the Department of Treasury was invited to participate in the formulation of this policy statement; and it concurs and joins in the adoption of this policy statement.

Done, this 26th day of August 1976.

RICHARD ALBRECHT,
General Counsel, Department of the Treasury.

[FR Doc.76-26675 Filed 9-10-76;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 822]

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

SEPTEMBER 7, 1976.

By the Chief, Common Carrier Bureau.

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 and 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, except for radio applications not requiring a 30 day notice period (see § 309(c) of the Communications Act), applications filed under Part 68, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's Rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and

tendered for filing by whichever date is earlier (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. [See § 1.227(b)(3) and 21.30(b) of the Commission's Rules.]

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

22751-CD-MP-(2)-76, R. C. S., Inc. (KRM971) C. P. to change control frequency from 454.225 MHz at Loc. #2 to 2160.8 MHz located at 1224 Murray Avenue, San Luis Obispo, California; and change control frequency from 454.225 MHz at Loc. #3 to 2129.2 MHz at Loc. #3: 819 West Church Street, Santa Maria, California.

22752-CD-P-(4)-76, Radio & Electronic Service Company, Inc. dba Mobilfone (KIF649) C. P. to replace transmitter and change antenna system operating on 152.06 152.09 152.15 & 152.18 MHz located at 3101 North "R" Street, Pensacola, Florida.

22753-CD-P-76, Radio & Electronic Service Company, Inc. dba Mobilfone (KIY593) C. P. to replace transmitter and change antenna system operating on 152.21 MHz located at 11 Chestnut Ave., S.E., Fort Walton Beach, Florida.

22754-CD-P-76, Radio & Electronic Service Company, Inc. dba Mobilfone (KLF639) C. P. to replace transmitter and change antenna system operating on 152.24 MHz located at 11 Chestnut Ave., S.E., Fort Walton Beach, Florida.

22755-CD-P-76, Radio & Electronic Service Company, Inc. dba Mobilfone (KLF640) C. P. to replace transmitter and change antenna system operating on 158.70 MHz located at 3101 North "R" Street, Pensacola, Florida.

22756-CD-P-76, Centex Communications, Inc. (NEW) C. P. for a new 1-way station to operate on 35.22 MHz to be located on Trail of the Madrones Road, Austin, Texas.

22757-CD-P-76, Savannah Radio Mobile-Telephone, Inc. (KIY588) C. P. for additional facilities to operate on 152.06 MHz at Loc. #1: 4701 Montgomery Street, Savannah, Georgia.

22758-CD-P-76, Phone Depots of Connecticut, Inc. (KCC485) C. P. for additional facilities to operate on 152.18 MHz to be located at a new site described as Loc. #5: Corner Danbury and New Town Roads, Danbury, Connecticut.

22759-CD-AP/AL-(2)-76, New Dawn Communications, Inc. Consent to Assignment of construction permit and license from New Dawn Communications, Inc., assignor to Summit Mobile Radio Company, Assignee. Stations: KCB892 & KWU411. Falmouth, Maine.

22760-CD-P-(4)-76, Vernon H. Johnson dba Grants Radiotelephone Service (KKT397) C. P. for additional control facilities to operate on 2160.8 MHz at Loc. #2: 800 Airport Road, Milan, New Mexico; repeater facilities to operate on 2110.8, 2125.2, & 2126.8 MHz at Loc. #3: .4 miles NNW of Thoreau, New Mexico; repeater facilities operating on 2176.8 MHz at a new site described as Loc. #4: .33 miles North of Gallup, New Mexico; and repeater facilities operating on 2175.2 MHz at a new site described as Loc. #5: 16 miles NE Grants, Mount Taylor, New Mexico.

22761-CD-P/L-76, Plain Dealing Telephone Company, Inc. (KLB567) Reinstatement of expired facilities operating on 152.81 MHz located at Junction Hwy. #2 and 157 South, Plain Dealing, Louisiana.

22762-CD-TC-(2)-76, Brandenburg Telephone Company Consent to Transfer of Control from J. D. Tobin, Sr., Transferor to Mary H. Tobin, et al, Transferees. Stations: KIY459, Guston, Kentucky and KWH341, Radcliff, Kentucky.

22763-CD-TC-(2)-76, Intra State Telephone Company Consent to Transfer of Control from Intra State Telephone Company, Transferor to Central Telephone & Utilities Corporation, Transferee. Stations: KQZ727 & KSJ807, Galesburg, Illinois.

22764-CD-P/ML-76, Airsignal International Inc. (KMM703) C. P. to relocate control facilities operating on 459.350 MHz at Loc. #2 to be located at 1014 Blue Lake Avenue, South Lake Tahoe, California.

22765-CD-P-(3)-76, General Communications Company (new) C. P. for a new 2-way station to operate on 152.03 MHz at Loc. #1: Route 6, 1 miles SE of Fairmont, West Virginia; 152.09 MHz at Loc. #2: Route 50, 2 miles East of Clarksburg, West Virginia; and 152.21 MHz at Loc. #3: Westover Reservoir Park, Morgantown, West Virginia.

22766-CD-P-76, Edward C. Smith dba Anser Rite Professional Telephone Service (KWH319) C. P. to replace transmitter, change antenna system and relocate facilities operating on 158.70 MHz to be located at Travelodge, Preview Blvd., Lake Buena Vista, Florida.

22767-CD-P-(3)-76, Centex Communications, Inc. (new) C. P. for a new 2-way station to operate on 454.175, 454.075, and 454.225 MHz to be located on Trail of the Madrones Road, Austin, Texas.

22768-CD-P-76, Caprock Communications, Inc. dba Caprock Radio Dispatch (KLB513) C. P. to relocate facilities operating on 454.050 MHz, control, at Loc. #2 to be located at 306 South Halaguendo, New Mexico.

22770-CD-P-76, Tel-Car of Hollywood, Inc. (KUS267) C. P. to relocate facilities operating on 454.025 MHz, base, at Loc. #2 to be located at Congress Building, 111 NE 2nd Avenue, Miami, Florida.

22771-CD-P-76, Radio Relay Corp.-Illinois (KSC645) C. P. to change antenna system and relocate facilities operating on 35.58 MHz to be located at One I.B.M. Plaza, Chicago, Illinois, Loc. #1.

222772-CD-P-(4)-76, Albert M. Steiner, dba Long Island Telephone Company (KEJ 885) C. P. for additional facilities to operate on 454.250 MHz to be located at (4) new sites described as Loc. #6: One World Trade Center, North Tower, New York, New York; Loc. #7: 270-10 Grand Central Parkway, Glen Oaks, New York; Loc. #8; 1 Fairchild Avenue, Plainview, New York; and Loc. #9: East side of Adirondack Drive, 300' South of Midvale Avenue, Selden, New York.

22773-CD-P-76, Woodward Mutual Telephone Company (New) C. P. for a new 2-way station to operate on 152.51 MHz to be located at 208 Railroad Street, East, Woodward, Iowa.

RURAL RADIO SERVICE

60450-CR-P/L-76, RCA Alaska Communications, Inc. (new) C. P. for a new interoffice station to operate on 459.65 MHz to be located 13.7 miles NW of Deadhorse, Lynden Camp, Alaska.

60449-CR-P/L-76, Continental Telephone Company of the West (new) C. P. for a new rural subscriber station to operate on 157.77 MHz to be located at Hydro Jet Mine, Shooting Canyon, approximately 21 miles NNW of Bullfrog Basin, Utah.

INFORMATIVE

Ohio Mobile Telephone Inc. (Ohio) a Miscellaneous Common Carrier (MCC) from Columbus, Ohio, licensed by the F.C.C. in the Domestic Public Land Mobile Radio Service has requested permission to retransmit the weather forecasts of the National Weather Service (NWS) to its mobile unit subscribers upon their request. The mobile subscriber, much like his landline counterpart would either dial a "weather" number or request the operator for connection to the "weather" report. Ohio proposes to obtain the NWS weather information by off-the-air pickup from the Port Columbus, Ohio NWS station operating on frequency 162.55 MHz.

We believe that the furnishing of "weather," "time," "operator assistance" and other information to be the type of generally accepted services offered by most common carriers. Therefore, we have no objections to Ohio or any other miscellaneous or wireline common carrier providing these public services.

The provision of this weather service by miscellaneous or wireline common carriers will be subject to the condition that the service will be provided at the specific request of an individual mobile user and not broadcast regularly over the station to all subscribers. Further, no additional charge should be made for the NWS information provided.

POINT TO POINT MICROWAVE RADIO SERVICE

4078-CF-ML-76, American Telephone and Telegraph Company (KAC 30) Julesburg, Mod of License to correct coordinate to read Lat. 40°55'25" N.-Long. 102°13'22" W.

4914-CF-MP-76, United Telephone Company of Ohio Woodland 1 mile SW on Hwy. US42, Mansfield, Ohio Lat. 40°42'53" N.-Long. 82°33'31" W. Modof C.P. decrease antenna height on frequency 4049.0V MHz toward Blooming Grove, Ohio and increase antenna height on 11015.0H MHz toward Mansfield, Ohio.

4976-CF-P-76, Illinois Bell Telephone Company (KXR54) 1.53 miles North of Eola, Illinois Lat. 41°47'57" N.-Long. 88°14'12" W. C.P. to add point of communication on frequency 2122.0V MHz toward Aurora, Illinois on azimuth 256.1 degrees.

4977-CF-P-76, Same (WDE25) 619 Indian Trail Rd., Aurora, Illinois Lat. 41°46'59" N.-Long. 88°19'53" W. C.P. to a new point of communication on frequency 2172.0V MHz toward Eola, Illinois on azimuth 77.16 degrees.

4990–CF–P–76, American Telephone and Telegraph Company (KOU97) 9.0 miles NE of Midwest, Wyoming Lat. 43°29'42" N.-Long. 106°9'7" W. C.P. to change polarization from horizontal to vertical on frequencies 3710.0, 3790.0, 3870.0, 4030.0, and 4110.0 MHz toward Teapot, Wyoming.

4991–CF–P–76, Same (KOU96) 18.0 miles N of Casper, Wyoming Lat. 43°7'15" N.-Long. 106°18'55" W. C.P. to change polarization from horizontal to vertical on frequencies 3750.0, 3830.0, 3910.0, 4070.0, and 4150.0 MHz toward Midwest, Wyoming.

7942–CFW–P–76, American Telephone and Telegraph Company (NEW) 10 South Canal Street, Chicago, Illinois Lat. 41°52' 54" N.-Long. 87°38'24" W. C.P. for a new station on frequency 2167.4V MHz toward Matteson, Illinois on azimuth 190.6 degrees.

7943–CF–P–76, Same (new) 2.0 N of Matteson, Illinois Lat. 41°31'38" N.-Long. 87°-43'42" W. C.P. for a new station on frequency 2117.4H MHz toward Chicago, Illinois on azimuth 10.6 degrees, 2117.4H MHz toward Grant Park, Illinoins on azimuth 165.4 degrees.

7944–CF–P–76, Same (new) 1.3 mile SE of Grant Park, Illinois Lat. 41°13'46" N.-Long. 87°37'31" W. C.P. for a new station on frequency 2167.4V MHz toward Matteson, Illinois on azimuth 345.4 degrees.

7952–CF–P–76, Continental Telephone Company of California (KNB40) 6 miles NE of Garberville, California Lat. 40°07'11" N.-Long. 123°41'29" W C.P. to add frequency 6177.5V MHz toward Cahto Park, California with passive reflector.

4799–CF–P–76, Video Service Company (WQQ98) 2.0 miles South of Morristown, Indiana. (Lat. 39°38'47"N.—Long. 85°40' 55" W.): Construction permit to add 11175V MHz toward Indianapolis, Indiana (MDS station), on azimuth 288.9 degrees.

495]–CF–P–76. Eastern Microwave, Inc. (WAU 205) Manchester, Mountain Road—Atop South Mountain, 3.7 miles WSW of Pinardsville, New Hampshire. (Lat. 42°58'59" N.—Long. 71°35'19"W.): Construction permit to add 11015.0H MHz toward Pembroke, New Hampshire, via power split, on azimuth 25.5 degrees.

4984–CF–P–76, Tower Communications System Corporation (WPF49) 3.2 miles ENE of Stoutsville, Ohio. (Lat. 39°36'56"N.—Long. 82°46'20"W.): Construction permit to add 10735.0V MHz toward Circleville, Ohio on azimuth 247.3 degrees.

4985–CF–P–76, Teleprompter Transmission of Kansas, Inc. (KPH86) Highwood Pk., 28.0 miles ESE of Great Falls, Montana. (Lat. 47°26'29"N.—Long. 110°37'45"W.): Construction permit to add 5960.0V, 6271.4H, and 6360.3V MHz toward Little Rock, Montana. (Note: Applicant requests waiver of Section 21.701(i) of the Commission's Rules and Special Temporary Authority.).

4986–CF–P–76, Teleprompter Transmission of Kansas, Inc. (KPJ23) Little Rock, Montana. 2.6 miles West of Zortman, Montana. (Lat. 47°55'27"N.—Long. 108°35'04"W.): Construction permit to change frequency toward existing point of communication at Hinsdale, Montana (6167.6V MHz) to 6212. 0V MHz.

7954–CF–P–76, Eastern Microwave, Inc. (WQR71) Salem-2, Corner of Salem-Grange and Woodsdale, salem, Ohio. (Lat. 40°51' 22"N.—Long. 80°52'06"W.): Construction permit to add 6197.2H MHz toward Warren, Ohio, via power split on azimuth 12.7 degrees.

7955–CF–P–76, Eastern Microwave, Inc. (WQR72) US Rte. 30— 1.4 mile SE of Hookstown, Pennsylvania. (Lat. 40°34'37" N.—Long. 80°27'24"W.): Construction permit to add 1–135.0V MHz toward Beaver Falls, Pennsylvania via power split on azimuth 26.2 degrees.

7956–CF–MP–76, United Video, Inc. (KSV42) 6 miles South of Amboy, Illinois. (Lat. 41° 37'40"N.—Long. 89°20'17"W.): Construction permit (a) to replace transmitters and change frequencies toward existing point of communication at Sterling, Illinois to 5974.8V and 6093.5V MHz on azimuth 299.9 degrees and (b) to add 5974. 8V and 6093.5V MHz toward Dixon, Illinois, via power split, on azimuth 329.8 degrees.

7957–CF–P–76, United Video, Inc. (WAH446) East of Minier, Illinois. (Lat. 40°26'16"N.—Long. 89°15'23"W.): Construction permit to (a) add 10895V and 10815V MHz toward Pekin, Illinois, via power split, on azimuth 288.7 degrees and (b) to increase power toward existing path of communication.

4935–CF–MP–76, United States Transmission Systems, Inc. (WAH497) 5.0 miles North of West Chester, Pennsylvania. (Lat. 40° 02'50"N.—Long. 75°35'11"W.): Modification of Construction permit to add 6286.2H MHz toward Tylersport, Pennsylvania on azimuth 23.3 degrees.

4936–CF–MP–76, United States Transmission Systems, Inc. (WAH466) 2.0 miles West of Tylersport, Pennsylvania. (Lat. 40°20'43" N.—Long. 75°25'07"W.): Construction permit to add 5945.2V MHz toward Palmerton and 6004.5H MHz toward West Chester, both in Pennsylvania on azimuth 338.0 degrees toward Palmerton.

4937–CF–P–76, United States Transmission Systems Inc. (new) Allentown, Pennsylvania. (Lat. 40°36'11"N.—Long. 75°28'11" W.): Construction permit for new station—11625.0H MHz toward Palmerton, Pennsylvania on azimuth 322.6 degrees.

4938–CF–P–76, United States Transmission Systems Inc. (new) 1.6 mile SSW of Palmerton, Pennsylvania. (Lat. 40°46'48"N.—Long. 75°38'53"W.): Construction permit for new station—6286.2V MHz toward Tylersport, 6197.2V MHz toward Penobscot, and 10895.0H MHz toward Allentown, all in Pennsylvania on azimuths 158.0, 338.3, and 142.5 degrees, respectively.

4939–CF–P–76, United States Transmission Systems, Inc. (new) Penobscot, 1.2 mile NE of Mountain Top, Pennsylvania. (Lat. 41°11'04"N.—Long. 75°51'42"W.): Construction permit for new station—5945.2H MHz toward Palmerton, and 11505.0H MHz toward Wilkes Barre, both in Pennsylvania, on azimuths 158.1 and 345.8 degrees, respectively.

4940–CF–P–76, United States Transmission Systems, Inc. (new) corner of East Market and South Main Street, Wilkes Barre, Pennsylvania. (Lat. 41°14'42"N.—Long. 75° 52'55"W.): Construction permit for new station—10815.0V MHz toward Penobscot, Pennsylvania on azimuth 165.8 degrees.

4966–CF–MP–76, United States Transmission Systems, Inc. (WBA733) Montgomery Office Building, Fenton Avenue, Silver Spring, Maryland. (Lat. 38°59'53"N.—Long. 77°01' 45"W.): Modification of construction permit to change polarization on existing path of communication toward Rockville, Maryland to 6226.9V MHz on azimuth 317.0 degrees.

7953–CF–P–76, Continental Telephone Company of California (KNB44) Willis Avenue, Laytonville, California. Lat. 39°41'13" N.-Long. 123°29'00" W. C.P. to add frequency 5925.5V MHz toward Cahto Park, California with passive reflector.

CORRECTION

4874–CF–P–76, Commonwealth Telephone Company (new) Tioga, Pennsylvania correct file number to read 4894–CF–P–76. All other particulars remain as reported in Public Notice number 821 dated August 30, 1976.

MAJOR AMENDMENT

4392–CF–P–76, American Satellite Corporation (WBA784) 1.8 miles SW. of Orinda Village, California. (Lat. 37°52'56" N.-Long. 122°13'56" W.): Application amended to add frequencies 11345.0V and 11665.0V MHz, via power split, toward new point of communication at Oakland #2, California, on azimuth 202.6 degrees. (Note: Special Temporary Authority requested by ASC.).

[FR Doc.76–26690 Filed 9–10–76;8:45 am]

FM BROADCAST STATIONS

Applications Ready and Available for Processing

Adopted: September 2, 1976.
Released: September 8, 1976.
By the Chief, Broadcast Bureau.

The following applications specify the facilities of station WIFE–FM, Indianapolis, Indiana, which ceased operation on September 2, 1976. The Commission will accept other applications for consolidation with these applications which propose essentially the same facilities. The Commission will also entertain requests for interim operation.

BPH–10164 (new), Indianapolis, Indiana, Indianapolis Broadcasting, Inc. Req: 107.9 MHz; channel no. 300B. Erp: 41 kW; HAAT: 910 feet.

BPH–10101 (new), Indianapolis, Indiana, Viking Indianapolis, Inc. Req: 107.9 MHz; channel no. 300B. Erp: 41 kW; HAAT: 910 feet.

Pursuant to the provisions of §§ 1.227 (b) (1) and 1.591(b) of the Commission's rules, an application, in order to be considered with these applications, must be tendered no later than November 3, 1976. Any requests for interim operation must be filed no later than November 3, 1976.

The attention of any party in interest desiring to file pleadings concerning these applications, pursuant to section 309(d) (1) of the Communications Act of 1934, as amended, is directed to § 1.580 (i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION.
VINCENT J. MULLINS,
Secretary.

[FR Doc.76–26688 Filed 9–10–76;8:45 am]

STANDARD BROADCAST STATIONS

Applications Ready and Available for Processing

Adopted: September 2, 1976.
Released: September 8, 1976.
By the Chief, Broadcast Bureau.

The following applications specify the facilities of station KISN, Vancouver, Washington, which ceased operation on September 2, 1976. Vancouver, Washington, which ceased operation on September 2, 1976. The Commission will accept other applications for consolidation with these applications which propose essentially the same facilities. The Commission will also entertain requests for interim operation.

BP-20637 (new), Vancouver, Washington, Rose Broadcasting Company. Req: 910 kHz, 5 kW, DA-2, U.

BP-20638 (new), Vancouver, Washington, Dudley Communications, Ltd. Req: 910 kHz, 5 kW, DA-2, U.

BP-20653 (new), Vancouver, Washington, Viking Vancouver, Inc. Req: 910 kHz, 5 kW, DA-2, U.

Pursuant to the provisions of §§ 1.227 (b)(1) and 1.591(b) of the Commission's rules, an application, in order to be considered with these applications must be tendered no later than November 3, 1976. Any requests for interim operation must be filed no later than November 3, 1976. The attention of any party in interest desiring to file pleadings concerning these applications, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION.
VINCENT J. MULLINS,
Secretary.

[FR Doc.76-26689 Filed 9-10-76;8:45 am]

FEDERAL ENERGY ADMINISTRATION

INTERNATIONAL ENERGY AGENCY'S LONG-TERM COOPERATION PROGRAM

Request for Expression of Interest and Public Comments

The Federal Energy Administration (FEA) hereby requests expressions of interest and public comments in support of its function under the Long-Term Cooperation Program of the International Energy Agency (IEA) to identify potential commercial energy projects in the United States in which participation by public or private enterprises and parties from other IEA member countries may be appropriate, and to elicit from U.S. enterprises and parties their views on and interest in participating in such energy projects located in other IEA countries.

LONG-TERM COOPERATION PROGRAM

The IEA is an independent agency under the auspices of the Organization for Economic Cooperation and Development, established in 1974 to promote the energy supply security of member countries through common efforts during supply emergencies, and through long-term cooperation in the areas of energy conservation and resource development. Currently, the IEA includes 19 member countries: Austria, Belgium, Canada, Denmark, the Federal Republic of Germany, Greece, Ireland, Italy, Japan, Luxembourg, The Netherlands, New Zealand, Norway, Spain, Sweden, Switzerland, Turkey, the United Kingdom and the United States.

In furtherance of its objective to encourage energy resource development, the IEA recently adopted a "Long-Term Cooperation Program" to coordinate each member's efforts, and provide a framework for efforts by IEA member countries to foster:

(1) Cooperation among public and/or private enterprises and parties within IEA member countries in energy projects;

(2) Increased investment in such projects; and

(3) The identification of legislative and administrative obstacles to the Program's effectiveness and efforts toward their removal.

COOPERATION ON ENERGY PROJECTS

Chapter 3, Section C of the Program, entitled "Framework for Cooperation on Energy Projects" and appended to this notice, commits the IEA member countries to endeavor to foster cooperation between the public and/or private sectors of two or more participating countries in energy resource development projects. The Framework delineates several measures whereby the member countries might facilitate such cooperation, including a directive to collect and exchange information on opportunities for cooperative energy projects in their respective countries. Each member country will attempt to develop "a first set of concrete cooperative projects, including both lower and—where justified—higher cost projects" by January 1, 1977.

The FEA is responsible for directing the effort to identify this initial set of potential projects, for determining which projects are consistent with the objectives of the Program, and for proposing specific ways in which the United States and other host government(s) could facilitate the selected projects.

COOPERATIVE ENERGY PROJECTS IN THE UNITED STATES

Cooperative projects are intended to foster energy resource development for the purpose of increasing the energy supply available to IEA countries by 1985. Therefore, projects undertaken pursuant to the Program should further this purpose either by the application of existing or commercially-demonstrated technology, or by the manufacture of supporting equipment and materials. The scope of these projects could, for example, include:

Outer continental shelf oil and gas exploration, development and production;

Coal mining (surface or deep);

Natural uranium exploration, mining and milling;

Enhanced oil recovery projects; and

Commercial scale pilot plants for oil shale or tar sand development.

Participation by venturing firms in such projects could take a variety of forms, including:

Conventional investment and financing instruments including loan guarantees;

Technical or scientific contributions through patents, licenses and exchanges of information;

Provision of specialized services;

Guarantees with respect to performance, or contractual arrangements to purchase project output.

As an initial step, FEA requests expressions of interest and general comments concerning energy projects in the United States which could be designated as IEA cooperative projects. The purpose of this request is to allow FEA to make a preliminary determination of the interest of parties in the United States in securing participation by parties from other IEA member countries in U.S.-based energy projects. FEA may submit some or all of the responses received to the IEA. Respondents are requested to identify the nature of the project, and the particular technical, financial, or manpower resources which enterprises from other IEA member countries might contribute. Projects could include new ventures, or a significant expansion or modernization of existing ventures. Respondents should address, in summary fashion, the following factors, in addition to any others which may be pertinent:

Technical configuration of project. Functional or processing steps integral to the projects;

Support requirements. Transportation, logistical or infrastructural services required;

Financial requirements. Anticipated project cost, financial structure, and/or elements of financial risk;

Institutional and legal considerations. Safety and siting concerns, licensing, and environmental regulatory requirements;

Provisions for distribution and marketing of output. Anticipated output, fuel characteristics, and length and nature of market guarantees by purchaser.

COOPERATIVE ENERGY PROJECTS ELSEWHERE IN IEA

FEA will integrate this review with submissions from other IEA member countries who will be identifying potential cooperative energy projects in their own jurisdictions. Therefore, FEA also requests expressions of interest and general comments, similar to those described in the preceding section, regarding projects in other IEA countries in which persons from the United States might participate. Respondents should, at a minimum, identify the prospective IEA country, or countries, where the project would be located, and potential IEA participants, firms or types of firms sought as partners.

ON-GOING PROJECTS

FEA also requests discussion and comments on ongoing or imminent joint energy ventures among IEA member countries which meet the characteristics described above. Discussion of specific regulatory and institutional issues, and any major problems arising from the transnational character of the venture, is invited.

NATURE OF INQUIRY

This notice is a preliminary inquiry into interest in cooperative energy projects with parties in other IEA countries. In the interest of minimizing the effort required to respond to the questions raised, responses should be limited to ten double-spaced typewritten pages. No U.S. Government endorsement of particular

projects and no U.S. Government participation in their undertaking, is likely.

This notice does not constitute a Request for Proposals or Request for Quotations. FEA does not intend to award contracts on the basis of this notice, nor will FEA pay for the information solicited herein or the cost of preparing and submitting the information.

RESPONSE PROCEDURE

Interested persons are invited to submit fifteen copies of the requested expressions of interest and comments to Executive Communication, Room 3309, Federal Energy Administration, Box IO, the Federal Building, Washington, D.C. 20461. Submissions should be identified on the outside of the envelope and on the documents submitted to the Federal Energy Administration and the designation "IEA Long-Term Cooperation Program—(Possible Project) and/or (Comments)." All submissions should be received by 4:30 p.m. e.d.t., October 15, 1976.

In view of the purpose of this notice to collect data for possible submission to the IEA, FEA requests that persons furnishing it with information not include any data which they deem to be confidential, proprietary, or otherwise unsuitable for release.

Issued in Washington, D.C., September 7, 1976.

MICHAEL BUTLER,
General Counsel,
Federal Energy Administration.

APPENDIX—FRAMEWORK FOR COOPERATION ON ENERGY PROJECTS

1. The Participating Countries shall establish an overall framework for cooperation under which specific measures of assistance will be provided. The framework is intended to increase the supply of energy within the group by stimulating and increasing investment in energy production on a project-by-project basis. Both lower and—where justified—higher cost projects will be embraced by this cooperation, which will have as its particular objective the facilitation of concrete projects bringing together complementary factors of production from two or more Participating Countries.

2. In support of this cooperative effort, the Agency Secretariat shall establish a clearinghouse for relevant information on:

(a) Energy policies and programs of the Participating Countries;

(b) Opportunities for, and major characteristics of, possible cooperative energy projects in IEA countries.

The above information will be provided by the Participating Countries and other sources as appropriate. The Agency Secretariat shall collect and disseminate this information to the Participating Countries, and as appropriate, to the private sector.

3. In order to promote cooperative energy projects, the Agency will:

(a) On request, arrange for joint meetings among parties interested in specific projects;

(b) On request, offer its assistance in concluding individual agreements; and

(c) Maintain a list of agreements for cooperative projects.

4. The Participating Countries shall endeavor to develop, under this framework for cooperation, by January 1, 1977, a first set of concrete cooperative projects, including both lower cost and—where justified—higher cost projects, which have been or may be developed by the public and/or private sectors of two or more Participating Countries.

5. In order to encourage and facilitate the formation of cooperative projects for increased production from alternative sources of energy, the Participating Countries adopt the following Guiding Principles:

(a) The Governments of Participating Countries will help to identify, on a case-by-case basis, specific cooperative projects for the production of additional energy supplies in which enterprises and parties, public or private, from two or more Participating Countries are willing to take part. Enterprises and parties taking part in a project would make a financial, scientific, material, manpower and/or technical contribution as agreed among them;

(b) (i) With respect to specific cooperative energy projects involving public and/or private enterprises or parties of other Participating Countries, which the Host Government determines are in accord with its jurisdiction and its national policies, the Governments of the parties taking part in a particular cooperative project shall facilitate investment (including investment in exploration for and exploitation of energy sources) by endeavoring to:

Accord national treatment and most-favored-nation treatment to such enterprises, or parties;

Avoid the introduction of new limitations upon the extent to which such enterprises are accorded national treatment and most-favored-nation treatment with respect to such cooperative energy projects;

Use good offices where requested and where appropriate;

Avoid the introduction of limitations on the exchange of skilled manpower, and materials and equipment, taking into account the needs and the possibilities of the countries concerned, which may be required for successful completion of such projects as well as on associated transactions in financial assets, including the repatriation of profits of such enterprises;

Take account in considering alterations of taxation and production policy as they relate to those projects of the effect of such alterations on the economics of such projects including projects already under way;

Avoid introducing, once such a project is established, new measures which would make mandatory a change in the degree of participation by enterprises from other Participating Countries;

(ii) With respect to those specific cooperative energy projects which the Host Governments determine are likely to lead to a substantial increase in energy production which probably would not otherwise be available and involve a substantial contribution from public and/or private enterprises of other Participating Countries, the Host Government shall consider:

Guaranteeing to enterprises or other parties from other Participating Countries, through legislative and administrative actions if necessary and appropriate, the right to export to their own countries a portion of the product of the project corresponding to their participation in the project or an equitable portion as may be agreed;

Affording to nationals and companies of other Participating Countries which become parties to such a project incentives similar to those granted to its own nationals of companies with respect to that project.

[FR Doc.76-26613 Filed 9-8-76;9:50 am]

INDUSTRIAL ENERGY CONSERVATION

Opportunity for Written Comment on Proposed Criteria for Establishment of Voluntary Reporting Programs

The Federal Energy Administration (FEA) hereby gives notice that it will receive written comments with respect to proposed criteria for the establishment of voluntary reporting programs, pursuant to section 376(g) of Part D Title III of the Energy Policy and Conservation Act (EPCA) (42 USC 6346(g)) for use by corporations required to report their energy efficiency to FEA under section 375(a) of the EPCA (42 U.S.C. 6345 (a)), but exempted from such requirement under section 376(g).

Part D of Title III of the EPCA establishes a program within FEA to promote increased energy efficiency by American industry and to establish voluntary energy efficiency improvement targets for at least the ten most energy-consumptive manufacturing industries in the United States. Corporations identified in accordance with section 373 of the EPCA, (42 U.S.C. 6343), which are in industries for which targets have been set by FEA are required by section 375(a) of the EPCA to report to FEA annually on their progress in improving their energy efficiency, unless they are in industries which have adequate voluntary reporting programs, as defined by section 376(g) of the EPCA.

Pursuant to section 376(g), a corporation may receive an exemption from the mandatory reporting requirements under section 375(a) only if it fully participates in an industry's voluntary reporting program, which has been determined adequate annually by FEA after notice and opportunity for interested persons to comment. According to section 376(g), an industry's voluntary reporting program shall be determined adequate only if each corporation within the industry identified pursuant to section 373 of the EPCA fully participates in the program; all information deemed necessary by FEA for purposes of evaluating the progress made by the industry in achieving its industrial energy efficiency improvement target is provided to FEA; and reports made to a trade association or other person in connection with the voluntary reporting program are retained for a reasonable period of time and are available to FEA. Section 376(g) further provides that if FEA determines that an industry's voluntary reporting program is not adequate solely on the basis that any corporation within the industry is not fully participating in the program, only those corporations which are fully participating in the industry's program shall be exempted from the required reporting under section 375(a) of the EPCA.

FEA intends to consult with the Department of Commerce and the Energy Research and Development Administration concerning the voluntary reporting programs prior to determinations of their adequacy by FEA.

FEA today proposes that, in order for a voluntary reporting program by a trade association or other person to be a program under which corporations identified pursuant to section 373 may be eligible for an exemption under section 376(g) from the reporting requirement imposed by section 375(a), such program must, at a minimum, meet the following criteria:

A. The trade association or other person must be able to provide semi-annually sufficient information for FEA to evaluate industry progress toward achieving industrial energy efficiency improvement targets. The trade association or other person must be able to provide at least the following information to FEA by 2-digit SIC code not later than March 31, 1977:

(1) Total Btu content, by energy source, of all energy consumed in the 2-digit SIC code within the United States (other than for feedstock purposes) by all its participating member corporations, aggregated by calendar year for calendar years 1976 and 1972.

(2) Description of and rationale for the unit(s) of output or activity to be used in measuring changes in energy efficiency for 1976 and 1972.

(3) Aggregated industry progress in improving energy efficiency for 1976 over 1972, expressed as a percentage and related to output or activity. One recommended method for this aggregation is:

(a) Adjust actual 1976 energy consumption (A.1) to reflect 1972 base year energy efficiencies and operational changes subsequent to 1972. This figure is generated by multiplying 1976 output or activity figures by 1972 base year energy efficiency ratios and subtracting energy consumption due to operational changes.

(b) Calculate percent change in energy efficiency between base year 1972 and calendar year 1976 by subtracting the actual 1976 energy consumption (A.1) from the adjusted energy consumption (A.3.a), dividing by the adjusted energy consumption, and multiplying by 100.

(4) The names of all member corporations participating in its voluntary reporting program.

(5) The location, and individual responsible for the control and possession, of corporation reports made to the trade association or other person in connection with its voluntary reporting program.

B. The trade association or other person must certify in writing to FEA that the corporation reports made to it in connection with its voluntary reporting program will be retained for a period of no less than two years and that such information will be available to FEA upon request and without unreasonable delay during this period.

C. The trade association or other person must agree to provide, upon request by FEA, certification by a qualified and independent organization attesting to the accuracy and completeness of data provided by member corporations and by the trade association or other person and to the full and actual participation in the voluntary reporting program by the appropriate corporations identified pursuant to section 373.

FEA is further proposing that a trade association or other person desiring to establish a voluntary reporting program whereby corporations identified pursuant to section 373 may obtain exemptions from the reports required under section 375(a) must submit a letter to FEA by November 15, 1976, certifying that it is capable of meeting the criteria set out above. The individual signing the letter must be the chief executive officer of the trade association or other person.

FEA further proposes that it will require corporations identified pursuant to section 373 to make a written request to FEA for exemption under section 376(g) from the requirements of section 375(a). Such written request shall be signed by the chief executive officer of the corporation, certify that the corporation will fully participate in an identified voluntary reporting program, and contain an agreement that reports provided by the corporation to the trade association or other person in connection with the voluntary reporting program will be retained and available to FEA.

Interested persons are invited to submit written data, views, or arguments with respect to the subject matter set forth in this notice to Executive Communications, Box IZ, Room 3309, Federal Energy Administration, Washington, D.C. 20461. Comments should be identified on the outside envelope and on documents submitted to FEA with the designation "Industrial Energy Conservation—Proposed Exemption Criteria." Fifteen copies should be submitted. All comments received prior to October 6, 1976, 4:30 p.m., e.s.t., and all other relevant information will be considered by FEA.

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

Issued in Washington, D.C., September 8, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76-26661 Filed 9-8-76;12:40 pm]

STRATEGIC PETROLEUM RESERVES

Availability of Draft Site-Specific Environmental Impact Statements (EIS's)

Pursuant to section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4332 (2)(C), the Federal Energy Administration (FEA) has prepared draft site-specific EIS's for five sites that are being considered for the storage of Strategic Petroleum Reserves. The Reserves are mandated by Part B of Title I, Energy Policy and Conservation Act, 42 U.S.C. 6231–6246. The Reserves will be created for the storage of approximately 500 million barrels of crude oil and/or petroleum products for use in the event of emergency supply interruption.

The five draft site-specific EIS's are for sites that are being considered for the storage of the first 150 million barrels of crude oil, the Early Storage Reserve. The sites are:

1. West Hackberry salt dome, Cameron Parish, Louisiana.

2 Bayou Choctaw salt dome, Iberville Parish, Louisiana.

3. Bryan Mound salt dome, Brazoria County, Texas.

4. Cote Blanche salt mine, St. Mary Parish, Lousiana.

5. Weeks Island salt mine, Iberia Parish, Louisiana.

These sites were selected primarily for their early availability, capacity and distributional flexibility. Each of the five alternative sites could be used to provide crude oil to Eastern, Gulf and Mid-Western United States markets. Each site has reasonable access to major oil supply pipelines and to oil barges or tanker facilities.

Program alternatives are discussed in the previously released draft programmatic EIS (DES 76–2).

Single copies of the site-specific EIS's may be obtained from the FEA, Office of Communications and Public Affairs, Room 2134, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461. Copies of the draft statements will also be available for public review in the FEA Information Access Reading Room, Room 2107, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461.

Interested persons are invited to submit data, views, or arguments with respect to the draft statements to Executive Communications, Box IY, Room 3309, Federal Energy Administration, Washington, D.C. 20461.

Comments should be identified on the outside oft he envelope and on documents submitted to FEA Executive Communications with designation, "Draft Site—Specific EIS—Strategic Petroleum Reserves—(name of site)." Fifteen copies should be submitted. All comments should be received by FEA by November 1, 1976, in order to receive full consideration.

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

Issued in Washington, D.C., September 7, 1976.

MICHAEL F. BUTLER,
General Counsel,
Federal Energy Administration.

[FR Doc.76-26624 Filed 9-8-76;10:15 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. No. 214]

BASS FINANCIAL CORP.

Receipt of Application for Permission To Purchase the Assets of Rossville Building and Loan Association, Rossville, Illinois

SEPTEMBER 8, 1976.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from Bass Financial Corporation, Norridge, Illinois, a multiple savings and loan holding company, for approval of a bulk purchase of the assets of Rossville Building and Loan Association, Rossville, Illinois, an uninsured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and Section 584.4 of the Regulations for Savings and Loan Holding Companies. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before October 13, 1976.

RONALD A. SNIDER,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.76-26701 Filed 9-10-76;8:45 am]

FEDERAL MARITIME COMMISSION

ALLOCATION GUARANTEE

Agreement Filed

Notice is hereby given that the following agreement, accompanied by a statement of justification, 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 and the statement of justification at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W. Room 10126; or may inspect the agreement and the statement of justification at the Field Offices located at New York, N.Y., New Orlans, 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 23, 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:

Joseph A. Klausner, Esq., Law Offices Joseph A. Klausner, 1028 Connecticut Avenue, N.W., Washington, D.C. 20036.

Agreement No. 10250(A), entered into among Farrell Lines Incorporated (Farrell); Hamburg-Suedamerikanische Dampschifffahrts-Gesellschaft Eggert & Amsinck, trading as Columbus Line; Associated Container Transportation (Australia) Ltd. (ACT); Australia Shipping Commission, trading as The Australian National Line (ANL); Trader Navigation Co., Ltd. (Atlanttrafik Express Service) (AES); and Refrigerated Express Line (A/Asia) Pty. Ltd. (REL), provides for the establishment of a cooperative working arrangement whereby Farrell, Columbus Line, ACT, ANL and AES guarantee to compensate REL for any shortfall in cargo allocated to REL (under pending Agreement No. 10250), subject to the terms and conditions set forth in Agreement No. 10250(A).

By Order of the Federal Maritime Commission.

Dated: September 8, 1976.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.76-26626 Filed 9-10-76;8:45 am]

SOUTH ATLANTIC-NORTH EUROPE RATE AGREEMENT MODIFICATION

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, La., San Juan, Puerto Rico and San Francisco, California. 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 20, 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:

Howard A. Levy, Esquire, Suite 727, 17 Battery Place, New York, New York 10004.

Agreement No. 9984-8, among the parties of the above-named Rate Agreement, modifies Article 3 thereof by deleting the expiration date of September 30, 1976, applicable to the basic agreement's "interior points" authority and substituting in lieu thereof the date September 30, 1978.

By Order of the Federal Maritime Commission.

Dated: September 7, 1976.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.76-26627 Filed 9-10-76;8:45 am]

FAR EAST CONFERENCE, 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, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. 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 23, 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.

FAR EAST CONFERENCE, PACIFIC WESTBOUND CONFERENCE, TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN/KOREA, AND JAPAN/KOREA-ATLANTIC & GULF FREIGHT CONFERENCE

Notice of Agreement Filed by:

Elkan Turk, Jr., Esq., Burlingham Underwood & Lord, 25 Broadway, New York, New York 10004.

Agreement No. 10110-6 is an application on behalf of the member lines of the Far East Conference, Pacific Westbound Conference, Trans-Pacific Freight Con-

ference of Japan/Korea and the Japan/Korea-Atlantic & Gulf Freight Conference to extend the terms and conditions of the presently approved agreement through December 31, 1976. The terms and conditions of the arrangement remain unchanged and provide that the conference lines may cooperate and coordinate actions for the voluntary disposition of interrelated matters concerning the conferences at issue in Docket Nos. 73-28 and 73-29, involving alleged rate disparities in the trades between Japan and the Pacific Coast, and the Atlantic and Gulf Coasts, respectively, of the United States.

By Order of the Federal Maritime Commission

Dated: September 8, 1976.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc. 76-26702, Filed 9-10-76; 8:45 am]

[Docket No. 76-41]

BERTHING OF SEATRAIN VESSELS IN SAN JUAN, PUERTO RICO

Order of Hearing on Petition for Directive Order

The Commission has before it a Petition and Supplemental Petition for Directive Order filed by Seatrain Lines of Puerto Rico, Inc. (Seatrain) and responses to these Petitions submitted by Puerto Rico Ports Authority (Ports Authority) and Puerto Rican Maritime Shipping Authority (PRMSA).

In its Petition for Directive Order Seatrain requests that the Commission direct the Ports Authority to immediately make an adequate berth available to it at Isla Grande and to make similar berths available for subsequent calls by other Seatrain vessels and barges at Isla Grande on a noninterference basis at least until its vessels may once again call at the Pan American Docks.

In support of its Petition Seatrain states that the Pan American Docks previously used by Seatrain are presently unsafe and cannot be used for six months to one year. Seatrain further asserts that efforts to secure from the Ports Authority the facility at Isla Grande have been unsuccessful and that the Ports Authority has offered Seatrain only the inadequate facilities.

Seatrain argues that, as a public terminal operator, the Ports Authority has a duty to provide services to every common carrier which requires its facilities, and that the Ports Authority has the obligation under section 16 of the Shipping Act, 1916 (the Act), to render equal and nondiscriminatory treatment to all who utilize its facilities.

Seatrain's Supplemental Petition for a Directive Order, in addition to the relief sought against the Ports Authority, also requests that PRMSA be directed to make its cranes available to Seatrain on a noninterference basis.

In its Supplemental Petition Seatrain alleges that: (1) PRMSA is the owner of the container cranes at Isla Grande by virtue of an "Agreement for Lease and Purchase of Assets" between PRMSA and Seatrain Lines, Inc., dated October 11, 1974; (2) PRMSA is currently utilizing the berth and other facilities at Isla Grande under a lease with the Ports Authority which has not been approved by the Commission pursuant to section 15 of the Act; (3) under the terms of its current lease, designated Agreement No. T-3308, PRMSA has only preferential use of the berths at Isla Grande and the Ports Authority has the right to make those berths available to other carriers on a noninterference basis with PRMSA's preference; (4) PRMSA has offered the use of the cranes to other carriers which intend to serve Puerto Rico with containership service in the near future and failure to make the cranes available to Seatrain constitutes undue and unreasonable prejudice and disadvantage to Seatrain in violation of section 16 of the Act; (5) since the operation of the crane system requires the assets of both the Ports Authority and PRMSA, they are, therefore, jointly furnishing terminal facilities in connection with common carriers by water subject to the requirements of section 17 of the Act, which requires the observance and enforcement of just and reasonable regulations and practices; and (6) the practice of making the cranes available to PRMSA and selected other vessels at Isla Grande and refusing to make the same services available to Seatrain is an unreasonable practice within the meaning of section 17 of the Act.

In its response to Seatrain's Petition, the Ports Authority argues that Seatrain relies on incomplete and incorrect facts. The Ports Authority points out that Seatrain had been using the Pan American dock because it refused to be assigned space at the Puerto Nuevo facility which was specifically designed for container ship operations. By using its crane without a platform which would distribute the weight of the crane and its container load evenly, the Ports Authority submits that Seatrain operated at Pan American in such a manner as to impair the integrity of the dock. The Ports Authority states that it had put Seatrain on notice of the impending deterioration of the dock and made three offers of facilities adequate for berthing, i.e.: (1) the Frontier Pier directly across from the Isla Grand terminal facilities, (2) the Puerto Nuevo container berths, and (3) the Isla Grande facility known as La Botella.

The Ports Authority contends that its management of the port has not been discriminatory, in violation of sections 16 or 17 of the Act, because it has treated persons similarly situated similarly. Berths are allegedly assigned on an even-handed basis (the most available berth suited to the characteristics of the vessel), and carriers are not required to share crane or other facilities with any other carrier. The Ports Authority submits that it has not acted with undue prejudice or discrimination and that it has continuously offered Seatrain the best facilities for its operation.

In any event, the Ports Authority states that the Isla Grande terminal is not suitable for use by Seatrain because it is no more capable of bearing Seatrain's crane without a platform than the Pan American dock. Moreover, the Ports Authority maintains that, since PRMSA's cranes are located at the Isla Grande facility where PRMSA's vessels are consistently assigned, use of that facility by two operators would cause problems of congestion and cargo security. In this regard, the Ports Authority asserts it would be "foolish" to force one carrier to share facilities with another when the containership facilities at Puerto Nuevo have been developed by the Ports Authority at a cost of over $60 million and are presently underutilized. The Port submits that it must protect its own self-interest and that of its bondholders in managing its facilities.

The Ports Authority further explains that it has no title to PRMSA's cranes and, absent an agreement between PRMSA and Seatrain, it cannot compel PRMSA to share its cranes.

Finally, the Ports Authority requests that if the petition is neither dismissed nor consolidated with Docket No. 76-38, *Arrangements Relating to the Use of Isla Grande Marine Terminal, San Juan, Puerto Rico*, that a full evidentiary hearing be held.

PRMSA replied to Seatrain's Supplemental Petition asserting that the Commission does not have the authority to direct PRMSA to share its cranes with Seatrain. PRMSA argues that, just as the Commission cannot order a carrier to provide service to the public (*i.e.*, inauguration of a new service or maintenance of an old one at a particular port), it cannot direct that a carrier share its assets with a competing carrier. To order such an arrangement would allegedly require the parties to enter into a section 15 agreement, a power which the Commission itself has found it does not have.

But even if the Commission had the power to issue such an order, PRMSA asserts that there must first be a finding of a violation of the Shipping Act, 1916, and that such a finding may only be made after a full evidentiary hearing. PRMSA argues were it to grant such relief under the guise of an "emergency," the Commission would be exercising powers of injunctive relief contrary to the holding in *Trans-Pacific Freight Conference of Japan v. Federal Maritime Board*, 302 F. 2d 875 (D.C. Cir. 1962).

We agree the Federal Maritime Commission has no interlocutory or injunctive powers. While the Commission may issue orders to cease and desist, it may do so only after a hearing and upon a finding of a violation of the Shipping Act, 1916. The relief requested in this proceeding can therefore only be granted if the Commission can make a finding as a matter of law that a violation is occurring. There is no basis on present record to make such a finding because the various pleadings now before us raise a number of disputed factual issues which must be resolved before a determination on the merits of Seatrain's Petitions can be made. Therefore, we are referring the Petition and the Supplemental Petition

for a Directive Order, together with the responses thereto, to an Administrative Law Judge for an expedited hearing.

Also before the Commission for disposition at this time is a motion filed by the Ports Authority requesting the Commission to consolidate this proceeding with Docket No. 76–38. Seatrain has replied in opposition to this motion. Seatrain would deny the request for consolidation on the grounds that the two proceedings involve different issues and consolidation would effectively deny Seatrain the relief it is seeking.

Seatrain's position is well taken. Because of the difference in the respective scopes of the proceedings in this docket and Docket No. 76–38, the requested consolidation would be inappropriate and might impede the early resolution of the rather limited issues raised by Seatrain's Petitions herein. Docket No. 76–38 is a Show Cause Proceeding dealing primarily with the question of whether the terminal contracts for the use of Isla Grande supposedly entered into by Seatrain and assumed by PRMSA are subject to section 15 of the Shipping Act, 1916, or are in violation of sections 15, 16 or 17 of the Shipping Act, 1916. To the extent that Docket No. 76–38 encompasses issues involved in this proceeding, the Show Cause Order in Docket No. 76–38 will be amended to eliminate the overlap.

After the Replies by Ports Authority and PRMSA were filed, Seatrain made two filings which were styled as a Reply to Motions to Dismiss and Supplemental Reply to Motions to Dismiss. The Ports Authority then moved to have those filings by Seatrain stricken as replies to replies which are not permitted under the Commission Rules of Practice and Procedure.

We believe Ports Authority's objections in this regard are well taken. The Commission's Rules of Practice and Procedure do not allow for a reply to a reply. Obviously, the pleadings must be cut off at some point. We are, therefore, not considering either the Reply to Motions to Dismiss or the Supplemental Reply to Motions to Dismiss.

The Ports Authority has also filed a Motion for Establishment of Orderly Procedure, requesting, among other things, that a hearing be held to decide disputed issues of fact. The referral of this proceeding to hearing, therefore, largely satisfies Port Authority's Motion. In all other respects, the Motion is denied.

Therefore, *It is ordered*, That Seatrain's Petition and Supplemental Petition for a Directive Order, together with the responses thereto, be referred to an Administrative Law Judge for hearing and Initial Decision. Hearing in this matter shall commence on or before October 29, 1976 unless deferred by the Presiding Administrative Law Judge, to prevent substantial delay, expense, detriment to the public interest or undue prejudice to a party.

It is further ordered, That this proceeding be limited to those issues raised by Seatrain's Petition and Supplemental Petition for a Directive Order, Ports Authority's Reply to Petition for Directive Order and PRMSA's Reply to Supplemental Petition for Directive Order necessary to determine whether Ports Authority is violating section 16 First or section 17 of the Shipping Act, 1916 by refusing to assign Seatrain vessels to berths at Isla Grande and whether PRMSA, Ports Authority, or both, are violating section 16 First or section 17 of the Shipping Act, 1916 by refusing Seatrain access to the container cranes at Isla Grande. Accordingly, the parties to this proceeding shall be restricted to adducing evidence reasonably relating to those issues. The Commission therefore directs that the parties address themselves specifically to the following enumerated issues and such additional issues as the Presiding Administrative Law Judge may find are relevant and material to the violations alleged:

1. Whether PRMSA and Ports Authority are so closely connected or related that they should be considered as one person;

2. Whether the facilities offered by Ports Authority to Seatrain are adequate for a container carrier service;

3. Whether the labor unions at Puerto Nuevo have refused to service Seatrain's vessels and what the effect of that refusal is with regard to the Ports Authority's duty to provide adequate facilities;

4. Whether the facilities at Isla Grande have been used by carriers other than PRMSA since PRMSA acquired Seatrain's assets at Isla Grande;

5. Whether PRMSA has offered its container cranes at Isla Grande to other carriers;

6. Whether carriers other than PRMSA have used the container cranes at Isla Grande since PRMSA acquired title to the container cranes;

7. Whether PRMSA has been furnishing terminal facilities at Isla Grande to common carriers by water;

8. Whether the Isla Grande facility is adequate for Seatrain's container service without the use of PRMSA's container cranes;

9. Whether Isla Grande has in fact been operated as a public terminal since PRMSA acquired Seatrain's assets at Isla Grande;

10. Whether two carriers can practically operate at Isla Grande;

11. Whether there is marshalling space available at Puerto Nuevo;

12. Whether PRMSA has any control over Ports Authority which would influence the terminal assignments;

13. Whether the Ports Authority has any control over the container cranes at Isla Grande; and

14. Whether PRMSA and Ports Authority are jointly furnishing container crane services at Isla Grande to common carriers.

It is further ordered, That Ports Authority's contingent Motion for Consolidation of Docket Nos. 76–38 and 76–41 is hereby denied.

It is further ordered, That Ports Authority's Motion for Establishment of Orderly Procedure to the extent not granted by this Order is hereby denied.

It is further ordered, That the Presiding Administrative Law Judge is authorized to direct that any documents, records or papers in a language other than English exchanged by parties to the proceeding pursuant to the discovery provisions of the Commission's Rules of Practice and Procedure (46 C.F.R. Part 502, Subpart L) be accompanied by an English translation thereof duly verified under oath to be an accurate translation.

It is further ordered, That Seatrain be designated as Petitioner and PRMSA and Ports Authority as Respondents for this proceeding.

It is further ordered, That all persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene, should immediately notify the Secretary of the Commission and file a Petition for Leave to Intervene in accordance with the Commission's Rules of Practice and Procedure, 46 C.F.R. 502.72, with a copy to all parties to this proceeding.

It is further ordered, That this Order be published in the FEDERAL REGISTER.

By the Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.76–26703 Filed 9–10–76;8:45 am]

[Docket No. 76–38]

ARRANGEMENTS RELATING TO THE USE OF ISLA GRANDE MARINE TERMINAL, SAN JUAN, PUERTO RICO

Amendment to Order To Show Cause

The Commission has this day ordered a hearing on a Petition and Supplemental Petition for Directive Order in Docket No. 76–41, *Berthing of Seatrain Vessels in San Juan, Puerto Rico*. One of the issues in that proceeding is whether the Puerto Rican Maritime Shipping Authority is violating section 16 of the Shipping Act in refusing Seatrain access to and use of the container cranes at Isla Grande. Since that issue is also an issue in this proceeding, and this proceeding is primarily concerned with the implications of the contractual arrangements related to Isla Grande, we are amending the Order of Investigation and Hearing in this proceeding to delete the overlapping issue.

Therefore, *It is ordered*, That the following ordering paragraph be deleted from the Order of Investigation and Hearing in this proceeding:

It is further ordered, that PRMSA show cause why the Commission should not find it in violation of section 16 First, Shipping Act, 1916, for subjecting other carriers, including Seatrain Gitmo, to an undue or unreasonable prejudice or disadvantage through its failure to operate the container cranes located on the

Facility for said carriers on a noninterference basis;

By The Commission.

JOSEPH C. POLKING,
Assistant Secretary.

[FR Doc.76-26704 Filed 9-10-76;8:45 am]

[Docket No. 75-38]

PUERTO RICO MARITIME SHIPPING AUTHORITY; GENERAL INCREASE IN RATES

Environmental Negative Declaration

SEPTEMBER 8, 1976.

Upon completion of an environmental assessment, the Federal Maritime Commission's Office of Environmental Analysis (OEA) has determined that the environmental issues relative to the referenced docket 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.

Docket No. 75 38 is an investigation to determine whether the 15 percent general rate increase requested by the Puerto Rico Maritime Authority (PRMSA) published in Tariff FMC No. 1, effective September 21, 1975, is just and reasonable or whether it is in violation of section 18(a) of the Shipping Act, 1916 and/or section 4 of the Intercoastal Shipping Act, 1933.

It was concluded that approval of the general increase will cause: (1) No adverse increase in the use of energy; (2) no adverse increase in air and noise pollution; and (3) no significant adverse impact on recyclables. Also, there will be no significant cumulative adverse environmental impact from other related Federal actions.

This determination was based on the OEA's preparation and consideration of 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 13, 1976 to note exceptions 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 13, 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, pleadings, and exhibits 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,
Assistant Secretary.

[FR Doc.76-26706 Filed 9-10-76;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST COMMERCIAL BANKS, INC.

Acquisition of Bank

First Commercial Banks, Inc., Albany, New York, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of The Chester National Bank, Chester, New York. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than October 4, 1976.

Board of Governors of the Federal Reserve System, September 2, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-26683 Filed 9-10-76;8:45 am]

[H.2, 1976 No. 34]

ACTIONS OF THE BOARD

Applications and Reports

Actions of the Board; applications and reports received during the week ending August 21, 1976.

ACTIONS OF THE BOARD

Regulation T interpretation regarding the use of escrow receipts for option transactions effected in special cash accounts.

Regulation U, notice postponing effective date of adoption of revised Federal Reserve Form U-1, "Statement of Purpose of a Stock-Secured Extension of Credit by a Bank", the Board postpones the effective date of such revision to November 1, 1976.

Truth in Lending, interpretation of Regulation Z to state that where a dealer and a creditor share in the interest on a consumer credit contract such participation need not be separately stated in disclosures given to the consumer; the Board requested comment by September 27, 1976 (Docket No. R-0053)

First Tennessee National Corporation, Memphis, Tennessee, order amending requirements for divestiture of ownership of real estate in connection with acquisition of shares of Pence Mortgage Company, Louisville, Kentucky.

Burleson Bancshares, Inc., Burleson, Texas, extension of time to November 25, 1976, within which to consummate the acquisition of Burleson State Bank, Burleson, Texas.[1]

Southeast Banking Corporation, Miami, Florida, extension of time until November 24, 1976, within which to engage in certain credit activities through Southeast Consumer Finance, Inc., Jacksonville, Florida, and in Tampa, Florida.[1]

Southwest Florida Banks, Inc., Fort Myers, Florida, extension of time until November 19, 1976, within which to acquire First National Bank and Trust Company of Naples, Naples, Florida.[1]

Wesbanco, Inc., Wheeling, West Virginia, extension of time until January 7, 1977, within which to become a bank holding company through the acquisition of the successor by merger to Wheeling Dollar Savings & Trust Co., Wheeling, West Virginia.[1]

Wheeling Dollar Savings & Trust Co., Wheeling, West Virginia, extension of time until January 7, 1977, within which to merge with W. D. Bank Co., Wheeling, West Virginia.[1]

W. D. Bank Co., Wheeling, West Virginia, extension of time until January 7, 1977, within which to become a member of the Federal Reserve System.[1]

Farmers Bank of Edinbury, Incorporated, Edinbury, Virginia, to make an investment in bank premises.[1]

Fort Madison Bank & Trust Co., Fort Madison, Iowa, to make an investment in bank premises.[1]

Bank of Holiday, Holiday, Florida, extension of time until March 7, 1977, within which to establish a branch at U.S. Highway 19 North, Holiday Mall Shopping Center in Holiday.[1]

Merrill Trust Company, Bangor, Maine, extension of time to September 12, 1977, within which to establish a branch on State Street, Bangor, Maine.[1]

Trust Company of New Jersey, Jersey City, New Jersey, extension of time within which to establish a branch office in the Lincoln Plaza Store, Borough of Lincoln Park, New Jersey.[1]

Citibank Overseas Investment Corporation, New York, New York, extension of time within which to acquire additional shares of FNCB Financial, Ltd., Hong Kong.[1]

Industrial Bank of Japan, Limited, Tokyo, Japan, extension of time within which it must divest itself of shares of two companies as directed by the Board's order of October 29, 1974.[1]

CFC Bank, Beaverton, Michigan, proposed merger with Gladwin County Bank, Beaverton, Michigan; report to the Federal Deposit Insurance Corporation on competitive factors.

FI National Bank, Ironton, Ohio, proposed merger with The First National Bank of Ironton, Ironton, Ohio; report to the Comptroller of the Currency on competitive factors.

FT National Bank, Troy, Ohio, proposed merger with The First National Bank & Trust Company, Troy, Ohio; report to the Comptroller of the Currency on competitive factors.

CSB State Bank, Adrian, Michigan, proposed merger with The Commercial Savings Bank, Adrian, Michigan; report to the Federal Deposit Insurance Corporation on competitive factors.

[1] Application processed on behalf of the Board of Governors under delegated authority.

Garland Commerce Bank, Garland, Texas, proposed merger with Southern Bank and Trust Company, Garland, Texas; report to the Federal Deposit Insurance Corporation on competitive factors.

NOTE: The H. 2 release is now published in the FEDERAL REGISTER. It will continue to be sent, upon request, to anyone desiring a copy.

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act.

APPROVED

Girard Trust Bank, Bala-Cynwyd, Montgomery County, Pennsylvania. Branch to be established in the Montgomeryville Mall, (previously described as the Montgomery Mall) Routes 202 and 309, Montgomery Township, Montgomery County.[2]

Citizens Bank of Pacific, Pacific, Missouri. Branch to be established on the West side of State Highway 100 near its intersection with Highway M in the unincorporated community of Gray Summit, Franklin County.[2]

Walker Bank & Trust Company, Salt Lake City, Utah. Branch to be established in the vicinity of downtown Tooele, Tooele County.[2]

* * * * *

To Withdraw from Membership in the Federal Reserve System Without a Six-Month Notice as Prescribed by Section 9 of the Federal Reserve Act.

DENIED

Citizens Bank of Cape Vincent, Cape Vincent, New York.

* * * * *

International Investments and Other Actions Approved Pursuant to Sections 25 and 25(a) of the Federal Reserve Act and Sections 4(c)(9) and 4(c)(13) of the Bank Holding Company Act of 1956, as amended

Chase International Investment Corporation: an extension of time re: disposing of additional shares of Mah-in Industries, Incorporated, Seoul, Korea.

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956.

APPROVED

Sibley Bancorporation, Sibley, Iowa, for approval to acquire 96.5 percent of the voting shares of The First National Bank of Sibley, Sibley, Iowa.[2]

* * * * *

To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956.

APPROVED

First National Cincinnati Corporation, Cincinnati, Ohio, for approval to acquire 100 percent (less directors' qualifying shares) of the successor by absorption to The First National Bank of Ironton, Ironton, Ohio.[2]

First National Cincinnati Corporation, Cincinnati, Ohio, for approval to acquire 100 percent (less directors' qualifying shares) of the successor by absorption to The First National Bank & Trust Company, Troy, Ohio.[2]

[2] Application processed by the Reserve Bank on behalf of the Board of Governors under delegated authority.

DENIED

Bankers Trust New York Corporation, New York, New York, for approval to acquire 100 percent of the voting shares (less directors' qualifying shares) of The First National Bank of Mexico, Mexico, New York.

* * * * *

To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956.

RETURNED

Bancshares of North Carolina, Inc., Raleigh, North Carolina, notification of intent to engage in *de novo* activities (plan administration services for qualified corporate defined benefit and defined contribution plans, plan design assistance, employee participant benefit communication services, and plan allocation) at 3509 Haworth Drive and Branch Banking and Trust Building, Raleigh, North Carolina, through a subsidiary, Qualified Plan Services, Inc. (8/20/76)[3]

WITHDRAWN

Equitable Bancorporation, Baltimore, Maryland, notification of intent to engage in *de novo* activities (leasing real property or acting as agent, broker, or adviser in leasing such property) at the Munsey Building, Calvert and Fayette Streets, Baltimore, Maryland, through a subsidiary, Equitable Bank Realty Corporation (8/19/76)[3]

Mountain Financial Services, Inc., Denver, Colorado, notification of intent to engage in *de novo* activities (servicing, brokering, making and acquiring, for its own account or for the account of others, loans, mortgages, and other extensions of credit) at 3600 Yosemite, Denver, Colorado (8/16/76)[3]

PERMITTED

First & Merchants Corporation, Richmond, Virginia, notification of intent to engage in *de novo* activities (making mortgage loans principally secured by second mortgages on residential and commercial real estate and such other incidental activities as may be necessary to the business of making such loans; including acting as agent for the sale of credit life, credit disability, mortgage redemption, and mortgage cancellation insurance in connection with the making of such loans) in Springfield, Virginia, through its subsidiary, First Realty Mortgage Corporation (8/16/76)[3]

Maryland National Corporation, Baltimore, Maryland, notification of intent to engage in *de novo* activities (engaging generally in the business of leasing real property where the lease is the functional equivalent of an extension of credit, originating real property leases as principal or agent, servicing real property leases for affiliated or nonaffiliated individuals, partnerships, corporations, or other entities; buying, selling, and otherwise dealing in real property leases as principal, agent, or broker; and acting as adviser in real property leasing transactions) at 10 Light Street, Baltimore, Maryland and 409 Washington Avenue, Towson, Maryland, through its subsidiaries, Maryland National Realty Investors, Inc. and Maryland National Leasing Corporation (8/15/76).[3]

[3] 4(c)(8) and 4(c)(12) notifications processed by Reserve Bank on behalf of the Board of Governors under delegated authority.

APPROVED

Old National Bancorporation (formerly Washington Bancshares, Inc.), Spokane, Washington, for approval to acquire shares of Old National Life Insurance Company, Phoenix, Arizona.

APPLICATIONS RECEIVED

To Establish a Domestic Branch Pursuant to Section 9 of the Federal Reserve Act

Baybank Newton-Waltham Trust Company, Waltham, Massachusetts. Branch to be established at 100 Central Street, Holliston.

Manufacturers Hanover Trust Company, New York, New York. Branch to be established at 500 Mamaroneck Avenue, City of White Plains, Westchester County.

Valley Bank of Nevada, Las Vegas, Nevada. Branch to be established at 4101 East Charleston Boulevard, Las Vegas.

* * * * *

Registration Statement Filed Pursuant to Section 12(g) of the Securities Exchange Act

The Bank of Eden, Eden, North Carolina.

* * * * *

To Form a Bank Holding Company Pursuant to Section 3(a)(1) of the Bank Holding Company Act of 1956

First Freeport Corporation, Freeport, Illinois, for approval to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to First National Bank of Freeport, Freeport, Illinois.

CCNB Bancshares Corporation, Ozark, Missouri, for approval to acquire 96.75 percent of the voting shares of Christian County National Bank, Ozark, Missouri.

Cardinal Bancorporation, Inc., Greenville, Illinois, for approval to acquire 19,200 shares of the voting shares of First National Bank in Greenville, Greenville, Illinois.

Bosshard Banco, Ltd., Bangor, Wisconsin, for approval to acquire 86.7 percent of the voting shares of The First National Bank of Bangor, Bangor, Wisconsin.

Industrial Loan and Investment Company, Sedalia, Missouri, for approval to acquire 86.67 per cent of the voting shares of Bank of Ionia, Ionia, Missouri.

* * * * *

To Expand a Bank Holding Company Pursuant to Section 3(a)(3) of the Bank Holding Company Act of 1956

Chemical Financial Corporation, Midland, Michigan, for approval to acquire 100 per cent of the voting shares of the successor by consolidation to Gladwin County Bank, Beaverton, Michigan.

Independent Bank Corporation, Ionia, Michigan, for approval to acquire 100 per cent of the voting shares of the successor by consolidation to Western State Bank, Howard City, Michigan.

* * * * *

To Retain Bank Shares Acquired in a Fiduciary Capacity Pursuant to Section 3 of the Bank Holding Company Act of 1956

First United Bancorporation, Inc. and The First National Bank of Fort Worth, both in Fort Worth, Texas, for approval to retain 113 shares of University Bank, Fort Worth, Texas.

* * * * *

To Expand a Bank Holding Company Pursuant to Section 4(c)(8) of the Bank Holding Company Act of 1956

Provident National Corporation, Philadelphia, Pennsylvania, notification of intent to engage in *de novo* activities (leasing of personal property and equipment on a full pay out basis and acting as agent, broker, or adviser in leasing such property) at 1290 Avenue of the Americas, New York, New York, through its subsidiary, John P. Maguire and Co., Inc. (8/18/76)[3]

Industrial Loan and Investment Company, Sedalia, Missouri, for approval to continue to engage in the business of an industrial loan and investment company in Sedalia, Missouri, and to continue to engage in the sale of credit related insurance.

Seafirst Corporation, Seattle, Washington, notification of intent to engage in *de novo* activities (insurance agency activities in the sale of group and individual credit life, credit accident and health, and credit disability insurance, vendor's single-interest and dual-interest insurance against loss of or damage to personal property all of which are related to an extension of credit by Seafirst Corporation or a subsidiary) to be located at all branches and offices of Seattle First National Bank in the State of Washington, communities of Port Townsend and vicinity, including Hadlock in Port Angeles and vicinity, including Sequim, Forks, and Callam Bay, through its subsidiary, Spokane Eastern Co. (8/9/76)[3]

* * * * *

REPORTS RECEIVED

None.

PETITIONS FOR RULEMAKING

None.

Board of Governors of the Federal Reserve System, September 2, 1976.

GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.76-26632 Filed 9-10-76;8:45 am]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-27]

CHICORY ROOT, CRUDE AND PREPARED

Request for Temporary Relief Denied

PROCEDURAL BACKGROUND

On June 11, 1976, a complaint was filed with the United States International Trade Commission under section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), on behalf of R. E. Schanzer Corp., New Orleans, Louisiana, alleging certain unfair methods of competition and unfair acts in the importation of crude and/or prepared chicory root into the United States, or in its sale, the effect or tendency of one or more of which methods and acts is to destroy or substantially injure an efficiently and economically operated U.S. chicory root processing industry, to prevent the establishment of a U.S. crude chicory root industry, or to restrain or monopolize trade and commerce in the United States pertaining to the processing and sale of crude or prepared chicory root. The complaint requested that the Commisison issue both a temporary and a permanent exclusion order against the offending prepared chicory root or that it issue a cease and desist order to each person involved in the unfair methods or acts complained of. In addition, the complaint requested that the Commission expedite its investigation and grant immediate relief in the form of a temporary exclusion order no later than August 15, 1976.

After having considered the complaint the Commission, on July 8, 1976, ordered, among other things, that an investigation be instituted pursuant to subsection (b) of section 337 to determine whether, on the basis of the allegations set forth in the complaint, there is a violation of this section by reason of unfair method of competition and unfair acts in the importation of the aforementioned crude or prepared chicory root into the United States, or in its sale. The Commission also named as respondents upon whom the complaint and notice were to be served Alain Leroux, Orchies (Nord), France; Chicoree Leroux, Orchies (Nord), France; Chicorei de Beukelaar, Antwerp, Belgium; and Rolimpex, Warsaw, Poland, who were alleged to have engaged in or to be engaging in the unfair methods of competition and unfair acts complained of. The Commission further gave notice that a hearing on temporary relief would be held on August 11, 1976; that the Commission's presiding officer would issue a recommended determination with respect thereto by August 16, 1976; and that the Commission would issue its determination by August 25, 1976. Notice to such effect was published in the FEDERAL REGISTER of July 16, 1976 (41 FR 29496), and copies thereof were served upon all parties and the appropriate Government departments and agencies.

On August 2, 1976, the presiding officer certified to the Commission two motions filed on July 27, 1976, by intervenor parties Wm. B. Reily & Co., Inc., Community Coffee Co., Inc., and American Coffee Co., Inc., that hearings in this matter be transferred from Washington, D.C., to New Orleans, Louisiana (M 27-2) and that the temporary relief hearing scheduled for August 11, 1976, be continued (M 27-5). In an order issued August 5, 1976, the Commission denied both motions for the reason that the moving parties failed to show good cause why the noticed place of hearings and time of the temporary relief hearing should be changed. Notice to such effect was published in the FEDERAL REGISTER of August 11, 1976 (41 FR 33949).

A public hearing on temporary relief was held before the presiding officer from August 11, 1976, through August 14, 1976.

On August 18, 1976, the Commission issued a notice and order to the effect (1) that it had extended the time, from August 16, 1976, to August 23, 1976, by which the presiding officer was to submit to the Commission his recommended determination concerning whether there is reason to believe, in this temporary relief proceeding, that there is a violation of section 337, and that it was also extending its own administrative deadline for issuing its determination from August 25, 1976, to September 3, 1976; and (2) that it would hold a hearing beginning at 10 a.m., August 30, 1976, for the purpose of hearing oral argument with respect to the presiding officer's recommended determination and oral argument with respect to relief, and receiving information and hearing oral argument with respect to relief, bonding, and the public interest factors. Notice to this effect was published in the FEDERAL REGISTER of August 23, 1976 (41 FR 35574), and copies thereof were served upon the parties and the appropriate Government departments and agencies.

On August 23, 1976, the presiding officer filed with the Commission his Recommended Determination concerning complainant's request for temporary relief. The presiding officer recommended, after the hearing and after review of the record developed at that hearing, that the Commission determine that there is no reason to believe, at this stage of this investigation, that there is a violation of section 337 of the Tariff Act of 1930, as amended, in the terms alleged by R. E. Schanzer Corp. At the same time, the presiding officer certified to the Commission the motion of Rolimpex (M 27-17), filed on August 11, 1976, that the hearing set to begin on August 11, 1976, be adjourned, and recommended that the motion be denied. Copies of this Recommended Determination were served upon all of the parties of record and upon the appropriate Government departments and agencies by the Secretary of the Commission.

On August 30, 1976, the Commission held a public hearing with respect to the presiding officer's Recommended Determination, relief, bonding, and the public interest factors.

FINDING AND ORDER

After considering the record in this matter, including the record developed before the presiding officer and before the Commission at its hearing of August 30, 1976, the Recommended Determination submitted by the presiding officer, and the exceptions and alternative findings of fact and conclusions of law thereto, the Commission (Vice Chairman Minchew abstaining) hereby finds that there is no basis for granting temporary relief pursuant to section 337 of the Tariff Act of 1930, as amended,[1] and orders that the complainant's request for temporary relief under section 337 is hereby denied.

A memorandum opinion and findings of fact and conclusions of law of the Commission with respect to this finding and order will be issued in due course.

The investigation pending before the presiding officer shall proceed as expeditiously as possible.

Ordered by the Commission for issuance on September 3, 1976.

Issued: September 7, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-26609 Filed 9-10-76;8:45 am]

[1] Chairman Leonard and Commissioners Moore and Bedell base their finding upon a determination that there is no reason to believe, at this stage in the proceeding, that there is a violation of section 337 of the Tariff Act of 1930, as amended.

See footnote 3 on p. 38825.

[AA1921-160]

KNITTING MACHINES FOR LADIES' SEAMLESS HOSIERY FROM ITALY

Investigation and Hearing

Having received advice from the Department of the Treasury on August 25, 1976, that knitting machines for ladies' seamless hoisery from Italy are being, or are likely to be, sold at less than fair value, the United States International Trade Commission on September 2, 1976, instituted investigation No. AA1921-160 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160 (a)), to determine 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.

Hearing. A public hearing in connection with the investigation will be held in the Commission's Hearing Room, U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.t., on Tuesday, October 12, 1976. All parties will be given an opportunity to be present, to produce evidence and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Commission, in writing, at the Commission's office in Washington, D.C., not later than noon, Thursday, October 7, 1976.

By order of the Commission.

Issued: September 7, 1976.

KENNETH R. MASON,
Secretary.

[FR Doc.76-26608 Filed 9-10-76;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (76-74)]

NATIONAL TRANSONIC FACILITY, HAMPTON, VA.

Availability of Draft Environmental Impact Statement

Notice is hereby given of the public availability of the draft Environmental Impact Statement (EIS) for the National Transconic Facility (NTF), Langley Research Center, Hampton, Virginia.

The Langley Research Center Institutional EIS was prepared in draft, circulated for comments, and published as a final EIS in 1971. The proposed construction and operation of the NTF at Langley Research Center will have environmental effects different from those described in the baseline Institutional Statement prepared in 1971. This draft has therefore been prepared as Amendment 1 to the 1971 EIS, and is being issued at this time.

Comments on the draft Environmental Statement and on matters set forth therein are solicited from and may be submitted by state and local agencies and members of the public. Such comments should be submitted to the Associate Deputy Administrator, National Aeronautics and Space Administration, Washington, D.C. 20546. All comments must be received by November 1, 1976, in order to be considered in the preparation of the final Environmental Statement.

Copies of the draft statement may be obtained or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), 600 Independence Avenue SW., Washington, DC 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, CA 94035.

(c) Hugh L. Dryden Flight Research Center, NASA (Building 4800, Room 1017), P.O. Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, MD 20771.

(e) Johnson Space Center, NASA (Building 1, Room 136), Houston, TX 77058.

(f) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, FL 32899.

(g) Langley Research Center, NASA (Building 1219, Room 304), Hampton, VA 23365.

(h) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Road, Cleveland, OH 44135.

(i) George C. Marshall Space Flight Center, NASA (Building 4200, Room G-11), Huntsville, AL 35812.

(j) National Space Technology Laboratories, NASA (Building 1100, Room A-213), Bay St. Louis, MS 39520.

(k) Jet Propulsion Laboratory (Building 180, Room 600), 4800 Oak Grove Drive, Pasadena, CA 91103.

(l) Wallops Flight Center, NASA (Library Building, Room E-105), Wallops Island, VA 23337.

Done at Washington, D.C., this 2d day of September 1976.

By the direction of the Administrator.

DUWARD L. CROW,
Associate Deputy Administrator.

[FR Doc.76-26668 Filed 9-10-76;8:45 am]

[Notice (76-75]

PHYSICAL SCIENCES COMMITTEE OF THE SPACE PROGRAM ADVISORY COUNCIL

Date and Place of Meeting

The Physical Sciences Committee of the NASA Space Program Advisory Council will meet on October 4 and 5, 1976 at the Goddard Space Flight Center, Greenbelt, Maryland 20771. The meeting will be held in Room 200, Building 26, from 8:30 a.m. until 5:00 p.m. on both days. Members of the public will be admitted to the meeting beginning at 8:30 a.m. on a first come first served basis to within the 40 seat capacity of the room. Visitors will be requested to sign a visitor's register.

The Physical Sciences Committee serves only in an advisory capacity to NASA. The Committee is concerned with al aspects of the physical sciences which are relevant to the space program, including lunar and planetary exploration, astronomy and space physics. The Committee presently has 15 members including the Chairman, Dr. George B. Field. For further information regarding the meeting, please contact Dr. Sabatino Sofia, Area Code 202/755-8193. The agenda for the meeting is as follows:

OCTOBER 4, 1976

Time:	Topic
8:30 a.m.	*Opening Remarks.* This time is provided for the Chairman's introductory remarks and for the Executive Secretary to cover administrative matters.
9 a.m.	*NASA Issues for PSC Review.* Dr. Hinners will brief the Committee on budget and other current topics of concern to the Office of Space Science.
10 a.m.	*Explorer Program: Presentation and Discussion.* The Committee will be briefed on the current planning and trend of the Explorer Program followed by discusions and recommendations on the best use of the program.
1:30 p.m.	*Shuttle Payloads: Presentation and Discussion.* The Committee wil be briefed on the current status of Shuttle Payload Studies followed by discussions and recommendations on future efforts.
3:45 p.m.	*High Energy Astrophysics Follow-On Program: Presentation and Discussion.* The Committee will be briefed on current NASA planning for the High Energy Program after the High Energy Astronomy Observatory (HEAO) era.
5 p.m.	*Adjourn.*

OCTOBER 5, 1976

8:30 a.m.	*Review of General Relativity at NASA; Discussion of the Weiss Report.* A presentation will be made to the Committee on a current study of the General Relativity Program at NASA. The Committee will comment and make recommendations on the report results.
9:30 a.m.	*Viking Mission: Presentation of Results.* Viking scientists will brief the Committee on the latest results of the Viking missions.
11 a.m.	*Viking Mission: Presentation and Discussion of Possible Follow-on.* The Committee will be briefed and discuss planetary missions to follow the Vikings.
1 p.m.	*Peer Review in the Office of Space Science (OSS).* Dr. Rasool will brief the Committee on the current Peer Review practices in OSS. The Committee will evaluate the practices and make recommendations for useful changes.
2 p.m.	*Agenda for FY 1977.* Discussion of topics to be considered by the Committee during the coming Fiscal Year.

Time:	Topic
2:45 p.m..	*Concluding Discussion and Writing Summary.* The members of the Committee will use this period to conclude discussions and prepare reports to the Associate Administrator for Space Science.
5 p.m....	*Adjourn.*

SEPTEMBER 7, 1976.

WILLIAM W. SNAVELY,
Assistant Administrator for DOD and Interagency Affairs.

[FR Doc.76-26670 Filed 9-10-76;8:45 am]

NATIONAL COMMISSION ON SUPPLIES AND SHORTAGES

ADVISORY COMMITTEE ON NATIONAL GROWTH POLICY PROCESSES

Meeting

Notice is hereby given, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 10(a), that the Advisory Committee on National Growth Policy Processes to the National Commission on Supplies and Shortages will conduct a public meeting on September 24, 1976 in Room 2010 of the New Executive Office Building located at 17th & H Sts., NW., Washington, D.C. The meeting will begin at 9:30 a.m.

The objectives and scope of activities of the Advisory Committee on National Growth Policy Processes is "* * * to develop recommendations as to the establishment of a policy-making process and structure within the Executive and Legislative branches of the Federal Government as a means to integrate the study of supplies and shortages of resources and commodities into the total problem of balanced national growth and development, and a system for coordinating these efforts with appropriate multi-state, regional and state governmental jurisdictions."

The summarized agenda for the meeting is as follows:

1. Reports by the Chairman and Executive Director.
2. Resolve outstanding issues relating to Committee recommendations regarding materials and commodities.
3. Discussion of proposed Committee recommendations regarding establishment of comprehensive governmental modeling capability and centralized statistical coordination capability within the Executive Office of the President.
4. General discussion of issues and proposals relating to comprehensive legislative policy making (Congress).
5. Discussion of foreign experience study group findings.
6. Presentation of preliminary issues and proposals relating to improved involvement of general public interest groups in the national policy-making process.

In the event the Committee does not complete its consideration of the items on the agenda on September 24, 1976, the meeting may be continued on the following day or until the agenda is completed.

The meeting is open to the public. The Chairman of the Committee will conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public that wishes to file a written statement with the Committee should mail a copy of the statement to the Advisory Committee on National Growth Policy Processes, 1750 K Street, NW., 8th Floor, Washington, D.C. 20006, at least five days before the meeting. Members of the public that wish to make oral statements should inform Katherine Soaper, telephone (202) 254-6836, at least five days before the meeting, and reasonable provisions will be made for their appearance on the agenda.

The Advisory Committee is maintaining a list of persons interested in the operations of the Committee and will mail notice of its meetings to those persons. Interested persons may have their names placed on this list by writing James E. Thornton, Executive Director, The Advisory Committee on National Growth Policy Processes, 1750 K St., NW., 8th Floor, Washington, D.C.

ARNOLD A. SALTZMAN,
Chairman, The Advisory Committee on National Growth Policy Processes.

SEPTEMBER 8, 1976.

[FR Doc.76-26671 Filed 9-10-76;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MUSIC ADVISORY PANEL (PLANNING)

Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Music Advisory Panel (Planning) to the National Endowment for the Arts will be held on October 1, 1976 from 8:00 a.m.-5:30 p.m. and on October 2, 1976 from 9:00 a.m.-5:30 p.m. in the fourteenth floor conference room of the Columbia Plaza office building, 2401 E Street, NW., Washington, D.C.

A portion of this meeting will be open to the public on October 1 from 11:10 a.m.-1 p.m. and from 3:40 p.m.-5:30 p.m. on a space available basis. Accommodations are limited. During the open sessions there will be a discussion of: (1) Opera Guidelines (2) Policy (3) Future of the schools of the Music Program.

The remaining sessions of this meeting on October 1 from 8:00 a.m.-11:10 a.m. and from 2 p.m.-3:40 p.m. and on October 2 from 9 a.m.-5:30 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.

ROBERT M. SIMS,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.76-26656 Filed 9-10-76;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE ON ETHICAL AND HUMAN VALUE IMPLICATIONS OF SCIENCE AND TECHNOLOGY

Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee on Ethical and Human Value Implications of Science and Technology (EHVIST) Meeting in Collaborative Session with the Advisory Committee on Science, Technology and Human Values (STHV) of the National Endowment for the Humanities.
Date: October 1, 1976.
Time: 9:30 a.m.
Place: Room 540, National Science Foundation, 1800 G Street, N.W., Washington, D.C.
Type of meeting: Open.
Contact person: Rachelle Hollander, Acting Program Manager, Ethical and Human Value Implications of Science and Technology (EHVIST) Program, National Science Foundation, Room W656, Washington, D.C. 20550. Anyone who plans to attend should notify Ms. Hollander by September 28.
Purpose of advisory committee: To provide advice and recommendations concerning support of activities in the field of ethical and human value implications of scientific and technological development in conjunction with cooperative programs of the National Endowment for the Humanities (NEH) and the National Science Foundation.

AGENDA

Reports on EHVIST and STHV Program Activities to date.
Discussion of Current Patterns in College Courses in Science/Technology/Values (S/T/V).
Discussion of International Perspectives on S/T/V Field.
Review of Program Plans and Priorities for FY 77 and Beyond.

M. REBECCA WINKLER,
Acting Committee Management Officer.

SEPTEMBER 3, 1976.

[FR Doc.76-26669 Filed 9-10-76;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-329, 50-330]

CONSUMERS POWER CO. (MIDLAND PLANT, UNITS 1 AND 2)

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this construction permit proceeding to consist of the following members:

Michael C. Farrar, Chairman
Dr. Lawrence R. Quarles
Richard S. Salzman

Dated: September 2, 1976.

ROMAYNE M. SKRUTSKI,
Secretary to the Appeal Board.

[FR Doc.76-26505 Filed 9-10-76;8:45 am]

[Docket No. 50-335]

FLORIDA POWER & LIGHT CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 8 to Facility Operating License No. DPR-67, issued to Florida Power & Light Company (the licensee), which revised the license for operation of the St. Lucie Plant Unit No. 1 (the facility) located in St. Lucie County, Florida. The amendment is effective as of its date of issuance.

The amendment (1) revises the listing of documents which constitutes the Commission-approved physical security plan, (2) deletes Section E of Enclosure 1 to the license which identifies actions related to hurricane erosion protection and physical security to be completed to the satisfaction of the Commission by August 31, 1976, and (3) deletes Section H of Enclosure 1 to the license which identifies actions to be completed to the satisfaction of the Commission prior to transfer of spent fuel to the fuel handling building.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment 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 applications for amendment dated July 28, August 10, and August 25, 1976, (2) Amendment No. 8 to License No. DPR-67, 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 Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450.

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 31st day of Auugst, 1976.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc.76—26506 Filed 9-10-76;8:45 am]

[Docket No. 50-336]

NORTHEAST NUCLEAR ENERGY CO., ET AL.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating License No. DPR-65 issued to Northeast Nuclear Energy Company, The Connecticut Light and Power Company, The Hartford Electric Light Company, and Western Massachusetts Electric Company, which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 2, located in the Town of Waterford, Connecticut. The amendment is effective as of the date of issuance.

The amendment will (1) correct the description of the steam generator instrumentation and (2) provide for a revised method for adjusting "ΔT power" and "nuclear power" instrumentation.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment 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 applications for amendment dated June 8 and June 10, 1976, (2) Amendment No. 15 to License No. DPR-65, 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 Waterford Public Library, Rope Ferry Road, Waterford, Connecticut 06385.

A copy of items (2) and (3) may be obtained upon request addressed to the Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 2nd day of September, 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactor Branch No. 3, Division of Operating Reactors.

[FR Doc.76-26507 Filed 9-10-76;8:45 am]

[Docket No. STN 50-484]

NORTHERN STATES POWER CO. (TYRONE ENERGY PARK, UNIT 1)

Order Setting Prehearing Conference

AUGUST 31, 1976.

The Parties or their counsel are directed to appear at a prehearing conference to be held at 9:30 a.m. on September 28, 1976 at the County Board Room, Eau Claire County Courthouse, 721 Oxford Avenue, Eau Claire, Wisconsin.

The Board will consider the following matters:

1. Motion to Reconsider by Citizens for Tomorrow (CFT) dated July 30, 1976.

2. Comments Regarding Intervention on Waste Disposal and Reprocessing Issues by Northern Thunder (NT) dated August 9, 1976.

3. NRC Staff's request dated August 18, 1976 for clarification of the Board's ruling with respect to CFT's Contention R (1974 Petition).

4. Supplement to Applicant's Position on the Admission of Intervenors' Contentions as Matters in Controversy dated August 10, 1976.

5. All pending motions.

6. All matters required to be considered by the provisions of 10 CFR 2.752 (a).

It is so ordered.

For the Atomic Safety and Licensing Board.

Dated at Bethesda, Maryland this 31st day of August 1976.

IVAN W. SMITH,
Chairman.

[FR Doc.76-26508 Filed 9-10-76;8:45 am]

[Docket No. STN 50-437]

OFFSHORE POWER SYSTEMS (MANUFACTURING LICENSE FOR FLOATING NUCLEAR POWER PLANTS)

Resumption of Hearing

Please take notice that the public evidentiary hearing that has been underway in this proceeding before this Atomic Safety and Licensing Board (the Board), and which has been in recess since the July 30, 1976 session in Bethesda, Maryland, will resume again at 1:30 P.M. local time, Monday, September 20, 1976, at the following location:

NRC Public Hearing Room, 5th Floor, East-West Towers Bldg., 4350 East-West Highway, Bethesda, Maryland 20014.

The purpose of this proceeding, to consider the application of Offshore Power Systems (the Applicant) for a manufacturing license to build eight pressurized water floating nuclear power plants, has been more fully set forth in the Atomic Energy Commission's original Notice of Hearing dated December 5, 1973 (published in the FEDERAL REGISTER December 10, 1973, 38 F.R. 34008).

Interested members of the public are invited to attend the hearing.

It is so ordered.

For The Atomic Safety and Licensing Board.

Issued at Bethesda, Maryland this 3rd day of September, 1976.

SHELDON J. WOLFE,
Chairman.

[FR Doc.76-26509 Filed 9-10-76;8:49 am]

[Docket No. P-512-A]

OHIO EDISON CO., ET AL.

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following advice from the Attorney General of the United States, dated August 31, 1976:

You have requested our advice pursuant to the provisions of Section 105c of the Atomic Energy Act of 1954, as amended, in regard to the above-cited application.

Erie Nuclear Plant, Units 1 and 2, which is proposed to be located near Lake Erie north of Berlin Heights, Ohio, will consist of two units, each of which would have an output of 1200 megawatts. The plant will be jointly owned by the following investor-owned electric utilities: The Ohio Edison Company, Duquesne Light Company, The Cleveland Electric Illuminating Company, The Toledo Edison Company, and Pennsylvania Power Company (a subsidiary of The Ohio Edison Company). These companies are members of the CAPCO Pool, a group which has applied to the Commission for licenses for the joint construction and operation of several nuclear electric generating facilities in addition to the instant plant.

"The Department has previously rendered antitrust advice concerning these Applicants when it reported to the Commission or its predecessor [C]ommission with respect to the following applications for construction of nuclear plants: Davis-Besse Nuclear Power Station, Unit 1, NRC Docket No. 50-346A; Beaver Valley Power Station, Unit 2, NRC Docket No. 50-412A; Perry Nuclear Power Plant, Units 1 and 2, NRC Docket Nos. 50-440A and 50-441A; and Davis-Besse Power Station, Units 2 and 3, NRC Docket Nos. 50-500A and 50-501A. Our advice letters with respect to these various projects contain descriptions of the Applicants, their history and structure, and their conduct with respect to smaller systems and to each other. In our advice on the application to construct the Perry Nuclear Plant, Units 1 & 2, we concluded that Applicant Cleveland Electric's activities under the requested license might create or maintain a situation inconsistent with the antitrust laws, and we recommended that a hearing be held on the matter. With respect to the application for the Davis-Besse Nuclear Power Station, Units 2 and 3, we recommended that a hearing be held concerning the conduct and policies of all of the Applicant companies. A consolidated antitrust hearing on the Davis-Besse Nuclear Power Station, Units 1, 2 and 3, and Perry Nuclear Power Plant, Units 1 and 2, to which the Department of Justice has been a party, has recently been concluded before an NRC Atomic Safety and Licensing Board and initial briefs have been submitted. A decision by the Board is expected later this year.

In view of the antitrust issues raised in the earlier advice letters concerning the nuclear facilities proposed to be constructed jointly by CAPCO Pool members, and the evidence introduced during the recent hearing which we believe establishes that activities of the CAPCO Pool members under the requested licenses would create or maintain a situation inconsistent with the antitrust laws, our advice on the instant application must be that issuance of an unconditioned license would similarly have adverse antitrust consequences. Under these circumstances a recommendation for an antitrust hearing is in order. Of course, if the relief sought by the Department in the pending proceedings before the Hearing Board is obtained, a hearing on the instant application may be mooted or greatly curtailed in scope.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice", 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by October 13, 1976, either (1) by delivery to the NRC Docketing and Service Section at 1717 H Street, NW., Washington, D.C. or (2) by mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Docketing and Service Section.

For the Nuclear Regulatory Commission.

JEROME SALTZMAN,
Chief, Antitrust and Indemnity Group, Nuclear Reactor Regulation.

[FR Doc.76-26733 Filed 9-10-76;8:45 am]

[Docket No. RM-50-5]

GENERIC ENVIRONMENTAL STATEMENT ON MIXED OXIDE FUEL

Location of Prehearing Conference

A Notice of Prehearing Conference published on August 12, 1976 (41 FR 34123) specified 9:30 a.m. on Wednesday, September 15, 1976 as the time and date but left the location for later announcement. The Conference will be held in the Ceremonial Court Room, Sixth Floor, U.S. Court House, Third Street and Constitution Ave. NW., Washington, D.C., 20001.

Dated: September 7, 1976.

For the GESMO Hearing Board.

GEORGE BUNN,
Chairman.

[FR Doc.76-26849 Filed 9-10-76;8:10 am]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Order Convening Prehearing Conference

In the matter of Consolidated Edison Company of New York, Inc. (Indian Point Station, Unit No. 2); Docket No. 50-247; OL No. DPR-26; (Determination of Preferred Alternative Closed-Cycle Cooling System).

On July 23, 1975, the Nuclear Regulatory Commission (Commission) published a Notice of Proposed Issuance of Amendment to Facility Operating License; Opportunity for Hearing (Notice) with regard to the application of Consolidated Edison Company of New York, Inc. (Licensee), dated December 1, 1974, for an amendment to the operating license for Indian Point Station, Unit No. 2 (40 Fed. Reg. 30882). By this proposed amendment, the Licensee requests that the Commission approve the Licensee's determination that a natural draft, wet cooling tower system is the preferred alternative closed-cycle cooling system for installation at Indian Point Unit No. 2.

The Licensee filed a request for a hearing in the event that any party to the proceeding requested a hearing on the proposed amendment. The party intervenor Hudson River Fishermen's Association has requested a hearing.

All parties to the proceeding have requested a prehearing conference and have stated that September 22, 1976 is a date convenient.

The parties have been engaged in several conferences among themselves and at the prehearing conference, the parties will be expected to state their positions respecting this proposed amendment.

Persons intended to present statements by way of limited appearance at the evidentiary sessions, which will be scheduled later, may desire to attend the prehearing conference in order to be informed respecting the evidence to be presented by the parties and to formulate their limited appearance statements in accordance with the anticipated record of evidence. All members of the public are welcome to attend.

Wherefore, it is ordered, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Nuclear Regulatory Commission, particularly Section 2.752 thereof, a prehearing conference shall convene at 10:00 a.m. on Wednesday, September 22, 1976, in a Courtroom to be assigned if space is

available (otherwise a later Order will issue specifying the changed location for the prehearing conference) in the Westchester County Courthouse, 111 Grove Street, White Plains, New York 10601. The prehearing conference will consider those matters specified in Section 2.752 of the Rules of Practice as specifically related to the proposed amendment sought by the Licensee.

Issued: September 9, 1976, Bethesda, Maryland.

Atomic Safety and Licensing Board.

SAMUEL W. JENSCH,
Chairman.

[FR Doc.76-26924 Filed 9-10-76;10:42 am]

[Docket No. 50-245]

NORTHEAST NUCLEAR ENERGY CO., ET AL.

Proposed Issuance of Amendment to Provisional Operating License

The Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-21 issued to Northeast Nuclear Energy Company, The Hartford Electric Light Company, Western Massachusetts Electric Company and Connecticut Light and Power Company (the licensees) for operation of the Millstone Nuclear Power Station Unit No. 1, located in Waterford, Connecticut.

The amendment would revise the provisions in the Technical Specifications to provide for installation and operation of an interim off gas system at Millstone Unit No. 1, in accordance with the licensee's application for amendment, dated July 20, 1976.

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 13, 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 provisional operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of Section 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, by the above date. A copy of the petition and/or request for a hearing should be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to William H. Cuddy, Esquire, Day, Berry & Howard, Counselors at Law, One Constitution Plaza, Hartford, Connecticut 06103, attorney for the licensees.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated July 20, 1976, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washinton, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

Dated in Bethesda, Maryland, this 8th day of September 1976.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc.76-26923 Filed 9-10-76;10:42 am]

[Docket Nos. 50-338 OL; 50-339 OL]

VIRGINIA ELECTRIC AND POWER CO. (NORTH ANNA POWER STATION, UNITS 1 AND 2)

Order

A Prehearing Conference will be held at 2 p.m. on September 23, 1976, in Room 1046, 1717 H Street, NW., Washington, D.C., to consider the matters set forth in 10 CFR Section 2.752, pending discovery motions, establishing contentions to be addressed at the evidentiary hearing, fixing a schedule for ending discovery, scheduling the evidentiary hearing, and any other prehearing motions or other matters now unresolved.

It is so ordered.

Dated at Bethesda, Maryland, this 8th day of September 1976.

The Atomic Safety and Licensing Board.

FREDERIC J. COUFAL,
Chairman.

[FR Doc.76-26921 Filed 9-10-76;10:42 am]

OFFICE OF MANAGEMENT AND BUDGET

[Circular No. A-90 Transmittal Memorandum No. 1]

COOPERATING WITH STATE AND LOCAL GOVERNMENTS TO COORDINATE AND IMPROVE INFORMATION SYSTEMS

SEPTEMBER 7, 1976.

1. *Purpose.* This Transmittal Memorandum amends Circular No. A-90 by adding a new paragraph 8 to clarify Federal policy governing the use of computer systems by State and local governments when such systems are financed in whole or in part with Federal funds. It also rescinds the provision of paragraph 7b pertaining to State and local government use of General Services Administration ADP Service Centers that was based on Federal Property Management Regulation A-17 which has since been rescinded.

2. *Background.* It is Federal policy that the prerogatives of Heads of units of State and local government not be unduly restricted by Federal regulations and that any Federal information system requirements be fully coordinated with other Federal agencies and State and local governments in order to avoid conflict in requirements of various Federal agencies; to promote compatibility among Federal, State and local systems; and to achieve maximum efficiency and effectiveness in the implementation and operation of these systems.

A number of State Governors have complained that Federal agencies are, contrary to existing policy, placing unnecessary restrictions on the means by which State governments carry out federally financed program activities and that such restrictions preclude them from administering these activities in an efficient and effective manner. For example, in several instances Federal agency managers have either required or encouraged the installation of computers dedicated solely to their agencies' programs in situations where such dedication was not essential to the program requirements and the computational requirements could have been met more effectively or efficiently through the use of multi-purpose computers operated by the State.

In view of the desire of the Federal Government and State and local agencies to achieve better use of information processing resources, the policies set forth below are intended to specifically describe ways which information system efficiency and effectiveness may be enhanced.

3. *Policy amendments.* Delete paragraph 7b, redesignate paragraph 7c as 7b and add the following new paragraph.

8. *Computerized information.* The following policies apply to all Federal program information systems requirements which are placed on State or local government and which involve the use of computers, including related communications. They do not apply to State or local government uses of computers for administrative or other purposes incidental to the conduct of the program (e.g., State or local government payroll, accounting, etc.) where such uses are at the option of the State or local government unit. These policies are in addition to and not a substitute for the more general requirements for information systems development and coordination contained in other sections of this Circular. Any exception to these policies must be fully justified, documented, and approved on an individual case basis as outlined in paragraph 8e.

a. Information and computer requirements shall be expressed in terms of functional performance requirements including, as appropriate, an expected level of efficiency in performance rather than specific means to meet those requirements. For example, Federal agencies shall not:

(1) Prescribe any specific commercial company's hardware or software. Any Federal specifications shall be written in a manner consistent with the Federal Government's policies to foster competition in the private sector.

(2) Prescribe the use of software developed by the Federal Government. While such software can be made available for optional use by State and local governments, use of alternative software at the discretion of State or local government should not be precluded.

(3) Preclude State and local governments from using commercial computer services to meet federally financed data processing requirements.

(4) Issue or apply any policies, criteria or restrictions which require that computer systems be dedicated to the activities for which funds are made available.

Considerations which may bear on a determination to make an exception to this provision include overall Federal costs or the ability to provide a requisite level of protection for personal, classified or any other sensitive information. However, the fact that a system is to be used to process sensitive information is not, in and of itself, a basis for requiring a dedicated system. Data protection methods developed by State and local governments which meet the Federal agencies security performance criteria without dedication of the computer system shall not be precluded.

Dedicated systems acquired before issuance of this Transmittal Memorandum, or as an exception to this provision shall subsequently be made available for multi-purpose use whenever the circumstances which originally justified a dedicated environment no longer apply and it therefore becomes feasible to permit other uses.

Any excess capacity on computers that are provided to a unit of State or local government by a Federal agency shall be available for use by other units of State or local government on an equitable cost sharing basis.

b. When multi-purpose computer systems operated by State and local governments are used to meet federally financed data processing requirements or such data processing requirements are met through the purchase of commercial computer services, the Federal agencies shall bear their fair share of the reasonable costs of providing such services in accordance with the cost principles contained in FMC 74-4. In determining reasonableness, consideration will be given to the several options under which the services could have been provided.

c. Any Federal information and computer requirements which are placed on State or local governments shall be compatible with Federal Information Processing Standards and Technical Guidelines (FIPSPUBS) published by the National Bureau of Standards.

d. Consistent with other provisions and procedures of this Circular, Federal agencies will cooperate with State and local government officials and other Federal agencies to determine the optimum means for meeting interrelated Federal, State and local information requirements and to assure that individual agency requirements are not imposed in a manner which unduly impedes State and local governments' ability to meet other information requirements. When Federal information requirements are placed on State or local government levels, the views of the chief executives of the units of government affected, or their authorized representatives, shall be sought and included in the official record of the agency documenting the coordination of these requirements. All such records shall be made available for public review upon request.

e. Any exceptions from the provisions of paragraph 8a shall be fully justified and documented by the Federal agency and such exceptions shall be explicitly approved by the head of the agency. Such authority for approving exceptions may not be delegated. All documentation pertaining to the justification and approval of any exceptions shall be available, on request, for public review. In all cases where exceptions are approved they shall be reviewed, rejustified and reapproved on an annual basis to insure that the reasons for the exception are still valid.

f. Federal agencies shall periodically conduct economic studies to determine the lowest overall costs for meeting federally financed data processing requirements. Such studies shall be conducted in coordination with any other Federal agency and the State and local government unit involved to insure that prior decisions are still valid, and if not valid, that other more appropriate alternatives are promptly implemented.

g. When the acquisition of additional computer capacity is required to meet federally financed information processing requirements, all cost and economic evaluations conducted in relation to the provisions of this Circular shall be on a systems life basis. Systems life is defined as the estimated time for which the equipment to be acquired will be required. When ADP equipment is transferred or otherwise provided to a State or local government by the Federal Government its value for the purpose of such economic studies shall be determined to be the same as the prevailing fair market value.

Action by Federal Agencies. a. Federal agencies shall review their current internal policies and administrative regulations and modify them as appropriate to achieve consistency with the provisions of this Transmittal Memorandum. The Federal agencies' administrative regulations shall include the necessary procedures, including appropriate reviews and controls, to assure proper application of these policies.

b. Within 90 days of issuance of this Transmittal Memorandum, Federal agencies shall either

(1) Publish any proposed revisions to the Federal agency's regulations and procedures required as a result of the review described in paragraph 4a in the FEDERAL REGISTER, and provide an opportunity for interested persons to submit written views and comments on such regulations and procedures for consideration by the agency before they are adopted;

(2) Publish a notice in the FEDERAL REGISTER which cites currently published regulations and procedures deemed to be consistent with the provisions of this Transmittal Memorandum; or

(3) Advise OMB if the Federal agency does not have any programs to which the provision of this Transmittal Memorandum are applicable.

c. Within 90 days of issuance of this Transmittal Memorandum, Federal agencies shall identify any ongoing program activities in conflict with the policies in this Transmittal Memorandum, develop plans and timetables for corrective action and provide OMB with a copy of such plans and timetables.

5. *Inquiries.* Inquiries pertaining to this Transmittal Memorandum may be addressed to the Information Systems Division, Office of Management and Budget, Washington, D.C. 20503, telephone (202) 395-3785 (code 103).

JAMES T. LYNN,
Director.

[FR Doc.76-26614 Filed 9-10-76;8:45 am]

PRIVACY ACT OF 1974

Reports on New Systems

The purpose of this notice is to list reports on new systems filed with the Office of Management and Budget to give members of the public the opportunity to make inquiries about them and to comment on them.

The Privacy Act of 1974 requires that agencies give advance notice to the Congress and the Office of Management and Budget of their intent to establish or modify systems of records subject to the Act (5 U.S.C. 552a(o)). During the period August 23 through September 3, 1976 the Office of Management and Budget received the following reports on new (or revised) systems of records.

DEPARTMENT OF DEFENSE

System Name: Personnel Action File (Digest File).
Report date: August 24, 1976.
Agency point of contact: Mr. William Cavaney, Executive Secretary, Defense Privacy Board, Room 7A-057 Forrestal Bldg., 1000 Independence Avenue, SW, Washington, D.C. 20314.

DEPARTMENT OF AGRICULTURE

System name: Beef Research and Information Act.
Report date: August 27, 1976.
Agency point of contact: Mr. William J. Stokes, Director, Research and Operations Division, Office of the General Counsel, U.S. Department of Agriculture, Washington, D.C. 20250.

HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

System names: (1) Payroll Records, (2) General Financial Records, (3) General Information File, (4) Applicant's Records.
Report date: August 27, 1976.

Agency point of contact: Mr. Robert E. Cleary, Executive Secretary, Harry S. Truman Scholarship, 712 Jackson Place, NW, Washington, D.C. 20006.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.76-26655 Filed 9-10-76;8:45 am]

STANDARDS OF ETHICAL CONDUCT AND SUBCONTRACTOR GRATUITIES

Proposed Policy; Invitation for Public Comment

The Office of Federal Procurement Policy, Office of Management and Budget, is considering the adoption of a policy which would require the use by all Federal executive agencies of contract clauses governing standards of ethical conduct for contractors and prohibiting contractors from soliciting or accepting gratuities from subcontractors.

The problem of gifts and gratuities from contractors to Government employees has received much recent attention. It is the view of this Office that any attempted solution to this problem—to the extent it involves imposing contractual requirements—should be uniformly applicable Government-wide.

The "Gratuities" clause prescribed by the Armed Services Procurement Regulation provides penalties, including exemplary damages, for contractors found to have offered gratuities to obtain a contract or favorable treatment connected with a contract. That clause, however, stems from the specific requirements of 10 U.S.C. 2207, governing Defense appropriations, and the same sanctions are not available to other agencies. Moreover, the approach adopted should not merely provide for penalties, but should require contractors to take positive action with regard to the conduct of their officers and employees.

In addition to the problem of gifts and gratuities from contractors to Federal employees, it is necessary to address the problem of gratuities from subcontractors to contractors, since the value of such gratuities, except under formally advertised fixed price contracts, is likely to be passed on and borne by the Government. The problem becomes particularly significant in view of the large proportion of prime contract dollars which flow to subcontractors.

The U.S. General Accounting Office, in its report PSAD-76-23, November 19, 1975, entitled "Subcontracting by Department of Defense Prime Contractors: Integrity, Pricing, and Surveillance," recommends that the Armed Services Procurement Regulation be amended to require that a clause be included in negotiated contracts specifically prohibiting gratuities from subcontractors to higher tier contractors. The report points out that it is difficult to prove that gratuities are given to influence the award of subcontracts, in violation of 41 U.S.C. 51 (the Anti-Kickback Act), and recommends that the payment of such gratuities be prohibited regardless of whether a direct relationship can be established between the receipt of a gratuity and the award of a subcontract. Aside from the probability that the value of the gratuity is passed on as a cost to the Government, such gratuities undermine the integrity of the procurement process by promoting favoritism in the award of subcontracts.

The "Standards of Ethical Conduct" and "Subcontractor Gratuities" clauses which follow have been developed in an effort to combat the problems discussed, and are proposed for mandatory use by all Federal executive agencies.

Comments should be addressed to the Administrator for Federal Procurement Policy, Office of Management and Budget, Washington, D.C. 20503, and must be received by November 10, 1976, to be considered.

Questions may be referred to Mr. Donald Vogler, Deputy Assistant Administrator for Regulations, telephone (202) 395-3487.

HUGH E. WITT,
Administrator for Federal Procurement Policy.

PROPOSED CONTRACT CLAUSES

STANDARDS OF ETHICAL CONDUCT

(This clause is applicable to all contracts in excess of $1,000,000.)

(a) The contractor shall require that none of its officers, employees, or agents shall offer, directly or indirectly, any gift, gratuity, favor, entertainment, loan, fee, commission, or any other thing of monetary value to any officer or employee of any Government agency involved in the award or administration of this contract, unless acceptance of such a thing by a Government employee is specifically permitted under an exception provided in regulations issued by such agency pursuant to Section 201(b) of Executive Order 11222, May 8, 1965 (30 FR 6469, May 11, 1965), governing standards of ethical conduct for Government officers and employees.

(b) The contractor shall establish and enforce a company policy governing the conduct of its officers, employees, and agents in their relationships with Government employees which is consistent with the requirements of this clause, and which provides appropriate sanctions for violation.

(c) The contractor shall include the substance of this clause, including the termination provision below, in subcontracts hereunder at any tier in excess of $1 million, and shall enforce the provisions of this clause with respect to such subcontractors.

(d) Failure to comply with the provisions of this clause may be grounds for termination of the contract for default.

SUBCONTRACTOR GRATUITIES

(This clause is applicable to all negotiated contracts in excess of $10,000.)

(a) The contractor shall require that none of its officers, employees, or agents shall solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, fee, commission, or any other thing of monetary value from any officer, employee, or agent of a subcontractor or prospective subcontractor hereunder at any tier.

(b) The contractor shall ensure that all of its officers, employees, and agents are made aware of the prohibitions of this clause, and shall include the substance of this clause, including the termination provision below, in any subcontract hereunder in excess of $10,000.

(c) Failure to comply with the provisions of this clause may be grounds for termination of the contract for default.

[FR Doc.76-26674 Filed 9-10-76;8:45 am]

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 Sept. 7, 1976 (44 USC 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

DEPARTMENT OF COMMERCE

Bureau of Census, Reinterview Questionnaire, for Household Roster Check, 1976 census of Camden, N.J., DF-356, single-time, households in Camden, N.J. with questionnaire population counts, Maria Gonzalez, 395-6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health, survey of 1971-75 Ph. D. receipients in biomedical and behavioral sciences, single-time, sample of 1971-75 Ph. D. recipients in biomedical and behavioral sciences, Richard Eisinger, 395-6140.

Public Health Service, Longitudinal Study of Functions and Education of Nurse Practitioners, single-time, directors of NP programs students, Richard Eisinger, 395-6140.

Office of Human Development, State White House Conference Report Form, single-time, States participating in the WHCHI, Richard Eisinger, 395-6140.

National Institutes of Health, motivations for parenthood, decision-making, and fertility regulation, NIH-CH-41, other (see SF-83), couples in Los Angeles SMSA, Richard Eisinger, 395-6140.

Public Health Service, long term care facility improvement campaign (phase II), monthly, skilled nursing and intermediate care facilities, Human Resources Division, Richard Eisinger, 395-3532.

REVISIONS

VETERANS ADMINISTRATION

Request to employer for employment information in connection with claim for disability benefits (industrial information), FL29–459, on occasion, employer, Caywood, D. P., 395–3443.

Report of inspection, individual water supply and sewage-disposal system, 26–6395, on occasion, compliance inspector, Caywood, D. P., 395–3443.

Report of accidental injury in support of claim for compensation or pension, 21–4176, on occasion, veteran, Warren Topelius, 395–5872.

Statement of marital relationship, 21–4170, on occasion, claimants, Warren Topelius, 395–5872.

Request for details of expenses, 21–8049, on occasion, claimants, Caywood, D. P., 395–3443.

Statement of heirs for refund of credits, 29–596, on occasion, claimant, Caywood, D. P., 395–3443.

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service, claim for reimbursement (child care program), FNS–82, monthly, institutions administered by Food and Nutrition Service, Warren Topelius, 395–5872.

Economic Research Service, survey of consumers' food-related behavior, attitudes, and motives, single-time, person in household with responsibility for food purchase, Maria Gonzalez, 395–6132.

DEPARTMENT OF COMMERCE

Bureau of Census, letter of inquiry, DP–614, on occasion, applicants seeking employment with CB J'ville & Pitts., KS., Caywood, D. P., 395–3443.

Domestic and International Business Administration, application for agent/distributor service, DIB–424P, on occasion, exporters, Warren Topelius, 395–5872.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

HEALTH RESOURCES ADMINISTRATION:

1977–78 National Ambulatory Medical Care Survey, (revised patient record), HRA 34–1 through 5, annually, office-based, patient care physicians, Richard Eisinger, 395–6140.

Addition of uniform hospital discharge data set items to hospital discharge survey, HSM88–1, annually, sample of short-stay hospitals, Richard Eisinger, 395–6140.

Social and Rehabilitation Service, Agency report on staff development personnel and expenditures, number of persons trained and associated costs, grants to educational institutions, NCSS–114–T, annually, state public welfare agencies, Lowry, R. L., 395–3772.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration, proposed plan for obtaining information and opinions from states relative to evaluation of Hwy. Saf. Prog. Stds., single-time, state and private sector highway safety organizations, Strasser, A., 395–5867.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, request for partial advance of funds, OE–1219, on occasion, institutions of higher education, Marsha Traynham, 395–4529.

Center for Disease Control, trade name request form for NOHS, CDC, NIOSH 09, on occasion, chemical manufacturers, Ellett, C. A., 395–5867.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76–26847 Filed 9–10–76;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on September 8, 1976 (44 USC 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

Questionnaires to U.S. participants and U.S. hosts of Soviet participants in US–USSR interacademy exchange program, single-time, U.S. participants, 1959–1976 and U.S. hosts, 1970–1976, George Hall, 395–6140.

DEPARTMENT OF COMMERCE

Bureau of Census, November 1976 voting supplement, CPS–1, single-time, 55,000 households in Nov. CPS national sample, Maria Gonzalez, 395–6132.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, SEA reporting for handcapped children, P.L. 94–142, OE–9058, semi-annually, SEA's, Kathy Wallman, Lowry, R. L., 395–6140.

DEPARTMENT OF TRANSPORTATION

Departmental and other, survey of transportation handicapped, single-time, national probability survey, Strasser, A., 395–5867.

REVISIONS

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration, certificate of repossession or seizure of encumbered aircraft—aircraft bill of sale—application for registration, AC8050–1, AC8050–2, FAA-8050–4, on occasion, civil aircraft owners, Marsha Traynham, 395–4529.

EXTENSIONS

DEPARTMENT OF THE TREASURY

Bureau of Customs, declaration for free entry of returned American products and/or certificate of exportation, CF 3311, on occasion, importers, exporters and customhouse brokers, Marsha Traynham, 395–4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.76–26848 Filed 9–10–76;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 9421; 812–3991]

AMERICAN INCOME TRUST, SERIES 1 (AND SUBSEQUENT SERIES) AND B. C. ZIEGLER AND CO.

Filing of Application for an Order of Exemption

AUGUST 30, 1976.

Notice is hereby given that American Income Trust, Series 1 ("Trust") 215 North Main Street, West Bend, Wisconsin 53095, a unit investment trust registered under the Investment Company Act of 1940 ("Act"), and its sponsor, B. C. Ziegler and Company ("Sponsor"), (hereinafter the "Sponsor" and the "Trust" are collectively referred to as "Applicants") filed an application on July 20, 1976, and an amendment thereto on August 20, 1976, pursuant to section 6(c) of the Act for an order of the Commission exempting the Trust and subsequent series (hereinafter collectively referred to as "Series") from the provisions of section 14(a) of the Act, and exempting the frequency of capital gains distributions of the Series and the secondary market operations of the Sponsor from the provisions of Rule 19b–1 and Rule 22c–1, respectively, under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Trust will be governed by a trust agreement (the "Trust Agreement") under which the Sponsor will act as such, First Wisconsin Trust Company will act as Trustee and Interactive Data Services, Inc., will act as Evaluator. Pursuant to the Agreement, the Sponsor will deposit with the Trustee $3,000,000 principal amount of bonds (the "Bonds") which the Sponsor shall have accumulated for such purpose. Simultaneously with such deposit the Trustee will deliver to the Sponsor registered certificates for 3,000 Units, which will represent the entire ownership of the Trust. These Units are in turn to be offered for sale by the Sponsor and members of the Underwriting Account and through dealers for resale to the public.

Applicants state that the Bonds will not be pledged or be in any other way subjected to any debt at any time after the Bonds are deposited with the Trustee. The Sponsor has been accumulating the Bonds for the purpose of deposit in the Trust and will follow a similar procedure of accumulating the bonds for each Series.

The assets of the Trust will consist of the Bonds, such bonds as may continue to be held from time to time in exchange for or substitution of any of the Bonds, accrued and undistributed interest and

undistributed cash. Certain of the Bonds may from time to time be sold under the circumstances set forth in the Trust Agreement or may be redeemed or may mature in accordance with their terms. The proceeds from such dispositions may, at the discretion of the Sponsor, be reinvested in substitute obligations meeting specified criteria or may be distributed to the holders of Units of the Trust ("Unit holders") and not reinvested.

Each Unit of the Trust will represent a fractional undivided interest, the numerator of the fractional interest represented will be 1 and the denominator will be the number of Units issued and outstanding in any particular Series. Units are redeemable, and in the event that any Units are redeemed, the fractional undivided interest represented by each Unit will be increased accordingly. Units will remain outstanding until redeemed or until the termination of the Trust Agreement. The Trust Agreement may be terminated by 100 percent agreement of the Unit holders or, in the event that the value of the Bonds shall fall below an amount specified, either upon direction of the Sponsor to the Trustee or by the Trustee without such direction. There is no provision in the Trust Agreement for the issuance of any units after the initial issuance and such activity will not take place (except to the extent that the secondary trading by the Sponsor in the Units is deemed the issuance of Units under the Act).

Following the deposit of Bonds by the Sponsor with the Trustee, and following the declaration of effectiveness of the Trust's registration statement under the Securities Act of 1933 and clearance by the securities authorities of the various states, the Sponsor will offer the Units of the Trust to dealers for resale to the public at the public offering price set forth in the Prospectus, plus accrued interest.

The Sponsor, while under no obligation to do so, intends to maintain a market for Units of the Trust and to offer to purchase such Units at prices based on the most recent evaluation by the Evaluator, which prices will be based upon the offering prices of the underlying Bonds. The Sponsor will not purchase any Units at a price less than a price based on the aggregate offering price of the underlying Bonds. Resales of such Units will be made by the Sponsor at the public offering price set forth in the then currently effective Prospectus.

The organization, operation and marketing of units of each subsequent Series will be substantially the same as with respect to the Trust, except that the principal amount of bonds deposited (and therefore the number of units issued), the trustee, evaluator and the respective fees thereof will or may vary; there may be depositors in addition to the Sponsor; and the offerings may be effected solely by the Sponsor without the participation of other underwriters.

SECTION 14(a)

Section 14(a) of the Act requires that a registered investment company (a) have a net worth of at least $100,000 prior to making a public offering of its securities, (b) have previously made a public offering and at that time have had a net worth of $100,000, or (c) have made arrangements for at least $100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Applicants seek an exemption from the provisions of section 14(a) in order that they may make a public offering of Units of the Trust and subsequent series as described above. In connection with the requested exemption from section 14(a), the Sponsor has agreed (i) to refund on demand and without deduction the sales load to purchasers of units of a Series if within 90 days after the registration of a Series under the Securities Act of 1933 becomes effective, the net worth of that Series shall be reduced to less than $100,000 or if the Series is terminated; (ii) to instruct the trustee on the date the bonds are deposited in each Series that if the Series shall at any time have a net worth of less than 40 percent of the principal amount of bonds originally deposited, as a result of redemption of units of the Series constituting a part of the unsold units acquired by the Sponsor and other members of the underwriting account, the trustee shall terminate the Series in the manner provided in the governing trust agreement and distribute any bonds or other assets deposited with the trustee pursuant to the Trust Agreement as provided therein; and (iii) in the event of termination for the reasons described in (ii) above to refund any sales load to any purchaser of units of any Series purchased from the Sponsor, other members of the Underwriting Account or any dealer participating in the underwriting on demand and without any deduction.

RULE 19b-1

Rule 19b-1(a) under the Act provides, in part, that no registered investment company which is a "regulated investment company" as defined in section 851 of the Internal Revenue Code shall distribute more than one capital gain dividend in any one taxable year. Paragraph (b) of the Rule contains a similar prohibition for a company not a "regulated investment company" but permits a unit investment trust to distribute capital gain distributions received from a "regulated investment company" within a reasonable time after receipt.

Applicants intend to distribute principal and interest to Unit holders of a Series at least semi-annually. Applicants state that distributions of principal constituting capital gains to Unit holders may arise in two instances: (1) if an issuing authority calls or redeems an issue held in the portfolio, the sums received by the Series will be distributed to Unit holders on the next distribution date; and (2) if Units are redeemed by the Trustee and bonds from the portfolio are sold to provide the funds necessary for such redemption, each Unit holder will receive his pro rata portion of the proceeds from the bonds sold over the amount required to satisfy such redemption distribution. In such cases, a Unit holder may receive capital gains in his distribution since in some cases the value of the portfolio bonds redeemed or sold may have increased since the date of initial deposit.

Applicants point out that paragraph (b) of Rule 19b-1 provides that a unit investment trust may distribute capital gains received from a "regulated investment company" within a reasonable time after receipt. Applicants assert that the purpose of this provision is to avoid forcing unit investment trusts to accumulate valid distributions received throughout the year and distribute them only at year end, and state that their situation is within the intended purpose of such provision.

Applicants believe that the dangers against which Rule 19b-1 is intended to guard do not exist in Applicants' situation since the events which may give rise to capital gains are substantially independent of any action by the Sponsor and the Trustee. In addition, the amounts involved in a normal distribution of principal are relatively small in comparison to the normal interest distribution, and such distributions are clearly indicated in accompanying reports to Unit holders as a return of principal. Applicants contend, therefore, that it would clearly be to the detriment of Unit holders if a Series would be required to hold any monies which constitute capital gains, until and end of its taxable year before distributing such gains to Unit holders.

RULE 22c-1

Applicants state that following the initial offering period, the Sponsor, while not obligated to do so, intends to offer to purchase the Units in the secondary market at prices based on the offering side evaluation of the bonds in the Trust, determined on the last business day of each week, effective for all sales made during the following week.

Applicants also state that the Sponsor has undertaken to adopt a procedure whereby the Evaluator, without a formal evaluation, will provide estimated evaluations on trading days. In the case of a repurchase, if the Evaluator cannot state that the current bid price is not higher than the offering side evaluation, computed as of the last business day of the previous week, the Sponsor will order a full evaluation. The Sponsor has agreed that, in case of the resale of Units in the secondary market, if the Evaluator cannot state that the offering side evaluation computed as of the last business day of the previous week is not more than one-half point ($5.00 on a unit representing $1,000 principal amount of underlying bonds) greater than the current off-

ering side evaluation, a full evaluation will be ordered.

Rule 22c–1 under the Act provides, in pertinent part, that no registered investment company issuing any redeemable security, and no dealer in any such security, shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicants state that Rule 22c–1 has two purposes: (1) To eliminate or to reduce any dilution of the value of outstanding redeemable securities of registered investment companies which might occur through the sale, redemption or repurchase of such securities at prices other than their current net asset value; and (2) to minimize speculative trading practices in the securities of registered investment companies.

The secondary market activities of the Sponsor and the manner for the acquisition by investors of new units, may be deemed to violate Rule 22c–1 because of the absence of daily pricing. Applicants contend, however, that the purposes of Rule 22c–1 will not be offended by the Sponsor's secondary market activities. Applicants assert that the pricing of units by the Sponsor in the secondary market will in no way dilute the assets of the Trust, and that Unit holders will benefit from the Sponsor's pricing procedure in the secondary market since they will normally receive a higher repurchase price for their Units than they could by redeeming their Units at the current net asset value, and that this will be accomplished without the cost burden to the Trust of daily evaluations of the unit redemption value.

Applicants also contend that speculation in Units of any Series is unlikely because price changes are limited in respect to the kind of bonds which will be held by such Series.

Applicants therefore request an exemption from the provisions of Rule 22c–1 for the Trust and for all subsequently created Series insofar as the Rule may apply after completion of the primary distribution of Units of such Series.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 23, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission orders a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicants at the address stated above. Proof of such service (by affidavit, or, in the case of any attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons, who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76–26586 Filed 9–10–76;8:45 am]

[Rel. No. 9423; 812–3972]

BRAE CO.

Filing of Application for an Order Exempting Applicant From All Provisions of the Act

SEPTEMBER 1, 1976.

Notice is hereby given that Brae Company (A Delaware Limited Partnership) ("Applicant"), 506 Wilmington Trust Building, 100 West 10th Street, Wilmington, Delaware 19801, filed an application on June 21, 1976, for an order of the Commission, pursuant to section 6(c) of the Investment Company Act of 1940 (the "Act"), exempting Applicant from all provisions of the Act, and the Rules and Regulations promulgated thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

On May 27, 1976, Applicant filed its Certificate of Limited Partnership with the Secretary of the State of Delaware. Applicant was organized for the purpose of acquiring, holding and disposing of securities and influencing management in entities in which it acquires a significant or controlling interest.

As a limited partnership, Applicant has two general partners and fourteen limited partners (hereinafter collectively referred to as "partners"). These partners have contributed an aggregate of $4,375,758 to Applicant's capital. The limited partners and certain other parties also have lent an aggregate of $12,190,909 to Applicant in exchange for 7 percent subordinated notes due March 31, 1986 (the "Notes"). In addition, WCI Industries, Inc. ("Industries"), one of Applicant's limited partners and a wholly-owned subsidiary of Warner Communications, Inc. ("WCI"), has agreed, subject to Commission approval of the instant application, to contribute an additional $472,727 to Applicant's capital and to lend an additional $2,127,723 to Applicant in exchange for a Note in such principal amount. Industries' contribution to Applicant's capital, as of May 27, 1976, represented 9.97 percent of such capital; its proposed additional contribution would increase its interest to 18.75 percent. Industries percentage interest in the aggregate principal amount of Applicant's Notes, as of May 27, 1976, was 16.11 percent; if the additional loan is made by Industries, its percentage interest in the Notes would increase to 28.57 percent.

Applicant represents that it has not made, and does not propose to make, a public offering of its securities. In addition to Industries, Applicant's limited partners consist of seven individuals and six closely-held family corporations. The beneficial owners of the closely-held family corporations are 14 individuals. Applicant states that all of its limited partners have substantial net assets in excess of their investments in the Applicant.

Applicant's Partnership Agreement provides that its general partners, Dan W. Lufkin and Edward L. Scarff, have exclusive authority to invest the funds of the Applicant and to exercise, on behalf of the Applicant, all rights with respect to such investments. Although it is contemplated that the general partners will consult with the limited partners prior to making any major new investment, the general partners are under no obligation to do so. The limited partners have no power to bind the Applicant in any manner. Under the Partnership Agreement, each partner is entitled to receive such reports and financial statements of the Applicant as are necessary to give each partner an intimate knowledge of Applicant's business and affairs. In addition to regular reports, any partner may, at any time, review Applicant's books and records. Subject to a limited exception, no partner may assign his interest in the Applicant prior to April 30, 1978. Thereafter, a limited partner may, under certain circumstances, assign all of his interest in Applicant subject to a right of first refusal of the Applicant and the other partners. A general partner may assign his interest only with the approval of the holders of at least 80 percent of the limited partnership interests, subject to a minor exception.

Applicant has not registered as an investment company pursuant to Section 8 of the Act in reliance upon section 3(c)(1) of the Act which exempts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities. Section 3(c)(1) further provides that, for purposes of determining the number of beneficial owners of an issuer, ownership by a company of 10 percent or more

of an issuer's outstanding voting securities shall be deemed beneficial ownership of that issuer by the holders of such company's outstanding securities.

Applicant has filed this application in recognition that a question regarding its status under section 3(c)(1) of the Act may exist if Industries makes the additional proposed capital contribution and loan to Applicant. In such a situation, Industries' investment as a limited partner in the Applicant may be attributed to the stockholders of WCI if such investment is deemed to be the equivalent of a 10 percent or greater interest in Applicant's voting securities.

Applicant submits that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act for the Commission to enter an order exempting Applicant from all provisions of the Act. In support thereof, Applicant states that, but for the additional proposed contribution by Industries in Applicant, Applicant would clearly be exempt from registration under the Act by virtue of section 3(c)(1) of the Act. The general partners of Applicant have exclusive authority to determine all matters relating to the business of Applicant. Limited partners may vote only on the withdrawal of a partner, the termination of the Applicant, the compensation of the general partners, and the amendment of the Partnership Agreement. Under such circumstances, Applicant does not believe that an interest in Applicant's capital is equivalent to a voting interest. Furthermore, Industries' proposed interest in Applicant represents a de minimis percentage of the total assets of WCI (0.63 percent of WCI's assets as of March 31, 1976). Although under certain circumstances Industries may make additional loans or capital contributions to Applicant, Applicant represents that no such investment will be permitted if Industries' aggregate investment in Applicant were thereby to exceed 5 percent of the total assets of WCI.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act, or any rules or regulations thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant has agreed that the order the Commission may issue pursuant to this application may be conditioned as follows:

(1) Applicant will not permit the aggregate number of beneficial owners of interests in the capital of Applicant to exceed 100. For purposes of this computation, beneficial ownership by a company shall be deemed beneficial ownership by one person; except that, if such company owns a 10 percent or greater interest in the capital of the Applicant and the value of such an interest in the Applicant represents more than 5 percent of the value of the total assets of that company, the beneficial ownership shall be deemed to be the number of beneficial holders of such company's outstanding securities (other than short-term paper); and

(2) Applicant will not make any public offering of its securities.

Notice is further given that any interested person may, not later than September 24, 1976, at 12:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advise as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26588 Filed 9-10-76;8:45 am]

[Rel. No. 19666; 70-5803]

CENTRAL AND SOUTH WEST CORP.

Proposed Establishment of Employee Stock Ownership Plan and Issuance and Sale of Common Stock Thereto; Request for Exception From Competitive Bidding

SEPTEMBER 1, 1976.

Notice is hereby given that Central and South West Corporation ("CSW"), P.O. Box 1631, Wilmington, Delaware 19899, a registered holding company has filed an application-declaration and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7 and Rules 20(a), 50 and 100(a), promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transaction.

CSW proposes to issue and sell up to, but not exceeding, 350,000 shares of its authorized and unissued Common Stock, par value $3.50 per share (the "Additional Shares"), to an Employee Stock Ownership Plan ("Plan") which CSW intends to establish, effective January 1, 1975, pursuant to the Tax Reduction Act of 1975 (Pub. L. 94-12, 89 Stat. 26). The Plan would be established for the benefit of employees of CSW and of its direct and indirect subsidiaries, Central Power and Light Company, CSR Services, Inc., Public Service Company of Oklahoma, Transok Pipe Line Company, Southwestern Electric Power Company, West Texas Utilities Company and of such other future such subsidiaries as may be designated by the Board of Directors of CSW.

CSW states that the Tax Reduction Act of 1975 incorporates a definition of "employer securities" which, if not amended, may make implementation of the Plan, as presently contemplated, impractical. Legislation containing the necessary amendatory language is now pending before a Congressional Conference committee. CSW seeks to implement the Plan as soon as possible following the enactment of the necessary legislation, which in CSW's case, would mean no later than October 15, 1976.

CSW states that, as now constituted, the Tax Reduction Act of 1975 permits a corporation to elect an additional 1 percent investment tax credit on qualified property additions made during the period from January 22, 1975 through December 31, 1976, provided an amount equivalent to the additional tax credit is invested in the corporations common stock through an employee stock ownership plan. CSW has filed a preliminary draft of its proposed Plan as an exhibit to its application-declaration. Under this proposed plan, a trust would be established to which an appropriate number of Additional Shares would be issued and sold by CSW. CSW states that its qualifying property additions for 1975 and those budgeted for 1976 would result in a cumulative additional 1 percent investment tax credit of $3,750,000. Based on this figure and assuming a purchase price of $14 a share as determined under the statutorily prescribed formula, the trust would thereby acquire, for the two years, approximately 268,000 Additional Shares. The trust would also be empowered to periodically purchase Additional Shares with funds generated by the dividends paid on shares held by it. CSW states that it anticipates the purchase of about 12,000 Additional Shares by the trust through this medium.

CSW's management and Board of Directors believe that the establishment of the Plan will be beneficial to CSW in that it will provide an additional source of common equity capital at an economical cost to CSW, help to reduce the size of public offerings of common stock of CSW and accordingly lessen to a degree the depressing effect which such offerings have on the market price of such stock.

In anticipation of establishing such a Plan, CSW has amended its charter, effective April 24, 1976, to increase the authorized common stock from 56,500,000 to 58,300,000 shares and to except from pre-emptive rights the issuance of stock (a) exclusively to or for the benefit of employees of the Corporation or of any

corporation of which the Corporation owns, directly or through one or more intermediate subsidiaries, at least 50 percent of the outstanding voting stock and (b) through or in connection with a dividend reinvestment plan.

CSW also proposes to file quarterly reports, pursuant to Rule 24, for the purpose of reporting the periodic acquisitions of Additional Shares by the Trust.

CSW requests exception from the competitive bidding requirements of Rule 50 pursuant to clause (a)(5) thereof.

The fees, commissions and expenses to be paid or incurred by CSW in connection with the establishment of the Plan are estimated to be $55,000 including Trustee fees of $30,000. It is stated that no state or federal commission, other than this Commission, has jurisdiction over any aspect of the proposed transaction.

Notice is further given that any interested person may, not later than September 24, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, and reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant-declarant at the above-stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26589 Filed 9-10-76;8:45 am]

[Rel. No. 9419; 812-4005]

CHASE FUND OF BOSTON ET AL.

Filing of Application for an Order of Exemption From the Provisions

Notice is hereby given that an application, pursuant to section 6(c) of the Investment Company Act of 1940 (the "Act"), was filed on August 5, 1976, and an amendment thereto on August 12, 1976, by the following persons: The Chase Fund of Boston (the "Chase Fund") and Shareholders' Trust of Boston ("Shareholders' Trust") (collectively referred to as the "Funds"), open-end, diversified, management investment companies registered under the Act; Phoenix Investment Counsel of Boston, Inc. ("PIC"), investment adviser to the Funds; Phoenix Equity Planning Corporation ("PEPCO"), principal underwriter for the Funds; and Chase Investment Services of Boston, Inc. ("CIS"), 535 Boylston Street, Boston, Massachusetts 02116, an investment adviser registered under the Investment Advisers Act of 1940 and a subsidiary of PIC and PEPCO (the Funds, PIC, PEPCO, and CIS are collectively referred to herein as "Applicants"). The application requests an order of the Commission exempting Applicants from section 22(d) of the Act to the extent specified therein. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

CIS has been engaged, for a number of years, in the business of advising investors with personal accounts which initially have minimum assets of $25,000 ("mini-accounts"). CIS, for economic reasons, has decided to terminate its mini-account business. This decision is concurred in by CIS's parent corporations—PIC, PEPCO and Phoenix Mutual Life Insurance Company.

In order to provide an alternate investment medium for CIS's approximately 150 mini-account clients prior to CIS's termination of its mini-account business, Applicants wish to offer shares of the Fund to such clients for 90 days at net asset value per share without any sales charge. During this ninety day period CIS mini-account clients will be able to purchase shares of the Funds through PEPCO at a price equal to net asset value per share without any sales charge while the general public will only be able to purchase shares of the Funds at a price equal to net asset value per share plus a sales charge. In the opinion of CIS, the investment objectives of the Funds most nearly approximate the investment objectives of the majority of its mini-account clients.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter shall sell any redeemable security to any person except at a current public offering price described in the prospectus. The Funds currently offer shares to the public at a price based upon net asset value plus a sales charge.

Applicant's proposed offering to each CIS mini-account client would be limited in the aggregate amount of shares offered of both Funds to the value of each client's mini-account at the time the offerings commence. Furthermore, mini-account clients purchasing shares of either Fund pursuant to the proposed offer would not be permitted for a period of one year following purchase to exchange Fund shares for shares of other open-end funds advised by PIC or PEPCO on the basis of their respective net asset values. All of the terms of the ninety day limited offering of shares of the Funds at net asset value per share without any sales charge will be disclosed in the Funds' prospectuses, as well as in the prospectuses of other open-end funds distributed by PEPCO.

With respect to the proposed offering to CIS's mini-account clients, Applicants will inform such clients that Fund shares are available and that if a client is interested, he should request a prospectus. No selling efforts will be directed by Applicants to such clients.

Applicants assert that the requested exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any class or classes of persons, securities, or transactions, from any provision of the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than September 21, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O 5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26590 Filed 9-10-76;8:45 am]

[Release No. 34-12751; File No. SR-CBOE-1976-8, Amdt. 2]

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 19, 1976 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission an amendment to a previously filed proposed rule change as follows:

STATEMENT BY CBOE OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

NONPUBLIC INFORMATION CONCERNING BLOCK TRANSACTIONS

Rule 4.18. No member or person associated with a member, for an account in which such member or person has an interest, or for an account with respect to which such member or person exercises investment discretion, shall cause to be executed an order (other than an order for the account of such member which represents the other side of the execution of a customer's order) to buy or sell an option on CBOE when the person causing such order to be executed has knowledge of a "block" transaction in the underlying security, or to buy or sell an underlying security when the person causing such order to be executed has knowledge of a "block" transaction in an option traded on CBOE covering that security, prior to the time information concerning the "block" transaction has been made publicly available. For purposes of this rule, a "block" transaction means a transaction involving 10,000 shares or more of an underlying security or options covering such number of shares: *Provided,* That such block transaction is required to be made publicly available under the plan administered by the Consolidated Tape Association or the Options Price Reporting Authority, as the case may be. A person shall not be deemed to have knowledge of a transaction prior to the time the person knows the terms of the transaction that have been agreed to by all parties to the transaction.

INTERPRETATIONS AND POLICIES

.01. The prohibitions of Rule 4.18 insofar as they relate to a person's knowledge of a "block" transaction apply to natural persons within the member organization but not to the organization itself. The knowledge of separate natural persons within a member organization is not to be imputed to the organization or to others within the organization, although member organizations have overall supervisory responsibilities to assure that the activities of their employees are in compliance with this Rule. Further, where a person within a member organization has knowledge of a transaction within the scope of this rule, such person may not instruct another person to enter an order if the person having such knowledge would himself be precluded from entering the order.

.02. An individua"s knowledge of a block transaction may be proved by circumstantial evidence from which it may reasonable be concluded that the individual must have had such knowledge.

.03. Information as to a block transaction shall be considered to be publicly available for purposes of Rule 4.18 when it has been disseminated via a tape or high speed communications line. Public outcry on the Floor shall not be deemed to make such information publicly available except in unusual circumstances with the advance approval of a Floor Official.

.04. The parenthetical pharse in the first sentence of Rule 4.18 is intended to make clear that the rule is not intended to impede member organizations from taking a proprietary position where appropriate to provide the best execution of a customer's order. Thus in the situation where a member organization receives at or about the same time customer orders relating to both an option and the underlying security, the rule does not operate to restrict the member organization from positioning the other side of one or both of such orders. However, the member organization would not be able to cover the resulting proprietary position by entering an offsetting order until information concerning any block transaction involved has been made publicly available.

.05. A block transaction which has been agreed upon does not lose its identity as such by arranging partial execution of the transaction in portions which themselves are not of block size. In this situation, the requirement that information concerning the transaction be made publicly available will not be satisfied until the entire block transaction has been completed and publicly reported.

STATEMENT BY CBOE OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of proposed, revised Rule 4.18 and the related interpretations is to remove any incentive to a member for delaying public dissemination of information concerning block transactions which are required to be reported over the respective options and stock price reporting networks (OPRA and CTA). The rule thus prohibits a member or person associated with a member from capitalizing in its securities trading on nonpublic knowledge of the agreed upon terms of a block transaction.

The CBOE has a major interest in encouraging rapid dissemination of information into the marketplace. The CBOE places primary reliance for the dissemination of information about transactions in the stock underlying options on the consolidated tape and the high speed line between the NYSE and the CBOE. Likewise, CBOE has established its own high speed line for the dissemination of information about transactions in options. Consequently, the rules of the CBOE should remove any incentives for members to delay the required report of transactions to these information disseminating mechanisms.

If a member is permitted to engage in option trading or in stock trading at a time when it has agreed upon the terms of a block transaction in the corresponding stock or option, it may be tempted to delay executing the block transaction until after it has completed the nonblock trades and thereby delay the reporting of the block transaction. The rule is intended to eliminate that incentive to delay the execution or reporting of a block transaction.

In addition to the reference in the original filing of proposed Rule 4.18 to section 6(b)(5), a further basis for proposed Rule 4.18 is section 11A(C)(iii) stating that it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure the availability of information with respect to transactions in securities. Proposed Rule 4.18 is intended to improve the prompt reporting of block transactions by eliminating what might otherwise be an incentive to delay such reporting.

CBOE has continued to receive informal comments from its members who are active in block transactions, as well as from market makers. These comments have been considered by the special committee of the Board that was appointed prior to the original filing of proposed Rule 4.18 to investigate generally the subject matter of this Rule. CBOE believes that commenting members generally find acceptable proposed Rules 4.18 as amended in this filing.

No burden on competition is or will be imposed by proposed Rule 4.18, as amended.

On or before October 18, 1976, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

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, 500 North Capitol Street, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before September 28, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

AUGUST 31, 1976.

[FR Doc.76-26582 Filed 9-10-76;8:45 am]

[Release No. 34-12744; File No. SR-CBOE-76-14]

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 July 15, 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

POSITION LIMITS

Rule 4.11.

* * * Interpretations and Policies:

.01 *Whenever there is declared a stock dividend, stock distribution, stock split or reverse split in respect of any underlying security of a class of options dealt in on the Exchange, and as a result option contracts of the same class are traded covering different numbers of underlying shares, then the limit contained in clause (b) of Rule 4.11 shall not be applicable either (i) to covered short options positions or (ii) to short options positions to the extent long options positions for the same number of underlying shares are maintained in the same account where the exercise prices of the options contracts in such long positions are equal to or less than the exercise prices of the options contracts in such short positions.*

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed rules change is to provide members and public customers with the same exemption to the limitation presently found in clause (b) of Rule 4.11 in those instances where, due to a stock split, stock dividend, stock distribution or reverse split, the number of underlying shares contained in the contract unit of the outstanding options series dealt in on the Exchange are adjusted upward or downward to reflect the revision in the number of outstanding shares of the subject underlying security. This proposed interpretation would enable public investors and members to compute more precisely the limits of Rule 4.11 at a time when a class of options contracts will have different numbers of shares underlying such contracts, e.g., a 5 for 4 stock split for ABC Company would result in adjusting the outstanding ABC options so that the number of underlying shares per contract is increased from 100 to 125. Thereafter, all subsequently introduced series of ABC options will have 100 shares of ABC Company common stock underlying each contract.

The following examples of options positions in a single account assist in illustrating the operation of the proposed interpretation of Rule 4.11 under the above circumstances:

	Long	*Short*
1.	400 ABC Oct 20 Option Contracts (each contract covers 125 shares.)	100 ABC Oct 25 Option Contracts (each contract covers 100 shares.)

In this example, the 400 long ABC contracts cover 50,000 shares of ABC Company. Therefore, the 400 long ABC contracts cover, on a share-for-share basis, the 50,000 shares represented by 500 of the 1000 short ABC contracts. Thus, the net short position in this account is the permissible limit of 500 ABC Oct 25 options contracts.

	Long	*Short*
2.	125 ABC Jan 15 Option Contracts (each contract covers 100 shares.	600 ABC Oct 20 Option Contracts (each contract covers 125 shares.)

Under these facts, the 125 long ABC Jan 15 contracts cover 12,500 shares. This long position would offset, on a share-for-share basis, 100 of the ABC Oct 20 contracts, since each short contract is comprised of 125 shares of ABC for a total of 12,500 shares. Therefore, this account would maintain a net short position of 500 ABC Oct 20 options contracts.

The Exchange, in order to promote just and equitable principles of trade and to protect investors and the public interest, proposes that the protection afforded by by the provisions of Rule 4.11 extend, as they were intended, to circumstances where the same class of options contracts do not have an equal number of shares underlying every contract.

Comments were not solicited nor were comments received.

The Exchange does not believe that the proposed interpretation will impose any burden on 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 submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 13, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

AUGUST 30, 1976.

[FR Doc.26579 Filed 9-10-76;8:45 am]

[File Nos. 7-4873-7-4876]

COLT INDUSTRIES INC. (PENNSYLVANIA) ET AL.

Applications for Unlisted Trading Privileges and of Opportunity for Hearing

AUGUST 26, 1976.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities, Securities Exchange Act of 1934.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the securities of the companies as set forth below, which securities are listed and registered on one or more other national securities exchanges:

Colt Industries Inc. (Pennsylvania), Common Stock—3.00 Par Value, File No. 7-4873.
Emhart Corporation (Virginia), Common Stock—$1.00 Par Value, File No. 7-4874.
MGIC Investment Corporation (Wisconsin), Common Stock—$1.00 Par Value, File No. 7-4875.
Nicor, Inc., Common Stock—$5,000 Par Value, File No. 7-4876.

Upon receipt of a request, on or before September 11, 1976 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26587 Filed 9-10-76;8:45 am]

[Release No. 34-12759]

Notice of Institution of Proceedings by the Securities and Exchange Commission, Pursuant to Sections 17A and 19 of the Securities Exchange Act of 1934 and § 240.17Ab2-1 thereunder, To Determine Whether To Grant or Deny the Registration as a Clearing Agency of the Depository Trust Comoany, Bradford Securities Processing Services, Inc., American Stock Exchange Clearing Corporation, Stock Clearing Corporation of Philadelphia, Boston Stock Exchange Clearing Corporation, Stock Clearing Corporation, Midwest Securities Trust Company, the Options Clearing Corporation, Midwest Clearing Corporation, Pacific Securities Depository Trust Company, Pacific Clearing Corporation, National Clearing Corporation and Tad Depository Corporation

The Securities and Exchange Commission hereby announces the institution of proceedings to determine whether to grant or deny the registration of the following clearing agencies, (hereinafter referred to as the "Registrants"), at the expiration of the registrations previously granted to the registrants pursuant to subsection (c) of § 240.17Ab2-1 under the Securities Exchange Act of 1934 (the "Act"):

The Depository Trust Company ("DTC"), File No. 600-1;
Bradford Securities Processing Services, Inc. ("SPS"), File No. 600-2;
American Stock Exchange Clearing Corporation ("ASECC"),[1] File No. 600-3;
Stock Clearing Corporation of Philadelphia ("SCCP"), Filed No. 600-4;
Boston Stock Exchange Clearing Corporation ("BSECC"), File No. 600-5;
Stock Clearing Corporation ("SCC"), File No. 600-6; Midwest Securities Trust Company ("MSTC"), File No. 600-7;
The Options Clearing Corporation ("OCC"), File No. 600-8;
Midwest Clearing Corporation ("MCC"), File No. 600-9;
Pacific Securities Depository Trust Company ("PSDTC"), File No. 600-10;
Pacific Clearing Corporation ("PCC"), File No. 600-11;
National Clearing Corporation ("NCC"), File No. 600-12; and
TAD Depositoy Corporation ("TAD"), File No. 600-13.

In the proceedings, which are being instituted pursuant to subsections 17A (a) and (b) and subparagraph 19 (a) (1) (B) of the Act and § 240.17Ab2-1 thereunder, the Commission will consider the issues and grounds described herein. At the conclusion of the proceedings, the Commission, by order, will grant or deny registration as a clearing agency to each Registrant at the expiration of the registration previously granted to the Registrant pursuant to subsection (c) of § 240.17Ab2-1 under the Act.

[1] In Securities Exchange Act Rel. No. 12489 (May 28, 1976), the Commission announced the institution of proceedings, including hearings, to determine whether to grant or deny the application of the National Securities Clearing Corporation ("NSCC") for registration as a clearing agency, including the proposed merger of SCC, ASECC and NCC, which currently perform the clearance of securities transactions proposed to be cleared by NSCC. Since the registrations of ASECC, SCC and NCC are still in effect and the Commission has not yet made a determination with respect to NSCC's application for registration, the registrations of SCC, ASECC and NCC are being included in these proceedings.

Description of the Registrants

The Registrants provide a wide range of comparison, netting, depository, settlement and related services to brokers and dealers and others engaged in effecting or facilitating transactions in securities.

ASECC, a wholly-owned subsidiary of the American Stock Exchange, Inc., ("Amex"); SCCP, a wholly-owned subsidiary of the Philadelphia Stock Exchange, Inc. ("Philadelphia"); BSECC, a wholly-owned subsidiary of the Boston Stock Exchange ("BSE"); SCC, a wholly-owned subsidiary of the New York Stock Exchange, Inc. ("NYSE"); MCC, a wholly-owned subsidiary of the Midwest Stock Exchange, Inc. ("MSE"); and PCC, a wholly-owned subsidiary of the Pacific Stock Exchange, Inc. ("PSE") provide clearing and settlement services for securities transactions on the parent exchanges and other securities transactions.

NCC, a wholly-owned subsidiary of the National Association of Securities Dealers, Inc., ("NASD"), provides clearing, settlement and related depository services for over-the-counter transactions. OCC, which is one quarter owned by each of the Chicago Board Options Exchange, Inc., Amex, PSE and Philadelphia is the issuer of, and provides clearing and settlement services for transactions in, exchange listed options.

MSTC, a wholly-owned subsidiary of MSE, and PSDTC, a wholly-owned subsidiary of PSE, offer a full range of depository and depository-related services, including the safekeeping of securities. DTC, which is owned by NYSE (59.3%), Amex (7.8%), NASD (7.8%), Philadelphia (0.2%), and institutional investors, principally banks (24.9%), is the country's largest depository and offers a full range of depository and depository-related services, including the safekeeping of securities. TAD, which is 80% owned jointly by Philadelphia, MSE and BSE and 20% owned by the Bradford Trust Company, offers depository and depository-related services, including the safekeeping of securities, and expedites record ownership transfers of securities left in its custody.

SPS provides draft delivery and collection services which are used principally for the settlement of transactions in municipal securities.

Background

On November 26, 1975, the Commission noticed the filing of the Registrants' applications for registration as clearing agencies.[2] On December 1, 1975, the Commission granted each Registrant registration which, pursuant to subsection (c) of § 240.17Ab2-1, was only effective for a period of eighteen months. The approach to registration incorporated in subsection (c) of § 240.17Ab2-1 was intended to permit clearing agencies in operation prior to December 1, 1975, to be registered in compliance with the Act, upon a finding that their operations were safe, while affording the Commission sufficient time to make the other determinations required by subparagraphs (A)-(I) of paragraph 17A(b)(3) of the Act ("Subparagraphs (A)-(I)"), including determinations pertinent to the establishment of a national clearing and settlement system, following full consideration of the issues involved.

The Commission has instituted these proceedings in order to obtain the views of interested persons concerning the Registrants' compliance with the standards which the Commission is required to apply under the Act in making determinations in connection with the registration of clearing agencies.

Standards to be Applied in Determining Whether to Grant or Deny Registration

Paragraph 17A(a)(1) of the Act sets forth the Congressional finding that:

(A) The prompt and accurate clearance and settlement of securities transactions, including the transfer of record ownership and the safeguarding of securities and funds related thereto, are necessary for the protection of investors and persons facilitating transactions by and acting on behalf of investors.

(B) Inefficient procedures for clearance and settlement impose unnecessary costs in investors and persons facilitating transactions by and acting on behalf of investors.

(C) New data processing and communications techniques create the opportunity for more efficient, effective, and safe procedures for clearance and settlement.

(D) The linking of all clearance and settlement facilities and the development of uniform standards and procedures for clearance and settlement will reduce unnecessary costs and increase the protection of investors and persons facilitating transactions by and acting on behalf of investors.

Paragraph 17A(a)(2) of the Act directs the Commission to "* * * use its authority under this title to facilitate the establishment of a national system for the prompt and accurate clearance and settlement of transactions in securities * * *." Paragraph 17A(a)(2) of the Act directs the Commission, in carrying out its responsibilities under section 17A, to have:

due regard for the public interest, the protection of investors, the safeguarding of securities and funds, and maintenance of fair competition among brokers and dealers, clearing agencies, and transfer agents.

Subsection 17A(b) of the Act makes it unlawful for a clearing agency to perform clearance and settlement of transactions with respect to securities (other than exempted securities) unless the clearing agency has been registered with the Commission.

In the exercise of its authority under section 17A, on November 3, 1975, the Commission adopted § 240.17Ab2-1 and related Form CA-1 for the registration of clearing agencies. Although paragraph 17A(b)(3) of the Act requires the Com-

mission to make a number of determinations with respect to the applicant's operations, capabilities, and rules[3] before granting registration, paragraph (c)(1) of Section 240.17Ab2–1 provides that, if requested by an applicant for registration as a clearing agency, the Commission may register the applicant for 18 months without making all the determinations called for by Subparagraphs (A)–(I).

[3] The determinations are set forth in subparagraphs (A)–(I) of paragraph 17A(b)(3) of the Act. Paragraph 17A(b)(3) provides:

"A clearing agency shall not be registered unless the Commission determines that—

"(A) Such clearing agency is so organized and has the capacity to be able to facilitate the prompt and accurate clearance and settlement of securities transactions for which it is responsible, to safeguard securities and funds in its custody or control or for which it is responsible, to comply with the provisions of this title and the rules and regulations thereunder, to enforce (subject to any rule or order of the Commission pursuant to section 17(d) or 19(g)(2) of this title) compliance by its participants with the rules of the clearing agency, and to carry out the purposes of this section.

"(B) Subject to the provisions of paragraph (4) of this subsection, the rules of the clearing agency provide that any (i) registered broker or dealer, (ii) other registered clearing agency, (iii) registered investment company, (iv) bank, (v) insurance company, or (vi) other person or class of persons as the Commission, by rule, may from time to time designate as appropriate to the development of a national system for the prompt and accurate clearance and settlement of securities transactions may become a participant in such clearing agency.

"(C) The rules of the clearing agency assure a fair representation of its shareholders (or members) and participants in the selection of its directors and administration of its affairs. (The Commission may determine that the representation of participants is fair if they are afforded a reasonable opportunity to acquire voting stock of the clearing agency, directly or indirectly, in reasonable proportion to their use of such clearing agency.)

"(D) The rules of the clearing agency provide for the equitable allocation of reasonable dues, fees, and other charges among its participants.

"(E) The rules of the clearing agency do not impose any schedule of prices, or fix rates or other fees, for services rendered by its participants.

"(F) The rules of the clearing agency are designed to promote the prompt and accurate clearance and settlement of securities transactions, to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible, to foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions, to remove impediments to and perfect the mechanism of a national system for the prompt and accurate clearance and settlement of securities transactions, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination in the admission of participants or among participants in the use of the clearing agency, or to regulate by virtue of any authority conferred by this title matters not related to the purposes of this section or the administration of the clearing agency.

"(G) The rules of the clearing agency provide that (subject to any rule or order of the Commission pursuant to section 17(d) or 19(g)(2) of this title) its participants shall be appropriately disciplined for violation of any provision of the rules of the clearing agency by expulsion, suspension, limitation of activities, functions, and operations, fine, censure, or any other fitting sanction.

"(H) The rules of the clearing agency are in accordance with the provisions of paragraph (5) of this subsection, and, in general, provide a fair procedure with respect to the disciplining of participants, the denial of participation to any person seeking participation therein, and the prohibition or limitation by the clearing agency of any person with respect to access to services offered by the clearing agency.

"(I) The rules of the clearing agency do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of this title."

The Registrants applied for registration under paragraph (c)(1) of § 240.17Ab2–1, thereby requesting that registration be granted while the registrant was exempted, temporarily, from having to satisfy one or more of the requirements as to which the Commission is directed to make a determination pursuant to Subparagraphs (A)–(I). The Commission registered the registrants in accordance with paragraph (c)(1) of § 240.17Ab2–1 upon the Commission's finding: that the applicants were so organized and had the capacity to safeguard securities and funds in their custody or control or for which they were responsible; that the applicants' rules did not impose any schedule of prices, or fix rates or other fees, for services rendered by participants; and that the applicants' rules assured the safeguarding of securities or funds which were in the custody or control of the applicants or for which they were responsible.

At the conclusion of these proceedings, the Commission, by order, will grant or deny registration as a clearing agency to each Registrant at the expiration of the registration previously granted to the Registrant pursuant to subsection (c) of § 240.17Ab2–1 under the Act unless the Commission, for good cause, extends the time for conclusion of the proceedings and publishes its reasons for so doing or the Registrant agrees to an extension of the time for the conclusion of the proceedings.

Issues and Grounds for Denial Under Consideration

In deciding whether to grant or deny registration, the Commission must consider whether the Registrants satisfy the requirements of section 17A of the Act, including the determinations required by Subparagraphs (A)–(I). Of particular concern to the Commission in making its decision are whether a Registrant's organization and rules (i) are consistent with the establishment of a national system for the prompt and accurate clearance and settlement of transactions in securities; (ii) continue to provide for the protection of investors and the safeguarding of securities and funds in the Registrant's custody or control and (iii) will enable it to reduce unnecessary costs and establish efficient, effective and safe procedures for clearance and settlement by taking advantage of new communications and data processing techniques.

The Commission would like to receive comments from interested persons on the appropriateness of registering each of the Registrants with particular reference to the compliance of their organization and rules with the objectives of the Act described above, including the determinations called for by Subparagraphs (A)–(I).

All interested persons are invited to submit written data, views and arguments concerning the foregoing application on or before March 14, 1977. Such written data, views and arguments will be considered by the Commission in determining whether registration should be granted or denied in accordance with paragraph (c)(2) of section 240.17Ab2–1. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to the appropriate file number.

Copies of the applications and all written comments will be available for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C. 20006.

By the Commission.

George A. Fitzsimmons,
Secretary.

September 1, 1976.

[FR Doc.76-26578 Filed 9-10-76;8:45 am]

[Rel No. 9422; 812-3987]

FEDERATED EXCHANGE FUND

Filing of Application for Exemptions

August 31, 1976.

Notice is hereby given that Federated Exchange Fund (A California Limited Partnership) (the "Fund" or "Applicant"), 421 Seventh Avenue, Pittsburgh, Pennsylvania 15219, an open-end, diversified, management investment company registered under the Investment Company Act of 1940 (the "Act"), filed an application on July 15, 1976, and an amendment thereto on August 30, 1976, for an order, pursuant to section 6(c) of the Act, exempting Applicant from the provisions of sections 2(a)(19), 2(a)(3), and 22(e) of the Act to the extent discussed below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, the Fund is a limited partnership, which executed (1) a Certificate and Agreement of Limited Partnership on February 27, 1976, under the California Uniform Limited Partnership Act (the "California Act"), and (2) a Restated and Amended Certificate and Agreement of Limited Partnership ("Partnership Agreement") under the California Act on August 20, 1976.

The Fund has filed a Notification of Registration on Form N–8A and a Registration Statement on Form N–8B–1, under the Act, as an open-end, diversified management investment company. The Fund has also filed a Registration Statement on Form S–5 to register its units of limited partnership interest ("Shares") for sale under the Securities Act of 1933. The Fund states that it does not intend to offer its shares continuously but reserves the right to do so.

The Fund's stated purpose is to provide an investment medium to persons, having substantial holdings of individual securities acceptable to the Fund and with relatively large unrealized capital appreciation, who wish to exchange such holdings for Shares of the Fund without incurring federal capital gains tax liability by reason of the exchange.

The Fund states that it has submitted to the Internal Revenue Service a request for a ruling under the Internal Revenue Code of 1954, as amended (the "Code"), that for federal income tax purposes no gain or loss wil be recognized by any investor on the contribution of securities in exchange for Shares of the Fund, and that the Fund will be treated as a partnership and not as an association taxable as a corporation. If these rulings are issued, they are expected to be based on the fact that the Fund is established as a partnership and lacks the corporate characteristics of limited liability and continuity of life.

In its Registration Statement on Form S–5, which is incorporated by reference in the application, the Fund states that the exchange will not be consummated unless the Fund receives a ruling from the Internal Revenue Service that such exchanges will be tax free.

The application contains the following assertions as to the applicability of the Code, and proposed amendments thereto, to such exchanges. At present, section 721 of the Code provides that no gain or loss shall be recognized to a partnership or to any of its partners in the case of a contribution of property to the partnership in exchange for an interest in the partnership. Under existing law, investors in the Fund will not recognize gain for federal income tax purposes on the contribution of appreciated securities in exchange for Shares of the Fund by reason of the non-recognition provisions of section 721. Legislation (the "Bill") is currently being considered in Congress which would make existing section 721 inapplicable in the case of gain if property is transferred to a partnership which would be treated as an investment company (within the meaning of section 351 of the Code) if the partnership were incorporated. Transition rules are being considered as a portion of this legislation, which would provide that the pre-existing law (section 721 as it presently exists) will apply to an exchange if, among other things, a registration statement was filed with the Commission before a specified date and the transfer of securities to the investment company was made on or before a specified date. The Fund expects to meet all the conditions and transition rules set forth in the Bill for the application of existing section 721 to the transfer of securities in exchange for Shares of the Fund. When the Bill is enacted into Law, the Fund wishes to be in a position to sell its Shares to the public at that time in accordance with its Registration Statement on Form S–5 pursuant to the Securities Act of 1933.

The Fund states that it was organized under the California Act because that Act specifically permits limited partners to exercise voting rights necessary to permit the Fund to comply with the Investment Company Act of 1940. The Fund has filed, with the application, an opinion of counsel that the Fund has been legally formed and organized and is validly existing as a limited partnership under the California Act. In addition, the Fund undertakes that, prior to the expiration of the public notice period specified herein, it will file an additional opinion of counsel, in form and substance satisfactory to the Commission staff, that if, because of the existence or exercise of those voting rights, the limited partners are held to be liable as general partners to creditors of the Fund, then, to the extent the assets and insurance of the Fund are insufficient to reimburse a limited partner, such limited partner would have recourse against the general partners.

As a limited partnership, the Fund will have two classes of partners: general partners and limited partners (hereinafter collectively referred to as "Partners"). The entire interest of the Partners will be divided into Shares. All Shares will have equal rights and equal participation in profits and losses of the Fund and one vote per Share on matters to be voted upon by Partners. All Shares are redeemable. Because of the nature of the Fund, its initial portfolio of securities may have a relatively low tax basis, with the result that any sales of portfolio securities made to meet redemptions may involve the realization of relatively large capital gains by the Fund. Accordingly, the Fund reserves the right to redeem its Shares in whole or in part either in cash or by the distribution of one or more portfolio securities in kind.

There are nine general partners of the Applicant, of which eight are individuals and one a corporation. The corporate general partner, Exchange Fund Research Corp., is the investment adviser ("Adviser") to Applicant.

The Partnership Agreement provides that the Partnership will be managed by those general partners who are individuals ("Managing General Partners"). Any General Partner which is a corporation, association, partnership, joint venture or trust shall act as a Non-Managing General Partner and shall take no part in the management, conduct or operation of the Fund's business, unless there are no remaining Managing General Partners of the Fund. In such event, the Non-Managing General Partner shall call a special meeting of Partners to elect successor Managing General Partners within 120 days of the date the last Managing General Partner ceased to act in such capacity. The Fund agrees that any exemptive order granted pursuant to this application may be conditioned upon the continued effectiveness of this provision.

Applicant asserts that the Managing General Partners will perform the same functions as directors of incorporated investment companies registered under the Act. The Managing General Partners shall act only by vote of a majority of the Managing General Partners at a meeting or by unanimous written consent without a meeting, unless otherwise required by the Act with respect to any particular action. Each Managing General Partner will have one vote. The Managing General Partners may appoint agents to perform duties for or on behalf of the Fund, and may appoint an Executive Committee, which shall consist of two or more Managing General Partners. A single Managing General Partner or Managing General Partners constituting less than a majority of Managing General Partners shall not have authority to act on behalf of the Partnership or to bind the Partnership except when acting as an Executive Committee or otherwise pursuant to delegated authority of the Managing General Partners as provided in the Partnership Agreement. In this regard, Applicant states in its Registration Statement on Form S–5 that it intends to include in all material contracts a provision limiting the claims of creditors to Fund assets.

Applicant has undertaken to file, prior to the expiration of the public notice period specified herein, an opinion of counsel, in form and substance satisfactory to the staff, that the division of managerial functions set forth in the Partnership Agreement is permitted under California law.

The Fund understands that under its current rulings policy the Internal Revenue Service would not issue the ruling which the Fund expects to receive with respect to the classification of the Fund as a partnership and not an association taxable as a corporation unless the General Partners of the Fund maintain in the aggregate an interest of at least 1 percent in each material item of partnership income, gain, loss, deduction, and credit.

In order to meet this condition, the Partnership Agreement provides that the initial general partners shall, as a group, make capital contributions in an amount not less than 1 percent of the total capital contributions of both the limited partners and the general part-

ners. To insure continued satisfaction of this 1 percent requirement, the Non-Managing General Partner has undertaken that at all times while serving as Non-Managing General Partner of the Fund, it will own at least a sufficient amount of the Fund's outstanding shares so that the general partners, as a group, shall own at least 1 percent of such Shares. The Non-Managing General Partner has further undertaken that it will not withdraw as Non-Managing General Partner, except on two years' notice, or upon the earlier assumption by another general partner of this 1 percent requirement, provided, however, that in the event that the Fund terminates its investment advisory contract with the Non-Managing General Partner, it will remain as Non-Managing General Partner and continue to own a sufficient amount of the Fund's outstanding Shares to satisfy this 1 percent requirement for one year or until the earlier appointment of a successor Non-Managing General Partner which undertakes to satisfy this 1 percent requirement. The Fund agrees that any exemptive order granted pursuant to this application may be conditioned upon the continued effectiveness of these undertakings.

Applicant represents that prior to the public offering of Shares, its general partners will have, in the aggregate, a tangible net worth of not less than $2,500,000 exclusive of their investment in the Fund, and undertakes that its General Partners at all times will continue to have at least such net worth.

Applicant represents further that it will be named as an insured in a brokers' blanket bond in an amount of not less than $10,000,000, which coverage will include general partners of the Fund and coverage for dishonest or fraudulent trading by employees. The Fund will also be a named insured in an errors and omissions insurance policy, providing coverage up to a maximum amount of $5,000,000, with a $20,000 deductible for any one claim. The Fund states that it will not voluntarily cancel such insurance, and agrees that any exemptive order granted pursuant to this application may be conditioned upon the Fund being covered under such policies.

The Fund states that exchanges will be scolicited for a limited period of time ("Solicitation Period"). Prospective investors who wish to become Limited Partners will deposit their securities with an escrow agent, together with appropriate instruments of transfer and a duly executed transmittal letter. At the termination of the Solicitation Period, the Fund will mail a Report to Depositors describing the securities then on deposit and certain additional information. Each depositor will have a period of time after the mailing of the Report to Depositors in which to withdraw his deposited securities ("Withdrawal Period"). The Fund will have the right to reject securities offered for deposit or deposited at any time prior to and for a period several days after the end of the Withdrawal Period. Unless withdrawals by depositors and rejections by the Fund shall have reduced the aggregate value of all securities and cash on deposit below $25,000,000, the securities remaining on deposit will be exchanged for Shares of the Fund and those depositors will become limited partners of the Fund.

Applicant states that, although ownership of Shares will not entitle a limited partner to take part in the control of the Fund's business, each Share shall carry one vote on all matters to be voted upon by Partners. The Partnership Agreement provides that a limited partner may assign any or all of his interest in the Fund by written instrument of assignment in form and substance satisfactory to the Managing General Partners, provided that (i) the assignee agrees to become a substituted limited partner, and (ii) the Managing General Partners consent to such assignment and substitution. The admission of an assignee as a substituted limited partner is also conditioned upon the assignee's written acceptance and adoption of all of the terms and provisions of the Partnership Agreement, and the recording of an appropriate amendment to the Partnership Agreement. The Fund indicates that the Managing General Partners have stated that it is their intention to consent to assignments by way of gifts or personal estate planning (for example, transfers to trusts). Since the Shares are redeemable in whole or in part at their net asset value, Applicant asserts that the giving or withholding of such consent does not affect the ability of a partner to realize on his investment. The Fund agrees to process amendments to the Partnership Agreement daily, to reflect changes in partnership interests, and further agrees that any order granted pursuant to this application will be conditioned upon the continued effectiveness of this provision.

SECTION 2(a)(19)

Section 10(a) of the Act provides that no registered investment company shall have a board of directors more than 60 percent of the members of which are persons who are "interested persons" of such registered company. Section 2(a)(12) of the Act defines "director" to include any director of a corporation or any person performing similar functions with respect to any organization whether incorporated or unincorporated.

Section 2(a)(19)(A) of the Act provides, in part, that an "interested person" of another person, when the other person is an investment company, means (1) any affiliated person of such investment company, and (2) any interested person of any investment adviser for such company. Section 2(a)(19)(B) of the Act provides, in part, that an "interested person" of another person, when the other person is an investment adviser for any investment company, means any affiliated person of such investment adviser. Section 2(a)(3)(D) of the Act provides, in part, that an "affiliated person" of another person means any partner or co-partner of such person.

Applicant states that five of its Managing General Partners serve as non-interested directors of other investment companies advised by investment advisers which are controlled by Federated Investors, Inc., the parent of the Adviser. The Applicant states that, as Managing General Partners, these persons are co-partners in Applicant with the Adviser and therefore might be deemed "interested persons" of the Adviser and of Applicant.

Applicant submits that such a finding would conflict with the intention of section 2(a)(19) which provides that "no person shall be deemed to be an interested person of an investment company solely by reason of * * * his being a member of its board of directors* * *". The Fund asserts that the relationship of the Managing General Partners to the Fund is essentially identical to the relationship of directors to a corporate investment company. To resolve this conflict and assure compliance by Applicant and the other investment companies on whose Boards these persons serve with the provisions of section 10(a) of the Act, the Fund requests that it and its general partners be exempted from the provisions of section 2(a)(19) to the extent that the general partners would otherwise be deemed to be interested persons of any other person solely because they are general partners of the Applicant or co-partners in Applicant of general partners who are otherwise interested persons of Applicant.

SECTION 22(e)

Section 22(e) provides, in part, that no registered investment company shall suspend the date of redemption or postpone the date of payment or satisfaction upon redemption of any redeemable security in accordance with its terms for more than seven days after tender of such security. Section 47(b) of the Act provides, in part, that every contract the performance of which involves the violation of, or the continuance of any relationship or practice in violation of, any provision of the Act, or any rule, regulation, or order thereunder shall be void.

As stated above, the Applicant's General Partners have undertaken to hold a minimum of 1 percent of its outstanding Shares. Applicant asserts that, nevertheless, the General Partners could tender their Shares for redemption in violation of the undertaking and the Partnership Agreement and could allege upon so doing that the provision was in contravention of section 22(e) and therefore, void under section 47(b). Applicant submits that this restraint upon redemption is similar to a commitment with respect to original subscribers who hold shares with investment intent and that it would not adversely affect, but rather be for the benefit of, the public investors. Therefore Applicant seeks an exemption from section 22(e) allowing it to obtain enforcement of that

undertaking in the event of its volation.

SECTION 2(a)(3)

Section 2(a)(3) of the Act defines an "affiliated persons" of another person as "any * * * partner of such other person." Investors in the Fund will be limited partners and thereby may, pursuant to section 2(a)(3)(D), be deemed affiliated persons of the Fund. Applicant submits that its limited partners will be equivalent to shareholders of an investment company organized as a corporation. Applicant further states that the extension of "affiliated person" status to such persons creates the possibility of violation of the provisions of section 17 of the Act upon the redemption of Shares by a distribution of portfolio securities in kind, and renders meaningless those provisions of 2(a)(3) that require a minimum percentage ownership before a shareholder is considered an affiliated person. Applicant therefore requests an exemption from the provisions of section 2(a)(3) so that no person will be considered an "affiliated person" of Applicant solely by virtue of being a limited partner of the Fund.

Section 6(c) of the Act provides, in part, that the Commission may by order upon application, conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions, from any provisions of the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant submits that the requested exemptions are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes of the Act.

Notice is further given that any interested person may, not later than September 24, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of facto or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the act, an order disposing of the application will be issued as of course following said date unless the Commission orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26591 Filed 9-10-76;8:45 am]

[Rel. No. 19664; 70-5894]

GULF POWER CO. AND MISSISSIPPI POWER CO.

Proposal by Two Associated Electric Utility Companies Whereby One Company Will Acquire a 50 Percent Interest, as Tenant-in-Common, in an Electric Generating Facility Currently Being Constructed by the Other

AUGUST 31, 1976.

Notice is hereby given that Gulf Power Company ("Gulf"), P.O. Box 1151, Pensacola, Florida 32520, and Mississippi River Company ("Mississippi"), P.O. Box 4079, Gulfport, Mississippi 39501, both of which are wholly owned electric utility subsidiaries of The Southern Company, a registered holding company, have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9, 10, 12 and 13 of the Act and Rules 43, 45(b)(6) and 87 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Gulf and Mississippi propose a number of transactions which will result in each company owning, as tenants-in-common, a 50 percent undivided interest in Units 1 and 2 (500,000 kilowatts each) of a steam electric generating plant in Jackson County, Mississippi ("Plant") currently being constructed by Mississippi. The transactions will take place in various steps, the final steps to be consummated at the time Unit 2 is placed in commercial operation, currently scheduled for 1980. Unit 1 is scheduled to be placed in operation in 1977. The companies have set forth the understanding as to the proposed transactions in a letter dated July 28, 1976 ("Letter").

Mississippi has acquired the plant site, and construction of Unit 1 has been substantially completed, as have facilities which will be common to both units ("Common Facilities"). Cooling water for Units 1 and 2 will be supplied from a reservoir and canal facilities being built and to be operated by Jackson County, with Mississippi being obligated to pay to Jackson County for water service (in addition to operating expenses and funds for an operating margin) amounts necessary to amortize the principal and interest on pollution control revenue bonds, the proceeds of which were used for construction of such facilities (HCAR No. 18121, October 12, 1973). Mississippi has spent substantial funds for acquisition of the site and construction of the Plant.

Until such time as Unit 2 becomes commercially operable the following is proposed:

(a) Mississippi will build and finance Unit 1 and will operate it solely for its own account. Mississippi will also retain title to the land on which Unit 1 is situated.

(b) As soon as possible after necesary regulatory approval (the "Initial Closing"), (i) Gulf will pay Mississippi for all book costs, including the allowance for funds used during construction ("AFUDC"), which Mississippi has incurred with respect to Unit 2 to the date of such payment (estimated to be $26,000,000 at September 30, 1976) and (ii) Mississippi will convey to Gulf all Mississippi's right, title and interest in Unit 2.

(c) From and after the date of such payment, Gulf will reimburse Mississippi with respect to all costs, excluding AFUDC, thereafter incurred for acquisition and construction of Unit 2.

(d) At the Initial Closing, Mississippi will convey to Gulf fee simple title to the land on which Unit 2 is to be constructed, and an undivided one-half interest in and to the remainder of the plant site (other than the land on which Unit 1 is located), for which Gulf will pay Mississippi all its book costs, approximating $1,541,000 for the land so conveyed.

(e) At the Initial Closing, Mississippi shall also convey to Gulf a 50% undivided interest in and to the Common Facilities, subject, however, to the reservation by Mississippi of a vendor's lien, to secure payment by Gulf to Mississippi, in installments over the period of construction of Unit 2, of one-half the cost of the Common Facilities. Such vendor's lien will be subordinate to the lien of the Indenture between Gulf and The Chase Manhattan Bank (National Association) dated as of September 1, 1941 ("Gulf's Mortgage").

(f) Because Mississippi will require the use of the Common Facilities for the testing and operation of Unit 1 prior to Gulf's use for the testing and operation of Unit 2, Mississippi will lease the Common Facilities from Gulf from the Initial Closing until required by Gulf for testing of Unit 2. Payments under the lease by Mississippi will be equal to the depreciation charges on Gulf's investment in depreciable common facilities. Mississippi will pay all taxes, insurance and other direct costs associated with the operation of Common Facilities prior to the testing of Unit 2.

(g) Gulf will designate Mississippi as its agent to supervise and administer construction of Unit 2 and all contracts with respect thereto; Gulf will reserve the right to monitor, audit and review all construction and associated activity. Gulf has agreed to the existing contracts between Mississippi and all other parties with respect to acquisition and construction of the Plant. All further contracts and agreements or modification thereof

must be mutually agreed upon in advance by Mississippi and Gulf.

(h) Gulf will establish a construction agency account and deposit in such account funds to the extent necessary for the payment of all day-to-day construction costs and expenditures made by Mississippi for Gulf's account. Gulf will also pay such costs and expenses as Mississippi will incur in providing administration and supervision with respect to acquisition and construction of Unit 2.

(i) Mississippi will furnish to Gulf monthly progress reports showing approximate percentage of completion of the Plant.

(j) On or about the date Unit 2 is placed in commercial operation (the "Second Closing") Mississippi will convey to Gulf a 50 percent undivided interest in Unit 1 (and the underlying site) for which Gulf will be obligated to pay 50 percent of the then depreciated original cost; and Gulf will convey to Mississippi a 50 percent undivided interest in Unit 2 (and the underlying site) for which Mississippi will be obligated to pay Gulf 50 percent of the original cost. It is the intent of Gulf and Mississippi that upon settlement at the Second Closing each shall have borne 50 percent of the total net cost of the Plant. It is estimated that the total construction expenditures of the Plant will be $294,000,000, allocated as follows:

Unit 1	$136,683,000
Unit 2	157,317,000
Site	3,082,000
Common facilities	39,552,000

The estimated cost of Unit 1 does not give effect to estimated depreciation from the date of commercial operation to the Second Closing, currently estimated at $10,870,000. Each conveyance will be free and clear of liens and encumbrances other than excepted encumbrances as defined in the transferee's first mortgage indenture.

(k) Commencing with the time of second closing Mississippi will operate and maintain the Plant for the account of itself and Gulf. Gulf will pay Mississippi 50 percent of the costs of such operation and maintenance, including labor, supervision, taxes, insurance and overhead. Gulf will advance funds to Mississippi to the extent necessary for payment of all day-to-day operating and maintenance charges, costs and expenditures.

(l) Gulf will establish an operating agency account and deposit in such account funds to the extent required for payment of approved expense items. Gulf will also deposit in such agency account funds for payment of 50 percent of all expenditures made, following initial operation of Unit 2, for authorized capital additions to the Plant with respect to Units 1 and 2.

(m) At such time as cooling water is necessary for testing components of Unit 2 (approximately nine months prior to commercial operation) Gulf shall become obligated to Mississippi in respect of payments required under the water service agreement between Mississippi and the Jackson County Port Authority, dated April 5, 1973, which provides for the payment of principal and interest on $17,250,000 principal amount of pollution control revenue bonds, referred to above. In this regard Gulf shall (i) reimburse Mississippi for 50 percent of all the aggregate of payments made by Mississippi in respect of principal of such bonds plus any amounts paid by Mississippi for construction costs of the cooling water facilities in excess of $17,250,000, an amount equal to 50 percent of any applicable depreciation on Mississippi's books; (ii) thereafter pay Mississippi for 50 percent of all amounts payable by Mississippi under the water service agreement; and (iii) indemnify Mississippi against 50 percent of any amounts paid by Mississippi as guarantor of such pollution control revenue bonds.

(n) Prior to the initial commercial operation of Unit 2, an operating agreement will be executed by Gulf and Mississippi.

Consistent with the intent of Gulf and Mississippi that, upon final settlement, each such company shall have borne 50 percent of the total net cost of the Plant, including Units 1 and 2 and the Common Facilities, it is intended that any investment tax credits earned in respect of the construction of the Plant shall be divided equally between them. Under Rule 45(b)(6) and the Order of the Commission dated April 26, 1963, the investment credit earned by the affiliated group of corporations consisting of The Southern Company and its subsidiaries are in substance to be allocated among such corporations in a manner allowing each such company the full investment credit it contributes to the total investment credit allowed on the consolidated return. It is stated that strict application of this principle could result in Gulf and Mississippi being treated as earning different amounts of investment credit, in respect of the construction of the Plant. As described above, Unit 1 will be owned by Mississippi at the time it is placed in service and Unit 2 will be owned by Gulf at the time it is placed in service. The amount of investment credit earned in respect of the construction of one Unit may considerably exceed that in respect of the construction of the other Unit. This disparity could be caused, for example, because (1) the cost of construction of one Unit exceeded that of the other of (2) the rate of investment credit applicable at the time Unit 2 is placed in service differs from that applicable at the time Unit 1 is placed in service. Gulf and Mississippi state that, in light of the fact that the net cost of construction of the Plant is to be divided equally, the investment credit generated through such construction should also be divided equally. It is therefore proposed that (1) Mississippi will be given credit for the entire investment credit generated through the construction of Unit 1 at the time such credit is claimed by the affiliated group in its consolidated tax return; (2) Gulf and Mississippi will each be given credit for one-half of the investment credit generated by the construction of the Common Facilities at such time as such credit is claimed by the affiliated group on its consolidated tax return; (3) after Unit 2 has been placed in service and the affiliated group has claimed investment credit on its consolidated tax return with respect thereto, Gulf and Mississippi will each be given credit for one-half of such investment credit in respect of Unit 2 and Gulf will retroactively be given credit for one-half of the investment credit claimed (and previously allocated to Mississippi) in respect of Unit 1; (4) the contributions of Gulf and Mississippi to the consolidated Federal income tax liability of the affiliated group will be determined in light of the above allocations of investment credit.

A statement of the fees and expenses to be incurred in connection with the proposed transactions will be filed by amendment. The sale by Mississippi to Gulf is subject to the jurisdiction of the Mississippi Public Service Commission. It is stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than September 24, 1976, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26592 Filed 9-10-76;8:45 am]

[Rel. No. 12761; File No. SR-MSE 76-11]

MIDWEST STOCK EXCHANGE

Order Approving Rule Change Amending Delivery Requirements of Certificates

SEPTEMBER 2, 1976.

On June 22, 1976, the Midwest Stock Exchange ("MSE"), 120 South LaSalle Street, Chicago, Illinois 60603, submitted a proposed rule change pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act") amending Rule 17 of Article VI to allow deliveries of more than one certificate of stock of the same issue with identical registration to be accompanied by one assignment: *Provided*, That prior notice of delivery has been received in accordance with MSE policies.

In accordance with Section 19(b) of the Act and Rule 19b-4 thereunder, the rule change was published in the FEDERAL REGISTER (41 F.R. 31431, July 28, 1976), and the public was invited to submit comments until August 18, 1976. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 12633, July 16, 1976. No letters of comment were received.

The Commission has reviewed the MSE submission and finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the proposed rule change contained in File No. SR-MSE-76-11 be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26593 Filed 9-10-76;8:45 am]

[Release No. 12737; File No. SR-NYSE-76-7, File No. SR-NYSE-76-8]

NEW YORK STOCK EXCHANGE, INC.

Order and Statement of Reasons Disapproving Proposed Rule Changes

AUGUST 25, 1976.

These are proceedings pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b), as amended by the Securities Acts Amendments of 1975 (the "1975 Amendments"),[1] to determine whether to disapprove Rules 309 and 310 as proposed by the New York Stock Exchange, Inc. (the "NYSE") 11 Wall Street, New York, New York 10005. Section 19(b) of the Act provides that, with respect to any proposed exchange rule filed under Section 19(b)(1), the Commission shall publish notice of the proposed rule and give interested persons an opportunity to submit written data, views and arguments. Thereafter, the Commission either approves the proposed rule change or institutes proceedings to determine whether the proposed rule change should be disapproved. On March 11, 1976, the Commission gave notice of the filing of proposed NYSE Rules 309 and 310 and instituted these proceedings.[2]

Proposed NYSE Rule 309 would have prohibited an NYSE member organization from having as a parent a non-United States person unless the NYSE determined that broker-dealers domiciled in the United States (or their subsidiaries) could obtain similar access to securities exchanges under the laws and policies of that person's domicile or principal place of business or both. Proposed NYSE Rule 310 would have prohibited a member organization from functioning as, or controlling, being controlled by, or being under common control with, a person conducting commercial banking operations within the United States.[3]

Interested persons were invited to submit written data, views, and arguments, including views as to whether an opportunity for oral presentation of data, views, and arguments should be accorded, and to submit a rebuttal to any other person's submission.[4] Of the six submissions received, four offered views in opposition to, and two offered views in support of, the proposed rules. No one suggested that an opportunity for oral presentation of data, views, and arguments should be accorded.[5]

On the basis of the original filings made by the NYSE and the submissions made in response to the notice of these proceedings, the Commission has adhered to its initial view that the grounds outlined in the notice of these proceedings principally concern matters of legal interpretation of the Act.[6] The Commission has determined, moreover, that it would not be appropriate, particularly in the absence of any request to the contrary, to extend these proceedings by now providing an opportunity for oral presentations. Accordingly, the Commission has concluded these proceedings.

Section 19(b)(2) provides that the Commission shall approve a proposed rule change of a self-regulatory organization if it finds the rule change to be consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization. The Commission is required to disapprove a proposed rule change of a self-regulatory organization if it does not make that finding. After considering the original filings and all submissions, the Commission has not found, for the reasons set forth herein, that the proposed NYSE rules are consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NYSE. Consequently, the Commission has disapproved them.[7]

1. BACKGROUND

Proposed NYSE Rules 309 and 310 are the product of an intensive effort by the NYSE over the last several years to adapt its membership policies to a changing environment in the financial sector, both in the United States and abroad. The "foreign membership" and "bank" issues raised by proposed NYSE Rules 309 and 310 respond to that changing environment and are interrelated. The interrelation is due in part to differences among the structures of the financial sector in the United States, on the one hand, and certain foreign countries (for example, continental Europe and Japan), on the other. In continental Europe, banks frequently conduct both commercial and investment banking activities and also perform a variety of agency services for their customers; "Edge Act" subsidiaries of United States commercial banks operating in those countries also

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[1] Pub. L. No. 94-29, section 16 (June 4, 1975).

[2] Securities Exchange Act Release No. 12181 (Mar. 11, 1976), 41 FR 11898 (Mar. 22, 1976).

[3] Both proposed rules would have applied to existing member organizations as well as to applicants, except that proposed NYSE Rule 310 contained a grandfather clause for the commercial bank which is currently a member of the NYSE.

[4] Subsequently, the periods for submission of data, views and arguments and rebuttals were extended to May 15 and 28, 1976. Securities Exchange Act Release No. 12412 (May 5, 1976), 41 FR 20037 (May 14, 1976).

[5] One person opposing the proposed rules requested an opportunity to make its own presentation if the Commission was unwilling to conclude that the NYSE lacked authority to adopt the proposed Rules.

[6] The grounds outlined in the notice are also set forth at pp. 42-3 infra. See also Securities Exchange Act Release No. 12181, note 2 supra.

[7] After the filing of proposed NYSE Rules 309 and 310, the Commission instituted a general inquiry on certain rules of national securities exchanges currently in effect relating to membership and association with members. Securities Exchange Act Release No. 12157 (Mar. 2, 1976), 41 FR 10662 (Mar. 12, 1976). In that connection, the Commission suggested withdrawal of proposed NYSE Rules 309 and 310 pending completion or further progress of the inquiry. The NYSE determined not to withdraw its proposals. The issues presented by the proposal rules are similar to ones under consideration in the general inquiry. Nevertheless, in view of the pendency of these specific proposals it now seems appropriate to reach the question of the statutory findings without awaiting the resolution of all the questions raised in the broader general inquiry. The Commission recognizes that its conclusions today answer, by analogy, many of those questions. An immediate resolution is also appropriate in light of allegations, which may be unfounded, that the proposed rules have been treated as already in effect. *See* Securities and Exchange Commission File Nos. SR-NYSE-76-7 and 76-8. As indicated herein, the proposed rules impose burdens on competition which cannot be sustained as appropriate in furtherance of the purposes of the Act and those affected may have inadequate alternative remedies.

engage in both types of business.[8] In the United States, by contrast, commercial banks have only recently begun competing substantially for various kinds of securities-related businesses which by law, custom and practice have traditionally been the preserve of other types of institutions.

The structural difference between the financial sector in the United States and that of most European countries is in some measure the result of legislation enacted in this country. The Banking Act of 1933 (the "Glass-Steagall Act") has now been in effect over 40 years and generally prohibits national banks and member banks of the Federal Reserve System from "dealing" in corporate securities; it also forbids those engaged in an investment banking business from accepting deposits subject to check or to repayment on demand.[9] It has had the practical effect of dividing certain financial service markets betwen the investment banks and broker-dealers, on the one hand, and the commercial banks on the other.

There has been an anomaly, however, in the interpretation and administration of the Glass-Steagall Act with respect to United States broker-dealers which are affiliated with certain commercial banks. In the case of several foreign entities, commercial banking has been done through a state chartered bank subsidiary (or the foreign parent opens an agency, branch, or representative office licensed under state law), without joining the Federal Reserve System, while another United States affiliate conducts an investment banking business. That result has been permitted to develop over the years in the interpretation and application of the banking laws with respect to foreign entities even though in practice no substantial American commercial bank has been able to achieve the same result.[10] This disparity in treatment, favoring foreign entities over domestic ones, has been the catalyst for several legislative proposals for its correction and at the same time has caused increased controversy as to the appropriate scope of securities activities to be permitted to commercial banks under the national banking laws.[11]

The securities industry's self-regulatory organizations have responded in varying ways to the foreign membership issue. For several years, there has been a dichotomy in the treatment of foreign controlled broker-dealers by national securities exchanges ("exchanges") and the National Association of Securities Dealers, Inc. (the "NASD"). The NYSE and the American Stock Exchange traditionally had membership requirements which, among other things, considered the nature of the controlling person of an applicant (the "parent test").[12] On the other hand, regional exchanges and the NASD allowed membership to United States affiliates of foreign broker-dealers; while the NASD has adopted a variety of rules classifying its members for different purposes, it has not thought it necessary to impose special requirements for members affiliated with foreign entities.[13]

The foreign membership issue, because of its relationship to the bank question, has domestic implications since it is believed to bear directly on questions concerning the appropriate scope of securities activities by domestic commercial banks within the United States. If broker-dealers controlled by foreign commercial banks are permitted to join the NYSE, it is asserted, United States commercial banks will inevitably believe themselves entitled, or perhaps compelled by fiduciary principles, to apply for membership on exchanges, either directly or through affiliates. That, coupled with new activities of commercial banks, could accelerate the evolution currently under way of customs that grew up with the enactment of the Glass-Steagall Act and would increase competition in the financial services sector of the economy.[14]

It is the bank and foreign membership issues that the NYSE sought to address in its proposed Rules 309 and 310. During the process that led to the NYSE's development of the policies reflected in its proposed rules, the enactment of the 1975 Amendments changed dramatically the context in which the NYSE's policies and its proposed rules must be viewed by the Commission.[15] Nevertheless, the NYSE did not alter the focus of its proposals, which are discussed below.

2. Purpose of Rule 309

The NYSE indicated that the purpose of proposed NYSE Rule 309 was to permit foreign-controlled broker-dealers to become members of the NYSE[16] and to

[8] International Banking Act of 1976, Report of the House Comm. on Banking, Currency and Housing to Accompany H.R. 13876, H.R. Rep. No. 1193, 94th Cong., 2d Sess. (1976) ("Report on H.R. 13876"); Staff of House Comm. on Banking, Currency, and Housing, Financial Institutions and the Nation's Economy (FINE): Discussion Principles, 94th Cong., 1st Sess. (Comm. Print 1975). See also Edwards, Regulation of Foreign Banking in the United States: International Reciprocity and Federal-State Conflicts, 13 Colum. J. Transnat'l L. 239 (1974); Lichtenstein, Foreign Participation in United States Banking: Regulatory Myths and Realities, 15 B.C. Ind. & Com. L. Rev. 879 (1974); Utley, Foreign Banks' Affiliation with United States Broker-Dealers: The Statutory Language and Assumptions of the Bank Holding Company Act, 7 L. & Policy Int'l Bus. 1 (1975).

[9] 48 Stat. 162.

[10] The Glass-Seagall Act prohibits any person engaged in the investment banking business from receiving deposits. 12 U.S.C. 378.

[11] See e.g., H.R. 13876, 94th Cong., 2d Sess. (1976); S. 958, 94th Cong., 1st Sess. (1975); Report on H.R. 13876; Letter dated July 16, 1976, from Congressman John E. Moss to Congressman Henry S. Reuss; Letter dated July 20, 1976, from Congressman Henry S. Reuss to Congressman John E. Moss. In part because the description of H.R. 13876 in its accompanying report does not conform to the language of the bill, it is not clear what effect the bill would have if enacted. The House passed H.R. 13876, with some slight revisions, on July 29, 1976. 122 Cong. Rec. H7936–66 (daily ed. July 29, 1976).

See also, e.g., Bank Securities Activities, Securities Industry Association (1976). The Securities Industry Association advocates amendment of the Glass-Steagall Act so as to prohibit certain bank brokerage activities.

[12] As indicated in the general inquiry on rules of exchanges relating to membership and association with members, "the Act no longer permits exchanges to use any variation of a 'parent test'." Securities Exchange Act Release No. 12157 (Mar. 2, 1976) at 10, 41 FR 10662 (Mar. 22, 1976) at 10664. See pp. 43–9 infra.

[13] Foreign membership and the issues related to it were the subject of an earlier Commission inquiry. Interested persons were invited to comment on a series of questions concerning foreign membership in and access to United States exchanges; the questions were designed to secure information on the need for and desirability of changes in the rules, policies, practices, and procedures of the Commission and those of the exchanges and the NASD with respect to the appropriate terms and conditions for foreign participation, by whatever means, in the United States securities markets. Forty-seven respondents submitted comments. Securities Exchange Act Release No. 10834 (Feb. 4, 1974), 39 FR 6567 (Feb. 20, 1974); Securities and Exchange Commission File No. S7–512. The Commission published a staff summary of the comments received. Securities Exchange Act Release No. 12157 (Mar. 2, 1976), Appendix A, 41 FR 10662 (Mar. 12, 1976) at 10666ff.

[14] Because new activities by commercial banks also could raise questions under the federal securities laws, the Commission instituted an inquiry on bank-sponsored investment services. See Securities Act Release No. 5491 (Apr. 30, 1974), 39 FR 18163 (May 23, 1974), in which the Commission raised a number of questions concerning the involvement of United States commercial banks in offering brokerage and other securities-related services; see also Hearings on Securities Activities of Commercial Banks before the Senate Comm. on Banking, Housing, and Urban Affairs, 94th Cong., 1st Sess. 89 (1975). The Commission is currently engaged in a study, mandated by the 1975 Amendments, of the extent to which those banks excluded from the definitions of broker and dealer maintain accounts on behalf of public customers for buying and selling securities and whether those exclusions are consistent with the protection of investors and other purposes of the Act. See note 31 infra, and Section 11A(e) of the Act, 15 U.S.C. 78k–1(e).

[15] At the same time, both the Subcommittee on Securities of the Senate Committee on Banking, Housing and Urban Affairs and the Subcommittee on Financial Institutions Supervision, Regulation and Insurance of the House Committee on Banking and Currency are examining the scope of bank activities and their regulation. See Staff of House Comm. on Banking, Currency, and Housing, Financial Institutions and the Nation's Economy (FINE): Discussion Principles, 94th Cong., 1st Sess. (Comm. Print 1975); Staff of Subcomm. on Securities, Senate Comm. on Banking, Housing, and Urban Affairs, The Securities Activities of Commercial Banks–Study Outline, 94th Cong., 1st Sess. (Comm. Print 1975).

[16] Section 2 of Article IX of the NYSE Constitution requires a member to be a United States citizen. Section 7(1) of Article IX of the NYSE Constitution prohibits a member firm or organization from having as a parent anyone other than a United States or Canadian citizen; a parent, under

provide an incentive, through a policy of "mutual nondiscrimination," for nations currently discriminating against United States broker-dealers (or their subsidiaries) to revise their policies to permit comparable access to their securities exchanges. Essentially, the NYSE has argued that it and other exchanges should be authorized and indeed required, as a matter of national policy, to regulate foreign-controlled firms' access to United States exchange markets by reference to the ability of United States broker-dealers to obtain access, directly or through subsidiaries, to foreign securities exchanges.

The application of the 1975 Amendments to the NYSE's membership policies is discussed below. At this point, however, several things should be said about certain policy considerations raised by the NYSE's proposed national policy:

(1) The NYSE's policy has a basic equitable appeal; it is not, for example, immediately apparent why United States exchanges should be directly accesible to non-United States persons while foreign securities exchanges are withholding access from United States persons. Furthermore, the NYSE's development of a mutual nondiscrimination policy was a very constructive initiative on its part.[17] Not only did the NYSE indicate that it had taken the lead by offering to ameliorate the formulation of its long standing exclusionary policy, thus suggesting the possibility that it would open up its market to foreign broker-dealers, but also it urged at meetings of the Federation International de Bourses de Valeurs, the international organization of stock exchanges, that policies be developed to encourage greater internationalization of capital markets.[18] If every foreign country had policies the effect of which was to increase opportunities for access, progress could be made in promoting the efficiency of all securities markets; and it seems clear that securities markets of all types will, nicreasingly, have to be responsive to international factors.

(2) The NYSE has cogently argued that, in many important foreign countries, direct access to securities exchanges is effectively prohibited to United States controlled firms and that, in some countries, there have recently been tendencies towards greater protectionism rather than greater liberalization of access to exchanges.[19] The NYSE indicates that, in some cases, exclusionary rules are the consequence of deliberate government policy and, in others, a result of privately inspired, anti-competitive initiatives not checked by appropriate governmental intervention. Finally, the NYSE contends that some of the barriers to access in foreign countries may well constitute violations of international treaties.[20]

Since various types of mutual nondiscrimination policies are commonly used in international negotiations of tariffs and trade policies, the widespread use of exclusionary rules in foreign countries strengthens the appeal of a policy of mutual nondiscrimination as a plausible first step towards internationalization of capital markets and the removal of artificial barriers. At the same time, however, certain other factors should be noted. First of all, the NYSE's approach to mutual nondiscrimination, which has naturally only related to access by United States persons to foreign stock exchanges, has necessarily a narrower focus than may be appropriate in many international contexts. While access to securities exchanges has been a relatively important part of the securities business in the United States, securities exchanges are a far less important part of an overall securities business in many foreign countries and, accordingly, direct access to many foreign exchanges may be a privilege to which few United States firms currently aspire.[21] As a result, the NYSE's policy may not, even if successful, contribute substantially to the achievement of real parity of treatment for United States persons, once different ways of doing business in foreign countries are taken into account. Furthermore, many United States firms, even if not welcomed as members of local stock exchanges, have for many years enjoyed fairly wide access to institutional dealings in many foreign countries.

Secondly, even though the barriers to access by United States persons are quite explicit in some cases,[22] the barriers may in other cases be practical ones founded on considerations other than restricting access. Since many of those considerations may reflect foreign governmental policies, the NYSE's role as a private organization limits its effectiveness in obtaining revisions or refinements so as to avoid unnecessary restrictive consequences that are only collateral to valid regulatory objectives.[23] The NYSE may have only a limited basis on which to analyze the various different policies of foreign countries which have the practical effect of restricting access by United States persons and to separate those adopted for restrictive, anti-competitive purposes from those founded on regulatory considerations which are valid in those countries.

Thirdly, direct analogies to mutual nondiscrimination policies in other areas, such as trade policies, whatever effectiveness those policies may have in those areas, seem, in the final analysis, unsound where applied to the securities markets. Independent professional participants in markets are not denied access by decisions to impose restrictive tariffs or quotas. And there is no evidence to suggest that domestic markets, *qua* markets, are benefited by restricting access to them. In fact, rejecting restrictions on the accessibility of United States securities markets to foreign persons may, in the long term, give United States securities markets a competitive advantage over protected foreign markets that remain isolated from the internationalization of capital markets generally. Rejection of such restrictions may also reduce the risk of retaliation against the status of United States broker-dealers currently doing business abroad.

NYSE Rule 2, is any controlling person and includes anyone who owns beneficially, directly or indirectly, more than 25 percent of the voting securities of a member organization. NYSE Rule 314.14 states that the interest in capital or profit of a member organization owned by all persons as a group who are not United States or Canadian citizens may not exceed 45 percent. The Commission believes that it was the intention of the NYSE to repeal such provisions had proposed NYSE Rule 309 become effective, even though no filing to that effect had been made. In any event, for the reasons set forth herein for disapproving proposed NYSE Rule 309, such provisions (and similar provisions in the rules of other exchanges) appear inconsistent with the Act and the rules and regulations thereunder applicable to exchanges. Accordingly, the Commission anticipates that all such provisions will be promptly repealed. Furthermore, pending formal action to effect their repeal, they should not be enforced, particularly in view of the burdens on competition thereby imposed which cannot be justified as appropriate in furtherance of the purposes of the Act. *See* note 7 *supra*.

[17] Following publication in 1972 of the Statement of the Securities and Exchange Commission on the Future Structure of the Securities Market ("Future Structure Statement"), 37 FR 5286 (Mar. 14, 1972), posing the foreign membership question for consideration and raising the question of whether a policy of reciprocity would be appropriate, the NYSE formed a committee to study the questions and make recommendations. The NYSE's mutual nondiscrimination policy derives from that committee's work. See Advisory Committee on International Capital Markets, New York Stock Exchange, Inc., Recommendations Regarding Foreign Access to the U.S. Securities Markets (1973); Advisory Committee on International Capital Markets, New York Stock Exchange, Inc., Recommendations on Access and Membership by Foreign-Controlled Broker-Dealers to the U.S. Securities Markets (1974).

[18] The NYSE's submission indicates that Switzerland has adopted already, as a matter of Swiss federal law, a type of reciprocity policy. Position of the New York Stock Exchange on Rule 309 (1976), at 6, 16.

[19] Position of the New York Stock Exchange on Rule 309 (1976), at 2.

[20] *Id.*, at 12. That argument could be applied *mutatis mutandis* to the NYSE proposal if approved by the Commission.

[21] United States firms have recently been rejected in their efforts to engage in a securities business in Ontario, Canada, which has adopted exclusionary rules, despite long standing NYSE policies to give national treatment to Canadian firms, which have traditionally been permitted to become NYSE member organizations. See note 19 supra. Nevertheless, no general data has been submitted with respect to the interest of United States broker-dealers in membership on foreign exchanges.

[22] There are some countries, for example, with flat prohibitions similar to those which the NYSE Constitution currently contains. See note 18 supra.

[23] In turn, foreign-controlled broker-dealers applying for NYSE membership have on occasion suggested that NYSE inquiries with respect to their associated persons are unnecessary and inappropriate. The act, however, clearly contemplates that the NYSE will make some of those inquiries. See Securities Exchange Act Release No. 12483 (May 26, 1976), 41 FR 22959 (June 8, 1976), in which the Commission proposed to adopt Securities Exchange Act Rule 19g2-1.

Leading economists reject the concept of reciprocity as a desirable national economic policy for the United States with regard to access to United States securities markets.[24] The Department of the Treasury ("Treasury") has followed an "open door" policy with respect to investment by foreigners in this country and investment by United States persons abroad, subject only to measures necessary to protect national security interests. It seeks to gain international acceptance of the principle that foreign investors should be given national treatment, that is, they should be treated equally with domestic investors once they are established in the host country; and it is the Treasury's policy that governments should play a neutral role in the investment process, offering no special incentives or disincentives to inward or outward investment. To the extent that barriers to United States broker-dealer access to foreign markets exist, the Treasury believes that there is a greater chance of obtaining their elimination by maintaining a policy of open access by foreign persons to United States capital markets.[25] Accordingly, the Treasury has indicated that proposed NYSE Rule 309 would be inconsistent with United States policy.[26]

In the final analysis, the Federal securities laws require that the Commission exercise independent responsibility for the administration of those laws. The Commission, while cognizant of public policy positions developed elsewhere in the Government, is charged with the duty of formulating and implementing policies and objectives in a manner consistent with the purposes of the Federal securities laws. Exchanges are required by the Act to serve the public interest and to protect investors; their existence as self-regulatory organizations, subject only to limited governmental oversight, has been predicated on their ability to promote the efficiency of transactions in securities and to reduce the need for more direct governmental supervision over the functioning of the financial services sector.[27] In light of the 1975 Amendments, it is plain that the Congress has determined that free access to securities markets is henceforth to be a fundamental principle of the Federal securities laws. As a general rule, barriers to access to any securities market place burdens on competition which can only be justified where there is an indication that there are countervailing policy considerations under the Act.[28]

The Commission's experience over the last decade reflects relatively few regulatory or enforcement problems with foreign-controlled broker-dealers concerning their United States activities in the over-the-counter markets or on certain United States exchanges.[29] Accordingly, on considering the data, views, and arguments presented to date, it does not now appear appropriate to classify United States-controlled broker-dealers separately on the basis of anticipated enforcement problems. In fact, for the moment, the Commission hopes that the great majority of foreign-controlled firms will satisfactorily adapt to the regulatory measures imposed under the federal securities laws.

Nonetheless, there are two potential problem areas in meshing United States securities regulation with a potentially greater role for foreign-controlled firms. First, the Act has always required that the Commission exercise jurisdiction over "associated persons." As that term is now defined in section 3(a)(18) (in the case of broker-dealers) and (21) (in the case of exchange members), it includes all persons who control, are controlled by, or are under common control with a broker-dealer or a member. Until quite recently (particularly in the case of exchange members), controlling persons were generally United States persons engaged in the securities business so that the Commission's jurisdiction, which is clear as a matter of law, was readily enforceable. Recently, however, broker-dealer subsidiaries of enterprises not principally engaged in the securities business, including foreign-controlled broker-dealers, have proliferated; that phenomenon may create new problems, or exacerbate old ones, in view of the practical limitations on the Commission's ability to enforce the federal securities laws with respect to conduct originating abroad.

Secondly, foreign traditions and customs, some of which have the force of law, may continue to impede to some degree the accomplishment of the Act's purposes and requirements. Increased activity by foreign-controlled broker-dealer subsidiaries may be expected to lead to increased need for specific disclosures as to beneficial ownership of and investment discretion with respect to equity securities (see e.g., Section 13(d), 13(f), 14(d) and 16(a)). Furthermore, the Act authorizes the Commission and the exchanges to inspect underlying records of broker-dealers and all their associated persons where appropriate to enforce compliance with applicable provisions of the Act, the rules and regulations thereunder and exchange rules.

Because of so-called secrecy laws or for any other reason, there may be additional problems for foreign institutions to comply with the requirements of the Act. For example, as an initial step, the Commission has proposed an amendment to Securities Exchange Act Rule 17a-3(a)(9), providing for all broker-dealers to obtain from their customers an agree-

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[24] See, e.g., Public Policy for American Capital Markets, prepared by James H. Lorie for Submission to the Secretary and the Deputy Secretary of the Treasury (1974).

[25] That prediction does not seem illogical. For example, an open door policy in the United States may stimulate increased foreign participation in, and reliance on, United States securities markets; if that were to occur, the resulting advantages accruing to the United States States markets might provide a compelling incentive for other nations to reconsider existing barriers to their own markets. Also, with a growing direct commitment in resources to United States securities markets, foreign firms may become sensitive to their own countries' restrictions in the same way as United States firms with important foreign interests have become sensitive to proposals to restrict access to the United States capital markets generally. But see note 26 infra.

[26] Letter dated April 21, 1976, from Gerald L. Parsky, Assistant Secretary of the Treasury, to Roderick M. Hills, Chairman, Securities and Exchange Commission. In answer to the Treasury's argument, the NYSE and other proponents of reciprocity respond that the opening of United States exchange markets to foreign entities will diminish to an important degree the leverage which might be retained, under a policy of mutual nondiscrimination, to exact a quid pro quo from foreign governments with respect to exchanges abroad. They further assert that there is no good evidence in practice to support the hope that good examples alone are persuasive. Indeed, in some cases, the cost of nationalistic restrictions may be hidden or willingly paid to enhance for a short time an appearance of national identity and control. Also, private groups, with a short run and particular interest in a protected status quo, may be in a position to block the removal of restrictions which are antithetical to long term development of effective capital markets. The disapproval of proposed NYSE Rule 309 does not, however, depend, under current circumstances, on any appraisal of the possible success of the "open door" policy in removing foreign restrictions.

[27] In its Study of Unsafe and Unsound Practices of Brokers and Dealers, H.R. Doc. No. 231, 92d Cong., 1st Sess. (1971), the Commission pointed to the heavy reliance that the Congress had placed in self-regulatory organizations in the original Act:

It is quite plain from Section 6 of the Exchange Act and the legislative history of the Maloney Act [Section 15A of the Act] that the self regulatory approach is a technique which Congress has employed to minimize the number of Commission personnel needed to effectuate enforcement of the Federal securities laws. The assumption was that such enforcement would be conducted by the self regulatory organizations with regard to their members and that the Commission was to remain in the background with "reserved control". Thus, the Exchange Act places heavy reliance upon the self regulatory organizations for the day to day regulation of their members. Id., at 22.

The 1975 Amendments substantially strengthen the Commission's oversight jurisdiction in order to facilitate intervention where necessary or appropriate, in view not only of the problems uncovered in the Study of Unsafe and Unsound Practices of Brokers and Dealers but also of the occasional tendency of the self-regulatory process to foster anti-competitive practices. Nevertheless, in drafting the 1975 Amendments, Congress hoped to preserve the basic self-regulatory philosophy to the maximum extent feasible. See, e.g., Securities Act Amendments of 1975, Report of the Senate Comm. on Banking, Housing and Urban Affairs to Accompany S. 249 ("Senate Report"), S. Rep. No. 75, 94th Cong., 1st Sess. 22–36 (1975).

[28] Hence, the position of the Treasury is consistent with the whole thrust of the 1975 Amendments, which the Treasury actively supported when they were being considered by Congress.

[29] See, e.g., Securities Exchange Act Release No. 12055 (Jan. 27, 1976), at 11, 41 FR 8075 (Feb. 24, 1976), at 8076; Securities Exchange Act Release No. 12157 (Mar. 2, 1976), Appendix A, 41 FR 10662 (Mar. 12, 1976), at 10666ff. In the case of the activity of foreign-controlled broker-dealers in the over-the-counter market, much of it has been in underwriting where sensitive disclosure questions concerning the identity of foreign holders of securities are not as frequently confronted. See pp. 29–31 infra.

ment to disclose beneficial ownership to the Commission.[30]

3. Purpose of Rule 310

The NYSE has indicated that the purpose of proposed Rule 310 is to exclude broker-dealers associated with domestic commercial banks from NYSE membership. The effect of the 1975 Amendments on the NYSE's objective is discussed below, along with the application of the 1975 Amendments to proposed NYSE Rule 310. At this juncture, however, several points should be noted concerning the purposes of the NYSE's proposed rule. As indicated above, there has been some confusion about the application of the prohibitions of the Glass-Steagall Act to subsidiaries of foreign banks (which frequently do both commercial and investment banking), and specifically the Glass-Steagall prohibition on commercial banks' 'dealing" in corporate securities. In addition, substantial concern is currently being focused on the recent tendency of United States commercial banks to expand the types of securities-related investment services they sponsor and offer to their customers.

In particular, banks have marketed various types of brokerage services (such as dividend reinvestment plans or automatic investment services), and have offered various kinds of investment advisory services, to banking customers or to prospective banking customers. While banks have customarily offered accommodation brokerage services and, through trust departments, have offered extensive securities services of all kinds to larger customers, the recently more aggressive retail merchandising by banks of their securities services has been a source of considerable anxiety to competitors in that part of the financial services sector. Also, bank activities at the wholesale end of the spectrum, such as arranging privately placed financings, customarily thought of as merchant banking even when done on a purely agency basis, have disturbed other participants in the financial services sector. As noted earlier, those trends have, among other things, raised questions as to the appropriateness of certain limited exclusions of banks from the direct regulatory jurisdiction of the Commission and the consistency of those exclusions with the protection of investors and other purposes of the Act.[31]

The NYSE has stated its belief that, in the absence of a rule such as proposed NYSE Rule 310, certain United States bank affiliates could become members of the NYSE. The NYSE has argued that, as an appropriate exercise of its self-regulatory responsibilities with respect to the NYSE market, it should strive to accomplish the purposes of the Glass-Steagall Act, and to resolve anomalies in its interpretation, through adjustments in the NYSE membership rules. In the NYSE's view, the Glass-Steagall prohibition on commercial banks' "dealing" in corporate securities should be taken to mean that a combination of commercial banking and brokerage activities is prohibited, for all United States commercial banks which were not NYSE members before the enactment of the Glass-Steagall Act. Accordingly, pending legislative resolution of the federal banking laws,[32] the NYSE proposes, under the authority of the federal securities laws, to adopt prohibitions on brokerage conducted with direct access to the NYSE by banks which were not NYSE members before July 16, 1933.

Questions of the interpretation of the Glass-Steagall Act and the NYSE's position have also been addressed by agencies of the United States Government. The Comptroller of the Currency, who is charged in the first instance with the administration of the Glass-Steagall Act, has approved the offering of automatic investment services by national banks; his view is being challenged by the NYSE.[33] The Treasury, acting on behalf on the Administration, has urged that, assuming there is uncertainty as to the validity of the premise that Glass-Steagall prohibits domestic banks (or their affiliates) from joining exchanges, the boundaries of Glass-Steagall should not now be clarified through administrative interpretation.[34]

Whether clarification of Glass-Steagall may one day be forthcoming, whether from the Comptroller of the Currency or the courts, it does appear unlikely that the NYSE's theory, if valid, can be consistent with continued NYSE membership by any commercial bank since Glass-Steagall did not provide for any permanent grandfathering. Accordingly, the current NYSE position, as reflected in proposed Rule 310, may not be tenable.

In the final analysis, the policies reflected in the Glass-Steagall Act will be more fully, and more properly, interpreted and implemented by the Federal Government than they will by the NYSE through adjustments in its membership rules. As noted above, the extent of the current prohibitions of the Glass-Steagall Act is being litigated. If, as the NYSE argues, bank brokerage services such as automatic investment plans are prohibited under Glass-Steagall, then it should also be the case that exchange membership for bank affiliates will be found to be inappropriate under the Federal banking laws. Furthermore, notwithstanding the meaning ultimately attributed to Glass-Steagall by the courts, Congress is currently reviewing economic regulation of the financial services sector provided by the current governmental structure and may arrive at new solutions or confirm court interpretations.[35] In any event, those are matters principally concerning the direct regulation of the banking system, as such, and the related bank regulatory statutes, over which the bank regulatory agencies have principal administrative responsibility.

4. The 1975 Amendments

Before the 1975 Amendments, Section 6 of the Act did not provide particularized standards for exchange rules. So far as federal regulation of exchanges under the Act was concerned, an exchange was in substance required to agree to comply with the Act and the rules and regulations thereunder, to enforce compliance, so far as within its powers by its members and to have rules providing for the disciplining of members for conduct inconsistent with just and equitable principles of trade. It was provided specifically that the Act was not to be construed to prevent any exchange from adopting and enforcing any rule not inconsistent with the Act.[36]

The 1975 Amendments revised the statutory framework established in 1934 by amending Section 6 to set forth a comprehensive set of standards for exchanges (including standards for membership), by providing for the Commission to define the scope of exchange regulation and by explicitly requiring the Commis-

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[30] *See* Securities Exchange Act Release No. 12055 (Jan. 27, 1976), 41 FR 8075 (Feb. 24, 1976).

[31] Banks, as defined in section 3(a)(6) of the Act, are excluded from the definitions of the terms "broker" and "dealer" in the Act and thus from the requirements to register with the Commission unless they are "municipal securities dealers." Registered brokers and dealers are required (a) to meet certain standards imposed by the Act or rules and regulations thereunder promulgated by the Commission or the self-regulatory organizations as to integrity, (b) to pass certain basic qualification tests, (c) to comply with record-keeping requirements and (d) to adhere to Commission prescribed financial responsibility rules. Registered brokers and dealers are subject to examination by the Commission, and by the self-regulatory organizations to which they belong, for compliance with standards of the type summarized above. Most standards of that type applicable to banks are, on the other hand, prescribed and administered by various bank regulatory agencies. With respect to defining and prohibiting the use of manipulative or deceptive devices or contrivances in connection with the purchase or sale of securities, the Commission's jurisdiction is plenary, extending over all persons. The Act, however, also adjures the Commission to define specific devices or contrivances which should be prohibited with respect to brokers, dealers, and municipal securities dealers.

[32] *See* note 15 *supra* with respect to Congressional studies and note 10 *supra* with respect to H.R. 13876. While the effect of the bill as reported is far from clear, *see* note 10 *supra*, its accompanying report does include a statement as to current Congressional understanding of the scope of the Glass-Steagall Act. See Report on H.R. 13876, at 7.

[33] NYSE v. Smith, 404 F. Supp. 1091 (D.D.C. 1975), appeal pending, Doc. No. 76-1235 (D.C. Cir.)

[34] Note 26 *supra*. The Treasury has contributed, at other times, to the discussion of the several bank issues. See Public Policy Aspects of Bank Securities Activities: An Issues Paper, Department of the Treasury (1975).

[35] *See* note 15 *supra*.

[36] 48 Stat. 885 (1934).

sion to balance regulatory and competitive considerations carefully.[37] Section 6(b) of the Act now sets forth requirements for any exchange applying for registration as a national securities exchange.[38] After registration, an exchange is required, under section 19(b), to submit proposed rule changes to the Commission for a determination that they are consistent with the Act and the rules and regulations thereunder applicable to the exchange.[39] In the Commission's view, a rule change proposed by an exchange would not be consistent with the Act and the rules and regulations thereunder if, among other things, the Commission could not make the determinations required under section 6(b) of the Act with respect to the rules of an exchange which included the proposed rule change before registration of the exchange.[40]

In announcing these proceedings, the Commission gave notice of the following grounds for disapproval of proposed NYSE Rules 309 and 310:

(a) they appeared to impose limitations on membership not found in section 6(b)(2) and not authorized by section 6(c) of the Act;[41]

(b) they appeared, contrary to section 6(b)(5), to impede the mechanism of a free and open market, restrict access to the NYSE, discriminate between brokers and dealers and regulate matters not related to the purposes of the Act or the administration of the NYSE; and

(c) they appeared, by restricting access, to impose burdens on competition not justifiable, pursuant to section 6(b)(8), as necessary or appropriate in furtherance of the purposes of the Act.

5. Membership Standards

The provisions of the 1975 Amendments governing exchanges and exchange memberships were part of an overall legislative approach that took several years to develop. Consideration of revisions in the Act had started in 1970; S. 249, which eventually became the 1975 Amendments, was introduced on January 17, 1975, as a consolidation of previous Senate securities bills.[42] Because the Senate and House Committees had anticipated the passage of legislation in late 1974, substantial work on reconciling the different bills had been done, and, accordingly, the Senate bill and the companion bill in the House, H.R. 4111, were very similar in concept. Thus, the 1975 Amendments adopted many concepts in the original House legislation, H.R. 5050, which was reported by the House Committee on Interstatae and Foreign Commerce in the 93d Congress.[43]

At one point, the legislative proposals then in Congress tended toward an even more open membership policy than eventually was adopted. In the 93d Congress, the House never directly addressed the issue of foreign ownership of an exchange member firm or "bank" membership, preferring a broader examination of the "seat" concept. H.R. 5050 as originally introduced on March 3, 1973, contained what was called an "open membership" provision. As set forth in H.R. 5050, proposed section 6(b)(2) would have required.

> [That] * * * the rules of the exchanges provide that any broker or dealer registered under this title may become a member of such exchange in conformity with the requirements of subsection (m) of this section.

Subsection (m) provided, in turn, that membership could be denied only for failure to meet competency and financial responsibility standards.[44] In its testimony on H.R. 5050,[45] the NYSE stated that it could not support the open membership and competitive commission rate provisions.

During early 1975, the NYSE for the first time specifically urged that it be accorded a right to limit membership. It wanted not only to limit the number of memberships (which the 1975 Amendments permit it to do, subject to Commission oversight),[46] but also to control the types of persons permitted to become members. A NYSE memorandum of comments on 7. 249 noted:

> Subparagraphs (A) and (B) of paragraph (2) [of proposed new 6(c)] severely limit the bases on which an exchange may deny or condition membership or bar a person from becoming associated with a member. As written paragraph (2) would require the exchange to admit to membership foreign broker-dealers or broker-dealers having foreign parents. In addition, a whole host of

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[37] *See* pp. 55–63 *infra*.

[38] Section 6(b) of the Act states:

(b) An exchange shall not be registered as a national securities exchange unless the Commission determines that—

(1) Such exchange is so organized and has the capacity to be able to carry out the purposes of this title and to comply, and (subject to any rule or order of the Commission pursuant to section 17(d) or 19(g)(2) of this title) to enforce compliance by its members and persons associated with its members, with the provisions of this title, the rules and regulations thereunder, and the rules of the exchange.

(2) Subject to the provisions of subsection (c) of this section, the rules of the exchange provide that any registered broker or dealer or natural person associated with a registered broker or dealer may become a member of such exchange and any person may become associated with a member thereof.

(3) The rules of the exchange assure a fair representation of its members in the selection of its directors and administration of its affairs and provide that one or more directors shall be representative of issuers and investors and not be associated with a member of the exchange, broker, or dealer.

(4) The rules of the exchange provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities.

(5) The rules of the exchange are designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers, or to regulate by virtue of any authority conferred by this title matters not related to the purposes of this title or the administration of the exchange.

(6) The rules of the exchange provide that (subject to any rule or order of the Commission pursuant to section 17(d) or 19(g)(2) of this title) its members and persons associated with its members shall be appropriately disciplined for violation of the provisions of this title, the rules or regulations thereunder, or the rules of the exchange, by expulsion, suspension, limitation of activities, functions, and operations, fine, censure, being suspended or barred from being associated with a member, or any other fitting sanction.

(7) The rules of the exchange are in accordance with the provisions of subsection (d) of this section, and, in general, provide a fair procedure for the disciplining of members and persons associated with members, the denial of membership to any person seeking membership therein, the barring of any person from becoming associated with a member thereof, and the prohibition or limitation by the exchange of any person with respect to access to services offered by the exchange or a member thereof.

(8) The rules of the exchange do not impose any burden on competition not necessary or appropriate in furtherance of the purposes of this title.

[39] Section 19(b) of the Act further provides that no proposed rule change shall take effect unless approved by the Commission or otherwise permitted in accordance with that subsection.

[40] As noted above, in making that determination or a determination with respect to a particular proposed rule change, or in adopting rules for a self-regulatory organization pursuant to Section 19(c), the Commission necessarily balances all the objectives and policies of the Act.

[41] Section 6(c) of the Act provides that exchanges may set integrity and competency standards for their members and limit the number of their members.

[42] S. 470 (commission rates and institutional membership), S. 2519 (national market system), S. 2474 (municipal securities) and S. 2058 (clearing and processing) had been passed in the 93d Congress.

[43] The House Committee on Interstate and Foreign Commerce reported, but because of NYSE concerns, the House Rules Committee did not act on H.R. 5050. Certain of those concerns, as indicated herein, were also not satisfied by the 1975 Amendments.

[44] In addition, Section 6(m) permitted an exchange to limit the number of members allowed on the floor, but not the number of memberships generally available.

[45] Hearings on H.R. 5050 before the Subcomm. on Commerce and Finance of the House Comm. on Interstate and Foreign Commerce, 93d Cong., 1st Sess. 867–1354 (1973).

[46] While S. 249, as introduced on January 17, 1975, had the open membership provisions (including the provision permitting an exchange to limit only the number of members permitted on the floor), the 1975 Amendments as finally enacted include a Section 6(c)(4), which permits exchanges to impose limitations on the number of all

other requirements would necessarily be eliminated as a matter of federal law. For example, the longstanding NYSE requirement that the "primary purpose" of every member organization must be the transaction of business as a broker or dealer in securities would be abrogated, though there has been no showing, to our knowledge, that this provision is not an entirely appropriate requirement based upon sound regulatory considerations. Indeed, the Commission has not quarreled with this position.

Subsection (c) of the Bill should be amended so as to permit an exchange to deny or condition membership or to bar or to condition a natural person from becoming associated with a member on any basis provided in its rules which is found acceptable by the Commission and is consistent with the requirements of the Act, and the rules thereunder.[47]

Both the House and Senate were made aware of the opposition of the NYSE to the fact that Section 6 would permit any broker-dealer to become a member of an exchange. Nevertheless, the basic membership provisions were not revised.[48] Moreover, the House Report on H.R. 4111 criticized the use of "various machinations and devices" to manipulate the "parent" test so as to limit membership to firms engaged in a general securities business; the House Report on H.R. 4111 stated that those criteria had been used as a means of preventing those in direct competition for money management business from acquiring the advantages of exchange membership.[49] The 1975 Amendments changed that situation by providing in section 6(c) the exclusive grounds upon which an exchange may deny membership.[50] Section 6(b)(2) of the Act bars exchanges from using any variation of a "parent" test.[51] Consequently, the proposed NYSE rules, which would have introduced new parent tests, are not consistent with section 6(b)(2) of the Act.

6. Scope of Self-Regulatory Jurisdiction

While the Congress was taking steps to ensure access to exchanges by providing that all broker-dealers could become exchange members notwithstanding the objections of certain exchanges, it also was concerned with the scope of the regulatory jurisdiction of the exchanges over their members. Section 6(b)(5), as added by the 1975 Amendments, provides that exchange rules are to be designed to remove impediments to, and to perfect the mechanism of, a free and open market and a national market system; they may not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers or to regulate by virtue of any authority conferred by the Act matters not related to the purposes of the Act and the administration of the exchange.

In commenting on section 6(b)(5), the Senate Commitee on Banking, Housing and Urban Affairs noted:

> The bill would eliminate present section 6(c) and the open-ended authority it grants to the exchanges (to adopt any rule not inconsistent with the Act), and it would limit by sections 6(b)(5) * * * the scope of the self-regulatory organizations' authority over their members to matters related to the purposes of the Exchange Act. The growing diversification of securities firms into non-securities activities has raised, and will continue to raise, significant questions about the adequacy of the present regulatory structure. However, the diversification of securities firms should not automatically extend the jurisdiction of the self-regulatory agencies. Until it is specifically demonstrated to the Congress that the non-securities activities of firms which are members of self-regulatory agencies should be limited or regulated in the public interest, such firms should be free to undertake and pursue these activities in the same manner as other business organizations, subject only to those regulatory limitations necessary to assure protection of public investors and the public interest.[52]

Since section 6(b)(2) already effectively removes from exchanges the power to use a "parent" test, section 6(b)(5) underlines that the purpose of the Act in providing for self-regulatory organizations has always been to minimize regulation of the securities markets by providing an opportunity for the industry to regulate itself and, in turn, to promote the efficient functioning of the securities markets by providing the maximum opportunity for private initiatives and innovative experimentation. To accomplish that objective under today's conditions, the self-regulatory organizations must also be circumspect in imposing limitations on their members.[53] Furthermore, they should not attempt to accomplish through the imposition of such limitations any de facto limitations on membership which they would not be permitted to impose directly.

Of course, in some circumstances the Act's primary objectives—protecting investors and the public interest—may result in appropriately differential treatment of different persons; such differences as are justified in furtherance of the purposes of the Act are not prohibited.[54] But, in the case of the NYSE's proposed rules, the possibility of showing that there are reasons in terms of the Act for drawing the suggested distinctions has not been demonstrated.

In response to their new mandates and in recognition of the diversification of securities firms which now provide multiple financial services, self-regulatory organizations will have to become increasingly sensitive to limiting their regulation not simply to their members but rather to specified matters within their jurisdiction.[55] Self-regulatory organizations will, of course, continue to have an important and influential advisory role with respect to other matters, such as foreign policy approaches in areas relating to capital markets. In many situations, the self-regulatory organizations are the most knowledgeable about technical aspects of securities markets both in the United States and abroad, and that expertise should be brought to bear

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members, not just those permitted on the floor, subject to Commission oversight.

[47] Hearings on S. 249 before the Subcomm. on Securities of the Senate Comm. on Banking, Housing and Urban Affairs, 94th Cong., 1st Sess., 404 (1975). In addition, the NYSE offered comments with respect to the effect of the membership provisions on the related bank question. Id., at 421, 431–432, 441–442.

[48] The former counsel for the House subcommittee which participated in drafting the 1975 Amendments has stated that one of the major policy decisions of the legislation was to allow any registered broker or dealer meeting applicable capital and competency requirements to join any exchange subject, of course, to complicance with applicable exchange rules relating to inspections. Rowen, Securities Acts Amendments of 1975, 8 The Review of Securities Regulation 889 (June 27, 1975). See pp. 29–31 supra. See also note 10 supra.

[49] Securities Reform Act of 1975, Report of the House Comm. on Interstate and Foreign Commerce to Accompany H.R. 4111 ("House Report on H.R. 4111"), H.R. Rep. No. 123, 94th Cong., 1st Sess. 53 (1975).

[50] Rowen, note 48 supra, at 892. The article points out that, while an entity excluded from the definition of broker under the Act may not become an exchange member (unless it was a member on the effective date of the 1975 Amendments), that limitation does not affect the ability of subsidiaries or affiliates of entities so excluded to obtain membership if such subsidiaries or affiliates register as brokers.

[51] That result had been suggested earlier by the Commission. In the Future Structure Statement, the Commission had indicated that it did not perceive "any reason of law or policy" why exchanges should be permitted to exclude broker-dealer subsidiaries of institutions and had taken a number of steps to eliminate the parent test concurrently with the gradual introduction of other basic, structural changes in the securities markets, such as the elimination of fixed minimum commission rates.

[52] Senate Report, at 28.

[53] Recently, the NYSE appears to have focused specifically upon the impact of regulatory decisions. In its Research Report on Capital Needs of the Securities Industry in 1980 and 1985 (June 2, 1976), the NYSE advised the Commission that it should show an active sensitivity to the reaction of those who invest in the securities industry. That advice seems sound and the Commission's action today applies it also to proposed NYSE Rules 309 and 310. The NYSE has recognized that, "The Exchange itself can also do a great deal to help ease the potential capital shortage within the industry. It can do this by removing those rules which in one way or another limit the entry of outside capital. Such a step must be viewed as a necessary pre-condition for assistance from the SEC and Congress." Id., at 23.

[54] In that regard, self-regulatory organizations are to be principally concerned with the integrity and capabilities of persons active in the securities business in the United States or dealing in securities with United States residents or citizens as well as, in appropriate cases, dealing with non-United States persons.

[55] See pp. 29–31 supra.

to solve problems involved in the organization and internationalization of the securities business. Similarly, where considerations of economic policy for the domestic financial services sector are broader than the regulation of a particular organization's current members under the securities laws, the organization will necessarily have an important advisory role on policy even though it will not be in a position to adopt a particular policy position independently.[56]

But section 6(b)(5) of the Act reinforces the policy of section 6(b)(2) by specifically prohibiting impediments to a free and open market. That necessarily implies free access to all those who meet appropriate standards of integrity and capabilities. Section 6(b)(5) also prohibits discrimination among brokers and dealers on an unfair basis, such as discrimination which is based on the lawful activities of certain brokers and dealers or their associated persons and for which the purposes of the Act do not authorize differential regulation. Accordingly, the proposed NYSE rules are not consistent with section 6(b)(5) of the Act.

7. COMPETITIVE CONSIDERATIONS

In a number of ways the 1975 Amendments underscore the intention of the Congress to insure that the securities markets, and the self-regulatory organizations which undertake the front-line role in regulating those markets, are fully responsive to competitive considerations. Thus, the two provisions discussed above—section 6(b)(2), essentially mandating open access, and section 6(b)(5), requiring that exchange rules be designed to remove impediments to and perfect the mechanisms of a free and open market—are in large part specific antidotes for potentially anticompetitive conduct, which Congress earlier had found to permeate various aspects of the securities industry.[57] Congress, however, also included in the 1975 Amendments a broad, general prohibition applicable to all self-regulatory organizations (contained, in the case of exchanges, in section 6(b)(8)) against rules which impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Before the 1975 Amendments, the Commission had consistently recognized that its statutory obligation to act in the public interest required careful consideration of appropriate competitive factors and the balancing of those factors against other policy objectives of the Act.[58] The Supreme Court, in construing the Act and other regulatory statutes which turn on a public interest standard, has in fact held that such an analysis is required of the regulatory agency administering the statute.[59] Nevertheless, before the 1975 Amendments there were questions as to the scope of the Commission's ultimate jurisdiction over, in particular, exchange rules and practices.[60] As a consequence, various efforts were made to attack collaterally practices of various self-regulatory organizations.[61]

The Congress recognized the problem that collateral attacks might create for the orderly administration of the federal securities laws. At the same time, in light of the general requirement that a public standard demands consideration of competitive factors, and in the expectation that there would shortly be a definite Supreme Court decision appropriately settling the scope of the Commission's existing jurisdiction, Congress was confident that the courts would avoid actual conflicts by a flexible use of existing precedents.[62] Congress noted, however, that, absent an appropriate reconciliation by the courts, it would undertake the consideration of further legislation.[63] Shortly after the 1975 Amendments became law, two Supreme Court decisions, Gordon v. New York Stock Exchange, Inc.,[64] and United States v. National Association of Securities Dealers, Inc.,[65] confirmed the Congressionally anticipated reconciliation of regulatory and competitive factors through the exercise of the Commission's jurisdiction.

Resolution of policy questions involving delicate balancing of competitive and regulatory concerns under the Act is in the first instance to be undertaken by the Commission. It had been suggested that the Congress require that the Commission cleave to a "least anticompetitive" standard in formulating rules and regulations under the Act,[66] but the Congress determined instead to grant broader discretion to the Commission and to view the need for competition in the context of the Act as a whole and its several objectives so that burdens on competition could be accepted where necessary or appropriate in furtherance of the purposes of the Act.

Similarly, the Commission's consideration of proposed rule changes of self-regulatory organizations under section 19(b) looks to all the policies and objectives embodied in the Act, including the need to foster competition. In accomplishing that task, consequently, the Commission must remain sensitive to considerations relating to competition and seek, where appropriate and consistent with the protection of investors and the other purposes of the Act, to minimize burdens on competition.

So far as proposed NYSE Rules 309 and 310 are concerned, Congress specifically recognized that "rules dealing with admission requirements, by their very nature are restrictions on competition."[67] Section 6(b)(8) was specifically "designed to make clear that a balance must be struck between regulatory objectives and competition, that unless an interference with competition is justified in

[56] The general injunction is always more easily stated than applied. Thus, the NYSE's proposed Rules 389 and 335, which have been advanced with the avowed purpose of limiting the NYSE's regulatory role, have drawn substantial criticism. Securities and Exchange Commission File Nos. SR-NYSE-75-13 and 76-13. The Commission has taken initial steps to further the dialogue on jurisdictional lines by proposing Securities Exchange Act Rule 19g2-1. See Securities Exchange Act Release No. 12483 (May 26, 1976), 41 FR 22959 (June 8, 1976).

[57] See, e.g., Securities Industry Study, Report of the Subcomm. on Securities of the Senate Comm. on Banking, Housing and Urban Affairs, S. Rep. No. 13, 93d Cong., 1st Sess. 145, 149-50 (1973).

[58] See, e.g., Securities Exchange Act Release No. 11203 (Jan. 23, 1975), 40 FR 7403 (Feb. 20, 1975), adopting Securities Exchange Act Rule 19b-3; Letter from Commissioner John R. Evans to Senator Harrison A. Williams, Jr., May 8, 1974, reprinted in Hearings on S. 3126 before the Subcom. on Securities of the Senate Comm. on Banking, Housing and Urban Affairs, 93d Cong., 2d Sess. 171-178 (1974); Securities and Exchange Commission, Policy Statement on the Structure of a Central Market System (Mar. 29, 1973); Securities Exchange Act Release No. 9950 (Jan. 16, 1973), 38 FR 3902 (Feb. 8, 1973); Future Structure Statement; Securities and Exchange Commission, Institutional Investor Study Report, H.R. Doc. No. 64, 92d Cong., 1st Sess., pt. 1 at xxii-xxv (1971); Securities and Exchange Commission, Report of Special Study of Securities Markets, H.R. Doc. No. 95, 88th Cong., 1st Sess., pt. 2 at 956ff (1963); National Association of Securities Dealers, Inc., 19 S.E.C. 424 (1945); In the Matter of the Rules of the New York Stock Exchange, 10 S.E.C. 270 (1941).

[59] See, e.g., Bowman Transportation, Inc. v. Arkansas-Best Freight System, Inc., 419 U.S. 281 (1974); Gulf States Utilities Co. v. Federal Power Commission, 411 U.S. 747 (1973); Ricci v. Chicago Mercantile Exchange, 409 U.S. 289 (1973); Federal Maritime Commission v. Aktiebolaget Svenska Amerika Linien (Swedish American Line), 390 U.S. 238 (1968); Denver & Rio Grande Western Railroad Co. v. United States; 387 U.S. 485 (1967); Silver v. New York Stock Exchange, Inc., 373 U.S. 341 (1963); United States v. Drum, 368 U.S. 370 (1962); Federal Maritime Board v. Isbrandtsen Company, Inc., 356 U.S. 481 (1958); McLean Trucking Co. v. United States, 321 U.S. 67 (1944).

[60] See PBW Stock Exchange, Inc. v. Securities and Exchange Commission, 485 F.2d 718 (3d Cir. 1973), cert. denied, 416 U.S. 969 (1974).

[61] See Harwell v. Growth Program, Inc., 451 F.2d 240 (5th Cir. 1971), cert. denied sub nom. National Association of Securities Dealers, Inc. v. Harwell, 409 U.S. 876 (1972); Thill Securities Corporation v. New York Stock Exchange, Inc., 433 F.2d 264 (7th Cir. 1970), cert. denied, 401 U.S. 994 (1971).

[62] Securities Acts Amendments of 1975, Conference Report to Accompany S. 249, Joint Explanatory Statement of the Comm. of Conference, H.R. Rep. No. 94-229, 94th Cong., 1st Sess. 100-1 (1975).

[63] *Id.*

[64] 422 U.S. 659 (1975).

[65] 422 U.S. 694 (1975).

[66] See Statement of Donald I. Baker, Deputy Assistant Attorney General, Antitrust Division, Department of Justice, in Hearings on S. 249, 244-252, 257-262 (1975).

[67] Senate Report, at 96.

terms of the achievement of the statutory objective it cannot stand." [68]

In support of the proposed rules, the NYSE has advanced some arguments which, as noted above, have an equitable appeal.[69] Foreign trade policy may require the use, for negotiating purposes, of principles such as mutual nondiscrimination or reciprocity which, if applied in a solely domestic context, could be viewed as anticompetitive. In the case of access to United States securities markets, those policies have not, however, been adopted; in fact, both Congress and the executive branch of the Federal Government have taken a contrary position. And, in any event, although the Commission's obligation to balance the broad policy objectives in the Act may require it to take into consideration such matters as the international implications of removing burdens on competition, the Commission's determinations must, in the last analysis, be made in the context of the purposes of the Act.[70] Similarly, arguments about policy objectives of statutes other than the federal securities laws must, in terms of these proceedings, find support among the purposes of the Act. Rules 309 and 310 impose burdens on competition by creating entry barriers and, at this time and on the basis of the data, views and arguments supplied to the Commission, there is not an adequate basis for concluding that those burdens are either necessary or appropriate. Consequently, the proposed NYSE rules are not consistent with section 6(b)(8) of the Act.[71]

8. Conclusion

The process of formulating proposed self-regulatory organization rules, and the Commission's obligation to review proposed rules for consistency with the Act is a dynamic process that must adapt to current trends in the securities markets and be sensitive to the complex interplay in the Act of multiple, and sometimes competing, Congressional objectives embodied in the federal securities laws. The Commission has long recognized that the process is complex and delicate. In 1973, when the Commission was operating under the earlier and simpler verison of the Act as it stood before the enactment of the 1975 Amendments, the Commission analyzed its part in the process as follows:

> In an area of activity as dynamic and complex as this, there may not be any permanent resolution of industry problems; as conditions change, existing problems may be superseded by new problems, and existing "solutions" may be rendered obsolete. The effective utilization of administrative responsibility and pervasive regulatory oversight demands that the agency charged with oversight of an entire industry, such as the Commission, remain alert to these changing patterns and problems. We intend to do just that. But the very purpose and nature of administrative agencies demands that current industry problems be faced and dealt with as expeditiously as possible and that the administrative authority not abdicate its clearly-defined obligation to act.[72]

That analysis was developed in the context of its determination to adopt Rule 19b-2.[73] But the analysis bears today on the approach the Commission will take, indeed must take, to deal in the future with the issues raised by the proposed NYSE rules. The Commission has created the Office of International Policy to respond to regulatory questions involving significant international aspects. And the Commission is studying pursuant to Congressional mandate the policy questions raised under the Act by the statutory exclusions of banks from the Commission's direct regulatory jurisdiction over brokers and dealers.[74] Those activities will position the Commission to be responsive in the future to new aspects of those problems and ensure that they are dealt with, from a regulatory point of view, on the basis of appropriate economic data and careful analysis.[75]

In the Commission's view, based on the foregoing, proposed NYSE Rules 309 and 310 are inconsistent with sections 6(b)(2), (5) and (8) of the Act. Accordingly, the Commission is unable to make the determination required by section 19(b) of the Act that those proposed rule changes are consistent with the Act and the rules and regulations thereunder applicable to the NYSE.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that proposed Rules 309 and 310 (SR-NYSE-76-7 and SR-NYSE-76-8) be, and they hereby are, disapproved.

By the Commission (Chairman Hills and Commissioners Loomis, Evans, and Pollack).

Shirley E. Hollis,
Assistant Secretary.

[FR Doc.76-26581 Filed 9-10-76;8:45 am]

[Release No. 12741; File No. SR-NYSE-76-33]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

August 27, 1976.

On June 10, 1976, the New York Stock Exchange, Inc. (the "NYSE"), 11 Wall Street, New York, New York 10005, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Exchange Act"), 15 U.S.C. 78s(b), as amended by Pub. L. No. 94-29 (June 4, 1975) and Rule 19b-4 (17 CFR 240.19b-4) thereunder, copies of proposed changes to Rules 342 and 345.

The proposed amendment to Rule 342 requires that a qualified person acceptable to the NYSE be in charge of "any sales department or activity." As amended, the supplementary material designated Rule 342.12 specifies that a candidate for acceptability is expected to pass an examination acceptable to the NYSE which demonstrates competency to supervise a specific sales department or activity. It further provides that the examination requirement may be waived at discretion of the NYSE.

Notice of the proposed rule changes and the terms of substance of rules as they would be amended was given by publication of a Commission release (Release No. 12552, June 17, 1976) and in the Federal Register (41 FR 26084, June 24, 1976). Interested persons were invited to submit written comments concerning the proposal by July 15, 1976. The Commission has not received any

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[68] *Id.* The thrust of other arguments advanced in these proceedings in favor of proposed Rules 309 and 310 was more difficult to follow. For example, the size of the parents of certain foreign controlled United States broker-dealers was stated to be so greatly disproportionate to even the largest United States underwriters as to raise antitrust questions. But no comparison was offered with respect to the size of domestic parents of NYSE members or the size of possible domestic parents. Also, various subsidy arguments, a notably treacherous field of economic argumentation, were advanced without any support in fact or theory. And the discussion frequently returned to descriptions of underwriting activities, which are conducted over-the-counter.

[69] *See* text at p. 16 *et seq.*

[70] Nor may other related arguments advanced to support the proposed rules—for example, that they would replace even more restrictive rules—prevail. See Position of the New York Stock Exchange on Rule 309 (1976), at 23; Securities and Exchange Commission File No. SR-NYSE-76-8, at 7.

[71] Once the Commission, in the exercise of its exclusive jurisdiction, has determined that particular rules, or types of rules, of self-regulatory organizations impose unnecessary or inappropriate burdens on competition, subsequent efforts to enforce such rules would not be insulated from collateral attacks in other forums.

[72] Securities Exchange Release No. 9950 (Jan. 16, 1973), 38 FR 3902 (Feb. 8, 1973).

[73] That rule was adopted during the last days of the fixed commission rate era for exchange transactions and was intended to ensure, during the final transitional period that, under the circumstances that then prevailed, including the heavy restrictions on access then enforced by exchanges, exchange memberships were used for public purposes. Rule 19b-2, having served its purpose, and the problems it sought to deal with on an interim basis having been solved, has been repealed; it had indeed become an obsolete solution. But the Commission dealt with the problems of that day as expeditiously as possible.

Parts of the logic underpinning Rule 19b-2—the transition from fixed commission rates—were used to embed a variation on it in the 1975 Amendments. The legislative process with respect to the 1975 Amendments was, however, completed before the actual introduction of unfixed commission rates or any experience with their operation and, of course, before the Commission had taken any steps under Section 31(b) of the 1975 Amendments to purge inappropriate rules of self-regulatory organizations. Recognizing that there was uncertainty as to the need for a solution along the lines of Rule 19b-2 on a permanent basis, Congress viewed its statutory provision (Section 11) as setting presumptive standards only and gave the Commission plenary authority to effect a different result by fashioning more restrictive or more flexible standards for the future as circumstances might demand. See Senate Report, at 68.

[74] Note 14 *supra.*

[75] See, e.g., pp. 29-31 *supra.*

comments concerning the proposed rule changes.

With respect to the proposed amendments to NYSE Rules 342 and 345,[1] the Commission finds that the proposed rule changes in SR–NYSE–76–33 are consistent with the requirments of the Exchange Act and the rules and regulations thereunder applicable to national securities exchanges.

It is therefore ordered, Pursuant to section 19(b)(2) of the Exchange Act, 15 U.S.C. 78s(b)(2), that the proposed amendments to NYSE Rules 342 and 345 be, and hereby are, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26581 Filed 9-10-76;8:45 am]

NEW YORK STOCK EXCHANGE, INC.

[Release No. 12750; File No. SR–NYSE–76–39]

Order Approving Proposed Rule Change

AUGUST 31, 1976.

On July 13, 1976, the New York Stock Exchange, Inc., 11 Wall Street, New York, New York 10005, filed with the Commission, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act"), as amended by the Securities Acts Amendments of 1975, and Rule 19b–4 thereunder copies of a proposed rule change to eliminate the different standards applicable to specialist and non-specialist odd-lot dealers as set forth in Rule 100.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 12637 (July 19, 1976)) and by publication in the FEDERAL REGISTER (41 31432 (July 28, 1976)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered national securities exchanges, and in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the proposed rule change filed with the Commission on July 13, 1976, be and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26585 Filed 9-10-76;8:45 am]

[1] The Commission's approval of these amendments is subject, nevertheless, to the overall review of the rules of all self-regulatory organizations being conducted by the Commission pursuant to section 31(b) of the Securities Acts Amendments of 1975.

[Release No. 34–12746; File No. SR–PSE–76–15]

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 15, 1976 the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Pacific Stock Exchange Incorporated ("PSE") has filed a number of "Floor Procedure Advices" which are interpretations and policies related to a variety of subjects respecting PES's options trading program. The exact language of the numerous interpretations and policies can be found in PSE's formal filing with the Commission in the above-referenced file number.

The interpretations and policies pertain to the following subject matters:

1. Floor Brokers' responsibilities at the opening;
2. Floor Brokers acting as both Principal and agent on the same transaction;
3. Courtesy and timeliness in regard to entering orders on the book;
4. Prohibitions against use of the Book by Floor Brokers in closing out errors;
5. Floor Brokers' responsibilities in effecting "cross" transactions;
6. Floor Brokers' giving up another person's name as executing member;
7. Prohibition against acting as Floor Broker in classes of options to which member has a primary market maker appointment;
8. Supplementary assignments of market makers;
9. Guarantee letters for options market makers trading on PSE equity floors;
10. Market Makers' attentance during trading sessions;
11. Special procedures for Market Makers' use of Floor Brokers to effect transactions for Market Makers' account;
12. Only GTC and day orders accepted in Book;
13. Disposition of unfilled day orders;
14. Stop-loss orders prohibited from Book;
15. Prohibition of orders which instruct Broker to fill the order in its entirety or not at all;
16. Reconfirmation of open orders in the Book;
17. Disposition of Limit Orders changed to Market Orders;
18. Expressing fractions in writing;
19. Marking orders to reflect "split" transactions;
20. Giving up name at time of requesting market size or execution of order;
21. Imprinting member name on trade tickets;
22. Posting of Options Floor Procedure Advices and Market Maker Assignments;
23. Meetings of Options Floor Members;
24. Visitors and admission to trading floor;
25. Communication access to and from the options trading floor;
26. Dress and conduct standards;
27. Prohibition against hand signals;
28. Transactions based on erroneous prints of underlying security;
29. Imbalance of orders at openings;
30. Availability of members for settlement of uncompared trades;
31. Meaning of "displayed" bid or offer;
32. Spread orders subject to priority rules; and
33. Time of cabinet transactions.

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 Advices set forth hereinabove is to state 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 Advices 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 from members, participants or others.

The above Advices will impose no burden on 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 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 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 13, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

AUGUST 30, 1976.

[FR Doc.76-26580 Filed 9-10-76;8:45 am]

[Rel. No. 9420; 812-3957]

SEYMOUR FOODS, INC. AND BEN VOTH

Filing of Application for an Order Exempting Proposed Transaction

AUGUST 27, 1976.

Notice is hereby given that Seymour Foods, Inc., 101 North Kansas Avenue, Topeka, Kansas 66603, a Delaware corporation ("Seymour"), and Ben Voth ("Voth") c/o G F Industries, Inc., 2001 National Bank of Tulsa Building, Tulsa, Oklahoma 74103 (collectively referred to as "Applicants"), filed an application on May 18, 1976, and amendments thereto on August 2 and 20, 1976, for an order of the Commission, pursuant to section 17(b) of the Investment Company Act of 1940 (the "Act"), exempting from the provisions of section 17(a) of the Act the proposed sale by Seymour to Voth, and the proposed purchase by Voth, of Seymour's entire holdings of the common stock, $0.10 par value, of G F Industries, Inc., a Florida corporation ("GFI"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that all of the issued and outstanding shares of capital stock of Seymour are owned by Source Capital, Inc., a Delaware corporation previously known as SMC Investment Corporation ("Source"). Source is a closed-end management investment company registered under the Act with its principal place of business at 1888 Century Park East, Los Angeles, California 90067.

The application states that, prior to the recapitalization described below, Seymour owned 859,635 of the total of 3,842,773 issued and outstanding shares of the common stock, par value $0.25 per share, of GFI 343,927 of the total of 826,940 issued and outstanding shares of the 4 percent convertible preferred stock, par value $2.50 per share, of GFI, and 74,500 of the total of 150,000 issued and outstanding shares of the 6 percent convertible preferred stock, par value $2.50 per share, of GFI. As of March 31, 1976, Seymour's holdings constituted approximately 26.5 percent of the outstanding voting securities of GFI, and a 43.4 percent interest in the equity securities of GFI.

On June 25, 1976, the shareholders of GFI approved a proposed plan of recapitalization whereby each 80 shares of common stock of GFI, par value $0.25 per share, would be converted into one share of new common stock, par value $0.10 per share, and each four shares of GFI 4 percent convertible preferred stock and 6 percent convertible preferred stock would be converted into one share of new common stock, par value $0.10 per share. Applicants state that the merger effecting such recapitalization has been consummated, and that Seymour presently holds 39.5 percent of the outstanding voting securities of GFI (the "Seymour Stock"). It appears that, based on the rates of exchange provided in the recapitalization, the Seymour Stock which is the subject of the proposed transaction between the Applicants consists of 115,352 shares of GFI common stock, par value $0.10 per share.

The Application states that Seymour and Voth have entered into a Stock Purchase Agreement dated April 1, 1976, providing for the sale by Seymour to Voth of the entire amount of the Seymour Stock for an aggregate purchase price of $300,000.

Section 2(a)(3) of the Act, in part, defines an "affiliated person" of another person as

> (A) any person directly or indirectly owning, controlling, or holding with power to vote, 5 per centum or more of the outstanding voting securities of such other person; (B) any person 5 per centum or more of whose outstanding voting securities are directly or indirectly owned, controlled, or held with power to vote by such other person; (C) any person directly or indirectly controlling, controlled by, or under common control with, such other person; (D) any officer, director, partner, copartner, or employee of such other person.

Section 2(a)(9) of the Act provides, in part, that

> "Control" means the power to exercise a controlling influence over the management or policies of a company. Any person who owns beneficially, either directly or through one or more controlled companies, more than 25 per centum of the voting securities of a company shall be presumed to control such company * * *

Therefore, Applicants state, GFI is an "affiliated person" of Source as that term is defined in section 2(a)(3) of the Act, in that Source is the indirect owner of the Seymour Stock and in that GFI may be "controlled" by Source. Applicants further assert that Voth is the president of GFI and the owner of approximately 8.8 percent of the outstanding voting securities of GFI, and is, therefore, an "affiliated person" of GFI, as that term is defined in section 2(a)(3) of the Act, and an affiliated person of an affiliated person of Source.

Section 17(a) of the Act, in part, provides that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as a principal, knowingly to purchase from such investment company, or from any company controlled by such investment company, any security or other property. Thus, since it appears that Seymour is a company "controlled" by Source, the proposed sale to Voth by Seymour of the Seymour Stock apparently would be prohibited by section 17(a).

Section 17(b) of the Act provides that the Commission, upon application, shall exempt from the provisions of section 17(a) a proposed transaction if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are fair and reasonable and do not involve any overreaching on the part of any party concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicants assert that the terms of the Stock Purchase Agreement are reasonable and fair and do not involve overreaching on the part of any person concerned, and that those terms were negotiated at arm's length in circumstances free from any coercion or control.

According to the application, Seymour's ownership of securities issued by GFI originated in a May, 1969, transaction in which Source purchased from GFI for $2,500,000 a promissory note and a warrant to purchase stock of GFI. In August, 1970, an involuntary petition in bankruptcy was filed against GFI; in November, 1970, GFI filed a petition for arrangement under Chapter XI of the Bankruptcy Act. A plan of arrangement for GFI was approved by the court in October, 1972, and the court retained limited jurisdiction over GFI until November, 1974. The shares of common and convertible preferred stock of GFI held by Seymour prior to the aforementioned recapitalization were issued to Source in the bankruptcy proceeding in satisfaction of the claims of Source against GFI, and were contributed by Source to the capital of Seymour.

Applicants state that, during much of those bankruptcy proceedings, Source did not know what, if any, securities it would receive as a result of the reorganization of GFI, and that, during this period, the investment by Source in GFI was valued by Source at either zero or $1,000. By December, 1973, Source had learned what securities would be issued to it as a result of that reorganization, and the Board of Directors of Source valued Source's investment in GFI at $75,000 at that time. In September, 1974, this value was reduced to $50,000. Applicants state that these values were intended by the Board of Directors of Source to be conservative values.

The application states that Seymour presently carries the Seymour Stock on its books at a value of $250,000, and that the Seymour Stock was carried at $50,000 when initially contributed to the capital of Seymour, which was the same value as that used by Source at that time. However, Applicants state that in connection with the preparation of audited financial statements of Seymour for its fiscal year ended December 28, 1975, the Seymour Stock was adjusted to the present $250,000 value on the recommendation of the auditors.

Applicants assert that the proposed $300,000 price of the Seymour Stock is fair and reasonable in view of the liquidation value of GFI. On March 31, 1976, the net book value of GFI was approximately $1,577,000, and the interest there-

in represented by the Seymour Stock was approximately $623,000. However, Seymour states that it has examined the assets of GFI and that it believes that the fair market value thereof is in fact substantially less than the book value. Applicants state that GFI recently explored the possibility of liquidating its assets, and that the highest offer which it received for its only income producing asset (its Swift Ohio Company Division) was approximately $600,000. If the Swift Ohio Company Division had been sold for that amount as of March 31, 1976, and if all other assets of GFI had been sold at their book value as of that date, the value of the interest in the net assets of GFI represented by the Seymour Stock would, according to the Applicants, have been approximately $299,489. Seymour states its belief, however, that in fact less than book value could be realized from a sale of such other assets, and that the true net liquidation value of the assets of GFI is less than that amount. In addition, Applicants assert that substantial expenses would be incurred in the winding up and liquidation of GFI, and that these expenses would further reduce the amount which Seymour could realize if GFI were liquidated.

Applicants further assert that the proposed $300,000 price for the Seymour Stock is fair and reasonable when viewed as a capitalization of earnings. According to the application, the net earnings of GFI were $77,926 for the twelve months ended June 30, 1975, before provision for the dividend requirements of the preferred stock of GFI.

On the basis of the number of shares of common stock outstanding following the recapitalization, Applicants state that the proposed $300,000 price would represent (for the earnings during the twelve months ending June 30, 1975), a price-earnings ratio of 9.7 to 1. Applicants further state that the net income of GFI for the nine months ending March 31, 1966, was approximately $51,000, and that GFI management estimates that such net income for the year ending June 30, 1976, was approximately $78,000. Applicants state that GFI does not have estimates of its income for future years.

The application states that the common stock of GFI is publicly traded in the over-the-counter market; however, GFI states that, insofar as it is aware, there has been no significant trading in the common stock of GFI since the recapitalization. GFI further states that it does not know when any such trading may commence, but that it anticipates that any market which may develop for such common stock would be thin. Applicants estimate that there are approximately 300,000 shares of common stock of GFI outstanding, held by approximately 3,000 shareholders.

Voth states that on July 26, 1976, he was informed by the National Quotation Bureau, Inc. that the market price being quoted for the common stock of GFI had varied, during the period from July 1, 1976 to July 22, 1976, from two cents to four cents bid and from four cents to six cents asked. Applicants state that these prices apparently are still being quoted on the basis of the shares of common stock outstanding prior to the recapitalization described above.

However, Applicants state their belief that the market price of the common stock of GFI has little usefulness as an indicator of the value of the Seymour Stock because, among other things, the public market for the GFI common stock is sporadic and thin, and a block of stock the size of the Seymour Stock could not be sold in that market.

Seymour states that its determination of the price that it would be willing to accept for the Seymour Stock was based largely upon the net asset or liquidation value of GFI, and that it believes that the proposed $300,000 price which was agreed to in assertedly arm's length negotiations is the best price available to it. Seymour further states that it did not attempt to obtain any "premium" based on whatever control may inhere in the Seymour stock because (i) it was felt there would be an inconsistency between a liquidation value analysis and a control premium, which is predicated upon a continuing enterprise; (ii) it did not believe that a higher price was in fact obtainable; and (iii) it did not believe that it had control of GFI as it did not own stock having a majority of the voting power of GFI, did not have representatives on the Board of Directors of GFI and did not have the power to elect any such representatives as GFI did not have cumulative voting. Also, Seymour states that, because it believes the propriety of receiving a control premium is not settled, it was concerned that it might have been subject to litigation if it had attempted to obtain such a control premium in this situation.

The application further states that Seymour desires to sell the Seymour Stock as it believes that the proposed $300,000 payment to be received from Voth can be invested in a manner more favorable to the stockholders of Seymour and Source than by the continued holding of the Seymour Stock. Voth states that he wishes to purchase the Seymour Stock because he is already an officer and a substantial stockholder of GFI and he wishes to increase his equity ownership in GFI.

Finally, the Applicants assert that the proposed transaction is consistent with the policy of Source, as reflected in its registration statement and reports filed under the Act, and that it is consistent with the general purposes of the Act.

Notice is further given that any interested person may, not later than September 21, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter, accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26594 Filed 9-10-76;8:45 am]

[Rel. No. 9424; 811-2615]

STATE STREET EXCHANGE FUND (A LIMITED PARTNERSHIP)

Application for an Order Exempting Proposed Transactions

SEPTEMBER 1, 1976.

Notice is hereby given that State Street Exchange Fund (A Limited Partnership) ("Applicant"), 225 Franklin Street, Boston, Massachusetts 02110, a diversified, open-end management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on May 17, 1976, and an amendment thereto on August 27, 1976, pursuant to sections 17(b) and 6(c) of the Act for an order of exemption from sections 17(a) and 22(d) of the Act to permit certain individual General Partners of Applicant to exchange securities of certain other issuers owned by them for units of partnership interest ("shares") in Applicant in accordance with a public offering of such shares, but without payment of any solicitation fee, and in addition, to permit State Street Research & Management Company (the "Management Company"), Applicant's investment adviser, to purchase such shares for cash, also without payment of any solicitation fee. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized as a limited partnership on December 18, 1975 and has filed Certificates of Limited Partnership under the Uniform Limited Partnership Acts of Massachusetts and California. Currently Applicant has six General Partners, five of which are individuals and Managing General Partners, and the sixth of which is the Management Company, the Non-Managing General Partner.

The managing General Partners are affiliated persons of Applicant pursuant to section 2(a)(3) of the Act. Two of the Managing General Partners, George F. Bennett and Robert A. Lawrence, are partners of the Management Company.

Applicant has received a ruling from the Internal Revenue Service that it will be classified as a partnership for Federal income tax purposes. As a condition to the issuance and continued effectiveness of such ruling the Internal Revenue Service has required that the General Partners as such acquire and maintain an aggregate interest equal to at least 1 percent in each material item of Applicant's income, gain, loss, deduction and credit and that George F. Bennett and Robert A. Lawrence each acquire an interest in the Fund equal to the $25,000 minimum investment required of public investors in the Fund.

On December 19, 1975, applicant filed a Registration Statement under the Securities Act of 1933 covering a public offering of its shares in exchange for outstanding stock of other securities of various business corporations considered acceptable by Applicant for its portfolio. Applicant states that four of its Managing General Partners have indicated they intend to deposit common stock in exchange for Applicant's shares without payment of any solicitation fee. George F. Bennett intends to deposit 1,500 shares of common stock of Mead Corporation, which had a market value of $28,312 as of the close of business on August 25, 1976. Francis H. Barr intends to deposit 1,000 shares of common stock of Gillette Company, which had a market value of $30,750 as of the close of business on August 25, 1976. Robert A. Lawrence intends to deposit 400 shares of common stock of General Motors Corporation, which had a market value of $26,400 as of the close of business on August 25, 1976. Albert L. Nickerson intends to deposit 3,000 shares of common stock of Mobil Corporation, which had a market value of $169,500 as of the close of business on August 25, 1975. In addition, Mr. Nickerson intends to deposit 645 shares of common stock of Newmont Mining Corporation, 500 shares of Tokyo Marine & Fire Insurance Company ADR, and 550 shares of common stock of Texaco, Inc., with market values of $17,354, $44,750, and $14,575, respectively, as of the close of business on August 25, 1976.

Applicant further states that in order to comply with the requirement referred to above, of the Internal Revenue Service as to the investment by the General Partners in Applicant, the Management Company intends to purchase for cash sufficient shares (representing units of general partnership interest) of Applicant so that at the exchange date the General Partners will in the aggregate own at least 1% of Applicant's outstanding shares at that time. Applicant requests in its application that the Management Company not be liable for any solicitation fee in connection with such purchase.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company, acting as principal, from selling to or purchasing from such registered company any security or other property. Section 17(b) of the Act provides, however, that the Commission, upon application, may exempt a transaction from the provisions of section 17(a) if the evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company concerned and with the general purposes of the Act.

In support of Applicant's request, Applicant states that except for the exchange fee payable in connection with the solicitation of deposits which Applicant requests in its application be not applicable to the above Managing General Partners, and except also that the shares issued in exchange for such deposited securities will represent units of general partnership interest rather than units of limited partnership interest, the terms and conditions of the exchange as to each of such Managing General Partners will be the same as to every other depositor whose securities are accepted by Applicant. Applicant also states that securities proposed to be accepted in the foregoing transactions conform to the Applicant's objective and policies, that they are readily marketable, and that none of the foregoing Managing General Partners is an "underwriter" with respect to such securities or in a "control" relationship with respect to the issuer thereof (as those terms are used in the Securities Act of 1933 or in the rules and regulations of the Securities and Exchange Commission thereunder). Applicant further states that, subject to Applicant's investment restrictions and overall investment objectives, Applicant does not intend to reject securities of the same issuers as those described above deposited by persons other than said Managing General Partners if such securities have the same or less capital appreciation than the like securities deposited by the Managing General Partners. Finally, Applicant undertakes that it will not accept securities deposited by any of its General Partners unless the aggregate federal tax cost basis of all such securities so accepted plus the amount of cash being invested in the Fund by the General Partners as a group, stated as a percentage of the aggregate market value of all such securities so accepted plus such cash so being invested, is at least equal to the aggregate federal tax cost basis of all securities accepted from depositors other than General Partners plus the aggregate cash being invested in the Fund by depositors other than General Partners, stated as a percentage of the aggregate market value of all securities so accepted from, plus all cash so being invested by, depositors other than General Partners, as a group.

Section 22(d) of the Act, as here pertinent, prohibits a registered investment company from selling any redeemable security issued by it to any person except at a current offering price (which includes any underwriting or solicitation fee) described in the Prospectus. Section 6(c) of the Act provides, however, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities or transactions from any provision or provisions of the Act or of any Rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of Applicant's request in its application, Applicant states that both the proposed deposits of securities to be exchanged for Applicant's shares by the aforesaid Managing General Partners and the purchase of Applicant's shares by the Management Company are unsolicited transactions involving the issuance of units of general partnership interest to General Partners as distinguished from transactions solicited through a dealer-manager and soliciting dealers from the general public as part of the public offering of units of limited partnership interest. Applicant states that such transactions accordingly provide no rationale for the charge of a solicitation fee which, under the circumstances outlined, would only be paid to a random broker or dealer who had performed no services to earn such fee. Applicant represents, in addition, that the purchase of its shares by the Management Company and the investment in Applicant by George F. Bennett and Robert A. Lawrence is necessary to meet the requirements of the Internal Revenue Service referred to above, to ensure Applicant's favorable tax status and thereby insure to the benefit of all investors in Applicant.

Notice is further given that any interested person may, not later than September 27, 1976, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address set forth above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders

a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26595 Filed 9-10-76;8:45 am]

[Release No. 12749; File No. SR-SCCP-76-3]

STOCK CLEARING CORP. OF PHILADELPHIA

Order Approving Rule Changes Establishing a Continuous Net Settlement System

On June 16, 1976 the Stock Clearing Corporation of Philadelphia ("SCCP"), 17th Street and Stock Exchange Place, Philadelphia, Pennsylvania 19103, submitted proposed rule changes, pursuant to Rule 19b-4 under the Securities Exchange Act of 1934 (the "Act"), implementing a Continuous Net Settlement ("CNS") System. The CNS System is offered to SCCP participants as an alternative to trade-for-trade clearance. SCCP anticipates that high volume members with netting transactions will utilize the CNS System whereas lower volume members without offsetting transactions will prefer trade-for-trade clearance. Clearance of securities transactions on a netted basis is expected to be less costly and more efficient.

In accordance with Section 19(b) of the Act and Rule 19b-4 thereunder, the rule changes were published in the FEDERAL REGISTER (41 FR 27796, July 6, 1976), and the public was invited to submit comments until July 27, 1976. Notice of the filing and an invitation for comments also appeared in Securities Exchange Act Release No. 34-12572, June 24, 1976. By letter dated August 27, 1976, SCCP submitted further information regarding its CNS System. This letter has been placed in the public file and has been incorporated in the submission.

The Commission has reviewed the SCCP submission and finds that the rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, and in particular, the requirements of Section 17A of the Act and the rules and regulations thereunder.

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the proposed rule changes contained in File No. SR-SCCP-76-3 be, and hereby are, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.76-26596 Filed 9-10-76;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 141]

ASSIGNMENT OF HEARINGS

SEPTEMBER 8, 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 135797 (Sub-No. 48), J. B. Hunt Transport, Inc., now assigned October 13, 1976 at Dallas, Texas; will be held in Room 5A15-17 Federal Building, 1100 Commerce Street.

MC 128273 (Sub-No. 224), Midwestern Distribution, Inc., now assigned October 14, 1976 at Dallas, Texas; will be held in Room 5A15-17 Federal Building, 1100 Commerce Street.

MC 103066 (Sub-No. 31), Stone Trucking Company, now assigned October 18, 1976 at Dallas, Texas; will be held in Room 5A15-17 Federal Building, 1100 Commerce Street.

MC 139468 (Sub-No. 11), International Contract Carriers, Inc., now assigned October 19, 1976 at Dallas, Texas; will be held in Room 5A15-17 Federal Building, 1100 Commerce Street.

MC 107295 (Sub-No. 783), Pre-Fab Transit Co., now assigned October 21, 1976 at Dallas, Texas; will be held in Room 5A15-17 Federal Building, 1100 Commerce Street.

MC 106497 (Sub No. 125), Parkhill Truck Company now assigned October 15, 1976 at Memphis, Tennessee is cancelled and transferred to Modified Procedure.

MC 141521, TCI, Inc. now assigned October 4, 1976 at Columbus, Ohio is cancelled and transferred to Modified Procedure.

MC 2229 (Sub No. 193), Red Ball Motor Freight, Inc. now assigned October 21, 1976 at Memphis, Tennessee is cancelled and transferred to Modified Procedure.

MC 128273 (Sub No. 218), Midwestern Distribution, Inc. now being assigned December 2, 1976 (2 days) at San Francisco, California in a hearing room to be later designated.

MC 138274 (Sub-No. 29), Shippers Best Express, Inc., now assigned December 2, 1976, at San Francisco, Calif. is cancelled and application dismissed.

MC 123407 (Sub-No. 303), Sawyer Transport, Inc. application dismissed.

MC 141082, Door-to-Door Limousine, Inc., now assigned October 13, 1976 at Hartford, Connecticut; will be held in Room No. 134 Federal Office Building, 450 Main Street.

MC 1103 (Sub-No. 16), Max H. Kofman, Freda Kofman Gaines, Benjamin Kofman and Joseph Kofman, DBA Kofman's, now assigned November 11, 1976, at Washington, D.C. is canceled and application dismissed.

W-C 25, Waxler Towing Company, Incorporated—Investigation and Revocation of Certificate; W-C 26, A. & O. Barge Line, Inc.—Investigation and Revocation of Certificates and Finance Docket No. 27992. Flowers Transportation, Inc., Greenville, Mississippi, Transferee and Waxler Towing Company, Incorporated, Memphis, Tennessee, Transferor, now assigned October 19, 1976 at Memphis, Tennessee; will be held in Room 1006, Tax Court, Federal Building, 167 North Main Street.

MC 110144 (Sub-No. 17), Jack C. Robinson d/b/a Robinson Freight Lines, now assigned October 4, 1976 at Morristown, Tennessee, has been postponed indefinitely.

MC 133689 Sub 70, Overland Express, Inc., now being assigned November 30, 1976 (2 days), at Madison, Wis., in a hearing room to be later designated.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-26711 Filed 9-10-76;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

SEPTEMBER 8, 1976.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before September 28, 1976.

FSA No. 43233—*Hominy Feed from and to Points in Southwestern, WTL and Southern Territories.* Filed by Southwestern Freight Bureau, Agent (No. B-630), for interested rail carriers. Rates on hominy feed, in carloads, as described in the application, from and to points in southwestern, western trunk-line and southern territories.

Grounds for relief—Carrier competition and rate relationship.

Tariffs—Supplements 244 and 125 to Southwestern Freight Bureau, Agent, tariffs 182-J and 183-L, I.C.C. Nos. 4967 and 4968, respectively. Rates are published to become effective on October 4, 1976.

FSA No. 43234—*Iron or Steel Articles to Liberty, Texas.* Filed by Southwestern Freight Bureau, Agent, (No. B-622), for interested rail carriers. Rates on iron or steel articles, in carloads, as described in the application, from points in western trunk-line, southern, southwestern and eastern territories, to Liberty, Texas.

Grounds for relief—Rate relationship and market competition.

Tariff—Supplement 218 to Southwestern Freight Bureau, Agent, tariff 301-F, I.C.C. No. 5098. Ratees are published to become effective on October 9, 1976.

FSA No. 43235—*Iron or Steel Articles to Beaumont, Texas.* Filed by Southwestern freight Bureau, Agent (No. B-623), for interested rail carriers. Rates on iron or steel articles, in carloads, as described in the application, from East St. Louis, Illinois and St. Louis, Missouri, to Beaumont, Texas.

Grounds for relief—Rate relationship.

Tariff—Supplement 218 to Southwestern Freight Bureau, Agent, tariff 301-F,

I.C.C. No. 5098. Rates are published to become effective on October 9, 1976.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-26709 Filed 9-10-76;8:45 am]

[Ex Parte No. 329]

RAIL LINES

Review of the Department of Transportation's Preliminary Classification and Designation

Rail Services Planning Office, present: Alan M. Fitzwater, Director, Rail Services Planning Office, to whom the above-captioned proceeding has been referred pursuant to Section 503(c) of the Railroad Revitalization and Regulatory Reform Act of 1976.

On August 9, and September 2, 1976, by order of the Commission certain hearings, dates and sites were set; and certain rules of proceeding were stated; now on this date, an additional hearing site has been set and, the rules of procedure and practice have been restated.

It is therefore ordered, That: 1. The hearing site is established together with the local contact coordinator who will receive requested appearance times at the respective hearings. The date below indicates when the hearing commences.

TUESDAY, SEPTEMBER 14, 1976

Wichita, Kansas—Wichita Public Library Auditorium, 223 South Main, Wichita, Kansas.

Contact: Marion E. Arrington, c/o ICC Office, 501 Petroleum Bldg., 221 South Broadway, Wichita, Kansas 67202, Phone: 316/267-6311, ext. 608.

2. Attorneys have been retained by the Office to provide free legal assistance to communities, users of rail service and other interested parties in the preparation of their testimony on the Department of Transportation Report. The assistance of these attorneys may be obtained pursuant to the hearing rules set forth below.

Interested parties may participate either by appearing in person at one of the hearings or by submitting written comments directly to the Office.

3. The following uniform rules, procedures, and practices for the hearings are established:

(a) Oral testimony will be limited to 10 minutes. Those appearing are encouraged to testify from prepared statements.

(b) Persons who wish to testify at the hearings should call or write the local contact coordinator who is identified in Item 1 of this Notice.

(c) Prospective witnesses will be asked to provide: their name, address, telephone number and business association, if any; the general areas of the report to which their testimony will pertain; and the date and time when they wish to appear. This information will be relayed to an attorney from the Office of Public Counsel. If prospective witnesses need the assistance of an attorney, they should so inform the contact coordinator.

(d) The attorney assigned to the hearing city will schedule all witnesses and either the attorney or the local coordinator will notify prospective witnesses of confirmed hearing appearance times. The attorney will attempt to accommodate prospective witnesses who appear at the hearing without a prescheduled appearance time.

(e) In order to facilitate the creation of a comprehensive and well-organized record, the attorneys will attempt to schedule prospective witnesses according to the general area of interest which their testimony will address.

(f) All written material for the record should be submitted on 8½ x 11" paper in 10 copies at the hearing or sent directly to the Rail Services Planning Office, 1900 L Street, N.W., Washington, D.C. 20036. Statements sent to the Office should arrive no later than October 1, 1976. Since the Office has a very short time for review of the testimony, statements received after October 1, 1976, will be made a part of the record, but may not be reviewed by the Office.

(g) Witnesses with common interests are urged to make joint submissions.

(h) The proceedings are legislative, not judicial in nature. It is designed to elicit public views on the Department's preliminary report. Witnesses will not be required to testify under oath, nor will there be any cross examination or rebuttal testimony. Only questions from the presiding officer and the representative of the Office of Public Counsel will be permitted.

(i) In order to insure that the public is fully informed of the contents of the Report and its possible impacts upon communities and rail users, the usual Interstate Commerce Commission limitations on radio and television coverage during the hearing will be relaxed. The presiding officer will permit live news coverage in the hearing room provided that the conduct of the media representatives and the presence of radio and television equipment do not disturb the orderly conduct of the proceedings. Where courtroom facilities are used, however, the rules of the court regarding media participation will apply. The customary rules of the Commission prohibiting smoking and talking during the hearing will apply.

(j) Hearings will commence on the days specified in Item 1 of this Notice.

(k) Hearings will convene promptly at 9:30 a.m. and adjourn at 5:30 p.m. An evening session will be scheduled on the first day if appearance times are requested. The evening session will commence at 7:30 p.m. and adjourn at 10:00 p.m. Additional evening sessions may be scheduled at the discretion of the attorney and the hearing officer.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-26712 Filed 9-10-76;8:45 am]

TRANSPORTATION OF "WASTE" PRODUCTS FOR REUSE OR RECYCLING

Special Certificate Letter Notice(s)

The following letter notices request participation in a Special Certificate of Public Convenience and Necessity for the transportation of "waste" products for reuse or recycling in furtherance of a recognized pollution control program under the Commission's regulations (49 CFR 1062) promulgated in "Waste" Products, Ex Parte No. MC-85, 124 MCC 583 (1976).

An original and one copy of protests against applicant's participation may be filed with the Interstate Commerce Commission on or before October 4, 1976. A copy must also be served upon applicant or its representative. Protests against the applicant's participation will not operate to stay commencement of the proposed operation.

If the applicant is not otherwise informed by the Commission, operations may commence on or before October 13, 1976, subject to its tariff publication effective date.

P-10-76 (Special Certificates—Waste Products), filed August 23, 1976. Applicant: RDC TRANSPORTATION, INC., Box 21 Western Inn., Joshua, Tex. 76058. Applicant's representative: C. D. Ingram, 8560 Compton Blvd., Paramount, Calif. 90723. Authority sought to operate pursuant to a certificate of public convenience and necessity authorizing operations in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, in the transportation of *waste products for recycling or reuse,* between points in the United States including Alaska, but excluding Hawaii, in furtherance of a recognized pollution control program sponsored by H & H Recycling Company of Richmond, Calif., for the purpose of recycling oil residues in filter clays used in refining crude vegetable oils in order to manufacture feed fat product for cattle feed and coconut oil for the soap industry.

NOTE.—Mr. Charles Dale Ingram, Secretary of Applicant, holds waste products special certificate No. P-5-73.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-26710 Filed 9-10-76;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

Correction

In FR Doc. 76-25575 appearing at page 36853 of the issue for Wednesday, September 1, 1976, in the first column, page 36854, the MC number for Central Transport, Incorporated, now reading "MC 118831 (Sub-No. 1280)", should read "MC 118831 (Sub-No. 128G)".

federal register

MONDAY, SEPTEMBER 13, 1976



PART II:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

■

GRANTS FOR HEMOPHILIA TREATMENT CENTERS

Interim Regulations

Title 42—Public Health

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

SUBCHAPTER D—GRANTS

PART 51d—GRANTS FOR SERVICE PROJECTS FOR GENETIC AND OTHER DISEASES

Grants for Hemophilia Treatment Centers; Interim Regulations

The Assistant Secretary for Health of the Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, hereby adds a new Part 51d, entitled "Grants for Service Projects for Genetic and Other Diseases," and a new Subpart A thereof, entitled "Grants for Hemophilia Treatment Centers," to Title 42, Code of Federal Regulations. For the reasons set out below, the Secretary has determined that public participation in rulemaking before issuance of these regulations and a delay in their effective date would be impractical and contrary to the public interest and, accordingly, that good cause exists for making them effective September 13, 1976.

Title VI of Pub. L. 94–63, which became effective on July 29, 1975, amended Title XI of the Public Health Service Act by adding a new section 1131 (42 U.S.C. 300c–21). The Secretary has determined that he could not make grants under the new section 1131 without regulations. Issuance of the regulations set forth below is necessary in order to allow grants to be made before the expiration of fiscal year 1976 funds appropriated for that purpose.

The regulations set forth below establish requirements for all grants under section 1131 of the Act. Attention is called to the following features of the regulations:

1. Under sections 1131(a)(1) and (4) of the Act, a project funded under section 1131 is required to provide access to its services to all individuals suffering from hemophilia residing in the geographic area it serves (referred to in the regulations as its "catchment area") and to have, in addition, a program of association with health care providers treating individuals suffering from hemophilia in areas not conveniently served directly by the project but more conveniently served by it than by the next closest project (referred to in the regulations as the "area of association"). The definitions contained in § 51d.102 (c) and (d) and the requirements set forth at § 51d.105 (b)(1) and (c) implement these statutory provisions by providing that a project must provide access to all of its services to hemophiliac residents of its catchment area but must provide only certain services in its area of association as part of its program of association.

2. Section 51d.105(a)(8) of the regulations requires that projects funded under section 1131, be, or within a reasonable time become, approved providers of crippled children's services for hemophiliacs under the State's approved plan under Title V of the Social Security Act. This requirement reflects in part the Secretary's determination that projects which meet or can shortly meet such requirements will be able to make "rapid and effective use" of grant funds in accordance with the statutory language (section 1131(d)(1)), and in part the judgment that such a requirement will help ensure that projects provide health services of high quality. It is hoped that this requirement will encourage States to develop or expand service programs for hemophiliacs under title V, thereby increasing the total services available for hemophiliacs.

3. Section 51d.105(a)(3) implements section 1131(a)(2) of the Act, requiring projects to provide programs of training for professional and paraprofessional personnel in hemophilia research, diagnosis, and treatment. The regulations limit this to short-term training (the equivalent of three months of full-time training). This limitation reflects an administrative judgment that projects' training programs must be somewhat limited due to the limited appropriation and the many other activities the statute requires be undertaken, as well as a determination that meaningful training in these areas can generally be provided in three months.

4. Section 51d.105(a)(9) requires a project to collect payment for its services in accordance with the applicable schedule of fees and payments for such services under the title V State plan approved by the Secretary. This provision has been included to provide consistency with the requirement of § 51d.105(a)(8) discussed in the paragraph numbered 2 above. It should be noted that under the title V regulations (42 CFR Part 51a) diagnostic services are to be provided without charge, except to the extent that payment will be made by a third-party payor which is authorized or under legal obligation to pay such a charge.

5. Section 51d.107(a)(2) of the regulations implements section 1131(d)(2) of the Act, requiring that the Secretary give priority to projects which will operate in areas which the Secretary determines have the greatest number of persons in need of the hemophilia treatment services provided by such projects. Due to the specialized nature of the projects' services, the Secretary has determined that severe and moderate hemophiliacs should be considered to be persons "in need" of project services, as their hemophilia conditions are more likely to require the specialized and sophisticated services to be provided by the projects than the conditions of mild hemophiliacs. Accordingly, the regulation provides that priority will be given to projects which will serve areas with the greatest number of severe and moderate hemophiliacs.

6. Section 51d.109(c)(2) provides that projects funded under section 1131 of the Act may not use grant funds to pay for the provision of blood products, except where such products are not otherwise available within the project's catchment area, or where they are provided as part of the treatment provided directly by and at the project. This limitation is considered to be advisable in light of the extraordinary expense which would be associated with the provision of blood products on a comprehensive basis and the number of other activities which the projects are required to undertake.

Information concerning applications under section 1131 of the Public Health Service Act and these regulations may be obtained by writing the Office for Maternal and Child Health, Bureau of Community Health Services, 5600 Fishers Lane, Room 7–15, Rockville, Maryland 20852.

Interested persons are invited to submit written comments, suggestions, or objections concerning the new Subpart A of Part 51d to the Director, Division of Policy Development, Bureau of Community Health Services, Health Services Administration, Room 6–17, 5600 Fishers Lane, Rockville, Maryland 20852, on or before November 12, 1976. All comments received in timely response will be considered, and will be available for public inspection at the above address during regular business hours. Following the close of the comment period, the regulations will be revised as warranted by the public comments received. It is expected that any revision of the regulations will be published within 60 days following the close of the comment period. The regulations as set forth below will be applicable and effective September 13, 1976. Revisions thereto, although applicable to grants awarded under the regulations promulgated by this Notice, will be applicable only with respect to activities conducted under those grants or and after the date the revisions become effective.

A new part 51d is added to Title 42, Code of Federal Regulations, and a new Subpart A thereof is adopted effective September 13, 1976.

Date: August 10, 1976.

JAMES F. DICKSON,
Acting Assistant Secretary for Health.

Approved: September 1, 1976.

DAVID MATHEWS,
Secretary.

1. 42 CFR is amended by adding a new Part 51d entitled "Grants for Service Projects for Genetic and Other Diseases."

2. 42 CFR Part 51d is amended by adding a new Subpart A to read as follows:

Subpart A—Grants for Hemophilia Treatment Centers

Sec.

51d.101 Applicability.
51d.102 Definitions.
51d.103 Eligibility.
51d.104 Application for a grant.
51d.105 Project elements.
51d.106 Fiscal management.
51d.107 Grant evaluation and award.
51d.108 Payment.
51d.109 Use of project funds.
51d.110 Civil rights.
51d.111 Confidentiality.
51d.112 Publication and copyright.
51d.113 Grantee accountability.
51d.114 Performance and financial reports.

Sec.
51d.115 Applicability of 45 CFR Part 74.
51d.116 Additional conditions.

AUTHORITY: Secs. 215, 1131, Public Health Service Act, (42 U.S.C. 216, 300c–21).

Subpart A—Grants for Hemophilia Treatment Centers

§ 51d.101 Applicability.

The regulations of this subpart are applicable to grants to public and nonprofit private entities pursuant to section 1131 of the Public Health Service Act (42 U.S.C. 300c–21) for projects for the establishment of comprehensive hemophilia diagnostic and treatment centers.

§ 51d.102 Definitions.

As used in this subpart:

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

(b) "Applicant" means a public or nonprofit private entity which applies for a grant under this subpart.

(c) "Area of association" means the area outside a project's catchment area in which the project provides services in a program of association with providers of health care pursuant to § 51d.105(c) of this subpart.

(d) "Catchment area" means the area in which a project provides all of its services, except those provided pursuant to § 51d.105(c).

(e) "Center" means a project funded under this subpart.

(f) "Comprehensive care program" means a program detailing the appropriate treatment for an individual suffering from hemophilia which:

(1) Includes:

(i) An assessment of the type and severity of the individual's hemophilia condition;

(ii) Statements of the health care needed, including estimates of the individual's need for prophylactic or replacement therapy, prophylactic dental care, physical therapy for prevention of secondary joint problems, and orthopedic treatment;

(iii) A statement of the activity (educational, recreational, and occupational) to be limited or avoided by the individual, or recommended for the individual;

(iv) Recommendations for periodic reevaluation (no less frequently than annually);

(v) Recommendations and/or referral for social and vocational counseling;

(vi) Recommendations and/or referral for genetic counseling; and

(vii) Information on 24-hour, 7-day-a-week emergency service; and

(2) Is developed by a multidisciplinary team which includes:

(i) Each of the following: a hematologist, a pediatrician or internist as appropriate, a nurse, and a social worker; and

(ii) If medically indicated, any one or more of the following: an orthopedist, a physical therapist, a psychiatrist, a psychologist, an oral surgeon or dentist, or an educational and/or vocational counselor.

(g) "Diagnosis" means the determination of the cause of significant bleeding tendencies.

(h) "Hemophilia" means a genetically transmitted bleeding disorder resulting from a deficiency of a plasma clotting factor.

(1) "Mild hemophilia" means a condition under which an individual:

(i) Generally leads a normal life, and

(ii) Has a sufficient amount of the clotting factor for blood to coagulate and bleeding to be controlled (in most cases, a circulating level of clotting factor above 10 percent of normal).

(2) "Moderate hemophilia" means a condition under which an individual:

(i) Rarely hemorrhages spontaneously but may experience significant hemorrhage after minor trauma, and

(ii) Has (in most cases) a circulating level of clotting factor that ranges from 1 to 10 percent of normal.

(3) "Severe hemophilia" means a condition under which an individual

(i) Throughout his life is subject to spontaneous hemorrhage into soft tissue, bone joints, and muscles as well as bleeding after any type of trauma or minor surgery, and

(ii) Has (in most cases) a circulating level of clotting factor of less than 1 percent of normal.

(i) "Nonprofit" as applied to a private entity means that no part of the net earnings of such entity inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(j) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(k) "Social counseling" means counseling provided by persons with appropriate training which includes at least:

(1) Genetic counseling;

(2) Counseling about family relationships and interrelationships;

(3) Counseling about sources of referral for appropriate medical treatment; and

(4) Counseling about sources of financial assistance for medical expenses.

(l) "State" means any of the several States, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(m) "Vocational counseling" means counseling provided by persons with appropriate training about appropriate education, training and/or employment.

§ 51d.103 Eligibility.

Any public or nonprofit private entity is eligible to apply for a grant under this subpart.

§ 51d.104 Application for a grant.

An application for a grant under this subpart shall be submitted to the Secretary at such time and in such form and manner as the Secretary may prescribe, and shall contain:

(a) A full and adequate description of the project and of the manner in which the applicant intends to conduct the project and carry out the requirements of this subpart.

(b) A budget and justification of the amount of grant funds requested.

(c) Evidence that the applicant is or within a reasonable time will become an approved provider of crippled children's services for hemophiliacs under Title V of the Social Security Act.

(d) A description of the precise boundaries of the catchment area which the applicant proposes to serve, and a description of the largest area outside that catchment area which the applicant cannot conveniently serve directly but can realistically serve through association with other health care providers who are treating individuals with hemophilia in a program of association meeting the requirements of § 51d.105(c) of this subpart.

(e) The estimated number of severe, moderate, and mild hemophiliacs residing in the applicant's proposed catchment area and the estimated number of those hemophiliacs in the proposed area of association.

(f) The estimated number of and a description of the programs for hemophiliacs within the applicant's catchment area and in the area of association, and the estimated number of hemophiliacs receiving care in each area under the programs.

(g) A statement of the method to be used to identify providers of health care who are treating individuals with hemophilia in the applicant's proposed area of association, and the method to be used to notify such providers of the services which the applicant will make available to them.

(h) An estimate of the average financial burden caused by the disease on a hemophiliac within the applicant's proposed catchment area and within its proposed area of association.

(i) The approximate number of hemophiliacs to be served by the applicant in its proposed area of association.

(j) An assurance satisfactory to the Secretary that the applicant will serve the maximum number of individuals that its available and potential resources will enable it effectively to serve.

(k) A description of the diagnostic and specialty treatment services to be offered and, in the case of an applicant already providing services to hemophiliacs, a description of all diagnostic, treatment, and other services for hemophiliacs being provided by the applicant.

(l) A description of the applicant's arrangements for access to an appropriate coagulation laboratory and an appropriate blood bank under § 51d.105(a)(1) and (2).

(m) The plans and curricula for training professional and paraprofessional personnel pursuant to § 51d.105(a)(3) of this subpart.

(n) Copies of position descriptions for key personnel to be utilized in carrying out the project, a statement indicating the need for the specific positions, and a description of the qualifications of principal staff members.

(o) A description of the counseling program to be provided pursuant to § 51d.105(b)(2) and of the arrangements to be made to provide social and vocational counseling.

(p) Such other pertinent information as the Secretary may require.

(q) Evidence that:

(1) The requirements of Part I of Office of Management and Budget Circular No. A–95 have been satisfied, and

(2) All applicable requirements for review and approval under title XV of the Act have been met.

(r) The signature of the individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the Act, the applicable regulations of this subpart, and any additional conditions of the grant award.

§ 51d.105 Project elements.

(a) *General requirements.* A project funded under this subpart must:

(1) Have a program to diagnose the type, degree, and nature of the bleeding tendency of individuals identified as probably suffering from hemophilia for the purpose of determining appropriate treatment. Such program shall include, at a minimum:

(i) Ready access to a coagulation laboratory which is capable of:

(A) Diagnosing any plasmatic factor deficiency,

(B) Identifying the existence of platelet functional disorders,

(C) Identifying the presence of inhibitors to one or more of the clotting factors, and

(D) Determining the existence of Factor VIII-related antigen, or obtaining access to this test by arrangement with another institution; and

(ii) Performing, at least annually, a test to detect inhibitors to one or more of the clotting factors on each hemophiliac served by the project who is receiving replacement therapy.

(2) Provide a program of comprehensive hemophilia treatment services, as specified in the grant award, of a specialized, multidisciplinary nature generally unavailable in its catchment area or area of association. This program may be carried out directly or on a referral basis, except that each project shall at a minimum—

(i) Have access to a blood bank which:

(A) Has expertise in preparing, evaluating, and storing therapeutic blood factors,

(B) Has available a comprehensive variety of blood products, including freeze-dried clotting factor concentrates, cryoprecipitates of plasma, and fresh or frozen whole plasma, and

(C) Relies, to the extent practicable, on voluntary donor sources for blood.

(ii) Provide to individuals served by the project prescriptions for blood products and directly provide blood products where the required blood product is not available through prescription in the catchment area or, for individuals served under paragraph (c) of this section, in the catchment area or the area of association; and

(iii) Provide training in home care to all hemophiliacs served by the project in need thereof.

(3) Provide a program of:

(i) Short-term training (not to exceed the equivalent of three months of full-time training) in standards of hemophilia diagnosis and treatment to professional and paraprofessional personnel of the project and, as resources permit, to personnel concerned with the treatment of hemophiliacs, who work in the project's catchment area and area of association; and

(ii) Training of professional and paraprofessional project personnel in at least one selected area of hemophilia research.

(4) Develop for, in consultation with the individual's primary physician, and provide to each hemophiliac served by the project (unless medically contraindicated) a written comprehensive care program.

(5) Serve as a clearinghouse for information on the availability of other programs of assistance and insurance for hemophiliacs, and assist hemophiliacs served by the project in making any necessary arrangements with those programs.

(6) Establish an outreach program to encourage all hemophiliacs and health care providers in the project's catchment area and area of association to participate in the program sponsored by the project.

(7) Provide for sufficient full- or part-time staff, qualified by training and experience, to carry out its activities.

(i) The staff shall include, at a minimum, a hematologist, internist, pediatrician, orthopedic surgeon, oral surgeon or dentist, physical therapist, nurse, and a social worker, except that if the hemotologist is also an internist or a pediatrician an additional internist or pediatrician is not required to be on the staff.

(ii) The project must also insure the availability of a nutritionist, psychiatrist, psychologist, and an educational/vocational or rehabilitation counselor.

(8) Be, or within a reasonable time become, an approved provider of crippled children's services for hemophiliacs under the approved State plan under Title V of the Social Security Act of the State or States in which its catchment area and area of association lie.

(9) Make every reasonable effort to collect payment for services provided by the project in accordance with the applicable schedule of fees and payments for such services of the approved State plan referred to in paragraph (a)(8) of this section. Where a project provides services to residents of more than one State, the project shall provide services to residents of the State in which the project facility is located in accordance with the schedule of the State plan of such State, and shall provide services to residents of any other State served in accordance with an agreement with the State agency which administers the approved title V State plan of such other State concerning such fees and payments.

(10) Establish basic medical data, statistical data, cost accounting, management information and reporting systems which shall enable the project to provide such statistics and other information as the Secretary may reasonably require relating to its costs of operation, patterns of utilization, and the availability, accessibility, acceptability, and effectiveness of its services, and to make these reports to the Secretary in a timely manner with such frequency as the Secretary may reasonably require.

(b) *Requirements applicable to the project's catchment area only.* In addition to the requirements of paragraph (a) of this section, a project funded under this subpart must provide within its catchment area:

(1) Access to the services of the project for all individuals suffering from hemophilia who reside in this catchment area and

(2) A program of social and vocational counseling designed to assist hemophiliacs, who reside in the project's catchment area and are served by the center, to lead an independent life. Such counseling may be provided directly or by referral.

(c) *Requirements applicable to the area of association only.* In addition to the requirements of paragraph (a) of this section, a project funded under this subpart must provide a program of association with providers of health care who are treating individuals suffering from hemophilia residing outside the project's catchment area but within the area which the Secretary has determined (and has specified in the grant award) that the project cannot conveniently serve directly but can realistically serve with such a program. This program shall consist of at least the following:

(1) Implementation of a plan to identify and contact all providers of health services to hemophiliacs in the area of association and notify these providers of the project services available to them; and

(2) Institution of a program to attempt to enter into cooperative arrangements with these providers for the treatment of these hemophiliacs. Such arrangements must provide at a minimum for the following:

(i) Development by the project of individualized, written comprehensive care programs for hemophiliacs being treated by the providers in association with the project, with the participation and agreement of the providers in association.

(ii) Treatment of these hemophiliacs in accordance with the comprehensive care programs,

(iii) Provision for having these hemophiliacs visit the project for an annual re-evaluation of their medical and treatment status, and

(iv) Cooperation of the providers in association in arranging for social and vocational counseling for these hemophiliacs.

§ 51d.106 Fiscal management.

The Health Services Funding regulations, 42 CFR Part 50, Subpart A, apply to all grants under this subpart, except to the extent otherwise provided in § 51d.105(a)(9) of this subpart.

§ 51d.107 Grant evaluation and award.

(a) Within the limits of funds available for such purposes, the Secretary may award grants under this subpart to eligible applicants which submit approvable aplications therefor, in accordance with the following procedures:

(1) In determining whether an application is approvable, the Secretary shall take into account:

(i) Whether it meets the requirements of this subpart;

(ii) The number of persons to be served by the project in relation to the grant funds requested; and

(iii) The extent to which rapid and effective use of grant funds will be made by the project, considering the following:

(A) The degree to which the project will be operated consistent with the hemophilia services part of the State plan for crippled children's services under Title V of the Social Security Act;

(B) The professional and technical competence of the project in hemophilia diagnosis, treatment, rehabilitation, and research;

(C) The potential integration of the project's services with other health service delivery programs;

(D) The soundness of the project's management; and

(E) The extent of community participation.

(2) The Secretary will give priority to projects which will operate in areas which the Secretary determines have the greatest number of severe and moderate hemophiliacs whose need for the services to be provided by such projects is unmet, as determined on the basis of the information supplied pursuant to § 51c.104.

(b) The amount of any award will be determined by the Secretary on the basis of his estimate of the sum necessary for the proper performance of the project. In determining the grantee's share of project costs, if any, costs borne by Federal funds, or costs used to match other Federal grants, may not be included except as may be otherwise provided by law.

(c) All grant awards shall be in writing, shall set forth the amount of funds granted, and the period for which support is recommended.

(d) Neither the approval of any project nor any grant award shall commit or obligate the United States in any way to make any additional, supplemental, continuation, or other award with respect to any approved project or portion thereof. For continuation support, grantees must make separate application periodically at such times and in such form as the Secretary may direct.

§ 51d.108 Payment.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award either in advance or by way of reimbursement for expenses incurred in the performance of the project, to the extent he determines these payments necessary to promote prompt initiation and advancement of the approved project.

§ 51d.109 Use of project funds.

(a) Any funds granted pursuant to this subpart, as well as other funds to be used in performance of the approved project, may be expended solely for carrying out the approved project in accordance with section 1131 of the Act, the regulations of this subpart, the terms and conditions of the award, and the applicable cost principles prescribed in Subpart Q of 45 CFR Part 74.

(b) Project funds awarded under this subpart may be used, but need not be limited, to pay the costs of the following:

(1) Diagnosis and treatment services;

(2) Social, rehabilitative, and other counseling;

(3) Training professionals and paraprofessionals in hemophilia diagnosis, treatment, and research;

(4) Data collection and pooling of medical information;

(5) Transportation of patients, as necessary;

(6) Transportation and per diem for training professionals and paraprofessionals in association with the project;

(7) Public information;

(8) Delivering project services to hemophiliacs within the project's catchment area and area of association, within the following limitations: grant funds may be used to pay the portion of the reasonable cost of services provided in accordance with the schedule of fees and payments used pursuant to § 51d.105(a)(9) which, under such schedule, is uncompensated.

(c) Project funds awarded under this subpart shall not be used to pay the cost of:

(1) Inpatient hospital care;

(2) Provision of blood products except:

(i) When such blood products are not otherwise available by prescription within the project's catchment area, or

(ii) When blood products are provided as part of the course of treatment provided at and directly by the project.

(d) Grant funds shall not be used in lieu of other area funding sources to pay to support the program.

§ 51d.110 Civil rights.

(a) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252 (42 U.S.C. 2000d et seq.)) and in particular section 601 of such Act which provides that no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such title VI, which applies to grants made under this part, has been issued by the Secretary with the approval of the President (45 CFR Part 80). In addition, no person shall be denied employment in or by such program or activity on the grounds of age, sex, creed, or marital status.

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

§ 51d.111 Confidentiality.

All information as to personal facts and circumstances obtained by the project staff in connection with the provision of services under the project shall be treated as privileged communication, shall be held confidential, and shall not be divulged to any party including the provider in association without the individual's consent except as may be otherwise required by applicable law (including this subpart) or necessary to provide services to the individual. Such information may be disclosed in summary, statistical, or other form which does not identify particular individuals.

§ 51d.112 Publications and copyright.

Except as may be provided under the terms and conditions of the award, the Department of Health, Education, and Welfare copyright requirement set forth in 45 CFR 74.140, shall apply to any book or otherwise copyrightable material developed or resulting from the activity supported by a grant under this part.

§ 51d.113 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other grant funds, including funds derived from other grant awards. With respect to each approved project, the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for direct and indirect costs meeting the requirements of this subpart. *Provided, however,* that when the amount awarded for indirect costs was based on a predetermined fixed percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed percentage rates applied to the total, or a selected element thereof, of the reimbursement direct costs incurred.

(b) *Grant closeout.* (1) Date of final accounting. A grantee shall render, with respect to each approved project, a full account as provided herein, as of the date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved project the total sum of:

(i) Any amount not accounted for pursuant to paragraph (b) of this section.

(ii) Any credits for earned interest pursuant to paragraph (b) of this section.

(iii) Any other amounts due pursuant to Subparts F, M, and O of 45 CFR Part 74.

(iv) Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recoverd from the grantee or its successors or assignees by setoff or other action as provided by law.

§ 51d.114 Performance and financial status reports.

A grantee shall submit a performance report meeting the requirements of 45 CFR 74.82(c), and a financial status report in accordance with 45 CFR 74.73.

§ 51d.115 Applicability of 45 CFR Part 74.

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

45 CFR PART 74

Subpart
- A General.
- B Cash depositories.
- C Bonding and insurance.
- D Retention and custodial requirements for records.
- F Grant-related income.
- G Matching and cost sharing.
- K Grant payment requirements.
- L Budget revision procedures.
- M Grant closeout, suspension, and termination.
- O Property.
- Q Cost principles.

§ 51d.116 Additional conditions.

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

[FR Doc. 76-26496 Filed 9-10-76;8:45 am]

federal register

MONDAY, SEPTEMBER 13, 1976



PART III:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

■

GRANTS FOR MIGRANT HEALTH SERVICES

Interim Regulations

Title 42—Public Health

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

SUBCHAPTER D—GRANTS

PART 56—GRANTS FOR MIGRANT HEALTH SERVICES

Interim Regulations

The Assistant Secretary for Health of the Department of Health, Education, and Welfare, with the approval of the Secretary of Health, Education, and Welfare, hereby deletes the existing Part 56, entitled "Grants for Migrant Health Service," of Title 42, Code of Federal Regulations, and substitutes in lieu thereof a new Part 56, entitled "Grants for Migrant Health Services". For the reasons set out below, the Secretary has determined that public participation in rulemaking prior to issuance of these regulations and a delay in their effective date would be impractical and contrary to the public interest, and, accordingly, that good cause exists for making these regulations effective September 13, 1976.

Title IV of Public Law 94–63, which became effective on July 29, 1975, substantially amended section 319 of the Public Health Service Act. In accordance with the expressed Congressional intent to continue the program formerly funded under the former section 319, the Secretary has provided continuation grants under the amended section 319 to entities which had been receiving grant assistance under the former section 319. However, because of the substantial changes in section 319 made by Public Law 94–63, the Secretary has determined that he could not make grants for new projects thereunder in the absence of amended regulations. Issuance of the regulations set forth below is necessary in order to allow grants for new projects to be made prior to the expiration of fiscal year 1976 funds appropriated for that purpose, and to clarify the responsibility of all grantees under the amended section 319.

The regulations set forth below establish requirements for all grants under section 319, as amended by Public Law 94–63. Subpart A of the new Part 56 sets forth general administrative and management requirements applicable to all grants under section 319. Subpart B establishes specific program requirements applicable to grants for planning and developing migrant health centers funded under section 319(c)(1)(A). Subpart C establishes specific program requirements applicable to grants for operating migrant health centers funded under section 319(d)(1)(A). Subpart D establishes specific program requirements applicable to grants for operating migrant health entities funded under section 319(d)(1)(B). Subpart E establishes specific program requirements applicable to grants for planning and developing migrant health programs funded under section 319(c)(1)(B). Subpart F establishes specific program requirements applicable to grants for operating migrant health programs funded under section 319(d)(1)(C). Subpart G establishes specific program requirements for grants for technical assistance funded under section 319(g). Subpart H, which will be issued at a later date, will contain specific program requirements applicable to all grants under section 319 for acquiring or modernizing existing buildings.

Attention is called to the following features of the new regulations:

1. Section 56.107 of Subpart A of the Regulations implements the mandate of section 319(b)(1) of the Act that highest priority for the provision of assistance under section 319 be given to areas in which reside the greatest number of migratory agricultural workers and the members of their families for the longest period of time. The Secretary has assigned tiers of priorities for such assistance, and each application will be evaluated according to which tier its catchment area falls into. Top priority (the first three tiers) has been given to areas with migrants who reside therein for more than two months in a year. This reflects the statutory emphasis on the length of time migrants are in an area, as well as a judgment that migrants who are in an area for a protracted period of time are more likely to need health services within that area than migrants whose stay is quite short and who thus might be able to obtain needed health services in a reasonable period of time in the course of moving on to another area. The lowest tiers consist of areas composed entirely of seasonal agricultural workers and their families because of the clear intent of the legislation, as indicated by section 319(b)(2), that areas with some migrants receive grant assistance before those with none.

The statute requires application of the section 319(b)(1) priorities to grants under section 319(c)(1)(A), 319(d)(1)(A) and 319(d)(1)(B), all of which are for grants for projects in high impact areas. However, section 319(b)(1) authorizes the Secretary to establish priorities for both high impact and "other areas (where appropriate)." Because grants under section 319(c)(1)(B) and 319(d)(1)(C) may be made both in certain high impact areas and in other areas, it was decided that application of the section 319(b)(1) priorities would be appropriate for all such grant applications.

2. The priority to be accorded, pursuant to section 319(f)(3), to applicants for grants under section 319(c)(1) and 319(d)(1)(C) which are "community based organizations representative of the population to be served" has been implemented by providing for giving priority to applicants which have a formal organizational mechanism for involving migrant and seasonal agricultural workers and their families in project policymaking. It was felt that such a provision was responsive to the general legislative concern (compare section 319(f)(2)(G)) that persons served by such project have some input into policy decisions concerning the provision of project services.

3. Section 56.303(f) of Subpart C, which implements the requirement for a schedule of fees and discounts for migrant health centers of section 319(f)(2)(F), provides that full discounts are to be given to individuals with annual incomes at or below the "CSA Income Poverty Guidelines" and that no discounts are to be given to individuals with annual incomes greater than twice those set forth in the Guidelines. In between such limits, projects are to establish a schedule of discounts based on ability to pay. The provision for full discount to individuals and families with incomes at or below the poverty guidelines was adopted because it was felt that in general such persons could be presumed to be unable to pay for health care. The provision for no discount to individuals and families with annual incomes above twice the poverty guidelines was adopted because it is administratively practical, reflects current practice in a number of ambulatory health care projects funded under the Public Health Service Act, and is considered to be reasonable in light of the goals of the program. Specifically, the ceiling of 200 percent of poverty guidelines on discounts provides considerable leeway above the poverty guideline for utilizing discounts and is higher than the average income of lower budget families, as determined by the Bureau of Labor Statistics of the Department of Labor.

4. Section 56.304 of Subpart C establishes minimum requirements for governing boards required for migrant health centers by section 319(f)(2)(G) of the Act. The requirement for a minimum of 9 members was established in an effort to provide for representation of several points of view on such boards; the maximum of 25 members reflects a concern that such boards not become unwieldy. The functions set forth in § 56.304(d), to the extent not specifically required by the statute, implement the general statutory requirement that the governing board establish "general policies" for the center and the intention expressed in the legislative history that the boards are to exercise the inherent powers of governing boards. See H.R. Rep. No. 94–192 at 82.

5. Projects funded under section 319(d)(1)(B) of the Act are required, under § 56.403(a) of Subpart D, to meet during the entire project period all the requirements applicable to migrant health centers except those pertaining to establishment of (1) an ongoing quality assurance program, (2) an overall plan and budget meeting the requirements of section 1861(z) of the Social Security Act, (3) a governing board, and (4) procedures for integration of services. It was decided that this set of requirements represented a reasonable minimum for a project to meet in order to provide quality health services and be a viable ambulatory health care organization. Establishment of such a minimum was also considered to be warranted in light of the fact that grants under section 319(d)(1)(B) are to be made to entities which intend to become migrant health centers and only two such grants, at most, may under the statute be made to any such entity.

6. Projects funded under section 319(d)(1)(C) of the Act are required, under § 56.603 of Subpart F, to meet essentially the same set of minimum re-

quirements as projects funded under section 319(d)(1)(B). As discussed in the preceding paragraph, this reflects an administrative judgment that these requirements constitute a reasonable minimum set of requirements for the provision of quality health services and the establishment of viable organizations.

Information concerning applications under section 319 of the Act and these regulations may be obtained by writing the Regional Health Administrators in the Regional Offices of the Department of Health, Education, and Welfare at the addresses set forth at 45 CFR 5.31 (b).

Interested persons are invited to submit written comments, suggestions, or objections concerning the new Part 56 to the Director, Division of Policy Development, Bureau of Community Health Services, Health Services Administration, Room 6-17, 5600 Fishers Lane, Rockville, Maryland 20852, on or before November 12, 1976. All comments received in timely response will be considered, and will be available for public inspection at the above address during regular business hours. Following the close of the comment period, the regulations will be revised as warranted by the public comments received. It is intended that any revision of the regulations will be published within 60 days following the close of the comment period. The regulations as set forth below will be applicable and effective September 13, 1976. Revisions thereto, although applicable to grants awarded under the regulations promulgated by this Notice, will be applicable only with respect to activities conducted under those grants on and after the date the revisions become effective.

The existing Part 56 of Title 42, Code of Federal Regulations is deleted and a new Part 56 of Title 42, Code of Federal Regulations is adopted effective September 13, 1976.

Dated: July 26, 1976.

R. MOURE,
Acting Assistant Secretary for Health.

Approved: September 1, 1976.

DAVID MATHEWS,
Secretary.

Part 52 of CFR Title 42 is revised to read as follows:

Subpart A—General Provisions

Sec.
56.101 Applicability.
56.102 Definitions.
56.103 Eligibility.
56.104 Application.
56.105 Accord with health planning.
56.106 Amount of grant.
56.107 Priorities for grants.
56.108 Use of project funds.
56.109 Grant payments.
56.110 Nondiscrimination.
56.111 Confidentiality.
56.112 Publications and copyright.
56.113 Grantee accountability.
56.114 Applicability of 45 CFR Part 74.

Subpart B—Grants for Planning and Developing Migrant Health Centers

Sec.
56.201 Applicability.
56.202 Application.
56.203 Project elements.
56.204 Grant evaluation and award.

Subpart C—Grants for Operating Migrant Health Centers

Sec.
56.301 Applicability.
56.302 Application.
56.303 Project elements.
56.304 Governing board.
56.305 Grant evaluation and award.

Subpart D—Grants for Operating Migrant Health Entities

Sec.
56.401 Applicability.
56.402 Application.
56.403 Project elements.
56.404 Grant evaluation and award.

Subpart E—Grants for Planning and Developing Migrant Health Progarms

Sec.
56.501 Applicability.
56.502 Application.
56.503 Project elements.
56.504 Grant evaluation and award.

Subpart F—Grants for Operating Migrant Health Programs

Sec.
56.601 Applicability.
56.602 Application.
56.603 Project elements.
56.604 Grant evaluation and award.

Subpart G—Grants for Technical Assistance

Sec.
56.701 Applicability.
56.702 Application.
56.703 Project elements.
56.704 Grant evaluation and award.

AUTHORITY: Secs. 215, 319, Public Health Service Act (42 U.S.C. 216, 247d).

Subpart A—General Provisions

§ 56.101 Applicability.

The regulations of this subpart are applicable to all grants authorized by Section 319 of the Public Health Service Act (42 U.S.C. 247d).

§ 56.102 Definitions.

As used in this part:

(a) "Act" means the Public Health Service Act (42 U.S.C. 201 *et seq.*), as amended.

(b) "Agriculture" means farming in all its branches, including—

(i) Cultivation and tillage of the soil;

(ii) The production, cultivation, growing, and harvesting of any commodity grown on, in, or as an adjunct to or part of a commodity grown in, or on, the land; and

(iii) Any practice (including preparation and processing for market and delivery to storage or to market or to carriers for transportation to market) performed by a farmer or on a farm incident to or in conjunction with an activity described in subsection (ii).

(c) "Catchment area" means the geographic area served by a project funded under section 319 of the Act.

(d) "Environmental health services" means the detection and allevation of unhealthful conditions of the environment of the persons served by the project, such as problems associated with water supply, sewage treatment, solid waste disposal, rodent and parasite infestation, field sanitation, and housing conditions and the treatment of medical conditions arising therefrom. For the purposes of this part, the detection and alleviation of unhealthful conditions of the environment includes the notification of appropriate Federal, State, or local authorities responsible for correcting such conditions and the making of arrangements therefor with such authorities.

(e) "Health professionals" means professionals (such as physicians, dentists, nurses, podiatrists, optometrists, and physicians' extenders) who are engaged in the delivery of health services and who meet all applicable Federal or State requirements to provide their professional services.

(f) "High impact area" means a catchment area which has not less than 6,000 migratory agricultural workers, seasonal agricultural workers, and members of the families of such workers residing within its boundaries for more than two months in the most recent calendar year for which statistical data acceptable to the Secretary is available.

(g)(1) "Migrant health center" means an entity which either through its staff and supporting resources or through contracts or cooperative arrangements with other public or private entities provides for migratory agricultural workers, seasonal agricultural workers, and the members of the families of such workers, within its catchment area:

(i) Primary health services;

(ii) As determined by the Secretary to be appropriate for particular centers, supplemental health services necessary for the adequate support of primary health services;

(iii) Referral to providers of supplemental health services and payment, as determined by the Secretary to be appropriate and feasible, for the provision of such services;

(iv) Environmental health services, as determined by the Secretary to be appropriate for particular centers;

(v) As determined by the Secretary to be appropriate for particular centers, infectious and parasitic disease screening and control services;

(vi) As determined by the Secretary to be appropriate for particular centers, accident prevention programs, including prevention of excessive exposure to pesticides through, but not limited to, notification of appropriate Federal, State or local authorities of hazardous conditions due to pesticide use; and

(vii) Information on the availability and proper use of health services.

(2) For purposes of paragraph (1), the provision of a given service by a center will be determined by the Secretary to be appropriate where

(i) There is a need, as determined by the Secretary, for the provision of such service to individuals described in subparagraph (1) in the catchment area; and

(ii) The provision of such service by the center is feasible, taking into consideration the center's projected revenues, other resources, and grant support under this part.

(h) "Migratory agricultural worker" means an individual whose principal employment is in agriculture on a seasonal basis, who has been so employed within the last 24 months, and who establishes for the purpose of such employment a temporary place of abode;

(i) "Nonprofit", as applied to any private agency, institution, or organization, means one which is a corporation or association, or is owned and operated by one or more corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(j) "Physician" means a licensed doctor of medicine or doctor of osteopathy.

(k) "Primary care" means preventive, diagnostic, treatment, consultant, referral, and other services rendered by physicians (including, as appropriate, physicians' extenders), routine associated laboratory services and diagnostic radiologic services, and emergency health services.

(l) "Primary health services" means:

(1) Diagnostic, treatment, consultative referral, and other services rendered by physicians and, where feasible, by physicians' extenders, such as physicians' assistants, nurse clinicians, and nurse practitioners;

(2) Diagnostic laboratory services and diagnostic radiologic services;

(3) Preventive health services, including children's eye and ear examinations, prenatal and post-partum care, perinatal services, well child care (including periodic screening), immunizations, and voluntary family planning services;

(4) Emergency medical services, including provision, through clearly defined arrangements, for access of users of the center to health care for medical and dental emergencies during and after the center's regularly scheduled hours;

(5) Transportation services as needed for adequate patient care, sufficient so that residents of the catchment area served by the center with special difficulties of access to services provided by the center receive such services; and

(6) Preventive dental services provided by a licensed dentist or other qualified personnel, including—

(i) Oral hygiene instruction;

(ii) Oral prophylaxis, as necessary; and

(iii) Topical application of fluorides, and the prescription of fluorides for systemic use when not available in the community water supply.

(m) "Seasonal agricultural worker" means an individual whose principal employment is in agriculture on a seasonal basis and who is not a migratory agricultural worker.

(n) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(o) "Supplemental health services" means health services which are not included as primary health services and which are:

(1) Inpatient and outpatient hospital services;

(2) Home health services;

(3) Extended care facility services;

(4) Rehabilitative services (including physical and occupational therapy) and long-term physical medicine;

(5) Mental health services, including services of psychiatrists, psychologists, and other appropriate mental health professionals;

(6) Dental services other than those provided as primary health services;

(7) Vision services, including routine eye and vision examinations and provision of eyeglasses, as appropriate and feasible;

(8) Allied health services;

(9) Pharmaceutical services, including the provision of prescription drugs;

(10) Therapeutic radiologic services;

(11) Ambulatory surgical services;

(12) Public health services (including nutrition education and social services);

(13) Health education services; and

(14) Services including the services of outreach workers, which promote and facilitate optimal use of primary health services and services referred to in the preceding subparagraphs of this paragraph and, if a substantial number of individuals in the population served by the center are of limited English-speaking ability, the services of outreach workers and other personnel fluent in the language or languages spoken by such individuals.

§ 56.103 Eligibility.

Any public or nonprofit private entity is eligible to apply for a grant under this part.

§ 56.104 Application.

(a) An application for a grant under this part shall be submitted to the Secretary at such time and in such form and manner as the Secretary may prescribe.

(b) The application shall contain a budget and narrative plan of the manner in which the applicant intends to conduct the project and carry out the requirements of this part. The application must describe how and the extent to which the project has met, or plans to meet, each of the requirements in Subpart B (relating to grants for planning and development of migrant health centers), Subpart C (relating to grants for the operation of migrant health centers), Subpart D (relating to grants for the operation of migrant health entities), Subpart E (relating to grants for planning and developing migrant health programs), Subpart F (relating to grants for the operation of migrant health programs), or Subpart G (relating to grants for technical assistance), as applicable. In addition, applications must include:

(1) A statement of specific, measurable objectives and the methods to be used to assess the achievement of the objectives in specified time periods and at least on an annual basis.

(2) The precise boundaries of the catchment area to be served by the applicant. In addition, the application shall include information sufficient to enable the Secretary to determine that the applicant's catchment area meets the following criteria:

(i) The size of such area is such that the services to be provided by the applicant are available and accessible to the residents of the area promptly and as appropriate;

(ii) The boundaries of such area conform, to the extent practicable, to relevant boundaries of political subdivisions, school districts, and areas served by Federal and State health and social service programs; and

(iii) The boundaries of such area eliminate, to the extent possible, barriers resulting from the area's physical characteristics, its residential patterns, its economic and social groupings, and available transportation.

(3) (i) The number of migratory agricultural workers and members of their families, and seasonal agricultural workers and members of their families which resided in the project's catchment area in the most recent calendar year for which statistical data acceptable to the Secretary is available; and

(ii) The approximate period or periods of residence of all groups of migratory agricultural workers and their families counted under paragraph (b) (3) (i) above.

(4) The results of an assessment of the need that the population to be served has for the services to be provided by the project (or in the case of applications for planning and development projects, the methods to be used in assessing such need), taking into consideration the following factors:

(i) Available health resources in relation to size of the catchment area and population of migratory and seasonal agricultural workers and their families in such area, including appropriate ratios of primary care physicians in general or family practice, internal medicine, pediatrics, or obstetrics and gynecology, to such population;

(ii) Health indices for such population, such as infant mortality rate;

(iii) Economic factors affecting such population's use of health services, such as percentage of such population with incomes below the poverty level;

(iv) Demographic factors affecting such population's need and demand for health services, such as percentage of such population age 65 and over; and

(v) Special factors of access resulting from the conditions of employment of such workers (including working hours, housing, and sanitation).

(5) Position descriptions for personnel who will be utilized in carrying out the activities of the project and a statement indicating the need for the positions to be supported with grant funds to accomplish the objectives of the project.

(6) Letters and other forms of evidence showing that efforts have been made to secure financial and professional asssitance and support for the project within the proposed catchment area and the continuing involvement of the community in the development and operation of the project.

(7) An assurance that an independent certified public accountant will be engaged to certify that the project's system for the management and control of its finances will be in accord with sound financial management practices, including applicable Federal requirements.

(8) A list of all services proposed to be provided by the project.

(9) A list of services which are to be provided directly by the project through its own staff and resources and a description of any contractual or other arrangements (including copies of documents, where available) entered into, or planned for the provision of services.

(10) The schedule of fees and/or payments and schedule of discounts for services provided by the project.

(11) If the applicant provides services to populations other than migratory and seasonal agricultural workers and their families, identification of such populations.

NOTE.—Funds granted under this part and non-Federal funds required to be expended by the project as a condition of any such grant may not be used to provide services to individuals who are not migratory or seasonal agricultural workers or members of the families of such workers.

(12) Evidence that:

(i) The requirements of Part I of Office of Management and Budget Circular No. A–95 have been satisfied; and

(ii) All applicable requirements for review and/or approval of the application under Title XV of the Act have been met.

(13) An assurance that the project will be conducted in accordance with the applicable requirements of this part.

(c) The application must be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the statute, the applicable regulations of this part, and any additional conditions of the grant.

§ 56.105 Accord with health planning.

A grant may be made under this part only if the applicable requirements of Title XV of the Act relating to review and approval by the appropriate health planning agencies have been met.

§ 56.106 Amount of grant.

(a) The amount of any award under this part will be determined by the Secretary on the basis of his estimate of the sum necessary for a designated portion of direct project costs plus an additional amount for indirect costs, if any, which will be calculated by the Secretary either:

(1) On the basis of the estimate of the actual indirect costs reasonably related to the project; or

(2) On the basis of a percentage of all, or a portion of, the estimated direct costs of the project when there are reasonable assurances that the use of such percentage will not exceed the approximate actual indirect costs. Such award may include an estimated provisional amount for indirect costs or for designated direct costs (such as fringe benefit rates) subject to upward (within the limits of available funds) as well as downward adjustments to actual costs when the amount properly expended by the grantee for provisional items has been determined by the Secretary: *Provided, however,* That no grant shall be made for an amount in excess of the total costs found necessary by the Secretary to carry out the project.

(b) In determining the percentage of project costs to be borne by the grantee, factors which the Secretary will take into consideration will include the following:

(A) The ability of the grantee to finance its share of project costs from non-Federal sources;

(B) The need in the area served by the project for the services to be provided; and

(C) The extent to which the project will provide services in an innovative manner which the Secretary desires to stimulate in the interest of developing more effective health service delivery systems on a regional or national basis.

(ii) At any time after approval of an application under this part, the Secretary may retroactively agree to a percentage of project costs to be borne by the grantee lower than that determined pursuant to paragraph (a)(2)(i) of this section where he finds that changed circumstances justify a smaller contribution.

(iii) In determining the grantee's share of project costs, costs borne by Federal grant funds, or costs used to match other Federal grants, may not be included except as otherwise provided by law or regulations.

(b) All grant awards shall be in writing, and shall set forth the amount of funds granted and the period for which support is recommended.

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

§ 56.107 Priorities for grants.

(a) Grants under sections 319(c)(1)(A), 319(d)(1)(A), 319(d)(1)(B) of the Act and Subparts B, C, and D of this part shall be made in accordance with the following priorities:

(1) Highest priority will be given to approvable applications which propose to serve catchment areas in which 6,000 or more migratory agricultural workers and members of their families reside for more than two months in the calendar year.

(2) Second priority will be given to approvable applications which propose to serve catchment areas in which fewer than 6,000 but more than 1,000 migratory agricultural workers and members of their families reside for more than two months in the applicable calendar year.

(3) Third priority will be given to approvable applications which propose to serve catchment areas in which migratory agricultural workers and members of their families reside but in which fewer than 1,000 such persons reside for more than two months in the applicable calendar year.

(4) Fourth priority will be given to approvable applications which propose to serve catchment areas in which migratory agricultural workers and members of their families reside in the applicable calendar year but in which no such persons reside for more than two months in such year.

(5) Fifth priority will be given to approvable applications which propose to serve catchment areas in which no migratory agricultural workers or members of their families reside for any period in the applicable calendar year but in which 6,000 or more seasonal agricultural workers and the members of their families reside.

(6) Lowest priority will be given to approvable applications which propose to serve catchment areas in which no migratory agricultural workers or members of their families reside for any period in the applicable calendar year and in which fewer than 6,000 seasonal agricultural workers and the members of their families reside.

(b) Grants under sections 319(c)(1)(B) and 319(d)(1)(C) of the Act and Subparts E and F of this part will be made in accordance with priorities set forth in paragraphs (a)(2) through (a)(6) of this section, in the order set forth.

(c) For the purposes of this section, the applicable calendar year will be the calendar year for which data is provided in accordance with § 56.104(b)(3) of this subpart.

§ 56.108 Use of grant funds.

(a) Any funds granted pursuant to this part, as well as other funds to be used in performance of the approved project, may be expended solely for carrying out the approved project in accordance with section 319 of the Act, the applicable regulations of this part, the terms and conditions of the award, and the applicable cost principles prescribed in Subpart Q of 45 CFR Part 74.

(b) Project funds awarded under this part may be used for, but need not be limited to, the following:

(1) The costs of acquiring and modernizing existing buildings (including the costs of amortizing the principal of, and paying interest on, loans), but only in accordance with Subpart H of this part and as approved in the grant award;

(2) The costs of obtaining technical assistance to develop and improve the management or service capability of the project but only as approved by the Secretary;

(3) To reimburse members of the grantee's governing board established pursuant to § 56.304 of Subpart C, or advisory council established pursuant to § 56.603(q) of Subpart F, if any, for reasonable expenses actually incurred by reason of their participation in the activities of such board or council;

(4) To reimburse such governing board or advisory council members who are individuals eligible to be served by the project for wages lost by reason of participation in the activities of such board or council;

(5) The cost of delivering health services to migratory agricultural workers, seasonal agricultural workers and the members of their families within the project's catchment area, within the following limitations: grant funds may be used to pay the full cost of project serv-

ices to such individuals and families with annual incomes at or below those set forth in the most recent "CSA Income Poverty Guidelines" (45 CFR 1060.2) issued by the Community Services Administration, and to pay the portion of the cost of services provided in accordance with the schedule of discounts which, under such schedule, is uncompensated; *Provided*, That

(i) Charges will be made to such individuals and families in accordance with § 56.303(f) of Subpart C or § 56.603(e) of Subpart F, as applicable;

(ii) Reasonable effort shall be made to collect such charges under a billing and collections system; and

(iii) The charge to grant funds shall exclude any amounts collected pursuant to subsection (ii) of this subparagraph;

(6) The cost of insurance for medical emergency and out-of-area coverage; and

(7) The cost of providing to the staff and governing board, if any, of the project training related to the management of an ambulatory care facility, and to the staff of a project funded under Subpart C, D, or F of this part, training related to the provision of primary, supplemental and environmental health services provided or to be provided by the project, consistent with the applicable requirements of 45 CFR Part 74.

(c) Prior approval by the Secretary of revisions of the budget and project plan is required whenever there is to be a significant change in the scope or nature of project activities.

§ 56.109 Grant payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement for expenses incurred or to be incurred, to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project.

§ 56.110 Nondiscrimination.

(a) Attention is called to the requirements of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d *et seq.*) and in particular Section 601 of such Act which provides that no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such title VI, which applies to grants made under this part, has been issued by the Secretary of Health, Education, and Welfare with the approval of the President (45 CFR Part 80). In addition, no person shall, on the grounds of age, sex, creed, or marital status (unless otherwise medically indicated), be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity so receiving Federal financial assistance.

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

§ 56.111 Confidentiality.

All information as to personal facts and circumstances obtained by the project staff about recipients of services shall be held confidential and shall not be divulged without the individual's consent except as may be required by law or as may be necessary to provide service to the individual or to provide for medical audits by the Secretary or his designee with appropriate safeguards for confidentiality of patient records. Otherwise, information may be disclosed only in summary, statistical, or other form which does not identify particular individuals.

§ 56.112 Publications and copyright.

Except as may otherwise be provided under the terms and conditions of the award, the grantee may copyright without prior approval any publications, films, or similar materials developed or resulting from a project supported by a grant under this part, subject, however, to a royalty-free, non-exclusive, and irrevocable license or right in the Government to reproduce, translate, publish, use, disseminate, and dispose of such materials and to authorize others to do so.

§ 56.113 Grantee accountability.

(a) *Accounting for grant award payments.* All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other funds, including funds derived from other grant awards. With respect to each approved project, the grantee shall account for the sum total of all amounts paid as well as other funds and in-kind contributions by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for direct and indirect costs meeting the requirements of this part: *Provided, however*, That when the amount awarded for indirect costs was based on a predetermined fixed-percentage of estimated direct costs, the amount allowed for indirect costs shall be computed on the basis of such predetermined fixed-percentage rates applied to the total, or a selected element thereof, of the reimbursable direct costs incurred.

(b) *Accounting for interest earned on grant funds.* Pursuant to Section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for interest earned on grant funds, pending their disbursement for grant purposes. A State, as defined in section 102 of the Intergovernmental Cooperation Act, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the government of the political subdivisions of the State. All grantees other than a State, as so defined, must return all interest earned on grant funds to the Federal Government.

(c) *Grant closeout.* (1) *Date of final accounting.* A grantee shall render, with respect to each approved project, a full account, as provided herein, as of the date of the termination of grant support. The Secretary may require other special and periodic accounting.

(2) *Final settlement.* There shall be payable to the Federal Government as final settlement with respect to each approved project, the sum of:

(i) Any amount not accounted for pursuant to paragraph (a) of this section;

(ii) Any credits for earned interest pursuant to paragraph (b) of this section;

(iii) Any other amounts due pursuant to Subparts F, M, and O of 45 CFR Part 74.

Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assignees by setoff or other action as provided by law.

§ 56.114 Applicability of 45 CFR Part 74.

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

45 CFR PART 74

Subpart	
A	General.
B	Cash depositories.
C	Bonding and insurance.
D	Retention and custodial requirements for records.
F	Grant-related income.
G	Matching and cost sharing.
K	Grant payment requirements.
L	Budget revision procedures.
M	Grant closeout, suspension, and termination.
O	Property.
Q	Cost principles.

Subpart B—Grants for Planning and Developing Migrant Health Centers

§ 56.201 Applicability.

The regulations of this subpart, in addition to the regulations of subpart A of this part, are applicable to grants awarded pursuant to section 319(c)(1)(A) of the Act for projects for planning and developing migrant health centers in high impact areas.

§ 56.202 Application.

To be approved by the Secretary under this subpart, an application for a grant must, in addition to meeting the requirements of § 56.104 of subpart A of this part, contain information sufficient to enable the Secretary to determine that the project for which the grant is sought will meet the requirements of this part.

§ 56.203 Project elements.

A project for planning and developing a migrant health center supported under this subpart must:

(a) Determine (by survey or other appropriate means) the approximate number of (1) migratory agricultural workers and the members of their families, and (2) seasonal agricultural workers and the members of their families, within the proposed catchment area in the calendar year in which the grant is made and the period of time such workers and their families reside in the catchment area during such year.

(b) Prepare an assessment of the need of the population proposed to be served by the migrant health center for the services set forth in § 56.102(g)(1) of Subpart A of this part. Such assessment of need shall, at a minimum, consider the factors listed in § 56.104(b)(3) (i)–(iv).

(c) Design a migrant health center program for such population, based on such assessment, which indicates in detail how the proposed center will fulfill the needs identified in the assessment prepared pursuant to paragraph (b) of this section and meet the requirements of Subpart C of this part.

(d) Develop a plan for the implementation of the program designed pursuant to paragraph (c) of this section. Such implementation plan shall provide for the time-phased recruitment and training of the personnel essential for the operation of a migrant health center and the gradual assumption of operational status of the project so that the project will, in the judgment of the Secretary, meet the requirements contained in subpart C of this part as of the end of the project period.

(e) Implement the plan developed pursuant to paragraph (d) of this section in accordance with such paragraph.

(f) Make efforts to secure within the proposed catchment area of such center, to the extent possible, financial and professional assistance and support for the project.

(g) Initiate and encourage continuing community involvement in the development and operation of the project through, for example, contributions or loans of cash, services, equipment, full- or part-time staff, space, materials, or facilities.

(h) Provide for sufficient staff, qualified by training and experience, to carry out the project and establish standards and qualifications for personnel (including the project director).

(i) Utilize, to the maximum extent feasible, other Federal, State, local, and private resources available for support of the project, prior to use of project funds under this subpart.

(j) Provide the means for evaluating the project's progress in achievement of its specific objectives, and submit such progress reports on the project as the Secretary may from time to time request.

§ 56.204 Grant evaluation and award.

(a) Within the limits of funds determined by the Secretary to be available for such purpose, the Secretary may award grants under this subpart to applicants therefor which, in his judgment, will provide needed health services in a catchment area which will not be served by another project funded under this part and meet the applicable requirements of section 319(c)(1)(A) of the Act and this part, in accordance with priorities established pursuant to section 319(b) of the Act and § 56.107 of Subpart A of this part; *Provided*, That in the case of applicants which propose to serve substantially the same catchment areas or where available funds are insufficient to fund all approvable applications within a priority category specified in § 56.107,

(1) Priority shall be given to applications submitted by community-based organizations which are representative of the population to be served by the project. For purposes of this subparagraph, an applicant shall be deemed to be such an organization if it provides a formal mechanism (such as membership on the organization's governing body or membership on an advisory body) which gives migratory seasonal agricultural workers and their families significant involvement in the formulation of the organization's policies; and

(2) Where all such applicants are community-based organizations representative of the population to be served by the project, the Secretary will award the grant to the applicants which will, in his judgment, best promote the purposes of section 319(c)(1)(B) of the Act and the applicable regulations of this part, taking into account with respect to each application:

(i) The degree to which the proposed project satisfactorily provides for the elements set forth in § 56.203;

(ii) The administrative and management capability of the applicant;

(iii) The extent to which community resources will be utilized in the project; and

(iv) The degree to which the applicant intends to integrate services supported by a grant under this part with health services provided under other federally assisted health services or reimbursement programs or projects.

(b) The Secretary shall award no more than two grants under this subpart for the same project.

Subpart C—Grants for Operating Migrant Health Centers

§ 56.301 Applicability.

The regulations of this subpart, in addition to the regulations of subpart A of this part, are applicable to grants awarded pursuant to section 319(d)(1)(A) of the Act for the costs of operation of migrant health centers in high impact areas.

§ 56.302 Application.

To be approved by the Secretary under this subpart, an application for a grant must, in addition to meeting the requirements of § 56.104 of Subpart A of this part,

(a) Be submitted by an entity which the Secretary determines is a migrant health center, and

(b) Contain information sufficient to enable the Secretary to determine that the center will meet the requirements of this part.

§ 56.303 Project elements.

A migrant health center supported under this subpart must:

(a) Provide the health services of the center so that such services are available and accessible promptly, as appropriate, and in a manner which will assure continuity of service to the migratory and seasonal agricultural workers and their families within the center's catchment area.

(b) Implement a system for maintaining the confidentiality of patient records in accordance with the requirements of § 56.111 of Subpart A of this part.

(c) Have an ongoing quality assurance program which provides for the following:

(1) Organizational arrangements, including a focus of responsibility, to support the quality assurance program and the provision of high quality patient care;

(2) Periodic assessment of the appropriateness of the utilization of services and the quality of services provided or proposed to be provided to individuals served by the center. Such assessments shall:

(i) Be conducted by physicians or by other licensed health professionals under the supervision of physicians;

(ii) Be based on the systematic collection and evaluation of patient records; and

(iii) Identify and document the necessity for change in the provision of services by the center and result in the institution of such change, where indicated.

(d) Develop management and control systems which are in accordance with sound financial management procedures, including the provision for an audit, conducted in accordance with the CPA Audit Guidelines of the DHEW Audit Agency on at least a biennial basis (unless waived for cause by the Secretary), by an independent certified public accountant to determine, at a minimum, the fiscal integrity of grant financial transactions and reports, and compliance with the regulations of this part and the terms and conditions of the grant.

(e) Where the cost of care and services furnished by or through the center is to be reimbursed under Title XIX or Title XX of the Social Security Act, obtain or make every reasonable effort to obtain a written agreement with the Title XIX or Title XX State agency for such reimbursement.

(f) Have prepared a schedule of fees or payments for the provision of its services designed to cover its reasonable costs of operation and a corresponding schedule of discounts adjusted on the basis of the patient's ability to pay. *Provided*, That such schedule of discounts shall provide for a full discount to individuals and families with annual incomes at or below those set forth in the most recent CSA Poverty Income Guidelines (42 CFR 1060.2) and for no discount to individuals and families with annual incomes

greater than twice those set forth in such Guidelines.

(g) Make every reasonable effort, including the establishment of systems for eligibility determination, billing, and collection, to

(1) Collect reimbursement for its costs in providing health services to persons who are entitled to insurance benefits under Title XVIII of the Social Security Act, to medical assistance under a State plan approved under Title XIX of such Act, to social services and family planning under Title XX of such Act, or to assistance for medical expenses under any other public assistance program, grant program, or private health insurance or benefit program on the basis of the schedule of fees prepared pursuant to paragraph (f) of this section without application of any discounts, and

(2) Secure from patients payments for services in accordance with the schedule of fees and discounts required by paragraph (f) of this section.

(h) Have a governing board which meets the requirements of § 56.304.

(i) Have developed an overall plan and budget for the center that:

(1) Provides for an annual operating budget and a three-year financial management plan which includes all anticipated income and expenses related to items which would, under generally accepted accounting principles, be considered income and expense items;

(2) Provides for a capital expenditure plan for at least a three-year period (including the year to which the operating budget described in paragraph (h) (i) (1) is applicable) which includes and identifies in detail the anticipated sources of financing for, and the objective of, each anticipated expenditure in excess of $100,000 related to the acquisition of land, the improvement of land, buildings, and equipment and the replacement, modernization and expansion of buildings and equipment which would, under generally accepted accounting principles, be considered capital items;

(3) Provides for plan review and updating at least annually; and

(4) Is prepared under the direction of the governing board by a committee consisting of representatives of the governing board, the administrative staff, and the medical staff, if any, of the center.

(j) Establish basic statistical data, cost accounting, management information, and reporting or monitoring systems which shall enable the center to provide such statistics and other information as the Secretary may reasonably require relating to the center's costs of operation, patterns of utilization of services, and the availability, accessibility, and acceptability of its services, and to make such reports to the Secretary in a timely manner with such frequency as the Secretary may reasonably require.

(k) Review its catchment area annually to insure that the criteria set out in § 56.104(b) (2) are met and, where such criteria are not met, revise its catchment area, with the approval of the Secretary, to conform with such criteria to the extent feasible.

(l) In the case of a center which serves a population including a substantial proportion of individuals of limited English-speaking ability, have developed a plan and made arrangements responsive to the needs of such populations for providing services to the extent practicable in the language and cultural context most appropriate to such individuals, and have identified an individual on its staff who is fluent in both that language and in English and whose responsibilities include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitivities and bridging linguistic and cultural differences. If more than one non-English language is spoken by such group or groups, an individual or individuals fluent in those languages and English shall be so identified.

(m) Be operated in a manner calculated to preserve human dignity and to maximize acceptability and effective utilization of services.

(n) To the extent possible, coordinate and integrate project activities with the activities of other federally funded, as well as State and local, health services delivery projects and programs serving the same population.

(o) Establish means for evaluating progress toward the achievement of the specific objectives of the project.

(p) Provide sufficient staff, qualified by training and experience, to carry out the activities of the center.

(q) Assure that facilities utilized in the performance of the project meet applicable fire and life safety codes.

(r) Utilize, to the maximum extent feasible, other Federal, State and local, and private resources available for support of the project, prior to use of project funds under this part.

(s) Provide for community participation through, for example, contributions of cash or services, loans of full- or part-time staff, equipment, space, materials, or facilities.

(t) Where the center will provide services through contract or other cooperative arrangements with other providers of services, the center must:

(1) Enter into any such contract or arrangement only where the provider of services will provide such services in a timely manner and make such services accessible and acceptable to the population to be served;

(2) Make payment for services so provided only pursuant to agreements with such providers in accordance with a schedule of rates and payment procedures established and maintained by the center. The center must be prepared to substantiate that such rates are reasonable and necessary;

(3) Directly provide at least primary care unless the center has made arrangements for the provision of primary care which includes transfer of all medical and financial information relating to such care to the center; and

(4) Enter into contracts or arrangements for the provision of primary health services only if alternative resources are reasonably available to provide such services in the event of termination of such arrangements.

(u) Operate in a manner such that no eligible person shall be denied service by reason of his inability to pay therefor. *Provided, however,* That a charge for the provision of services will be made to the extent that a third party (including a Government agency) is authorized or is under legal obligation to pay such charges.

§ 56.304 Governing board.

The governing board of the center shall meet the following requirements:

(a) *Size.* The board shall consist of at least 9 but not more than 25 members.

(b) *Composition.* (1) A majority of the board members shall be individuals who are or will be served by the center and who, as a group, represent the individuals being or to be served in terms of demographic factors, such as race, ethnicity, and sex.

(2) No more than two-thirds of the remaining members of the board may be individuals who derive more than 10 percent of their annual income from the health care industry.

(3) The remaining members of the board shall be representatives of the community in which the center's catchment area is located and shall be selected for their expertise in community affairs, local government, finance and banking, legal affairs, trade unions, and other commercial and industrial concerns, or social service agencies within the community.

(4) No member of the board shall be an employee of the center, or spouse or child, parent, brother or sister by blood or marriage of such an employee. The project director may be a nonvoting, ex-officio member of the board.

(c) *Selection of members.* The method of selection of all governing board members shall be prescribed in the by-laws or other internal governing rules of the center. Such by-laws or other rules must specify a process of selection of individuals on the governing board who represent the population served or to be served by the center so that such individuals, as a group, are representative of such population. Such process of selection in the by-laws or other rules is subject to approval by the Secretary.

(d) *Functions and responsibilities.* (1) The governing board for the center shall have authority for the establishment of policy in the conduct of the center.

(2) The governing board shall hold regularly scheduled meetings, at least once each month, for which minutes shall be kept.

(3) The governing board shall have specific responsibility for:

(i) Approval of the selection and dismissal of the project director or chief executive officer of the center;

(ii) Establishing personnel policies and procedures, including selection and dismissal procedures, salary and benefit scales;

(iii) Adopting policy for financial management practices, including a system to assure accountability for center resources, approval of the annual project

budget, center priorities, eligibility for services, including criteria for partial payment schedules, and long-range financial planning;

(iv) Evaluating center activities, including services utilization patterns, productivity of the center, patient satisfaction, achievement of project objectives, and development of a process for hearing and resolving patient grievances;

(v) Assuring that the center is operated in compiance with applicable Federal, State, and local laws and regulations; and

(vi) Adopting health care policies including scope and availability of services, location and hours of services, and quality assurance procedures.

§ 56.305 Grant evaluation and award.

(a) Within the limits of funds determined by the Secretary to be available for such purpose, the Secretary may award grants under this subpart to applicants therefor which, in his judgment, will provide needed health services in a catchment area which will not be served by another project funded under this part and meet the applicable requirements of section 319(d)(1)(A) of the Act and this part, in accordance with priorities established pursuant to section 319(b) of the Act and § 56.107 of subpart A of this part: *Provided*, That in the case of applicants which propose to serve substantially the same catchment area or where available funds are insufficient to fund all approvable applications within a priority category specified in § 56.107, the Secretary will award grants to the applicants which, in his judgment, will best promote the purpose of section 319(d)(1)(A) of the Act and the applicable regulations of this part, taking into account with respect to each application:

(1) The extent to which the project would provide for the elements set forth in § 56.303;

(2) The capability of the applicant to provide quality health care services;

(3) The soundness of the financial management plan for assuring effective utilization of grant funds and maximizing non-grant revenue;

(4) The administrative and management capability of the applicant;

(5) The capability of the applicant to provide primary health services directly. In evaluating the relative capability of the applicant to provide such services directly, the Secretary shall take into consideration whether the direct provision of such services is inappropriate because:

(i) Provision of such services through contract or other arrangement would be more cost-effective;

(ii) Provision of such services directly would unnecessarily duplicate existing resources; or

(iii) Provision of such services other than directly would enhance the accessibility or acceptability of such services to the population to be served.

(6) The degree to which the applicant intends to integrate services supported by a grant under this part with health services provided under other federally assisted health services or reimbursement programs or projects;

(7) The extent that community resources will be utilized by the project; and

(8) Consistent with the other requirements of this part, the degree to which and the manner in which the applicant provides specific health services which the Secretary has, through publication of a notice in the FEDERAL REGISTER, established as services which should receive emphasis by applicants.

Subpart D—Grants for Operating Migrant Health Entities

§ 56.401 Applicability.

The regulations of this subpart, in addition to the regulations of subpart A of this part, are applicable to grants awarded pursuant to section 319(d)(1)(B) of the Act for the costs of operation of entities which intend to become migrant health centers and which provide health services to migratory agricultural workers, seasonal agricultural workers, and the members of their families in high impact areas.

§ 56.402 Application.

To be approved by the Secretary under this subpart, an application for a grant must, in addition to meeting the requirements of § 56.104 of Subpart A of this part,

(a) Be submitted by an entity which the Secretary determines intends to become a migrant health center but which will not, at the time of the grant award, meet one or more of the requirements of paragraphs (a) through (l) of § 56.303 of Subpart C of this part; and

(b) Contain information sufficient to enable the Secretary to determine that the project for which the grant is sought will meet the requirements of this part. Such information shall include a plan which identifies which requirements of § 56.303 will not be met at the time of grant award and provides a timetable for and a detailed statement of the means to be employed in meeting such requirements.

§ 56.403 Project elements.

A project for the operation of a migrant health entity supported under this subpart must:

(a) Meet all of the requirements of § 56.303 of this part, *Provided*, That the project will not be required to meet the requirements of paragraphs (c), (h), (i), or (n) of such section if the Secretary finds that meeting any such requirement is not feasible or practical at the time of grant award.

(b) Provide those services enumerated in § 56.102(g)(1) of subpart A of this part which are specified in the grant award.

(c) Meet the requirements of § 56.303 of Subpart C of this part by the end of the period of support under section 319(d)(1)(B) of the Act and this subpart, in accordance with the plan submitted under § 56.402(b) of this subpart.

§ 56.404 Grant evaluation and award.

(a) Within the limits of funds determined by the Secretary to be available for such purposes, the Secretary may award grants under this subpart to applicants therefor which, in his judgment, will provide needed health services in a catchment area not served by another project funded under this part and meet the applicable requirements of section 319(d)(1)(B) of the Act and this part, in accordance with the priorities established pursuant to section 319(b) of the Act and § 56.107 of Subpart A of this part; *Provided*, That in the case of applicants which propose to serve substantially the same catchment area or where available funds are insufficient to fund all approvable applications within a priority category specified in § 56.107, the Secretary will award the grant to the applicants which, in his judgment, will best promote the purposes of section 319(d)(1)(B) of the Act and the applicable regulations of this part, taking into account with respect to each application:

(1) The degree to which the project would provide the services enumerated in § 56.102(g)(1) and the feasibility of its providing all of such enumerated services by the end of the period of support under section 319(d)(1)(B) of the Act and this subpart;

(2) The degree to which the applicant intends to integrate services supported by a grant under this subpart with health services provided under other federally assisted health service or reimbursement programs or projects;

(3) The capability of the project to provide quality health care services;

(4) The administrative and management capability of the applicant; and

(5) The capability of the applicant to provide primary health services directly. In evaluating the relative capability of the applicant to provide such services directly, the Secretary shall take into consideration whether the direct provision of services is inappropriate because:

(i) Provision of such services through contract or other arrangement would be more cost-effective;

(ii) Provision of such services directly would unnecessarily duplicate existing resources; or

(iii) Provision of such services other than directly would enhance the accessibility or acceptability of such services to the population served.

(6) The degree to which the applicant intends to integrate services supported by a grant under this part with health services provided under other federally assisted health services or reimbursement programs or projects;

(7) The extent to which community resources will be utilized by the project; and

(8) Consistent with the other requirements of this part, the degree to which and the manner in which the applicant provides specific health services for which the Secretary has, through publication of a notice in the FEDERAL REGISTER, established as services which should receive emphasis by applicants.

(b) The Secretary shall:

(1) Make no more than two grants for the same entity under section 319(d)(1)(B) of the Act;

(2) Not make any grant under section 319(d)(1)(B) to an entity which, for the same project, has been awarded more than one grant under section 319(c) of the Act;

(3) Not make a grant under section 319(d)(1)(B) to an entity which has been awarded a grant under section 319(d)(1)(A) of the Act.

Subpart E—Grants for Planning and Developing Migrant Health Programs

§ 56.501 Applicability.

The regulations of this subpart, in addition to the regulations of subpart A of this part, are applicable to grants awarded pursuant to section 319(c)(1)(B) of the Act for projects to plan and develop migrant health programs to provide health services to migratory agricultural workers, seasonal agricultural workers and the members of their families in areas in which no migrant health center exists and in which not more than 6,000 migratory agricultural workers and their families reside for more than two months.

§ 56.502 Application.

To be approved by the Secretary under this subpart, an application for a grant must, in addition to meeting the requirements of § 56.104 of Subpart A of this part,

(a) Be submitted for a project within a catchment area which

(1) Is not served, in whole or in part, by a migrant health center, and

(2) Has not more than 6,000 migratory agricultural workers and the members of their families residing therein for more than two months per year; and

(b) Contain information sufficient to enable the Secretary to determine that the project for which the grant is sought will meet the requirements of this part.

§ 56.503 Project elements.

A project for the planning and development of a migrant health program supported under this subpart must:

(a) Determine (by survey or other appropriate means) the approximate number of (1) migratory agricultural workers and the members of their families, and (2) seasonal agricultural workers and the members of their families within the project's catchment area in the calendar year in which the grant is made and the period of time such workers and their families reside in the catchment area during such year.

(b) Prepare an assessment of need of the population proposed to be served by the migrant health program for the services set forth in § 56.603(a) of subpart F of this part. Such assessment of need shall, at a minimum, consider the factors listed in § 56.104(b)(3)(i)–(iv).

(c) Design a migrant health center program for such population, based on such assessment, which indicates in detail how the proposed program will fulfill the needs identified in the assessment prepared pursuant to paragraph (b) of this section and meet the requirements of Subpart F of this part.

(d) Develop a plan for the implementation of the program designed pursuant to paragraph (c) of this section. Such implementation plan shall provide for the time-phased recruitment and training of the personnel essential for the operation of a migrant health program and the gradual assumption of operational status of the project so that the project will, in the judgment of the Secretary, meet the requirements of subpart F of this part as of the end of the project period.

(e) Implement the plan developed pursuant to paragraph (d) of this section in accordance with such paragraph.

(f) Make efforts to secure within the proposed catchment area of such project, to the extent possible, financial and professional assistance and support for the project.

(g) Initiate and encourage continuing community involvement in the development and operation of the project through, for example, contributions or loans of cash, services, equipment, full- or part-time staff, space, materials, or facilities.

(h) Provide for sufficient staff, qualified by training and experience, to carry out the project and establish standards and qualifications for personnel (including the project director).

(i) Utilize, to the maximum extent feasible, other Federal, State, local, and private resources available for support of the project, prior to use of project funds under this subpart.

(j) Provide for the means of evaluating the project's progress in achievement of its specific objectives and submission of such progress reports on the project as the Secretary may from time to time request.

§ 56.504 Grant evaluation and award.

(a) Within the limits of funds determined by the Secretary to be available for such purpose, the Secretary may award grants under this subpart to applicants therefor which, in his judgment, will provide needed health services in a catchment area not served by another project funded under this part and meet the applicable requirements of section 319(c)(1)(B) of the Act and this part, in accordance with priorities established pursuant to section 319(b) of the Act and § 56.107 of Subpart A of this part; *Provided*, That in the case of applicants which propose to serve substantially the same catchment areas or where available funds are insufficient to fund all approvable applications within a priority category specified in § 56.107,

(1) Priority shall be given to applications submitted by community-based organizations which are representative of the population to be served by the project. For purposes of this subparagraph, an applicant shall be deemed to be such an organization if it provides a formal mechanism (such as membership on the organization's governing body or membership on an advisory body) which gives migratory seasonal agricultural workers and their families significant involvement in the formulation of the organization's policies; and

(2) Where all such applicants are community-based organizations representative of the population to be served by the project, the Secretary will award the grant to the applicants which will, in his judgment, best promote the purposes of section 319(c)(1)(B) of the Act and the applicable regulations of this part, taking into account with respect to each application:

(i) The degree to which the proposed project satisfactorily provides for the elements set forth in § 56.203;

(ii) The administrative and management capability of the applicant;

(iii) The extent to which community resources will be utilized in the project; and

(iv) The degree to which the applicant intends to integrate services supported by a grant under this part with health services provided under other federally assisted health services or reimbursement programs or projects.

(b) The Secretary shall award no more than one grant under this subpart for the same project.

Subpart F—Grants for Operating Migrant Health Programs

§ 56.601 Applicability.

The regulations of this subpart, in addition to the regulations of subpart A of this part, are applicable to grants awarded pursuant to section 319(d)(1)(C) of the Act for projects for operating programs to provide health services to migratory agricultural workers, seasonal agricultural workers and the members of their families in areas in which no migrant health center exists and in which not more than 6,000 migratory agricultural workers and their families reside for more than two months.

§ 56.602 Application.

To be approved by the Secretary under this subpart, an application for a grant must, in addition to meeting the requirements of § 56.104 of Subpart A of this part,

(a) Be submitted for a project with a catchment area which

(1) Is not served, in whole or in part, by a migrant health center, and

(2) Has not more than 6,000 migratory agricultural workers and the members of their families residing therein for more than two months per year; and

(b) Contain information sufficient to enable the Secretary to determine that the project for which the grant is sought will meet the requirements of this part.

§ 56.603 Project elements.

A project for operating a migrant health program supported under this subpart must:

(a) Provide to migratory and seasonal agricultural workers and the members of their families in its catchment area one or more of the following groups of services so as to be available and accessible promptly and to assure continuity of care, as approved by the Secretary and set forth (including specific services to be provided) in the grant award:

(1) Emergency health care, including diagnostic and treatment services in an ambulatory health care setting or hospital and dental services for the alleviation of acute pain and suffering for medical emergencies, where provision of such services is necessary to avoid jeopardizing the patient's condition until appropriate services from other providers can reasonably be obtained;

(2) Primary care;

(3) Arrangements with existing health care facilities to furnish primary health services (other than primary care);

(4) Other services set forth in § 56.102(g)(1) which are needed to improve the health of such individuals.

(b) Implement a system for maintaining the confidentiality of patient records in accordance with the requirement of § 56.111 of Subpart A of this part.

(c) Develop management and control systems which are in accordance with sound financial management procedures, including the provison for an audit conducted in accordance with CPA Audit Guidelines of the DHEW Audit Agency on at least a biennial basis (unless waived for cause by the Secretary), by an independent certified public accountant to determine, at a minimum, the fiscal integrity of grant financial transactions and reports and compliance with the regulations of this part and the terms and conditions of the grant.

(d) Where the cost of care and services furnished by or through the project is to be reimbursed under Title XIX or Title XX of the Social Security Act, obtain or make every reasonable effort to obtain a written agreement with the Title XIX or Title XX State agency for such reimbursement.

(e) Have prepared a schedule of fees or payments for the provision of its services designed to cover its reasonable costs of operation and a corresponding schedule of discounts adjusted on the basis of the patient's ability to pay; *Provided*, That such schedule of discounts shall provide for a full discount to individuals and families with annual incomes at or below those set forth in the most recent CSA Poverty Income Guidelines (42 CFR 1060.2) and for no discount to individuals and families with annual incomes greater than twice those set forth in such Guidelines.

(f) Make every reasonable effort, including the establishment of systems for eligibility determination, billing, and collection, to

(1) Collect reimbursement for its costs in providing health services to persons who are entitled to insurance benefits under Title XVIII of the Social Security Act, to medical assistance under a State plan approved under Title XIX of such Act, to social services and family planning under Title XX of such Act, or to assistance for medical expenses under any other public assistance program, grant program, or private health insurance or benefit program on the basis of the schedule of fees prepared pursuant to paragraph (e) of this section without application of any discounts, and

(2) Secure from patients payments for services in accordance with the schedule of fees and discounts required by paragraph (e) of this section.

(g) Develop an overall financial management plan and an operating budget for the project which include and identify, in accordance with generally accepted accounting principles, all anticipated current income and expense items and capital income and expense items, if any.

(h) Establish basic statistical data, cost accounting, management information, and reporting or monitoring systems which will meet the project's management needs and shall enable the project to provide such statistics and other information as the Secretary may reasonably require relating to the project's costs of operation, patterns of utilization of services, and the availability, accessibility, and acceptability of its services, and to make such reports to the Secretary in a timely manner with such frequency as the Secretary may reasonably require.

(i) Review its catchment area annually to insure that the criteria set out in § 56.104(b)(2) are met and, where such criteria are not met, revise its catchment area, with the approval of the Secretary, to conform with such criteria to the extent feasible.

(j) In the case of a project which serves a population including a substantial proportion of individuals of limited English-speaking ability, have developed a plan and made arrangements responsive to the needs of such populations for providing services to the extent practicable in the language and cultural context most appropriate to such individuals, and have identified an individual on its staff who is fluent in both that language and in English and whose responsibilities include providing guidance to such individuals and to appropriate staff members with respect to cultural sensitivities and bridging linguistic and cultural differences. If more than one non-English language is spoken by such group or groups, an individual or individuals fluent in those languages and English shall be so identified.

(k) Be operated in a manner calculated to preserve human dignity and to maximize acceptability and effective utilization of services.

(l) To the extent possible, coordinate and integrate project activities with the activities of other federally funded, as well as State and local, health services delivery projects and programs serving the same population.

(m) Establish means for evaluating progress toward the achievement of the specific objectives of the project.

(n) Provide sufficient staff, qualified by training and experience, to carry out the activities of the project.

(o) Assure that facilities utilized in the performance of the project meet applicable fire and life safety codes.

(p) Utilize, to the maximum extent feasible, other Federal, State and local, and private resources available for support of the project, prior to use of project funds under this part.

(q) Provide for community participation through, for example, contributions of cash or services, loans of full- or part-time staff, equipment, space, materials, or facilities, and, to the extent feasible, establishment of an advisory council to advise with respect to the overall management of the project including services to be provided, the manner of their provision, and appointment of personnel. The membership of such advisory council shall be representative of the population to be served in terms of appropriate demographic characteristics, such as race, sex, and ethnicity.

(r) Where the project will provide services through contract or other cooperative arrangements with other providers of services, the project must

(1) Enter into any such contract or arrangement only where the provider of services will provide such services in a timely manner and make such services accessible and acceptable to the population to be served; and

(2) Make payment for services so provided in accordance with a schedule of rates and payment procedures established and maintained by the project. The project must be prepared to substantiate that such rates are reasonable and necessary.

(s) Operate in a manner such that no eligible person shall be denied service by reason of his inability to pay therefor. *Provided, however*, That a charge for the provision of services will be made to the extent that a third party (including a Government agency) is authorized or is under legal obligation to pay such charges.

§ 56.604 Grant evaluation and award.

(a) Within the limit of funds determined by the Secretary to be available for such purpose, the Secretary may award grants under this subpart to applicants therefor which will, in his judgment, provide needed health services in a catchment area which will not be served by another project funded under this part and meet the applicable requirements of section 319(d)(1)(C) of the Act and this part, in accordance with priorities established pursuant to section 319(b) of the Act and § 56.107 of Subpart A of this part; *Provided*, That in the case of applicants which propose to serve substantially the same catchment areas or where available funds are insufficient to fund all approvable applications within a priority category specified in § 56.107,

(1) Priority shall be given to applications submitted by community-based organizations which are representative of the population to be served by the project. For purposes of this subparagraph, an applicant shall be deemed to be such an organization if it provides a formal mechanism (such as membership on the organization's governing body or membership on an advisory body) which gives migratory seasonal agricultural workers and their families significant involvement in the formulation of the organization's policies; and

(2) Where all such applicants are community-based organizations representative of the population to be served by the project, the Secretary will award the grant to the applicants which will, in his judgment, best promote the purposes of section 319(c)(1)(B) of the Act and the applicable regulations of this part, taking into account with respect to each application:

(i) The degree to which the proposed project satisfactorily provides for the elements set forth in § 56.203;

(ii) The administrative and management capability of the applicant;

(iii) The extent to which community resources will be utilized in the project; and

(iv) The degree to which the applicant intends to integrate services supported by a grant under this part with health services provided under other federally assisted health services or reimbursement programs or projects.

Subpart G—Grants for Technical Assistance

§ 56.701 Applicability.

The regulations of this subpart, in addition to the regulations of subpart A of this part except as otherwise set forth herein, are applicable to grants awarded pursuant to section 319(g) of the Act for the provision of technical and other non-financial assistance to grantees under sections 319(c)(1)(A), 319(d)(1)(A) and 319(d)(1)(B) of the Act.

§ 56.702 Application.

To be approved by the Secretary under this subpart, an application for a grant must meet the requirements of §§ 56.104(a), 56.104(b)(1), (4), (7), (10), and (11), and 56.104(c) of Subpart A of this part.

§ 56.703 Project elements.

A project for the provision of technical assistance to migrant health centers and entities which intend to become migrant health centers which is supported under this subpart must:

(a) Provide to such centers and entities as are specified in the grant award, such technical and other nonfinancial assistance (such as fiscal and program management assistance or training of the staff of such center or entity in such management) as may be specified in the grant award. Such technical or other nonfinancial assistance shall be designed to assist such centers and entities in

(1) Developing plans for becoming migrant centers; and/or

(2) Meeting the requirements of sections 319(f)(2) of the Act.

(b) Provide such assistance through its own staff or resources.

(c) Where the project will provide training to the staff of a center or entity in management or the provision of health services, provide such training consistent, as applicable, with § 56.108(b)(7).

(d) Maintain such records and make such reports on the expenditure of funds under this subpart and provision of such assistance as the Secretary may require.

§ 56.704 Grant evaluation and award.

Within the limits of funds determined by the Secretary to be available for such purpose, the Secretary may award grants under this subpart to applicants therefor which will, in his judgment, best promote the purposes of section 319(g) of the Act and applicable regulations of this part, taking into consideration

(a) The cost-effectiveness of the application; and

(b) The number of centers and entities to be served by the applicant.

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federal register

MONDAY, SEPTEMBER 13, 1976



PART IV:

DEPARTMENT OF STATE

Agency for International Development

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PRIVACY ACT OF 1974

Notice of Systems of Records

DEPARTMENT OF STATE
AGENCY FOR INTERNATIONAL DEVELOPMENT
PRIVACY ACT OF 1974
Amendment to Notice of Systems of Records

Notice is hereby given that in accordance with the Privacy Act of 1974 (Pub. L. 93-579), Title 5, United States Code, Section 552a(e)(4) and (11) the Agency for International Development proposes to amend as noted below the Notice of Systems of Records published in the Federal Register of October 2, 1975 (40 FR 45679 et seq.) as further amended in the proposal published on November 3, 1975 (40 FR 51174). The proposed amendments consist of editorial changes resulting from address corrections, new System Manager designations, categories of records previously overlooked, corrections in retention period and changes in routine uses as further explained. One classification of records, Medical Clearance and Health Records, was found not to meet the criteria of a system and has been deleted.

Pursuant to 5 U.S.C. 552a(e)(11) interested persons are invited to submit written comments on those portions of the Notice which describe the routine uses of the Systems of Records listed. Comments may be submitted in writing to the Privacy Liaison Officer, Agency for International Development, 320 21st Street, NW., Washington, D.C., 20523. All written comments received from the public within 30 days from publication of this Notice, will be given consideration by the Agency. The amendments will be transmitted to the Office of the Federal Register on an updated tape in accordance with the procedures governing the Annual Compilation of Rules and Notices issued by that Office.

Effective date: This notice of systems of records takes effect on October 13, 1976.

Dated: August 26, 1976.

Daniel Parker,
Administrator.

In reference to Systems of Records A.I.D.-1, Foreign Service Employee Personnel Records, the following category of records is added to "Categories of records in the system": "health and life insurance plans."

This category was inadvertently deleted from original Notices in the Federal Register.

In reference to Systems of Records A.I.D.-1, under "Routine uses of records maintained in the system, including categories of users and the purposes of such uses", delete "to the recognized labor union for the purposes of meeting the requirements of the negotiated agreement" and substitute:

"To officials of labor organizations recognized under Executive Orders 11636 and 11491, as amended, when relevant and necessary to their duties of exclusive representation under the Orders, and to include data such as veteran preference status, tenure, salaries, grades, position titles, duty stations, agency-sponsored training and awards received, notices of reduction in force, job-related injury, and personnel actions, when such information is relevant to personnel policies and practices affecting employment conditions and necessary for exclusive representation by the labor organization. Wherever feasible and consistent with responsibilities under the orders, such information shall be furnished in depersonalized form, i.e., without personal identifiers."

This routine use was promulgated by the Civil Service Commission for CSC Government-3, General Personnel Records, after considering Agency and labor organization comments on its published regulations. The Commission's Government-wide systems of personnel records include certain records which the Commission manages and controls but which are in the physical custody of Federal Agencies.

In reference to Systems of Records A.I.D.-1, "Retention and disposal" is revised to read:

"Retention of these records varies from 1 to 75 years, depending upon the specific kind of record involved. They are retired or destroyed in accordance with General Records Schedules issued by the National Archives and Records Service and approved records control schedules of the Agency for International Development."

In reference to Systems of Records A.I.D.-1, "System manager(s) and address" is amended to read:

"Chief, Foreign Service Personnel, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

"Administrative Officer or Executive Officer of the employing office or Mission as listed in Appendix A."

In reference to Systems of Records A.I.D.-2, Civil Service Employee Office Personnel Records, the following category of records is added to "Categories of records in the system": "health and life insurance plans".

In reference to Systems of Records A.I.D.-2, under "Routine uses of records maintained in the system, including categories of users and the purposes of such uses", delete "to the recognized labor union for the purposes of meeting the requirements of the negotiated agreement" and substitute:

To officials of labor organizations recognized under Executive Orders 11636 and 11491, as amended, when relevant and necessary to their duties of exclusive representation under the Orders, and to include data such as veteran preference status, tenure, salaries, grades, position titles, duty stations, agency-sponsored training and awards received, notices of reduction in force, job-related injury, and personnel actions, when such information is relevant to personnel policies and practices affecting employment conditions and necessary for exclusive representation by the labor organization. Wherever feasible and consistent with responsibilities under the orders, such information shall be furnished in depersonalized form, i.e., without personal identifiers."

This routine use was promulgated by the Civil Service Commission for CSC Government-3 General Personnel Records, after considering Agency and labor organization comments on its published regulations. The Commission's Government-wide systems of personnel records include certain records which the Commission manages and controls but which are in the physical custody of Federal Agencies.

In reference to Systems of Records A.I.D.-2, "Retention and disposal" is revised to read:

"Retention of these records varies from 1 to 75 years depending upon the specific kind of record involved. They are retired or destroyed in accordance with General Records Schedules issued by the National Archives and Records Service and approved records control schedules of the Agency for International Development."

In reference to Systems of Records A.I.D.-2, "System manager(s) and address" is amended to read:

"Chief, Civil Service Personnel, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

"Administrative Officer or Executive Officer of the employing office or Mission as listed in Appendix A."

In reference to Systems of Records A.I.D.-3, Employee Automated Records, the following routine use is added to "Routine uses of records maintained in the system, including categories of users and the purposes of such uses":

To the Department of the Treasury and the Department of State for the purpose of providing special reports pertaining to AID employees in the Foreign Service Retirement and Disability System."

This routine was inadvertently deleted from original notices in the Federal Register.

In reference to Systems of Records A.I.D.-4, Position Classification Records, "System manager(s) and address" is revised to read:

"For Civil Service personnel: Chief, Civil Service Personnel, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia."

"For Foreign Service personnel: Chief, Position Management & Foreign National Branch, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia."

In reference to Systems of Records A.I.D.-5, Medical Clearance and Health Records, this system is revoked and the designation "Systems of Records A.I.D.-5" is designated as "Reserved." The "Alphabetical Listing of Systems of Records" is modified accordingly. The Agency does not maintain a separate system of records on these documents. health and medical record abstracts are included as categories of records in Systems of Records A.I.D.-1 and A.I.D.-2.

In reference to Systems of Records A.I.D.-6, Recruiting, Examining, and Placement Records, "System manager(s) and address" is amended to read:

"Chief, Recruitment Staff, Office of Personnel and Manpower, Agency for International Development, 1735 N. Lynn Street, Arlington, Virginia."

In reference to Systems of Records A.I.D.-8, Personnel Security and suitability Investigatory Records, correspondence listed under "Categories of records in the system" is corrected to read: "Interoffice and intraoffice correspondence, memoranda, and reports." The inclusion of the word "intraoffice" is necessary for the maintenance of such documents as may be contained in Personnel Security and Suitability Records.

In reference to Systems of Records A.I.D.-15, Employees Payroll Records, delete as a routine use "To the States of California, New York, Pennsylvania, Maryland, Virginia, and the District of Columbia for state income tax purposes and the other States and other tax jurisdictions as may become necessary" and substitute:

"To the States of California, New York, Pennsylvania, Maryland, Virginia, and the District of Columbia, under agreements entered into by the Secretary of the Treasury, wage and tax information consisting of name, address, social security number, wages (as defined in Section 3401(a) of the Internal Revenue Code, 26 U.S.C. 3401(a), and tax withheld, if any. This data is provided generally with respect to employees of the Agency who are employed in the State and subject to the tax (whether or not tax is withheld); or, who have opted for voluntary withholding for their taxing jurisdiction."

As prescribed under 5 U.S.C. 5517, each Federal Agency is to comply with the withholding provisions of each state's income tax law, regulations, procedural instructions, and reciprocal agreements, which are applicable to employers generally. The revised routine use further clarifies Agency responsibility under the withholding agreements between Treasury and the various states.

In reference to Systems of Records A.I.D.-15, delete as a routine use "To judgment holder for the purposes of garnishment for the payment of alimony" and substitute: "To judgment holder for the purposes of garnishment for payment of alimony or child support."

The addition of the words "or child support" is necessary to include those garnishments which are levied for child support only.

In reference to Systems of Records A.I.D.-15, the following routine use is added to the "Routine uses of records maintained in the system, including categories of users and the purposes of such uses":

"To the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the commission to carry out its Government-wide personnel management functions."

This routine use is requested by the Civil Service Commission in CSC Bulletin 297-1 to fulfill program management responsibilities for the evaluation and improvement of personnel management in the Federal Service.

In reference to Systems of Records A.I.D.-16, Attendance and Leave Reporting Records, the following routine use is added to the "Routine uses of records maintained in the system, including categories of users and the purposes of such uses:"

"To the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its Government-wide personnel management functions."

This routine use is requested by the Civil Service Commission in CSC Bulletin 297-1 to fulfill program management responsibilities for the evaluation and improvement of personnel management in the Federal Service.

In reference to Systems of Records A.I.D.-19, Travel and Transportation Records, "System manager(s) and address" for "a. Central Records" is amended to read:

"a. Central Records: Director, Office of Management Operations, Agency for International Development, 320 21st Street, NW., Washington, D.C., 20523."

In reference to Systems of Records A.I.D.-20, Claims Records, "System manager(s) and address" for "allowance claims" is amended to read:

"For Allowance Claims: Chief, Foreign Service Technical and Staff Support Branch, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia."

In reference to Systems of Records A.I.D.-22, Congressional Relations, Inquiries, and Travel Records, "Retrievability" is amended to read: "By name of individual member of Congress".

In reference to Systems of Records A.I.D.-25, Privacy Act Implementation Records, "System manager(s) and address" is amended to read:

"Privacy Liaison Officer, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia."

On October 2, 1975 (40 FR 45684) the Agency published a list of addresses and locations of offices as Appendix A to its Notice of Regulations for Implementation of the Privacy Act of 1974. The following are corrections to those locations:

The location address for the Nigeria Mission is corrected to read: "14 Elsie Femi Pearse Street, Victorial Island, Lagos, Nigeria".

The location address for the Liberia Mission is corrected to read: "Tubman Boulevard, Sinkor, Monrovia, Liberia."

A.I.D. - 1

System name: Foreign Service Employee Personnel Records System.

System location: Washington offices and offices of assignment abroad as listed in Appendix A.

Categories of individuals covered by the system: Present and former A.I.D. Foreign Service employees and employees of other U.S. Agencies detailed to A.I.D.

Categories of records in the system: This system includes (a) central records consisting of official personnel folders and (b) decentralized records consisting of office copies of official documents and papers. Records are comprised of documents in the following categories: Biographic Data; assignment and reassignment orders; notification of personnel actions; travel arrival and departure notices; time and attendance cards; requests for security clearances and building passes; nominations and host country clearances, position descriptions; staffing and workload information; home, family, and emergency location information, records of language proficiency; records of security clearances; performance evaluations; individual assignment rating sheets; earning statements; compensations, awards, and leave information; copies of power of attorney granted by the individual; education and training information; delegations of authority; reports of accomplishments; commendations; health and medical record abstracts; accident or incident reports; reprimands and disciplinary actions; complaints and grievances; documents pertaining to fiscal, property, and transportation matters; foreign office notes and official correspondence; permits and authorizations of foreign governments: health and life insurance plans; and correspondence pertaining to the individual.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, Sec. 621, 625, 626, 627, 628, and 636 (b); Foreign Service Act of 1946 as amended, U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To Foreign Governments, international organizations, and U.S. and Foreign Firms for employment or employee exchange.

To Financial and Credit Institutions for loan and credit reference purposes solely to verify the employee's name, employment with A.I.D., dates of employment and pay grade.

To other Federal Agencies and private firms for placement under exchange programs.

To officials of the Department of State serving as the employee's supervisor for performance evaluation and review.

To representatives of the Civil Service Commission on matters relating to the inspection, survey, audit or evaluation of A.I.D. personnel management programs, of personnel actions, or such other matters under the jurisdiction of the Commission.

To representatives of the Civil Service Commission for the maintenance of their Central Personnel Data File, Federal Automated Career System, and Executive Inventory File.

To the Attorney General of the United States or his authorized representative in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice, or carried out as the legal representative of the executive agencies.

To a duly appointed hearing examiner or arbitator (an employee of another federal agency) for the purpose of conducting a hearing in connection with an employee's appeal involving disclosures of records of A.I.D.'s personnel management system.

To an arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance involving disclosure of records of the personnel management system.

To officials of labor organizations recognized under Executive Orders 11636 and 11491, as amended, when relevant and necessary to their duties of exclusive representation under the Orders, and to include data such as veteran preference status, tenure, salaries, grades, positions titles, duty stations, agency-sponsored training and awards received, notices of reduction in force, job-related injury, and personnel actions, when such information is relevant to personnel policies and practices affecting employment conditions and

necessary for exclusive representation by the labor organization. Wherever feasible and consistent with responsibilities under the orders, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individual's medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of employee.

Safeguards: Located in metal file cabinets with three-way combination lock in secured premises with access limited to those whose official duties require access.

Retention and disposal: Retention of these records varies from 1 to 75 years, depending upon the specific kind of record involved. They are retired or destroyed in accordance with General Records Schedules issued by the National Archives and Records Serivce and approved records control schedules of the Agency for International Development.

System manager(s) and address: Chief, Foreign Service Personnel, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

Administrative Officer or Executive Officer of the employing office or Mission as listed in Appendix A.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec.215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same address as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: Provided by the individual, by officers and employees of A.I.D. in the performance of their official duties, by United States and foreign civil authorities, by educational institutions, private persons and companies and produced in the course of normal personnel administration operations of the Agency.

A.I.D. - 2

System name: Civil Service Employee Office Personnel Records System.

System location: Washington offices and, when a Civil Service employee is assigned overseas, at offices of assignment abroad as listed in Appendix A.

Categories of individuals covered by the system: Present and former A.I.D. Civil Service employees, consultants, experts; persons under contract to A.I.D.; other U.S. Government Agency personnel employed by A.I.D.; advisers to A.I.D.

Categories of records in the system: In addition to central records in the custody of A.I.D. but officially 'maintained' by the Civil Service Commission the Agency maintains personnel records which may be comprised of any of the following categories of documents: Biographic data; assignments and reassignment orders; notification of personnel actions; travel arrival and departure notices; time and attendance cards; requests for security clearances and building passes; nominations and host country clearances; position descriptions; contracts when individuals are employed under a contract; staffing and workload information; home, family, and emergency location information; records of language proficiency; performance evaluations; earning statements; compensation awards, and leave information; copies of power of attorney granted by individual; education and training information; delegations of authority; reports of accomplishments; commendations; health and medical record abstracts; accident or incident reports; reprimands and disciplinary actions; complaints and grievances; documents pertaining to fiscal, property, and transportation matters; correspondence pertaining to the individual; and health and life insurance plans.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, Sec. 621, 625, 626, 627, 628 and 636 (d); Foreign Service Act of 1946, as amended, Sec. 911; 5 U.S.C. 301, 1301, 1302, Authority to establish and maintain files.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To Foreign Governments and U.S. and Foreign firms for employment purposes.

To Financial and Credit Institutions for loan and credit reference purposes solely to verify the employee's name, employment with A.I.D., dates of employment and pay grade.

To other Federal Agencies and private firms for placement under exchange programs.

To officials of the Department of State serving as the employee's supervisor for performance evaluation and service.

To representatives of the Civil Service Commission on matters relating to the inspection, survey, audit or evaluation of A.I.D. personnel management programs, of personnel actions, or such other matters under the jurisdiction of the Commission.

To representatives of the Civil Service Commission for the maintenance of their Central Personnel Data File, Federal Automated Career System, and Executive Inventory File.

To the Attorney General of the United States or his authorized representative in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice, or carried out as the legal representative of the executive agencies.

To a duly appointed hearing examiner or arbitrator (an employee of another federal agency) for the purpose of conducting a hearing in connection with an employee's appeal involving disclosures of records of A.I.D.'s personnel management system.

To an arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance involving disclosure of records of the personnel management system.

To officals of labor organizations recognized under Executive Orders 11636 and 11491, as amended, when relevant and necessary to their duties of exclusive representation under the Orders, and to include data such as veteran preference status, tenure, salaries, grades, position titles, duty stations, agency-sponsored training and awards received, notices of reduction in force, job-releated injury, and personnel actions, when such information is relevant to personnel policies and practices affecting employment conditions and necessary for exclusive representation by the labor organization. Wherever feasible and consistent with responsibilities under the orders, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folder.

Retrievability: By name of employee, consultant, expert, contractor, and adviser.

Safeguards: Located in metal file cabinets with three-way combination lock in secured premises with access limited to those official duties require access.

Retention and disposal: Retention of these records varies from 1 to 75 years, depending upon the specific kind of record involved. They are retired or destroyed in accordance with General Records Schedules issued by the National Archives and Records Service and approved records control schedules of the Agency for International Development.

System manager(s) and address: Chief, Civil Service Personnel, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

Administrative Officer or Executive Officer of the employing office or Mission as listed in Appendix A.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec.215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: Provided by the individual, by officers and employees of A.I.D. in the performance of their official duties, by United States and foreign civil authorities, by educational institutions, private persons and companies and produced in the course of normal personnel administration operations of the Agency.

A.I.D. - 3

System name: Employees Automated Records System.

System location: Office of Data Management, Agency for International Development, 1975 Florida Avenue, Washington, D.C.

Categories of individuals covered by the system: a. A.I.D. Employees including: Direct-hire employees assigned positions in the United States; United States citizen direct-hire employees assigned to positions overseas; and employees of Federal, state, or local government agencies detailed or assigned to A.I.D.; and

b. Applicants for employment

Categories of records in the system: This automated system consists of nine files of computerized records maintained on magnetic discs and magnetic tapes. These files are described below. The first seven (a through g) pertain to the category of individuals defined in a. above; the eighth (h) pertains only to the category of individuals defined in b. above; the ninth file (i) is maintained separately from the other eight files.

a. Master Data File - This file contains information about the organizational structure of the Agency, and the location within that structure of all employees. Individual records, in addition to containing data describing the position incumbered by the employee, contain the following types of information on the employee: basic data such as name, Social Security Account Number (SSAN), birth date, veteran preference, tenure group, service computation date, reportable handicap, retirement system, and participation in Federal Employee' Government Life Insurance; pay data such as pay plan, grade or class, step within grade, date appointed to present grade, and work schedule; personal data supplied by the employee such as sex, marital status, state of legal residence, and academic education level; data on retirement from a uniformed service, if applicable; a wide variety of dates including those that indicate suspense actions which are due at the future date, and others used for other purposes by personnel managers such as date assigned overseas and date returned from overseas; for Civil Service and Foreign Service employees their evaluation rating and the date of their last evaluation; qualifications and skills data such as college degrees, special prior experience, training courses completed, proficiency in foreign languages, and skills of use to the Agency.

b. A Chronological Data Record is maintained on each employee and contains up to ten entries reflecting the most recent 'personnel actions' on that individual, such as appointment, conversion, reassignment, transfer, promotion, extension, and separation. Included for each entry is the type of action code and title, effective date, position assigned to, including position title, and employee's pay plan and grade at the time.

c. Separated Employee File - For employees who have been separated, a record is maintained, made up of the employee data in the Master Data Record and the Chronological Data Record as described in a. and b. above. This record is maintained for three years after date of separation.

d. Index File - This file contains a record for each employee, but contains only the SSAN and the Position Sequence Number of the position to which the employee is assigned. It is used to find the employee's Master Data Record when only the SSAN is known.

e. Turnaround File - This file contains only records generated by the computer and is used by the computer to update the Master Data and Chronological Record files on future effective personnel actions. It is also used by the process that prints the Standard Form 50, Report of Personnel Actions.

f. SF-50 File - This file contains data that was used in printing the Standard Form 50 and is retained for 90 days in the event the Standard Form 50 requires correction or cancellation. It contains basic data on the employee and personnel action being effected by the Standard Form 50.

g. Transaction History File - This file contains a record on each file maintenance transaction input into the computer that passed computer program edits and is used in maintaining system files.

h. Applicant Data File - This file contains name, SSAN, veteran preference, and qualification data supplied by the applicant.

i. Minority Group Designator File - This file contains SSAN and a minority code designator used in preparing reports required by the Equal Employment Oppertunity Act of 1972.

Authority for maintenance of the system: Title 5 U.S.C., Sec. 301, 1302, 2951, 4118, 4308; Foreign Assistance Act of 1961, as amended, Sec. 621, 621A, 625, 626, 627, 628; Foreign Service Act of 1946, as amended, Sec. 911.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To representatives of the Civil Service Commission on matters relating to the inspection, survey, audit or evaluation of A.I.D. personnel management programs, of personnel actions, or such other matters under the jurisdiction of the Commission.

To representatives of the Civil Service Commission for the maintenance of their Central Personnel Data File, Federal Automated Career System, and Executive Inventory File.

To the Attorney General of the United States or his authorized representative in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice, or carried out as the legal representative of the executive agencies.

To the Chesapeake and Potomac Telephone Co. (a contractor) and its employees for the purpose of telecommunications transmission of data between the central computer facility and the remote terminals.

To a duly appointed hearing examiner or arbitrator (an employee of another federal agency) for the purpose of conducting a hearing in connection with an employee's appeal involving disclosures of records of A.I.D.'s personnel management system.

To an arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance involving disclosure of the record of the personnel management system.

To the recognized labor union for the purposes of meeting the requirements of the negotiated agreement.

To representatives of the Department of Health, Education and Welfare for the purpose of producing microfiche and microfilm outputs.

To the Department of State for the purposes of producing microfiche and microfilm outputs.

To the Department of the Treasury and the Department of State for the purpose of providing special reports pertaining to AID employees in the Foreign Service Retirement and Disability System.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored on magnetic disc and/or magnetic tape.

Retrievability: The eight files described above are indexed in the following manner and may be retrieved as indicated; however, personal data in all files are readily retrieved through the Index File. (a) Master Data File: by Position Sequence Number. (POSNO) within A.I.D.;

(b) Chronological Data File: by Social Security Account Number (SSAN)

(c) Separated Employee File: by SSAN;

(d) Index File: by SSAN:

(e) Turnaround File: by effective date

(f) SF-50 File: by effective date;

(g) Transaction History File: by date of input to the system or effective date, whichever is later; and

(h) Applicant Data File: by SSAN.

(i) Minority Group Designator File: by SSAN.

Safeguards: A 'password' is assigned to A.I.D. employees who, in the performance of their official duties, must have access to these files. The password is checked by the computer prior to granting access to the files. The computer facility, including the time library, is located in secured premises with combination-lock door, and access is limited to persons of verified identity who require access.

Retention and disposal: The computerized records are deleted from the files when no longer needed by the system. A copy of the content of all files is made the end of June and December and is retained for five years, then destroyed.

System manager(s) and address: Chief, Systems Design Branch, Policy Development Division, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

For the Minority Group code designator, the Director, Equal Opportunity Programs, Agency for International Development, 320 21st Street, N.W., Washington, D.C. 20523.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec.215.4(c) or (d) of the Agency's rules as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same address as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities in approving personnel actions and verifying information.

A.I.D. - 4

System name: Position Classification Records System.

System location: Office of Personnel and Manpower, Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

Categories of individuals covered by the system: Employees of A.I.D.

Categories of records in the system: Position descriptions, appeals, correspondence relating to position classification, reviews of classifications and the determinations made theron, and Notifications of Personnel Actions (SF-50's) relating to the position.

Authority for maintenance of the system: The Foreign Assistance Act of 1961, as amended Sec. 621 and the Foreign Service Act of 1946 as amended; 5 U.S.C., Sec. 301, 1302, 2951, 4118, 4308, and Executive Orders 10561 and 10987.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copies in file folders.

Retrievability: Name of individual.

Safeguards: Located in metal file cabinets with three-way combination locks in a secure space or secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained by A.I.D. as long as five years (in case of appeals against position classification actions), then destroyed by shredding.

System manager(s) and address: For Civil Service personnel: Chief, Civil Service Personnel, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

For Foreign Service personnel: Chief, Position Management & Foreign National Branch, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec.215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed to:

Administrator
Agency for International Development

320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D. - 5

Reserved.

A.I.D. - 6

System name: Recruiting, Examining and Placement Records.

System location: Records are maintained in various offices in Washington and abroad that have responsibility for reeruiting candidates for employment. See Appendix A for actual location of these offices.

Categories of individuals covered by the system: Individuals who have applied to the Agency for employment or employees who have requested outplacement assistance.

Categories of records in the system: In addition to central records maintained by A.I.D. but under the control of the Civil Service Commission, the Agency also maintains information relating to the education and training; employment history and earnings; appraisal of past performance; convictions of offenses against the law; results of written tests; appraisal of potential; honors, awards or fellowships; military service; veteran preference; birthplace; birth date; Social Security number; and home address.

Authority for maintenance of the system: The Foreign Assistance Act of 1961, as amended; the Foreign Service Act of 1946; 5 U.S.C., Sec. 301,1302,3301,3302,3304,3306,3307, 3309, 3313, 3317, 3318, 3319, 3349, 4103, 5532, 5533, 5723; and Executive Orders 10577 and 11103.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To prospective employees (Universities, State, and Local Governments, private enterprises, United Nations and other international organizations, foreign governments, and governments of the territories of the U.S.) for purposes of proposing A.I.D. employees who have requested placement assistance for positions outside the Agency.

To law enforcement agencies, U.S. Government agencies, courts the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual.

Safeguards: Located in metal file cabinets with three-way combination lock in secured premises with access limited to those whose official duties require access.

Retention and disposal: Disposed of after two years by shredding or burning.

System manager(s) and address: Chief, Recruitment Staff, Office of Personnel and Manpower, Agency for International Development, 1735 N. Lynn Street, Arlington, Virginia.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec.215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities; previous employers, personal references provided by the individual; and educational institutions.

A.I.D. - 7

System name: Foreign Service Personnel Evaluation Records System.

System location: Evaluation files are kept in the Office of Personnel and Manpower, 1601 N. Kent Street, Arlington, Virginia.

Categories of individuals covered by the system: Foreign Service Reserve Officers and Staff of A.I.D.

Categories of records in the system: Employee's name , date of birth, entry on duty in Foreign Service, Social Security number, name of evaluation panel, employee backstop code, panel determination and comments, relative ranking of employee, employee data record print, and personal evaluation reports.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, Sec. 625(d) and (c); Foreign Service Act of 1946 as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To representatives of the Civil Service Commission on matters relating to the inspection, survey, audit or evaluation of A.I.D. personnel management programs, of personnel actions, or such other matters under the jurisdiction of the Commission.

To a duly appointed hearing examiner or arbitrator (an employee of another federal agency) for the purpose of conducting a hearing in connection with an employee's appeal involving disclosures of records of A.I.D.'s personnel management system.

To an arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance involving disclosure of records of the personnel management system.

To the recognized labor union for the purpose of meeting the requirements of the negotiated agreement.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy filed in folders.

Retrievability: By name of individual.

Safeguards: Located in metal cabinets with three-way combination lock in a secured area. Access is to those whose official duties require access.

Retention and disposal: Destroyed by burning five years after employee separates.

System manager(s) and address: Chief, Personnel Information Center (PM/PO/PIC), Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec.215.4(c) or (d) of the Agency's regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same address as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D. - 8

System name: Personnel Security and Suitability Investigations Records.

Security classification: Secret.

System location: a. Central file: Office of Security, 1621 North Kent Street, Arlington, Virginia.

b. Working files are maintained in various offices in Agency Washington Headquarters and in missions abroad. See Appendix A for actual locations.

c. Retired files are maintained in the Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system: Present and former employees, including full and part-time, 'When Actually Employed' (WAE), 'Without Compensation' (WOC), intermittent, experts and consultants; current and former applicants for employment; Americans currently or formerly employed under contract; applicants for contract; certain contractors and contractor personnel; individual names not included in the above categories are also cross-indexed in security files when significantly involved in security-related investigations; and individuals currently and formerly employed under Participating Agency Service Agreements (PASA) or Interagency Personnel Act (IPA) or other authority.

Categories of records in the system: Employee identification cards and photographs; reports of investigations conducted by A.I.D. and by other government agencies; interoffice and intraoffice correspondence, memoranda and reports; correspondence and memoranda originated by other elements of A.I.D., Federal agencies and other governmental entities (i.e., state and local), corporate and private entities, and by individuals. Additionally, records are maintained of security violations and consequent recommendations for disciplinary action. The system contains reports of briefings and debriefings of employees.

Authority for maintenance of the system: Foreign Assistance Act of 1961, as amended, Sec. 635(b), 5 U.S.C. Sec. 7531 and 7532; Act of August 26, 1950, 64 Stat. 476; and Executive Order 10450 of April 27, 1953 (as amended by Executive Orders 10491 of October 13, 1953; 10531 of May 27, 1954; 10548 of August 2, 1954; 10550 of August 5, 1954, 11785 of April 6, 1974; and 11652 of March 8, 1972).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To persons contacted in the course of an investigation to the extent necessary to further the purposes of the investigation.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy and photographic film in file folders.

Retrievability: By name of individual.

Safeguards: Maintained in containers with three-way combination locks or areas with intrusion alarms and accessible only to authorized personnel for their information in the performance of their duties.

Retention and disposal: Security violation records and investigative reports are normally retained for 30 years following separation of employee but may be destroyed earlier upon determination that material has no value; identification cards are destroyed upon termination of employment.

System manager(s) and address: Director, Office of Security, 1621 North Kent Street Arlington, Virginia.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(l), (k)(2), (k)(3), and (k) (5) all investigatory material in the record which meets the criteria of all these subsections is exempted from the notice, access, and contest requirements under 5 U.S.C. 552a(c)(3), (d), (e) (l), (e)(4)(G), (H), (I) and (f) in order to accomplish this law enforcement function of the Agency, to prevent disclosure of classified information as required by Executive Order 11652, to assure the protection of the President, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of information and sources, and to avoid endangering these sources and law enforcement personnel. See Agency Regulations published in this issue of Federal Register.

A.I.D. - 9

System name: Criminal Law Enforcement Records.

Security classification: Top Secret

System location: a. Central files are maintained in the Office of Inspections and Investigations, 1621 North Kent Street, Arlington, Virginia.

b. Working files are maintained in the Office of the General Counsel, 320 21st Street, N.W., Washington, D.C. and in the overseas offices of the Auditor General, Office of Inspections and Investigations located in Panama, Karachi, Bangkok, Rabat and Manila. (See Appendix A for acutal location of these offices).

c. Retired files are maintained at the Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system: In furtherance of an investigation for suspected violation of criminal laws - present and former employees of the Agency and of the Overseas Private Investment Corporation; present and former employees of contractors used by the Agency and individuals involved or associated with such employees; individuals investigated at the request of another Federal agency.

Categories of records in the system: Reports of investigations concerning violations of Federal civil and criminal statutes and other violations of Title 18, U.S.C., and violations of Agency regulations; personal identification data and details of activities; related correspondence with individuals, with other organizational units of the Agency, and with federal, state, and local government agencies; records of disciplinary or other actions deriving from investigations; and copies of reports of investigations conducted by the Agency on the behalf of other federal agencies. Executive Order 10973 of November 3, 1961, and State Department Delegation of Authority 104 of November 3, 1963.

Authority for maintenance of the system: attorney General's memorandum re: P.L. 725 (28 U.S.C. 535); Foreign assistance Act of 1961, as amended; Title 18 U.S.C.;

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To persons contacted in the course of an investigation to the extent necessary to further the purposes of the investigation.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual.

Safeguards: Files in Washington are stored in combination locked containers or in intrusion-alarmed areas. Files in field offices abroad are stored in secured areas with access by combination lock doors, in combination locked containers, and/or in areas secured by U.S. Marine guards. Access to records is limited to authorized screened personnel with an official need to know.

Retention and disposal: Records are retained for three years after the closing of a case and are then retired to the Washington National Records Center for 10 years after last entry in file. Copies of reports furnished by other agencies are returned to the originating agency when so requested; otherwise such records are retained until cases are closed and then retired to the National Washington Records Center for the periods stated above.

System manager(s) and address: Director, Office of Inspections and Investigations, 1621 North Kent Street, Arlington, Virginia.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(j)(2) all information about an individual in the record which meets the criteria stated in 5 U.S.C. 552a(j)(2) are exempted from the notice, access, and contest requirements of 5 U.S.C. 552a except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i). If the 5 U.S.C. 552a(j) (2) exemption is held to be invalid, then this system is determined to be exempt, under 5 U.S.C. 552(a) (k) (1) and (2) of the Act, from the provisions of 5 U.S.C. 552a (c) (3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f). The reasons for asserting the exemptions are to protect the materials required by Executive Order to be kept secret in the interest of the national defense or foreign policy, to prevent subjects of investigation from frustrating the investigatory process, to insure the proper functioning and integrity of law enforcement activities, to prevent disclosures of investigative techniques, to maintain the ability to obtain necessary information, to fulfill commitments made to sources to protect their identities and the confidentiality of information and to avoid endangering these sources and law enforcement personnel. See Agency Regulations published in this issue of the Federal Register.

A.I.D. - 10

System name: Employee Relations Records System.

Security classification: Confidential.

System location: a. For active records: Employee Relations Branch, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

b. For retired records: Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system: Any A.I.D. employee or employee of another Federal Agency assigned to A.I.D. under a Participating Agency Service Agreement who has filed a grievance, been the subject of an adverse action, has had a medical problem affecting his employment, or has been subject to a reprimand or to disciplinary action or concerning whom disciplinary action is under consideration.

Categories of records in the system: Correspondence covering grievances, employee medical problems but not including medical record maintained by the Office of the Medical Director, Department of State, adverse actions, and the alcohol and drug abuse program.

Authority for maintenance of the system: Foreign Assistance Act of 1961, as amended, especially Secs. 621 and 625; Foreign Service Act of 1946, as amended; Executive Order 10450 as amended August 5, 1954; 5 U.S.C. 301, 7301, 7531, 7532, 7533; Sec. 914 of P.L. 92-255; and Sec. 201 of P.L. 91-616.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To a duly appointed Hearing Examiner or Arbitrator for the purpose of conducting a hearing in connection with an employee's appeal involving a grievance.

To a union representative for the purpose of representing an employee in order to protect the employee rights negotiated under the union agreement.

To the Civil Service Commission for the purpose of determining if the Agency's course of action is correct.

To a health or life insurance carrier for the purpose of determining the status of benefits paid or owed by or to an employee pursuant to a health or life insurance compensation agreement.

To hospitals, clinics, and other medical treatment facilities upon their request in order to provide information about health insurance under the Federal Employees Group Health Insurance Program.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: By employee name.

Safeguards: Located in metal file cabinets with three-way combination lock in secured premises with access limited to those whose official duties require access.

Retention and disposal: Twenty years after last entry in file or ten years after separation, whichever is earlier. Destroyed by burning.

System manager(s) and address: Chief, Employee Relations Branch, at the location shown in the Systems Location Section above.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (k)(5), all investigatory material in the record which meets the criteria of these subsections is exempted from the notice, access and contest requirements of Sections (c)(3), (d) (e)(1), (e)(4)(G), (H) and (I) and (f) 5 U.S.C. 552a in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine suitability for employment. See Agency Regulations published in this issue of the Federal Register.

A.I.D. - 11

System name: Employee Conduct and Discipline Records.

Security classification: Secret.

System location: Records are maintained at the Office of Personnel and Manpower, 1601 N. Kent Street, Arlington, Virginia and at the Office of the General Counsel, 320 21st Street, N.W. Washington, D.C.

Categories of individuals covered by the system: A.I.D. employees and personal services contract personnel.

Categories of records in the system: Investigations of alledged misconduct, statements of outside employment and financial interests, reports of indebtedness, conflict of interest, insubordination, prohibited political activity, sale or barter of personal property abroad, and relevant disciplinary actions. ;7

18 U.S.C. 201 through 209, Executive Order 11222 of May, 1965; F.R. Doc. 68-14888, filed Dec. 12, 1968.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual.

Safeguards: Stored in fire-insulated combination vault or in three-way combination locked containers accessible only to authorized personnel with an official need to know.

Retention and disposal: Indebtedness records are destroyed by burning upon the resolution of the case; financial and employment statements are destroyed by burning five years after termination of employment; other files are retained for two years following the settlement of the case and then retired to the Washington National Records Center.

System manager(s) and address: a. For records at Location (a); Chief, Employee Relations Branch, Office of Personnel and Manpower, 1601 N. Kent Street, Arlington, Virginia.

b. For records at Location (b): Management Assistant, Office of the General Counsel, A.I.D., 320 21st Street, N.W., Washington, D.C.

Record source categories: The individual concerned, creditors, and A.I.D. employees acting in their official capacities.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (k)(5), all investigatory material in the record which meets the criteria of these subsections is exempted from the notice,

access and contest requirements of Sections (c)(3), (d), (e)(1), (e)(4) (G) (H) and (I) and (f) of U.S.C. 552a in order to fulfill commitments made to protect the confidentiality of sources and to maintain access to sources of information which are necessary to determine suitability for employment. See Agency regulations published in this issue of the Federal Register.

A.I.D. - 12

System name: Executive Assignment Records.

Security classification: Confidential.

System location: Agency for International Development Office of the Deputy Administrator, 320 21st Street, N.W. Washinton, D.C. 20523

Categories of individuals covered by the system: Applicants for employment and present A.I.D. employees

Categories of records in the system: Biographical data, education, nominating documents, and recommendations.

Authority for maintenance of the system: Foreign Assistance Act of 196l as amended, Sections 631 (b) and (c) and 625 (b), (c), (d); 5 U.S.C. 2103.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To Members of Congress for Congressional clearance; the White House for clearance; Department of Justice, Federal Bureau of Investigations for security clearance; Civil Service Commission for security clearance, and other U.S. Government Departments and Agencies for executive placement opportunities.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of applicant or employee.

Safeguards: Located in metal file cabinets with three-way combination locks in secure premises with access limited to those whose official duties require access.

Retention and disposal: Applicant's file kept for one year and then reviewed for status. Employee's file kept until employee retires, transfers, or resigns. Files destroyed by shredding or burning.

System manager(s) and address: Special Assistant for Executive Assignments, Agency for International Development, Office of the Deputy Administrator, 320 21st Street, N.W. Washington, D.C. 20523

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary, Privacy Review Request.

Record source categories: Information provided by the applicant or employee, educational institutions, and documents originated by A.I.D., the White House other U.S. Government Departments and Agencies, Members of Congress, organizations and persons.

A.I.D. - 13

System name: Orientation and Training Records System.

System location: Records are maintained in various offices in Washington and abroad that have responsibilities in processing applications. See Appendix A for actual location of these offices.

Categories of individuals covered by the system: Employees of A.I.D., employees of other U.S. Agencies assigned to A.I.D. and A.I.D. contractor personnel.

Categories of records in the system: In addition to central records in custody of A.I.D., but officially 'maintained' by the Civil Service Commission, the Agency maintains biographical information, training applications, correspondence and supervisory evaluations of employees in training. The Foreign Assistance Act of 1961, as amended (P.L. 87-195), Sec 621; and the Foreign Service Act of 1946 amended Title 5, U.S.C. Sec 301, 1302, 2951, 4118, 4308, and Executive Order 10561, Sept 13, 1954.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual or other personal identifier.

Safeguards: Located in metal file cabinets with three-way combination locks in secure premises with access limited to those whose official duties require access.

Retention and disposal: Disposed of after five years by shredding or burning.

System manager(s) and address: The Chief, Manpower Development Division(PM/MD), Agency for International Development, 1735 N. Lynn Street, Arlington, Virginia. Additional records are maintained by Administrative and Executive officers and office supervisors in A.I.D. Washington offices located abroad. See Appendix A for actual location of offices.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.

Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.
Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D. - 14

System name: Awards and Incentives Records System.

System location: a. Central File: Incentive Awards Branch, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

b. Decentralized files are maintained in various Washington offices and offices abroad having responsibility for initiating and/or implementing incentive award activities or programs. See Appendix A for actual location of these offices.

Categories of individuals covered by the system: Foreign Service and Civil Service Employees.

Categories of records in the system: In addition to central records in the custody of A.I.D. but officially 'maintained' by the Civil Service Commission, the agency maintains forms recording employee suggestions, supervisor's recommendations, award citations, and agency decisions.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, Section 621 (a); Foreign Service Act of 1946 as amended, 5 U.S.C. Chapter 45.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual.

Safeguards: Located in metal file cabinets with three-way combination locks in secured premises with access limited to those persons whose official duties require access.

Retention and disposal: Destroyed one year following completion of program or granting of award; or when obsolete.

System manager(s) and address: a. Central File: Chief Incentive Awards Branch, Office of Personnel and Manpower, Agency for International Development at the location stated above.

b. Executive Officer or principal Administrative Officer in A.I.D. Washington offices and offices abroad. See Appendix A for actual location of offices.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.
Both the envelope and the letter should be clearly marked Attention: Executive Secretary, Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D. - 15

System name: Employees Payroll Records System.

System location: a. For automated files - Office of Data Management, Agency for International Development, 1975 Florida Avenue, Washington, D.C.

b. For employee case file - Employee Services Division, Office of the Controller, Agency for International Development, 1975 Florida Avenue, Washington, D.C.

c. For alimony and child support garnishment file - Employee Relations Branch, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

d. For retired files - Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system: A.I.D. employees including: Direct-hire employees assigned to positions in the United States, U.S. citizen direct-hire employees assigned to positions overseas; and employees of Federal, state, or local government agencies assigned to A.I.D.

Categories of records in the system: This system consists of five files, three of which are computerized records maintained on magnetic discs and magnetic tapes. The other two are manual files maintained in filing cabinets These files are described below.

a. Empoyee Case File - this manual file contains copies of SF-50's, withholding statements, bond allotment slips, health benefits forms, life insurance forms, retirement forms and other papers concerning payroll matters.

b. New American Payroll System Automated Master Employee File this is an automated file. Individual records contain the following types of information; name, Social Security account number, country post, union indicator, timekeeper code, W-2 mail indicator, retirement system, federal government life insurance, health benefits, birth date, a wide variety of dates including those that indicate suspense actions which are due at a future date, and other dates for the use of financial managers such as limited appointment expiration date, effective date of pay change; allowances, deductions, hours worked, leave severance pay, and federal and state income tax.

c. Payroll History File- this file is an automated file. Individual records contain Social Security account number, current pay, year to date pay, tax status, allotments, bonds, time and attendance, retirement, insurance and other pay data.

d. Address File - this is an automated file. Individual records contain address records for bonds, allotment, paychecks; W-2 mailing address, agency, Social Security account number, bond number, checkline code and financial organization.

e. Alimony and Child Support Garnishment File - this is a manual file which contains court judgement and writ and other legal orders concerning alimony and/or child support payments.

Authority for maintenance of the system: Foreign Assistance Act of 1961 (as amended) 621(a), 625, 636(b), (c); Chapter 51 title 5 U.S.C.; Executive Order 10927; P.L. 93-647; Foreign Service Act of 1946, as amended; and Social Security Act (42 U.S.C. 659).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To Treasury Department for payroll purposes.

To Treasury Department for issuance of savings bonds.

To Civil Service Commission for retirement, health and life insurance purposes.

To the Social Security Administration for Federal Insurance Compensation Act purposes.

To the Internal Revenue Service for taxable earnings and withholding purposes.

To the Combined Federal Campaign for charitable contribution purposes.

To American Federation of Government Employees for union dues.

To American Foreign Service Association for union dues.

To the States of California, New York, Pennsylvania, Maryland, Virginia, and the District of Columbia, under agreements entered into by the Secretary of the Treasury, wage and tax information consisting of name, address, social security number, wages (as defined in Section 3401(a) of the Internal Revenue Code, 26 U.S.C. 3401(a)), and tax withheld, if any. This data is provided generally with respect to employees of the Agency who are employed in the State and subject to the tax (whether or not tax is withheld); or, who have opted for voluntary withholding for their taxing jurisdiction.

To the Attorney General of the United States or his authorized representative in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice, or carried out as the legal representative of the Executive Branch agencies.

To the Internal Revenue Service for audit and inspection and investigation purposes.

To the Department of Health, Education and Welfare for microfilming and producing microfiche.

To the Chesapeake and Potomac Telephone Company (a contractor) and its employees for the purpose of telecommunications transmission of data between the central computer facility and the remote terminal.

To the Department of State for retirement and microfilming purposes.

To judgement holder for the purposes of garnishment for the payment of alimony or child support.

To a duly appointed hearing examiner or arbitrator (an employee of another federal agency) for the purpose of conducting a hearing in connection with an employee's appeal involving disclosures of records of A.I.D. financial systems.

To an arbitrator who is given a contract pursuant to a negotiated labor agreement to hear an employee's grievance involving disclosure of records of the financial management system.

To the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its Government-wide personnel management functions.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Automated records are stored on magnetic disc and/or magnetic tape. The manual files contain microfilm, microfiche, printed forms, punched cards, and correspondence.

Retrievability: The five files described above are indexed in the following manner; a. Employee Case File - By name of employee.

b. New American Payroll System Automated Master Employee File - by Social Security account number.

c. Payroll History File - by Agency (A.I.D. and O.P.I.C.) and Social Security account number.

d.4. Address File - by Social Security account number.

e. Alimony and Child Support Garnishment File - by name.

Safeguards: For the automated system, a 'password' is assigned to A.I.D. employees who in the performance of their official duties, must have access to these files. For the manual files they are located in metal file cabinets with three-way combination locks or in secured premises with access limited to those whose official duties require access. The computer facility, including the tape library, is located in secured premises with combination-lock door and, access is limited to persons of verified identity who require access.

Retention and disposal: a. The Employee Case Files are maintained for ten years after the date of an employee's separation. The file is transferred to the Washington National Records Center one year after audit.

b. The New American Payroll System Automated Master Employee File is maintained for a two-week period; then it is updated by the new record writing over the old record. This automated record duplicates the information in the employee case file.

c. The Payroll History File is maintained for five years; then it is written over.

d. The Address File is updated periodically as needed and the old version is written over.

e. The Alimony and Child Support Garnishment File is maintained in the office for a period of seven years after an employee is transferred or separated.

System manager(s) and address: For Alimony and Child Support Garnishment File: Chief, Employee Relations Branch, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

For all other files: Assistant Controller, Employee Services Division, Financial Management, Agency for International Development 1975 Florida Avenue, Washington, D.C.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 Kent Street, Arlington, Virginia.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D. - 16

System name: Attendance and Leave Reporting Records System.

System location: Central records located in Office of Financial Management, Agency for International Development, 1975 Florida Avenue, N.W., Washington D.C. Timekeeper's records are kept by the employing Washington office and offices abroad. See Appendix A for a listing of these locations.

Categories of individuals covered by the system: Employees of A.I.D. and Personal Service Contractors.

Categories of records in the system: Central Records (Employee Payroll File) and Timekeepers Records contain various combinations of the following: time and attendance cards, leave requests forms, correspondence and memorandums on leave, payroll deductions for savings bonds and allotments to various institutions and correspondence on reimbursements.

Authority for maintenance of the system: Title 5, U.S.C. Section 1302, 2951, 4118, 4308 and sections 112 (a) and 113 of the Budget and Accounting Procedures Act of 1950, and Title 6, GAO Policies and Procedures Manual.

To the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry out its Government-wide personnel management functions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual and Social Security number.

Safeguards: Located in metal file cabinets with three-way combination locks in a secure space or secured premises with access limited to those whose official duties require access.

Retention and disposal: Destroyed after 5 years by burning or shredding.

System manager(s) and address: Assistant Controller, Employees Services Division, at the location shown in System Location Section above.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary, Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D. - 17

System name: Employee-Owned or-Leased Property Records System.

System location: Records are located at various overseas offices listed in Appendix A.

Categories of individuals covered by the system: U.S. government employees and contract employees of A.I.D.

Categories of records in the system: Records on leasing living quarters whose rent and utility costs are reimbursed wholly or in part by A.I.D. and personally-owned vehicles and other property at post. Records contain a description of such property, and how property is disposed of at post.

Authority for maintenance of the system: Foreign Assistance Act of 1961, as amended, Sec. 636; Foreign Service Act of 1946 as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To the Department of State for the issuance of licenses and establishing of duty free status of A.I.D. personnel.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisors for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual.

Safeguards: Located in metal file cabinets with three-way combination locks in secured premises with access limited to those whose official duties require access.

Retention and disposal: Overseas posts maintain records from 3 months to 4 years after departure of individual concerned.

System manager(s) and address: Director, Office of Management Operations, 320 21st Street N.W., Washington, D.C. 20523.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 North Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary, Privacy Review Request.

Record source categories: U.S. Government employees, local and contract employees of A.I.D. and American Embassy personnel.

A.I.D. - 18

System name: Employee Use of Property Owned or Leased by the U.S. Government Records System.

System location: Records are located at Agency Washington headquarters and at offices abroad. See Appendix A for actual location of those offices.

Categories of individuals covered by the system: U.S. Government employees, contract employees of A.I.D., and quests at A.I.D.-operated staff or guest houses.

Categories of records in the system: Records pertaining to the occupancy or use of property owned or leased by the U.S. Government, and to facilities and/or services provided such as: government-leased housing; government-owned furniture, appliances and furnishings; U.S. Government property in custody used for official purposes; government-owned vehicles used for official or unofficial purposes; parking permits; government-purchased publications; long-distance telephone calls made from A.I.D. facilities; U.S. Government vehicle repair facilities; commissory, liquor, and post exchange purchases; gasoline purchased from or through post exchange purchases; gasoline purchased from or through an A.I.D. overseas post: government-furnished housing maintenance and repair services; and A.I.D. staff or guest house facilities.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, Sec. 621, 635; Foreign Service Act of 1946 as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders, and card index file.

Retrievability: By name of individual.

Safeguards: Located in metal file cabinets with three-way combination locks in secured premises with access limited to those whose official duties require access.

Retention and disposal: Records on the issuance of U.S. Government property are destroyed when the property is turned in or otherwise accounted for. Individual trip tickets reflecting official and unofficial use of vehicles are destroyed at the end of 3 months. Maintenance and repair records and related papers pertaining to the maintenance and repair of individual residential units occupied by individuals at overseas posts are destroyed at the end of 4 years. Destruction is by shredding or burning.

System manager(s) and address: Director, Office of Management Operations, Agency for International Development, 320 21st Street, N.W. Washington, D.C.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: U.S. Government employees, local and contract employees of A.I.D., and personnel of the Department of State.

A.I.D. - 19

System name: Travel and Transportation Records System.

System location: Central Records located in A.I.D. Washington Headquarters. Decentralized records maintained in various Washington offices and offices abroad having responsibilities for initiating requests for travel or transportation of things. See Appendix A for actual location of these offices.

Categories of individuals covered by the system: A.I.D. employees and their dependents, individuals whose travel is sponsored or paid for by A.I.D., and visitors to A.I.D. offices abroad.

Categories of records in the system: a. Central Records: travel authorizations; itineraries; government bills of lading; government transportation requests; card file pertaining to passports, travel and shipment of effects; and correspondence.

b. Decentralized Records: copies of documents maintained in the central records; export/import permits; baggage declarations; customs declarations; passports and records of applications for visas; travel advance requests; arrival and departure notices; record of clearances prior to departure from post abroad; packing lists and information on meetings abroad including meeting schedules and biographical sketch of attendees.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, esp. Sec. 621, 636 (a) and (b); Foreign Service Act of 1946 as amended, Sec. 911; and Chapter 57, 5 U.S.C.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To commercial travel, transportation and shipping companies and agents for making travel, transportation and shipping arrangements.

To U.S. Treasury for payment of bills and vouchers.

To U.S. Dispatch Agents to arrange shipment and clearance of effects.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folder

Retrievability: Individual's name or other personal identifier.

Safeguards: Biographic information and passports kept in metal cabinets with three way combination lock. Other records kept in areas with access limited to those whose official duties require access.

Retention and disposal: Retained for four years and then destroyed by shredding or burning.

System manager(s) and address: a. Central Records: Director, Office of Management Operations, Agency for International Development, 320 21st Street, N.W. Washington, D.C. 20523

b. Decentralized Records: Administrative and Executive officers and office supervisors in A.I.D. Washington offices and offices abroad. See Appendix A for actual location of offices.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D. - 20

System name: Claims Records System.

System location: a. Central Records:

Office of Personnel and Manpower, Agency for International Development, 1601 Kent Street, Arlington, Virginia for allowance claims and health benefit claims.

Office of the General Counsel, Agency for International Development, 320 21 st Street, N.W., Washington, D.C. for tort claims

Office of Financial Management, Agency for International Development, 1975 Florida Avenue, N.W., Washington, D.C. for all other claims.

b. Decentralized records maintained in various Washington offices and offices abroad having responsibilities for initiating requests Requests for claims activity. See Appendix A for actual location of these offices.

Categories of individuals covered by the system: Employees who have filed claims against the Agency and employees against whom the Agency has filed a claim.

Categories of records in the system: a. Central Records: Documentation of claims, voucher disallowances, duplicate payment, and bills for collection.

b. Decentralized Records: Copies of documents maintained in the central records, legal reviews and opinions, and referrals to G.A.O.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, Sec, 621; Foreign Service Act of 1946. as amended; Federal Tort Claims Act and G.A.O. Policy and Procedures Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To U.S. Treasury for payment.

To U.S. Despatch Agents to verify movement of persons and things and costs thereof.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To the State - A.I.D. - U.S.I.A. Joint Survey Board for review of claims arising from evacuation.

To commercial travel, transportation, and shipping companies and agents to verify actual costs of services;

To the Office of the Director of Medical Services, Department of State of determine validity of medical claims and to provide necessary information to the individual's medical adviser.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Storage: Paper copy in file folders.

Retrievability: By name of individual or other personal identifier.

Safeguards: Located in metal file cabinets with three-way combination locks in secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained for seven years and then destroyed by shredding or burning.

System manager(s) and address: a. Central Records:

For Allowance Claims: Chief, Foreign Service Technical and Staff Support Branch, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

For Health Benefit Claims: Chief, Employee Relations Branch, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

For Tort Claims: Deputy General Counsel, Agency for International Development, 320 21st Street, N.W., Washington, D.C.

For all other claims: Assistant Controller, Central Accounting Division, Office of Financial Management, Agency for International Development, 1975 Florida Avenue, Washington, D.C.

b. Decentralized Records: Administrative and Executive Officers in A.I.D. Washington and offices abroad. See Appendix A for actual location of office.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's rules as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary - Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D. - 21

System name: Public Information Records.

Security classification: Secret.

System location: Office of Public Affairs, Agency for International Development, 320 21st Street, N.W. Washington, D.C. 20523.

Categories of individuals covered by the system: Employees of A.I.D., Members of Congress, individuals associated with foreign economic assistance, and individuals requesting information under the Freedom of Information Act.

Categories of records in the system: Biographical information on employees who serve as public speakers, press releases, news clippings, photographs, requests for access to A.I.D. records under the Freedom of Information Act, and related correspondence.

Authority for maintenance of the system: Foreign Assistance Act of 1961, as amended, Sec 621, 634(b); PL93-502; 5 U.S.C. 301; and the Freedom of Information Act (5 U.S.C. 552).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Persons or organizations requesting A.I.D. to make available an employee to speak in public on A.I.D. activities are provided a biographical sketch of the speaker in order to select and introduce the speaker.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of Gensrl Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copies and photographs in file folders.

Retrievability: By name of individual. in a secure space or secured premises with access limited to those whose official duties require access.

Retention and disposal: Destroyed after five years by burning.

System manager(s) and address: Director, Office of Public Affairs, Agency for International Development, 320 21st Street, N.W., Washington D.C. 20523.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 N. Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary-Privacy Review Request.

Record source categories: Employees, public media information, A.I.D. records, and individuals requesting access to records under the Freedom of Information Act.

A.I.D. - 22

System name: Congressional Relations, Inquiries, and Travel Records.

System location: a. Principal files are maintained in the Office of Legislative Affairs, A.I.D., 320 21st Street, N.W., Washington, D.C. 20523.

b. Records of Congressional Inquiries regarding employees and applicants for employment are maintained in the Office of the General Counsel, A.I.D., 320 21st Street, N.W., Washington, D.C. 20523.

c. Related files are maintained in certain of the field offices listed at Appendix A.

d. Retired files are maintained in the Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system: Members of Congress, members of their personal staffs and of Congressional Committee staffs; employees of A.I.D. or applicants for employment who are or have been the subject of Congressional inquiries and recommendations.

Categories of records in the system: Congressional correspondence and memoranda of Congressional telephone calls covering (1) requests for information and assistance on matters related to foreign assistance; (2) requests for assistance from the Agency in arranging official travel overseas by Members of Congress, their staffs or committee staffs to inspect and observe foreign assistance programs abroad, and (3) inquiries about A.I.D. employees and recommendations concerning employees or applicants for employment. Also includes information about individual members of Congress derived from public media sources, including biographic records, and extracts from the Congressional Record.

Authority for maintenance of the system: Foreign Assistance Act of 1961 as amended, especially Section 634(b); 5 U.S.C. 301; 44 U.S.C., Chapters 31 and 33.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual member of Congress.

Safeguards: Except for material completely in the public domain, located office or secured premises with access limited to those whose official duties require the information.

Retention and disposal: Except for correspondence involving matters of policy, records are destroyed by burning after no more than 15 years; files related to individual Congressmen are retired at the end of each session of Congress. Records involving policy matters are retained permanently in archival files.

System manager(s) and address: a. For records maintained at Location (a): Assistant Administrator for Legislative Affairs, A.I.D., 320 21st Street, N.W., Washington, D.C. 20523.

b. For records maintained at Location (b): Office of the General Counsel, A.I.D., 320 21st Street, N.W. Washington, D.C. 20523.

c. For records maintained at Location (c): Executive Officer of the appropriate A.I.D. office listed at Appendix A.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 North Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name. For records of Congressional correspondence, include name of Congressman and appropriate session of Congress. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary, Privacy Review Request.

Record source categories: Members of Congress and their staffs; Congressional Committee Staff Members; A.I.D. employees; Congressional Directory, Congressional Quarterly, and Congressional Record; newspapers, magazines, and other public media.

A.I.D. - 23

System name: Employees Equal Employment Opportunity Complaint Investigative Records.

Security classification: Confidential.

System location: Files are maintained in the Office of Equal Opportunity, Agency for International Development, 320 21st Street, N.W. Washington, D.C.

Retired Files, Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system: Employees of A.I.D. who have filed a discrimination complaint.

Categories of records in the system: Employee's name, hearing transcripts, depositions, witness statements, salary, grade, supervisor's evaluation, biographic data.

Authority for maintenance of the system: Executive Order 11478 of Aug 8, 1969; and Federal Personnel Manual Chapter 713.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To the Civil Service Commission for the purposes of compiling statistics on employees.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual.

Safeguards: Located in metal file cabinets with three-way combination lock in secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are retained for three years after the closing of a case and are then retired to the Washington National Records Center for 10 years after termination of employee or 20 years after last entry in file.

System manager(s) and address: Director, Equal Opportunity Programs at the location shown in System Location Section above.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552 a (k)(5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a (k)(5) is exempted from the notice, access, and contest requirements of Sections (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) of 5 U.S.C. 552a in order to fulfill commitments made to protect the confidentiality of sources. See Agency Regulations published in this issue of the Federal Register.

A.I.D. - 24

System name: Emergency Case File.

System location: a. Central records located in A.I.D. Washington Headquarters.

b. Decentralized records maintained in various Washington offices and offices abroad having responsibilities for administrative processing. See Appendix A for office locations.

c. For retired records: Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system: A.I.D. employees and employees of other U.S. Government Agencies assigned to A.I.D.

Categories of records in the system: a. Central Records: Correspondence, claims by survivors of employees and emergency visitation travel communications.

b. Decentralized Records: Copies of documents maintained in the central records.

Authority for maintenance of the system: Foreign Assistance Act of 1961, as amended; Foreign Service Act of 1946, as amended; and Title 5, Sub-chapter VIII.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To survivors of employees for the purpose of settling claims and to families of employees for emergency visitation travel arrangements and arrival notifications.

To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foriegn governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual.

Safeguards: Safeguarded in metal file cabinets with three-way combination locks.

Retention and disposal: Cases involving claims are retired to the Washington National Record Center after three years and retained for a total of ten years after payment of claim. Other records are maintained for 3 years after completion of use in the office and then retired to the Washington National Records Center for permanent retention.

System manager(s) and address: a. Central Records: Chief, Employee Relations Branch, Office of Personnel and Manpower, Agency for International Development, Washington, D.C.

b. Decentralized Records: Administrative and Executive officers and office supervisors in A.I.D. Washington offices and offices abroad. See Appendix A for actual location of offices.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 North Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary-Privacy Review Request.

Record source categories: The individual concerned and A.I.D. employees acting in their official capacities.

A.I.D. - 25

System name: Privacy Act Implementation Records System.

System location: Office of Personnel and Manpower, Personnel Services Division, 1601 North Kent Street, Arlington, Virginia

Categories of individuals covered by the system: Persons, individuals, U.S. Federal and local governments, and Members and Committees of Congress.

Categories of records in the system: Correspondence and other documents related to requests for information about the existence of records, requests for access to information, requests for amendments to records, and requests for review of refusals to amend records.

Authority for maintenance of the system: Privacy Act of 1974(P.L.93-579) Sec. 552 (c), (e), (f), and (p); and 5 U.S.C5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of individual.

Safeguards: Maintained in metal containers with three-way combination locks and accessible only to authorized personnel with a need for the information in the performance of their offical duties.

Retention and disposal: Records are retained for one year and then retired to the Washington National Records Center for ten years before destruction.

System manager(s) and address: Privacy Liaison Officer, Office of Personnel and Manpower, Agency for International Development, 1601 N. Kent Street, Arlington, Virginia.

Notification procedure: Requests by individuals concerning the existence of a record may be addressed to:

Director
Office of Personnel and Manpower (SER/PM)
Attn: Privacy Liaison Officer
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523

or presented in person at Rosslyn Plaza, 1601 North Kent Street, Arlington, Virginia.

For offices abroad, to the Privacy Liaison Officer at the applicable address in Appendix A.

Information Required: Individual's name, place and date of birth. The determination as to the existence of a record will be facilitated by the provision of the individual's Social Security number and dates and places of service.

Record access procedures: Requests from individuals should be addressed or presented in person to the same addresses as stated in the Notification Section above.

Requests should be accompanied by information sufficient to identify the individual pursuant to Sec. 215.4(c) or (d) of the Agency's Regulations as published in this issue of the Federal Register.

Contesting record procedures: Written requests from individuals to amend their record should be mailed or presented in person to the same addresses as stated in the Notification Section above.

Requests for review of a refusal to amend a record should be made in writing and mailed or delivered to:

Administrator
Agency for International Development
320 21st Street, N.W.
Washington, D.C. 20523
ATTENTION: Executive Secretary - Privacy Review Request.

Both the envelope and the letter should be clearly marked Attention: Executive Secretary-Privacy Review Request.

Record source categories: Individuals and Agency employees acting in their offical capacities.

A.I.D. - 26

System name: Litigation Records.

Security classification: Secret.

System location: a. Active files are maintained at the Office of the General Counsel, Agency for International Development, 320 21st Street, N.W. Washington, D.C. 20523.

b. Retired records are maintained at the Washington National Records Center, 4205 Suitland Road, Suitland, Maryland.

Categories of individuals covered by the system: Foreign Service employees, Civil Service employees, personal services contractors, former employees, and members of the public.

Categories of records in the system: Correspondence and other documents relating to disputed contracts, and tort claims against the Agency, and other claims and actions against the Agency.

Authority for maintenance of the system: Foreign Assistance Act of 1961, as amended; Foreign Service Act of 1946, as amended; Tort Claims Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To law enforcement agencies, U.S. Government agencies, courts, the Department of State, foreign governments and international agencies, Members of Congress, and individuals' medical advisers for the purposes set forth in the Statement of General Routine Uses immediately preceding these specific notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders.

Retrievability: By name of employee and calendar year.

Safeguards: Maintained in combination vault insulated against fire and located in secure premises with access limited to those whose official duties require access.

Retention and disposal: Maintained for two years following settlement of case and then retired to Washington National Records Center for five years prior to destruction.

System manager(s) and address: Assistant General Counsel for Management and Administration, Office of the General Counsel, Agency for International Development 320 21st Street, Washington, D.C. 20523.

Systems exempted from certain provisions of the act: This system is exempt under 5 U.S.C. 552a (k)(1), (k)(2), and (k)(5) from the notice, access, and contest requirements of Sections (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f) of 5 U.S.C. 552a. These exemptions are claimed to protect the materials required by Executive Order to be kept secret in the interest of national defense or foreign policy, to prevent subjects of investigation from frustrating the investigatory process, to insure the proper functioning and integrity of law enforcement activities, to prevent disclosure of investigative techniques, to maintain the ability to obtain candid and necessary information, to fulfill commitments made to sources to protect the confidentiality of information, and to avoid endangering these sources. See Agency Regulations published in this issue of the Federal Register.

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federal register

MONDAY, SEPTEMBER 13, 1976



PART V:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

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PRIVACY ACT OF 1974

Systems of Records

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

(Notice 76-72)

PRIVACY ACT OF 1974

Systems of Records

In accordance with 5 U.S.C. 552a(e)(4) of the Privacy Act of 1974 (Pub. L. 93-579), the National Aeronautics and Space Administration hereby publishes the systems of records currently maintained by the agency. System notices for 23 NASA systems of records were originally published at p. 43677, Federal Register, September 22, 1975.

A 24th system notice for NASA 22ERER was proposed on page 48672, Federal Register, Volume 40, October 16, 1975, and adopted on page 54629, Federal Register, Volume 40, November 25, 1975.

A 25th system notice for NASA 10HERD was proposed on page 59261, Federal Register, Volume 40, December 22, 1975, and adopted on page 8235, Federal Register, Volume 41, February 25, 1976.

On page 53440, Federal Register, Volume 40, November 18, 1975, minor changes were made in NASA 10BRPA, 10EEOR, 10GMVP, 10PAYS, 10SECR, 10SMED, and 10XROI.

Finally, on page 8235, Federal Register, Volume 41, February 25, 1976, a proposed change in one routine use and a proposed new routine use for NASA 10SPER were published and public comment invited.

Additional changes not previously published in the Federal Register are itemized below.

Description of Changes

The following describes changes—other than changes in the routine uses—included in the republished system notices for NASA.

Item 1. In two system notices—NASA 10BRPA (Biographical Records for Public Affairs) and NASA 10HABC (History Archives Biographical Collection)—the "Safeguards" provisions have been changed to reflect the fact that these records are available to the public, and that, therefore, no special Privacy safeguards are required.

Item 2. In NASA 10EEOR (Equal Opportunity Records), one of the routine uses has been reworded and divided into two uses, although the scope of the routine use has not been expanded. The new routine uses Nos. (2) and (3), for responses to other Federal agencies, and for responses to Congressional inquiries, respectively, are essentially a breakdown of what was previously worded as one entire routine use. This was done for the purpose of separating what are two distinct routine uses, and for clarifying the Congressional use to make it more specific.

Item 3. In NASA 10EXDR (Executive Development Records), under the "Storage" heading, the year "1976" has been changed to "1977" to reflect when it is now anticipated that records will be stored on punched cards and magnetic tape.

Item 4. In NASA 10GMVP (Government Motor Vehicle Operators Permit Records), changes in subsystem managers have been made for locations 8 and 10.

Item 5. In NASA 10PAYS (Payroll System), under "Authority for Maintenance of the System," 5 U.S.C. 5701 et seq. has been deleted as unnecessary.

Item 6. In NASA 10SECR (Security Records System), under "Safeguards," the notice has been revised to reflect that access to the criminal records segment is limited to select NASA contractor guard personnel as well as to government personnel.

Item 7. In NASA 10SMED (System of Medical Records), standard routine uses Nos. (1), (2), and (3), have been eliminated as inappropriate for this system of records. In addition, a subsystem manager at location 1 has been added.

Item 8. In NASA 10SPER (Special Personnel Records) substantial changes have been made under the "Categories of Individuals" and the "Categories of Records" headings. The changes are intended to clarify the notice by listing in more manageable sequence the broad categories of individuals and records in the system. Because the scope of the system is quite large and quite complex, it was felt that subgroups had to be established under "Category of Records." With one exception, there is no expansion in scope under either category. The one exception is a minor expansion of scope under "Category of Records," Part A, "Counseling Files." This segment now includes any career counseling files which may be established under a new NASA policy directing an expanded career counseling program for employees.

In addition, routine use No. (1) has been reworded, not to expand the use in any way, but rather to clarify it and make it more specific.

Routine use No. (4) relating to Congressional inquiries is not new, but rather has been separated from routine use No. (3), since they are two distinct uses.

Finally, under "Subsystem Managers," a subsystem manager for location 10 has been deleted, since these records are now maintained at location 1.

Item 9. In NASA 22ORER (LeRC Occupational Radiation Exposure Records), the "Location" has been changed to delete location 14. Under "Retention and disposal" the retention policy has been clarified.

Item 10. In NASA 51RSCR (GSFC Radiation Safety Committee Records), under "Authority," a new regulation has been included.

Item 11. NASA 76CSHE (KSC Contractor Special and Heavy Equipment Operator Examination and Licensing Records)—see p. 43686, Federal Register, Vol. 40, September 22, 1975—has been deleted in its entirety, as it has been determined that it is not, in fact, a system of records requiring a public notice under the Privacy Act of 1974.

Item 12. In NASA 10HERD (Human Experimental and Research Data Records), a new location has been added at White Sands Test Facility.

Item 13. Appendix A, "Location Numbers and Mailing Addresses of NASA Installations at Which Records are Located," has been revised as follows:

a. Location 3 has been renamed the "Hugh L. Dryden Flight Research Center," and

b. Location 10, as a result of a reorganization, is now the Resident Procurement Office—JPL.

Item 14. In NASA 10PAYS (Payroll System), routine use No. (11) was proposed to be reworded and routine use No. (12) was proposed as a new use on p. 8235, Federal Register, Vol. 41, February 25, 1976. Interested persons were given until March 12, 1976, to submit comments and no such comments were received. The revision to No. (11) and the new routine use No. (12), therefore, are adopted without change effective August 30, 1976, and are included in the republished notice.

Public Comment Invited

The following are proposed changes which either add or expand a routine use.

Item 1. In NASA 10IDCF (Inspections Division Case Files) three new routine uses (Nos. (4), (5) and (6)) and one expanded routine use (No. (3)) are proposed. Use No. (2) which provides for disclosure in response to Congressional inquiries, is not new, but has been separated from routine use No. (1) for greater clarity.

Item 2. In NASA 10SECR (Security Records System), the following new or expanded routine uses are proposed:

a. Under the "Personnel Security Records" segment, routine use No. (2) has been expanded, and uses Nos. (6), (7) and (8) are proposed;

b. Under the "Criminal Matter Records" segment, uses Nos. (1) and (2) are proposed; and

c. Under the "Traffic Management Records" segment uses Nos. (1) and (2) are proposed.

NASA invites public comment on these changes to the routine uses.

Written comments should be addressed to the NASA Privacy Officer, Mail Code AE, National Aeronautics and Space Administration, Washington, D.C. 20546, on or before October 13, 1976. All written comments received through that date will be considered by NASA before taking final action on the proposed changes. Any comments received will be available for public inspection at the National Aeronautics and Space Administration, room 7137, 400 Maryland Avenue, SW., Washington, D.C. 20546, between the hours of 9 a.m. and 4 p.m., Monday through Friday (except holidays), until 4 p.m., October 13, 1976.

It is proposed that these changes in routine uses become effective on October 18, 1976, unless otherwise noted in the Federal Register.

Duward L. Crow,
Associate Deputy Administrator.

August 27, 1976.

NASA 10ACMQ.

System name: Aircraft Crewmember Qualifications and Performance Records - NASA.

System location: Locations 1, 2, 3, 5, 6, 7, 8, 9, 10, and 12 as set forth in Appendix A.

Categories of individuals covered by the system: Crewmembers of NASA aircraft.

Categories of records in the system: System contains: (1) record of qualification, experience, and currency, e.g., flight hours (day, night, and instrument), types of approaches and landings, crew position, type aircraft, flight check ratings and related examination results, training performed and medical records; (2) flight itineraries and passenger manifests; and (3) biographical information.

Authority for maintenance of the system: 42 U.S.C. 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for; evaluation of crewmember performance by supervisory flight operations personnel and staff; by the individuals whose records are maintained; on occasion by flight operations and safety survey teams; and by the NASA Aircraft Office. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) In cases of accident investigations, access to this system of records may be granted to federal or local agencies such as Department of Defense, Federal Aviation Administration, National Transportation Safety Board, or foreign governments; (2) To other agencies, companies, or governments requesting qualifications of crewmembers prior to authorization to participate in their flight programs; or to other agencies, companies, or governments whose crewmembers may participate in NASA's flight programs; (3) With prior approval by the individual - publicity or press releases; and (4) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, charts, punched cards, computer printouts.

Retrievability: Records are indexed by name or aircraft number.

Safeguards: Records are protected in accordance with the requirements and procedures which appear at 14 C.F.R. Part 1212.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Director, NASA Aircraft Office, Location 1.

Subsystem Managers: Chief, Aircraft Operations Division, Location 2; Director, Flight Operations, Location 3; Chief, Aircraft Operations Division, Location 5; Chief, Aircraft Operations Section, Location 6; Chief, Operations Branch, Flight Research Division, Location 7; Chief, Aircraft Operations Branch, Location 8; Chief, Aircraft Operations, Location 9; Chief, JPL Contract Management Branch, Location 10; Chief, Aeronautical Programs Branch, Location 12 (Locations are set forth in Appendix A).

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above.

Record access procedures: Requests from individuals should be addressed to: Same address as stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Individuals, training schools or instructors, medical units or doctors.

NASA 10BRPA

System name: Biographical Records for Public Affairs - NASA.

System location: Locations 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, and 12 as set forth in Appendix A.

Categories of individuals covered by the system: Principal and prominent management and staff officials, program and project managers, scientists, engineers, speakers, etc., and other selected employees involved in newsworthy activities.

Categories of records in the system: Current biographical information about the individual with a recent photograph when available. Data items are those generally required by NASA or the news media in preparing news or feature stories about the individual and/or his activity with NASA.

Authority for maintenance of the system: 42 U.S.C 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is compiled, updated, and maintained at NASA installations for ready reference material and for immediate availability when required by the news media for news stories about the individual generally involving his participation in a major NASA activity.

The data serves as background information about the individual and is used within NASA to prepare public appearance announcements of key officials, speaking engagements, special appointments, participation in professional societies, etc.; to write news stories about special achievements, awards, participation in major NASA activities, programs, etc.; and to prepare responses to inquiries submitted to the Office of Public Affairs from the news media.

Users are the staff members of the public information office within each office of Public Affairs.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: these records are made available to professional societies, civic clubs, industrial and other organization news media representatives, researchers, authors, Congress, other agencies and other members of the public in connection with NASA public affairs activities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Since the records are a matter of public information, no safeguard requirements are necessary.

Retention and disposal: Records are maintained as long as there is potential public interest in them and are disposed of when no longer required.

System manager(s) and address: The Director of Public Information at Location 1.

Subsystem Managers: The Public Affairs Officer at Locations 2, 3, 4, 5, 6, 7, 8, 9, 11, and 12 as set forth in Appendix A.

Notification procedure: An individual desiring to find out if a Biographical System of Records contains a record pertaining to him should call, write, or visit the Office of Public Affairs at the appropriate NASA location.

Record access procedures: An individual may request access to his record by calling, writing, or visiting the Office of Public Affairs at the appropriate NASA locations. Individuals may examine or obtain a copy of their biographical record at any time.

Contesting record procedures: The information in the record was provided voluntarily by the individual with the understanding that the information will be used for public release. The individual is at liberty at any time to revise, update, add, or delete information in his biographical record to his own satisfaction.

Record source categories: Information in the biography of an individual in the system of records is provided voluntarily by the individual generally with the aid of a form questionnaire.

NASA 10EEOR.

System name: Equal Opportunity Records - NASA.

System location: Locations 1 through 12 inclusive as set forth in Appendix A.

Categories of individuals covered by the system: Complainants and applicants.

Categories of records in the system: (1) Complaints and (2) applications..

Authority for maintenance of the system: 42 U. S. C. 2473; 44 U.S.C. 3101; Executive Order 11478, dated August 8, 1969; Civil Service Commission Regulations, Part 713; Equal Opportunity Act 1972, as amended (P.L. 92-261); Section 15 of the Age Discrimination in Employment Act of 1967, as amended (P.L. 93-259).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for maintaining active discrimination complaints files; to retain inactive discrimination complaints files; to analyze Headquarters workforce; to

track the status of the Equal Opportunity Programs to provide CSC with budget outlays for the Civil Rights Activity Report; to provide the Congress with accomplishments in Equal Opportunity Programs; to refer applicants (minorities and females); and to determine contractors' compliance with Executive Orders 11246 and 11375 as amended.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Disclosures to the Civil Service Commission to facilitate their processing of discrimination complaints, including investigations, hearings and reviews on appeals; (2) Responses to other Federal agencies and other organizations having legal and administrative responsibilities related to the NASA Equal Employment Opportunity Programs and to individuals in the record; (3) Disclosures may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office made at the request of that individual; and (4) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by any combination of name, birthdate, social security number, ethnic groups, grades, topics, statistics.

Safeguards: Records are located in locked metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access and are locked during non-duty hours.

Retention and disposal: Complaint files are maintained for seven years after each case has been closed and then retired to the appropriate Federal Records Center. Other routine office records are reviewed periodically and retired to the appropriate Federal Records Center or destroyed.

System manager(s) and address: Assistant Administrator for Equal Opportunity Programs, Location 1.

Subsystem managers: Equal Employment Opportunity Officer at Locations 1, 3, and 8; Chief, Equal Employment Opportunity Programs Office at Location 2; Head, Equal Opportunity Programs Office at Location 4; Equal Employment Opportunity Programs Officer at Location 5; Equal Opportunity Officer at Location 6; Head, Equal Opportunity Programs Office at Location 7; Director, Equal Employment Opportunity Office at Location 9; Staff Assistant to the Director at Location 10; Assistant Manager for Administration at Location 11; Associate Director at Location 12. Locations are as set forth in Appendix A.

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above.

Record access procedures: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Employees, applicants, installation EEO officers, complainants, EEO counselors, EEO investigators, CSC complaints examiners, complaints coordinators, Assistant Administrator for Equal Opportunity Programs.

NASA 10EXDR

System name: Executive Development Records - NASA.

System location: Locations 1 through 12 inclusive as set forth in Appendix A.

Categories of individuals covered by the system: Approximately 700 individuals with experience and education unique to the NASA mission in the technical and administrative fields who are considered to be replacement candidates for key positions within NASA or who are considered to be high potential candidates.

Categories of records in the system: Biographical data, education, training, government experience, other experience, military service, individual development plan data.

Authority for maintenance of the system: 42 U.S.C. 2473, 44 U.S.C. 3101, and 5 U.S.C. 4103.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for the identification of replacement candidates who are currently ready to assume the responsibility of a key position/positions throughout the Agency and for the identification of high potential and replacement candidates who are in need of a certain amount of training and/or experience before assuming a key position within the Agency. These candidates would then be groomed toward the identified key positions. There are no routine uses outside of NASA of the information contained in this system of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, on spread sheets, and will probably be stored on punched cards and magnetic tape by calendar year 1977.

Retrievability: The records are indexed alphabetically; however, once this information is stored on cards and/or tape, it may be indexed by social security number or by educational and work experience codes.

Safeguards: Records are located in a locked metal file cabinet with access limited to those whose official duties require access.

Retention and disposal: These records will be retained and updated for as long as there is a need by NASA top management to readily identify and groom replacement candidates for NASA's key positions throughout the Agency.

System manager(s) and address: Director, Office of Executive Development, Location 1.

Subsystem Managers: Directors of Locations 2 through 12 inclusive as set forth in Appendix A.

Notification procedure: Information may be obtained from the System Manager only.

Record access procedures: Requests from individuals should be addressed to the same address stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Employers, top NASA officials throughout the Agency, other persons acquainted with the work performance of the individual, and NASA personnel records.

NASA 10GMVP

System name: Government Motor Vehicle Operators Permit Records - NASA.

System location: Locations 1 through 15 inclusive as set forth in Appendix A.

Categories of individuals covered by the system: NASA employees, contractor employees, other federal and state government employees.

Categories of records in the system: Name, home address, Social Security Number, physical description of individual, physical condition of individual, traffic record.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; Federal Personnel Management Manual, Chapter 930; Federal Property Management Regulations Subpart 101-39.601; NASA Management Issuance 6720.1A.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for the purpose of identifying and checking record of applicant to attest to legality to operate Government vehicle. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) National Driver Register, Department of Transportation, where Form 1047 is received for check and (2) Standard routine uses 1 through 4 inclusive, as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Indexed by name.

Safeguards: Records are located in metal file cabinets with access limited to those whose official duties require access. Room is locked during non-duty hours.

Retention and disposal: Records are maintained for a period of three years when permit expires or until permit holder leaves the Agency or requests cancellation. Records are torn and deposited in wastebasket.

System manager(s) and address: Director, Administrative Services Division, Location 1.

Subsystem Managers: Chief, Services and Support Division, Location 2; Chief, Management Support Division, Location 3; Chief, Management Services and Supply Division, Location 4; Assistant Chief for Transportation, Location 5; Chief of Transportation, Location 6; Chief, Management Support Division, Location 7; Head, General Services Section, Location 8; Director, Logistics Office, Location 9; Chief, JPL Contract Management Branch, Location 10; Chief of Technical Support, Location 11; Director of Administration, Location 12; Contract and Property Specialist, Location 13; Chief, Maintenance and Administration Office, Location 14; Chief of Facilities, Location 15. Locations are as set forth in Appendix A.

Notification procedure: Information may be obtained from the cognizant system manager listed above.

Record access procedures: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Individual NASA employees and individual contractor employees.

NASA 10HABC.

System name: History Archives Biographical Collection - NASA.

System location: Locations 1, 5, and 6 as set forth in Appendix A.

Categories of individuals covered by the system: Individuals who are of historical significance in aeronautics, astronautics, space science, and other concerns of NASA.

Categories of records in the system: Biographical data; speeches and articles by the individual.

Authority for maintenance of the system: 42 U.S.C. 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for researching and writing official histories and answering queries from various NASA offices. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: Disclosure to scholars (historians and other disciplines), or any other interested individuals for research and writing dissertations, articles, and books, for government, commercial and non-profit publication.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are stored in file folders.

Retrievability: The records are indexed by name.

Safeguards: Because these records are archive material and therefore a matter of public information, there are no special safeguard procedures required.

Retention and disposal: Most biographical files are retained indefinitely, either in the archives or retired to the appropriate Federal Records Center.

System manager(s) and address: Director, History Office, Code YH, Location 1.

Subsystems Managers: Center Historian, Code BE-4, Location 5; Historian, Code PA-HIS, Location 6 (Locations are set forth in Appendix A).

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above.

Record access procedures: Requests from individuals should be addressed to: Same address as stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Press releases, newspapers, journals, and the individuals themselves.

NASA 10HERD

System name: Human Experimental and Research Data Records - NASA

System location: Locations 2, 3, 5, and 13 as stated in Appendix A.

Categories of individuals covered by the system: Individuals who have been involved in space flight, aeronautical research flight, and/or participated in NASA tests or experimental or research programs; Civil Service employees, military, employees of other government agencies, contractor employees, students, human subjects (volunteer or paid), and other volunteers on whom information is collected as part of an experiment or study.

Categories of records in the system: Data obtained in the course of an experiment, test, or research medical data from inflight records; other information collected in connection with an experiment, test, or research.

Authority for maintenance of the system: 42 U.S.C. 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used by NASA for the purposes of evaluating new analytical techniques, equipment, and re-examining flight data for alternative interpretations, developing applications of experimental techniques or equipment, reviewing and improving operational procedures with respect to experimental protocols (both inflight and ground), life support systems operating procedures, determining human engineering requirements, and carrying out other research.

In addition to the internal use of the information contained in this system of records, the following are routine uses outside of NASA: (1) Disclosures to other individuals or organizations, including Federal, State, or local agencies, and nonprofit, educational, or private entities, who are participating in NASA programs or are otherwise furthering the understanding or application of biological, physiological, and behavioral phenomena as reflected in the data contained in this system of records; and (2) the standard routine use 4 as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are in file folders; on punch cards, magnetic tapes, or discs; on microfilm, microfiche, still photographs, or motion picture film; and on various medical recordings such as electrocardiographic tapes, stripcharts, and x-rays.

Retrievability: By name, experiment or test; arbitrary experimental subject number; flight designation; or crew member designation on a particular space or aeronautical flight.

Safeguards: Access is limited to Government personnel requiring access in the discharge of their duties, and to appropriate support contractor employees on a need-to-know basis. Computerized records are identified by code number and records are maintained in locked rooms or files. Records are protected in accordance with the requirements and procedures which appear in the NASA regulations set forth in 14 C.F.R. Part 1212.

Retention and disposal: Astronaut records are retained indefinitely. Ground test and research data are retained for varying periods of time depending on the need for use of the files, and are destroyed or otherwise disposed of when no longer needed, except that significant medical data will be handled in accordance with CSC regulations and NASA Control Schedule 11.

System manager(s) and address: Director, Office of Occupational Medicine, Location 1.

Subsystem Managers: Research Assistant to the Director, Location 2; Director of Man/Systems Integration Division, Location 3; Deputy Director, Life Sciences Directorate, Location 5; Manager, White Sands Test Facility, Location 13. Locations are as set forth in Appendix A.

Notification procedure: Information may be obtained from the system or subsystem manager named above.

Record access procedures: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Experimental test subjects, physicians, principal investigators and other researchers, and previous experimental test or research records.

NASA 10IDCF

System name: Inspections Division Case Files - NASA.

System location: National Aeronautics and Space Administration, Washington, DC 20546.

Subsystem Locations: Locations 2, 5, 6, and 9 as set forth in Appendix A.

Categories of individuals covered by the system: Current and former employees of NASA, contractors and sub-contractors, and others whose actions have affected NASA.

Categories of records in the system: Case files pertaining to matters including, but not limited to, the following classifications of cases: (1) Fraud against the Government, (2) Theft of Government property, (3) Bribery, (4) Lost or stolen lunar samples, (5) Misuse of Government property, (6) Conflict of interest, (7) Complaints of discrimination, (8) Waiver of claim for overpayment of pay, (9) Leaks of Source Evaluation Board information, (10) Improper personal conduct, (11) Irregularities in awarding contracts.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; 28 U.S.C. 535 (b); 4 C.F.R. 91; Executive Order 11478.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for: (1) Providing management with information which will serve as a possible basis for appropriate administrative action or the establishment of NASA policy; (2) Providing management with information relevant to the complaint issue to provide a basis for a determination in a complaint of discrimination case; and (3) Providing the Administrator of NASA (or the Comptroller General, as appropriate) sufficient information to provide a basis for decision concerning a request for waiver of claim in the case of an erroneous payment of pay.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Responding to the White House regarding matters inquired of; (2) Disclosure to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office made at the request of that individual; (3) Providing data to Federal intelligence elements; (4) Providing data to any source from which information is requested in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested; (5) Providing personal identifying data to Federal, State, local or foreign law enforcement representatives seeking confirmation of identity of persons under investigation; (6) Disclosing, as necessary, to a contractor, subcontractor, or grantee firm or institution to the extent that the disclosure is in NASA's interest and is relevant and necessary in order that the contractor/subcontractor/grantee is able to take administrative or corrective action; (7) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Information in the system is stored in file folders and on index cards.

Retrievability: Information is retrieved by name of individual.

Safeguards: Information is kept in locked metal file cabinets. Access is limited to Inspections Division personnel.

Retention and disposal: Case files are transferred to the appropriate Federal Record Center 5 years after the case is closed and destroyed after 30 years.

System manager(s) and address: Director of Inspections and Security, Location 1.

Subsystem Managers: Western Regional Inspector, Western Regional Inspections Office, Location 2; Southwestern Regional Inspector, Southwestern Regional Inspections Office, Location 5; Southeastern Regional Inspector, Southeastern Regional Inspections Office, Location 6; South Central Regional Inspector, South Central Regional Inspections Office, Location 9. Locations are as set forth in Appendix A.

Notification procedure: None. System is exempt. See below.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Exempt.

Systems exempted from certain provisions of the act: The Inspections Division Case Files system of records is exempt from all sections of the Privacy Act of 1974 (5 U.S.C. 552a), EXCEPT the following:

(b) relating to conditions of disclosure; (c)(1) and (2) relating to keeping and maintaining a disclosure accounting; (e)(4)(A) through (F) relating to publishing an annual system notice setting forth name, location, categories of individuals and records, routine uses, and policies regarding storage, retrievability, access controls, retention and disposal of the records; (e)(6), (7), (9), (10) and (11) relating to agency requirements for maintaining systems; and (i) relating to criminal penalties.

The determination to exempt this system of records has been made by the Administrator of NASA in accordance with 5 U.S.C. 552a(j) and Subpart 7 of the NASA regulations appearing in 14 C.F.R. Part 1212, for the reason that the Inspections Division of the Office of Inspections and Security, NASA, is a component of NASA which performs as its principal function activity pertaining to the enforcement of criminal laws, within the meaning of 5 U.S.C. 552a(j)(2).

NASA 10PAYS

System name: Payroll System - NASA.

System location: Locations 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, and 12 as set forth in Appendix A.

Categories of individuals covered by the system: Present and former NASA employees.

Categories of records in the system: The data contained in this system of records includes payroll, employee leave, insurance, labor and manpower distribution and overtime information.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; 5 U.S.C. 5501 et seq.; 5 U.S.C. 6301 et seq.; General Accounting Office Policy and Procedures Manual for Guidance of Federal Agencies, Title 6; Treasury Fiscal Requirements Manual, Part III; Federal Personnel Manual; and NASA Financial Management Manual, Sections 9300 and 9600.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for maintaining the payroll records and related areas.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) To furnish to a third party a verification of an employee's status upon written request of the employee; (2) To facilitate the verification of employee contributions and insurance data with carriers and collection agents; (3) To report to the Civil Service Commission (a) withholdings of premiums for life insurance, health benefits and retirement, and (b) separated employees subject to retirement; (4) To furnish the U. S. Treasury magnetic tape reports on net pay, net savings allotments and bond transmittal pertaining to each employee; (5) To provide the Internal Revenue Service with detail of wages taxable under the Federal Insurance Contributions Act and to furnish a magnetic tape listing on Federal tax withholdings; (6) To furnish various financial institutions itemized listings of employee's pay and savings allotments transmitted to the institutions in accordance with employee requests; (7) To provide various Federal, state, and local taxing authorities itemized listing of withholdings for individual income taxes; (8) To respond to state unemployment compensation requests for wage and separation data on former employees; (9) To report to various Combined Federal Campaign offices total contributions withheld from employee wages; (10) To furnish leave balances and activity to the Civil Service Commission upon request; (11) To furnish data to labor organizations in accordance with negotiated agreements; (12) To furnish pay data to the Department of State for certain NASA employees located outside the United States; and (13) Standard routine uses 1 through 4 inclusive as set forth in Apprndix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, and microfilm.

Retrievability: Records are indexed by name and/or social security number.

Safeguards: Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: Records are retained for audit by the General Accounting Office and are transferred to the National Personnel Records Center, St. Louis, Missouri, anywhere from one to three years. Records are retained and destroyed in accordance with

the policies and procedures outlined in NASA Records Disposition Handbook 1 NHB 1441.1A.

System manager(s) and address: Director, Office of Financial Management, Office of the Comptroller, Location 1.

Subsystem Managers: Chief, Financial Management Division, Locations 2, 4, 5, and 7; Financial Management Officer, Locations 3 and 11; Chief, Resources and Financial Management Office, Location 6; Director of Resources Management, Location 8; Director, Financial Management Office, Location 9; and Head, Financial Management Branch, Location 12. Locations are as set forth in Appendix A.

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above.

Record access procedures: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Individual on whom the record is maintained, personnel office, and the individual's supervisor.

NASA 10SCCF.

System name: Standards of Conduct Counselling Case Files - NASA.

System location: National Aeronautics and Space Administration, Washington, DC 20546.

Categories of individuals covered by the system: Current, former, and prospective NASA employees, who have sought advice or have been counselled regarding conflict of interest requirements for government employees.

Categories of records in the system: Depending upon the nature of the problem, information collected may include employment history, financial data, and information concerning family members.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C 3101; 18 U.S.C. 201, 203, 205, 207-209; 5 U.S.C. 7324-7327; Executive Order 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in the system of records is used within NASA for the purpose of counseling employees regarding conflict of interest problems. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) U. S. Civil Service Commission: for investigation of possible violations of standards of conduct which the commission directly oversees; (2) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are documentary and maintained in loose leaf binders or file folders.

Retrievability: By name of individual.

Safeguards: Restricted access to a few authorized persons; stored in combination lock safe.

Retention and disposal: Retained indefinitely.

System manager(s) and address: Assistant General Counsel for General Law, Code GG, NASA Headquarters, Washington, DC 20546.

Notification procedure: Information may be obtained from the System Manager.

Record access procedures: Requests from individuals should be addressed to the System Manager and must include employee's full name and NASA installation where employed.

Contesting record procedures: The NASA regulations and procedures for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Information collected directly from individual and from his official employment record.

NASA 10SECR

System name: Security Records System - NASA.

System location: Locations 1 through 12 inclusive and Location 15 as set forth in Appendix A.

Categories of individuals covered by the system: Employees, applicants, NASA committee members, NASA consultants, NASA experts, NASA Resident Research Associates, guest workers, contractor employees, detailees, visitors, correspondents (written and telephonic), Faculty Fellows, sources of information.

Categories of records in the system: Personnel Security Records, Criminal Matter Records, Traffic Management Records.

Authority for maintenance of the system: National Aeronautics and Space Act, P.L. 85-568; Espionage and Information Control Statutes, 18 U.S.C. 793 through 799; Sabotage Statutes, 18 U.S.C. 2151 through 2157; Conspiracy Statute, 18 U.S.C. 371; 18 U.S.C. 202-208 and 3056; Internal Security Act of 1950, 5 U.S.C. 781 through 798; Atomic Energy Act of 1954, P.L. 703; Executive Order 11653, Classification and Declassification of National Security Information and Material; Executive Order 10865, Safeguarding Classified Information Within Industry; Executive Order 10450, Security Requirements for Government Employees; P.L. 81-733; Executive Order 11490, Assigning Emergency Preparedness Functions to Federal Departments and Agencies; Federal Property Management Regulation, Subpart 101-9.5; Federal Personnel Manual, Chapters 732 and 736; Federal Register, Part 1203a, Chapter V (March 28, 1973); 42 U.S.C. 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Personnel Security Records: The information contained in this category of records is used within NASA for the purpose of granting security clearances; for determining qualifications, suitability, and loyalty to the United States Government; for determining qualifications for access to classified information, security areas, and NASA installations, and for determining qualifications to travel to Communist controlled areas.

In addition to the internal uses of the information contained in this category of records, the following are routine uses outside of NASA: (1) To determine eligibility to perform classified visits to other Federal agencies and contractor facilities; (2) To provide data to Federal intelligence elements; (3) To provide data to any source from which information is requested in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested; (4) To provide a basis for determining preliminary visa eligibility; (5) To respond to White House inquiries; (6) Disclosures may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office made at the request of that individual; (7) To provide personal identifying data to Federal, State, local, or foreign law enforcement representatives seeking confirmation of identity of persons under investigation; (8) Disclosure to a NASA contractor, subcontractor, or grantee of information developed in an investigation or administrative inquiry concerning a violation of a Federal statute or NASA regulation on the part of an officer or employee of the contractor, subcontractor, or grantee; and (9) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Criminal Matter Records: The information contained in this category of records is used within NASA for providing management with information which will serve as a possible basis for administrative action. In addition to the internal uses of the information contained in this category of records, the routine uses outside of NASA are: (1) To provide personal identifying data to Federal, State, local, or foreign law enforcement representatives seeking confirmation of identity of persons under investigation; (2) To provide a NASA contractor, subcontractor, or grantee information developed in an investigation or administrative inquiry concerning a violation of a Federal statute or NASA regulation on the part of an officer or employee of the contractor, subcontractor, or grantee; and (3) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Traffic Management Records: The information contained in this category of records is used within NASA to provide designated officials and employees with data concerning vehicle ownership, traffic accidents, violation of traffic laws, suspension of driving privileges, traffic control, vehicle parking, and car pools. In addition to the internal uses of the information contained in this category of records, the routine uses outside of NASA are: (1) To provide personal identifying data to Federal, State, local, or foreign law enforcement representatives seeking confirmation of identity of persons under investigation; (2) To provide a NASA contractor, subcontractor, or grantee information developed in an investigation or administrative inquiry concerning a violation of a Federal statute or

NASA regulation on the part of an officer or employee of the contractor, subcontractor, or grantee; and (3) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, punch cards, microfilm, and film.

Retrievability: Records are indexed by name, file number, organization, place of origin, badge number, decal number, date of event, space number, payroll number, and social security number.

Safeguards: Access to Personnel Security Records is controlled by Government personnel exclusively. Access to Criminal Matter Records is controlled by either Government personnel or selected personnel of NASA contractor guard forces. After presenting proper identification and requesting a file or record, a person with a need-to-know and, if appropriate, a proper clearance may have access to a file or record only after it has been retrieved and approved for release by a NASA security representative. These records are secured in security storage equipment.

Traffic Management Records: Access to these records is controlled by either Government personnel or selected personnel of NASA contractor guard forces. Access to these records is permitted after a determination has been made that the requestor has an official interest. These records are stored in locked containers.

Retention and disposal: Records, depending upon type, are retained from 6 months to 30 years before being destroyed. When current immediate need no longer exists, records are either transferred to the appropriate Federal Records Center or destroyed in accordance with records disposal instructions.

System manager(s) and address: Director of Security, Location 1.

Subsystem Managers: Chief, Security Branch, Locations 2, 4, and 5; Director, Management Support Division, Location 3; Chief, Security Office, Location 6; Security Officer, Locations 7, 8, 11, and 12; Chief, Security Division, Location 9; Chief, Safety-Security Office, Location 10; Safety and Security Officer at Location 15. Locations are as set forth in Appendix A.

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above. Requests must contain the following identifying data concerning the requestor: first, middle, and last name; date of birth; social security number; period and place of employment with NASA, if applicable.

Record access procedures: Personnel Security Records compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information have been exempted by the Administrator under 5 U.S.C. 522a (k) (5) from the access provisions of the Act.

Criminal Matter Records compiled for civil or criminal law enforcement purposes have been exempted by the Administrator under 5 U.S.C. 552a (k) (2) from the access provisions of the Act.

Traffic Management Records: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: For Personnel Security Records and Criminal Matters Records see Access, above. For Traffic Management Records, the NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER.

Record source categories: Personnel Security Records: Exempt

Criminal Matter Records: Exempt

Traffic Management Records: Employees, civil investigative agencies, civil law enforcement agencies, Federal and local judicial systems, medical records.

Systems exempted from certain provisions of the act: Personnel Security Records compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information, but only to the extent that the disclosure of such material would reveal the identity of a confidential source, are exempt from the following sections of the Privacy Act of 1974, 5 U.S.C. 552a:

(c) (3) relating to access to the disclosure accounting; (d) relating to access to the records; (e) (1) relating to the type of information maintained in the records; (e) (4) (G) (H) and (I) relating to publishing in the annual system notice information as to agency procedures for access and correction and information as to the categories of sources of records; and (f) relating to developing Agency rules for gaining access and making corrections.

The determination to exempt this portion of the Security Records System has been made by the Administrator of NASA in accordance with 5 U.S.C. 552a (k) (5) and Subpart 7 of the NASA regulations appearing in 14 C.F.R. Part 1212.

Criminal Matter Records to the extent they constitute investigatory material compiled for law enforcement purposes are exempt from the following sections of the Privacy Act of 1974, 5 U.S.C. 552a:

(c) (3) relating to access to the disclosure accounting; (d) relating to access to the records; (e) (1) relating to the type of information maintained in the records; (e) (4) (G) (H) and (I) relating to publishing in the annual system notice information as to agency procedures for access and correction and information as to the categories of sources of records; and (f) relating to developing Agency rules for gaining access and making corrections.

The determination to exempt this portion of the Security Records System has been made by the Administrator of NASA in accordance with 5 U.S.C. 552a (k) (2) and Subpart 7 of the NASA regulations appearing in 14 C.F.R. Part 1212.

Records subject to the provisions of 5 U.S.C. 552 (b) (1) (required by Executive order to be kept secret in the interest of national defense or foreign policy) are exempt from the following sections of the Privacy Act of 1974, 5 U.S.C. 552a:

(c) (3) relating to access to the disclosure accounting; (d) relating to the access to the records; (e) (1) relating to the type of information maintained in the records; (e) (4) (G) (H) and (I) relating to publishing in the annual system notice information as to agency procedures for access and correction and information as to the categories of sources of records; and (f) relating to developing Agency rules for gaining access and making corrections.

The determination to exempt this portion of the Security Records System has been made by the Administrator of NASA in accordance with 5 U.S.C. 552A (k) (1) and Subpart 7 of the NASA regulations appearing in 14 C.F.R. Part 1212.

NASA 10SMED

System name: System of Medical Records - NASA

System location: In Health Clinics/Units at locations 1 through 15 inclusive as set forth in Appendix A.

Categories of individuals covered by the system: NASA Civil Service employees & applicants; other Agency civil service & military employees working at NASA; visitors to field installations; on-site contractor personnel who receive job related examinations or come to clinic for emergency or first aid treatment; astronauts and their families.

Categories of records in the system: General medical records of first aid, emergency treatment, examinations, exposures, and consultations.

Information resulting for physical examinations, laboratory and other tests, and medical history forms; treatment records; screening examination results; immunization records; administration of medications prescribed by private/personal physicians; statistical records; examination schedules; daily log of patients; correspondence; radiation exposure records; alcohol/drug patient information; consultation records.

Astronauts and their families - more detailed and complex physical examinations.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; OMB Circular A-72; Public Law 92-255; Public Law 79-658; Public Law 91-66.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for the following purposes: Reference by examining physicians in conduct of physical examinations; review by physicians in consideration of fitness for duty; evaluation for physical disability retirement; statistical data development; patient recall; in-space medical evaluation for astronauts; exposure data for radiation/toxic exposure limits, compliance and examinations; consultations; evaluation of employees, applicants, and contractor employees for specialized or hazardous duties.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Referral to private physicians designated by the individual when requested in writing; (2) Patient referrals; (3) Referral to CSC, OSHA and other Federal agencies as required in ac-

cordance with these special program responsibilities; (4) Referral of information to a non-NASA individual's employer; (5) Standard routine use 4 as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are in file folders, punch cards, electrocardiographic tapes and x-rays.

Retrievability: By name, date of birth and social security number.

Safeguards: Access limited to concerned medical personnel on a need-to-know basis. Computerized records are identified by code number and records are maintained in locked rooms or files. Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: In accordance with CSC regulations and NASA Control Schedule II. Records on astronauts are retained permanently.

System manager(s) and address: Director, Office of Occupational Medicine, Location 1

Subsystem Managers: Medical Director or Medical Administrator at Locations 1 through 15 inclusive as set forth in Appendix A.

Notification procedure: Information may be obtained from the cognizant system or subsystem manager listed above.

Record access procedures: Requests from individuals should be addressed to the same address as stated in the notification section above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in 14 C.F.R. Part 1212.

Record source categories: Individuals, physicians and previous medical records of individuals.

NASA 10SPER

System name: Special Personnel Records - NASA

System location: Locations 1 through 12 inclusive as set forth in Appendix A.

Categories of individuals covered by the system: Candidates for and recipients of awards or NASA training; civilian and active duty military detailees to NASA; participants in enrollee programs; Faculty, Science, National Research Council and other Fellows, Associates and Guest Workers including those at NASA installations but not on NASA rolls; NASA contract and grant awardees and their associates having access to NASA premises and records; individuals with interest in NASA matters including Advisory Committee Members; NASA employees and family members, prospective employees and former employees.

Categories of records in the system: Special Program Files including: (1) Alien Scientist files; (2) Award files; (3) Counseling files, including alcohol and drug abuse, life and health insurance, retirement, upward mobility, and work injury counseling files; (4) Military and Civilian Detailee files; (5) Personnel Development files such as nominations for and records of training or education, Upward Mobility Program files, Intern Program files, Apprentice files, and Enrollee Program files; (6) Special Employment files such as Federal Junior Fellowship Program files, Stay-in-School Program files, Summer Employment files, Worker-Trainee Opportunity Program files, NASA Executive Position files, Expert and Consultant files, and Cooperative Education Program files; and (7) Supervisory appraisals under Merit Promotion Plan.

Correspondence and related information including: (1) Claims correspondence and records about insurance such as life, health, and travel; (2) Congressional and other Special Interest correspondence, including employment inquiries; (3) Correspondence and records concerning travel related to permanent change of station; (4) Debt complaint correspondence; (5) Employment interview records; (6) Information related to outside employment and activities of NASA employees; (7) Placement follow-ups; (8) Pre-employment inquiries and reference checks; (9) Preliminary records related to possible adverse actions; (10) Records related to reductions-in-force; (11) Records under negotiated grievance procedures; (12) Separation information including exit interview records, death certificates and other information concerning deaths, retirement records, and other information pertaining to separated employees; (13)Special planning, analysis, and administrative information; (14) Work performance records; (15) Working papers for prospective or pending retirements.

Special Records and Rosters including: (1) Locator files; (2) Ranking lists of employees; (3) Repromotion candidate lists; (4) Retired military employee records; (5) Retiree records.

Agencywide and installation automated personnel information.

Rosters, applications, recommendations, assignment information and evaluations of Faculty, Science, National Research Council and other Fellows, Associates and Guest Workers including those at NASA installations but not on NASA rolls; also, information about NASA contract and grant awardees and their associates having access to NASA premises and records.

Information about members of advisory committees and similar organizations.

All NASA-maintained information of the same types as, but not included in, systems of records for which the U. S. Civil Service Commission publishes Privacy Act notices in the FEDERAL REGISTER, including Appeals, Grievances, and Complaints Records; General Personnel Records; and Recruiting, Examining and Placement Records.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used by officials and employees within NASA for preview, planning, review and management decisions regarding personnel and activities related to the records.

In addition to the internal uses of the information contained in this system of records the following are routine uses outside of NASA: (1) Disclosures may be made to organizations or individuals having contract, legal, administrative or cooperative relationships with NASA, including labor unions, academic organizations, governmental organizations, non-profit organizations, and contractors; and to organizations or individuals seeking or having available a service or other benefit or advantage. The purpose of such disclosures is to satisfy a need or needs, further cooperative relationships, offer information, or respond to a request; (2) Statistical or data presentations may be made to governmental or other organizations or individuals having need of information about individuals in the records; (3) Responses may be made to other Federal agencies, and other organizations having legal or administrative responsibilities related to programs and individuals in the records; (4) Disclosure may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office made at the request of that individual; and (5) Standard routine uses 1 through 4 inclusive as set forth in Appendix B may also apply.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, lists, forms, index cards, microfilm, microfiche, and/or various computer storage devices such as discs, magnetic tapes and punched cards.

Retrievability: Records are indexed by any one or a combination of name, birthdate, social security number, or identification number.

Safeguards: Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: Records are retained for varying periods of time depending on the need for use of the files, and are destroyed or otherwise disposed of when no longer needed.

System manager(s) and address: NASA Director of Personnel, Location 1

Subsystem Managers: Director, Headquarters Personnel Division, Location 1; Director of Personnel, Locations 2, 3, 4, 5, 6, 7, 8, 9, and 12; Assistant Manager (Administration), Location 11. Locations are as set forth in Appendix A.

Notification procedure: Apply to the System or Subsystem Manager at the appropriate location above. In addition to personal identification (name, social security number, etc.), indicate the specific type of record, the appropriate date or period of time, and the specific kind of individual applying (e.g., employee, former employee, contractor employee, etc.).

Record access procedures: Same as notification procedures above.

Contesting record procedures: The NASA regulations pertaining to access to records and for contesting contents and appealing initial determinations by the individual concerned are set forth in 14 C.F.R. Part 1212.

Record source categories: Individuals to whom the records pertain, NASA employees, other Federal employees, other organizations and individuals.

NASA 10XROI

System name: Exchange Records on Individuals - NASA

Security classification: Locations 6, 7, 8, 9, and 12 as set forth in Appendix A.

Categories of individuals covered by the system: Present and former employees of, and applicants for employment with, NASA Exchanges, Recreational Associations, and Employees' Clubs at NASA installations. Individuals with active loans or charge accounts at one or more of the several organizations.

Categories of records in the system: Exchange Employees' personnel and payroll records, including injury claims, unemployment claims, biographical data, performance evaluations, annual and sick leave records, and all other employee records. Credit records on NASA employees with active accounts.

Authority for maintenance of the system: 42 U.S.C. 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for (1) maintaining exchange employees' payroll, leave, and other records; (2) determining pay adjustment eligibility; (3) determining Federal, State, and City tax withholdings; (4) determining leave eligibility; (5) determining person to notify in emergency; (6) certification of unemployment or injury claims; (7) determining eligibility for employment and promotion; and (8) determining credit standing.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) To furnish a third party a verification of an employee's status upon written request of the employee; (2) To facilitate the verification of employee contributions for insurance data with carriers and collection agents; (3) To provide various Federal, State, and local taxing authorities itemized listing of withholdings for individual income taxes; (4) To respond to State employment compensation requests for wage and separation data on former employees; (5) To report previous job injuries to workmen's compensation organizations; (6) For emergency notice to person designated by employee; (7) To report unemployment record to appropriate State and local authorities; (8) When requested, provide other employers with work record; and (9) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. part 1212.

Retention and disposal: Exchange personnel records are permanent.

System manager(s) and address: Assistant to the Assistant Administrator for Institutional Management, Location 1.

Subsystem Managers: Chairman, Exchange Council, Locations 6 and 7; Treasurer, NASA Exchange, Location 8; Exchange Operations Manager, Location 9; Head, Administrative Management Branch, Location 12. Locations are as set forth in Appendix A.

Notification procedure: Individuals may obtain information from the cognizant subsystem managers listed above.

Record access procedures: Requests from individuals should be directed to the same address as stated in the notification section above.

Contesting record procedures: The NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in the NASA rules section of the FEDERAL REGISTER.

Record source categories: Individual on whom the record is maintained and the individual's supervisor.

NASA 22ORER

System name: LeRC Occupational Radiation Exposure Records - NASA.

System location: NASA/Lewis Research Center, 21000 Brookpark Road, Cleveland, OH 44135.

Categories of individuals covered by the system: Present and former LeRC employees and contractor personnel who may be exposed to radiation.

Categories of records in the system: Name, date of birth, exposure history, name of license holder, Social Security Number, employment and training history.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C 3101; 42 U.S.C. 2021, 2073, 2093, 2095, 2111, 2133, 2134, 2201; Title 10 Code of Federal Regulations, Part 20.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA to inform individuals of their radiation dosage.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Standard routine uses 1 through 4 inclusive as set forth in Appendix B and (2) The Nuclear Regulatory Commission (formerly Atomic Energy Commission) may inspect records pursuant to fulfilling their responsibilities in administering and issuing licenses to use radiation sources.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are personally supervised during the day and locked in the office at night.

Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: Records are retained as long as the user custodian is employed in NASA programs and as long thereafter as required by regulations of the Nuclear Regulatory Commission.

System manager(s) and address: Chief, Office of Environmental Health, address same as shown for system location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA rules for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Individual is sole source.

NASA 51CDTS

System name: GSFC Civil Defense Training Survey Records - NASA

System location: Goddard Space Flight Center, National Aeronautics and Space Administration, Greenbelt, Maryland 20771.

Categories of individuals covered by the system: GSFC Civil Service personnel who indicate particular skills that could be utilized or special physical or medical needs that might have to be met in a time of national emergency or major natural disaster.

Categories of records in the system: Medical information and skills.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; Implementation of existing Readiness Planning Requirements.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for providing a skills and experience inventory of resources which could be made available during a national emergency and to facilitate meeting special physical or medical needs of individuals. There are no routine uses outside of NASA of the information contained in this system of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name only.

Safeguards: Records are located in locked metal file cabinet in locked room with access limited to those whose official duties require access.

Retention and disposal: Records are disposed of when the employee leaves the Center.

System manager(s) and address: Chief, Health and Safety Engineering Office; address same as shown for system location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Employees

NASA 51RSCR

System name: GSFC Radiation Safety Committee Records - NASA

System location: Goddard Space Flight Center, National Aeronautics and Space Administration, Greenbelt, Maryland 20771.

Categories of individuals covered by the system: Radiation users and custodians under GSFC cognizance.

Categories of records in the system: Employment and training history.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; USNRC License and GHB 1860.1, 'Radiation Safety Handbook'; GHB 1860.2 'Radiation Safety Radio-Frequency.'

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this sytem of records is used within NASA for review and approval of custodians and users of ionizing radiation by the Radiation Safety Committee. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside NASA: (1) The Nuclear Regulatory Commission (formerly Atomic Energy Commission) may inspect records pursuant to fulfilling their responsibilities in administering and issuing licenses to use radiation sources; (2) Occupational Safety and Health Administration (Federal and State) may inspect records pursuant to fulfilling their responsibilities under the Occupational Safety and Health laws. (3) The Environmental Protection Agency may inspect records pursuant to fulfilling their responsibilities under the Environmental Protection laws and executive order; (4) The Food and Drug Administration, DHEW, may inspect records pursuant to fulfilling their responsibilities respecting use of lasers and x-rays; (5) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name only.

Safeguards: Records are located in locked metal file cabinet in locked room with access limited to those whose official duties require access.

Retention and disposal: Records are kept for two years. If employee does not wish to be renewed for position at the end of 2-year period, his record is removed and placed in inactive file.

System manager(s) and address: Chief, Health and Safety Engineering Office; address same as shown for system location.

Notification procedure: Individuals may obtain information from the system manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Employees

NASA 53BHTR

System name: Wallops Flight Center Base Housing Tenant Record - NASA.

System location: Wallops Flight Center, National Aeronautics and Space Administration, Wallops Island, Virginia 23337

Categories of individuals covered by the system: Tenants of Wallops Housing area.

Categories of records in the system: Housing Rental Agreements, records of rent receipts and records of dormitory occupants.

Authority for maintenance of the system: 42 U.S.C. 2473 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for control of family housing and dormitory facilities. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside NASA: (1) To furnish to a third party a verification of an employee's tenant status upon a written request of tenant; (2) To furnish verification of residency to various Federal, State, and local authorities; and (3) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and card files.

Retrievability: Records are indexed by name and/or room number.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access. Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: Records are retained and destroyed in accordance with the policies and procedures outlined in NASA Records Disposition Handbook, NHB 1441.1A.

System manager(s) and address: Head, Administrative Management Branch, address same as shown for System Location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Tenants and dormitory occupants and Administrative Management records.

NASA 62FHAP

System name: MSFC Federal Housing Administration (FHA) 809 Housing Program - NASA.

System location: George C. Marshall Space Flight Center, National Aeronautics and Space Administration, Marshall Space Flight Center, Alabama 35812.

Categories of individuals covered by the system: MSFC Civil Service and contractor personnel who have applied for FHA 809 housing.

Categories of records in the system: Contains personal (name, home address, home phone, age, marital status), realtor/mortgage and employment data. Contains certification by employee, MSFC, and FHA.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; and 12 U.S.C. 1748h-1 (Section 809, National Housing Act).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for identification of employees who have applied for and received or not received FHA 809 certificates. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Disclosures to the Federal Housing Administration to facilitate their issuing or denying 809 housing certificates; (2) Disclosures to realtors and builders to facilitate their activities with respect to the real estate transaction; and (3) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and index cards.

Retrievability: Records are indexed by certificate number and person's name.

Safeguards: Records are located in locked metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: Certificates are held for five years after issuance and then destroyed by shredding. Index cards are held indefinitely in order that an employee will not be authorized more than one certificate.

System manager(s) and address: Director, Manpower Office, address same as shown for System Location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in 14 C.F.R. Part 1212.

Record source categories: Individual on whom the record is maintained.

NASA 72XOPR

System name: JSC Exchange Activities Records - NASA.

System location: Lyndon B. Johnson Space Center, National Aeronautics and Space Administration, Houston, Texas 77058.

Categories of individuals covered by the system: Employees and past employees of JSC Exchange Operations, applicants under the JSC Exchange Scholarship Program, and JSC employees or JSC contractor employees participating in sports or special activities sponsored by the Exchange.

Categories of records in the system: For present and past employees of the JSC Exchange Operations, the system includes a variety of records relating to personnel actions and determinations made about an individual while employed by the NASA Exchange-JSC. These records contain information about an individual relating to birth date; social security number; home address and telephone number; marital status; references; veteran preference, tenure, handicap; position description, past and present salaries, payroll deductions, leave; letters of commendation and reprimand; adverse actions, charges and decisions on charges; notice of reduction-in-force; personnel actions, including but not limited to, appointment, reassignment, demotion, detail, promotion, transfer and separation; minority group; records relating to life insurance, health and retirement benefits; designation of beneficiary; training; performance ratings; physical examinations; criminal matters; data documenting the reasons for personnel actions or decisions made about an individual; awards; and other information relating to the status of the individual.

For successful applicants under the JSC Exchange Scholarship Program, the system contains information supplied by individual Center employees who have applied for an Exchange Scholarship for their son or daughter and includes, but is not limited to, education, financial transactions or holdings, employment history, medical data and other related information.

For participants in social or sports activities sponsored by the Exchange, information includes employees' or contractors' employee identification number, organization, location, telephone number, and other information directly related to status or interest in participation in such activities.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; NASA Management Issuance 9050.6; Treasury Fiscal Requirement Manual, Part III, Payroll Deductions and Withholdings; Federal Personnel Manual; JSCM 1712, Exchange Activities Manual, dated December 1973; Exchange Operations Manual, dated February 1974.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for the following purposes: (1) With respect to past or present employees of the JSC Exchange Operations, information in the system is used to: (a) pay employees and advise employees through Leave and Earnings Statements, (b) provide for promotion opportunities, disciplinary actions, staffing controls, budget requirements, employee fringe benefits, and other related personnel managerial purposes, and (c) submit reports in accordance with legal or policy directives and regulations to center management and NASA Headquarters; (2) With respect to successful applicants under the JSC Scholarship Program, the information in the system is used to award scholarships to the sons and daughters of NASA-JSC employees; and (3) With respect to participants in the social or sports activities sponsored by the Exchange, the information maintained in the system is used to facilitate participation in such activities.

In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA for information maintained on JSC Exchange Operations employees only: (1) Provide information in accordance with legal or policy directives and regulations to the Internal Revenue Service, Department of Labor, Department of Commerce, Texas State Government Agencies, labor unions; (2) Provide information to insurance carriers with regard to workman's compensation, health and accident, and retirement insurance coverages; (3) Provide employment or credit information to other parties as requested by a current or former employee of the JSC Exchange Operations; and (4) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: For Exchange employees, records are maintained by name and filed as current or past employee. For Scholarship applicants, records are maintained by name. For participants in social or sports activities, records are maintained by name.

Safeguards: Records are located in locked metal file cabinets with access limited to those whose official duties require access.

Retention and disposal: For employees of JSC Exchange Operations, Personnel Records are retained indefinitely to satisfy payroll, reemployment, unemployment compensation, tax and employee retirement purposes.

For successful applicants under the JSC Exchange Scholarship Program, records are maintained until completion of awarded scholarship and then destroyed. Records pertaining to unsuccessful applicants are returned to them.

For participants in social or sports activities, records are maintained for a stated participation period, and are then destroyed.

System manager(s) and address: Manager, Exchange Operations, NASA Exchange - JSC, address same as shown for System Location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear in 14 C.F.R. Part 1212.

Record source categories: For employees of the JSC Exchange Operations, information is obtained from the individual employee, the employee references, insurance carriers, JSC Health Services Division, JSC Security, employment agencies, Texas Unemployment Commission, credit bureaus, and creditors.

With respect to the JSC Exchange Scholarship Program, the information is obtained from the parents or guardians of the scholarship participants.

For JSC employees and JSC contractor employees participating in social or sports activities sponsored by the Exchange, information is obtained from the individual participant.

NASA 73FHAP

System name: WSTF Federal Housing Administration (FHA) 809 Housing Program - NASA.

System location: JSC White Sands Test Facility, National Aeronautics and Space Administration, P. O. Drawer MM, Las Cruces, New Mexico 88001.

Categories of individuals covered by the system: WSTF Civil Service and contractor personnel who have applied for FHA 809 housing.

Categories of records in the system: Contains personal (name, home address, home phone, age, marital status), realtor/mortgage and employment data. Contains certification by employee, WSTF, and FHA.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; and 12 U.S.C. 1748h-1 (Section 809, National Housing Act).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA for identification of employees who have applied for and received or not received FHA 809 certificates. In addition to the internal uses of the information contained in this system of records, the following are routine uses outside of NASA: (1) Disclosures to the Federal Housing Administration to facilitate their issuing or denying 809 housing certificates; (2) Disclosures to realtors and builders to facilitate their activities with respect to the real estate transaction; and (3) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and index cards.

Retrievability: Records are indexed by certificate number and person's name.

Safeguards: Records are located in locked metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: Certificates are held for five years after issuance and then destroyed by shredding. Index cards are held indefinitely in order that an employee will not be authorized more than one certificate.

System manager(s) and address: Chief, Administration Office, address same as shown for System Location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Individual on whom the record is maintained.

NASA 76OSTR

System name: KSC Operations Safety Training Records - NASA

System location: John F. Kennedy Space Center, National Aeronautics and Space Administration, Kennedy Space Center, Florida 32899.

Categories of individuals covered by the system: KSC Civil Service and KSC contractor employees who have received operational safety training.

Categories of records in the system: Operational safety training records of attendance and certifications including certification of physical ability to perform hazardous tasks.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA to provide data for badging and access control to hazardous areas and operations and to determine the size of individual protective equipment.

In addition to the internal uses of the information contained in this system of records the following are routine uses outside of NASA: (1) Disclosure is made of information on employees of KSC contractors to those contractor organizations and to the Federal Electric Corporation and the Bendix Corporation to facilitate performance of the contracts. These disclosures are made by the Training Office of the Boeing Aerospace Center which compiles these safety training records for KSC; (2) Standard routine uses 1 through 4 inclusive as set forth in Appendix B.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained for KSC by the Federal Electric Corporation on computer tape with printouts made quarterly. Complete printouts are filed in the KSC Systems Training and Employee Development Branch, the Boeing Training Office, and the KSC Security Office. Records containing raw data on course attendance and trainee statistics are maintained by the Boeing Aerospace Center for KSC.

Retrievability: Indexed by name and organization.

Safeguards: These listings are automated safety training records maintained under administrative control of responsible organization in areas that are locked when not in use. Records are protected in accordance with the requirements and procedures which appear in the NASA regulations appearing at 14 C.F.R. Part 1212.

Retention and disposal: Outdated records are destroyed.

System manager(s) and address: Chief, Systems Training and Employee Development Branch; address same as shown for System Location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Information is obtained from class rosters, operational records, and reports of physical examination completions.

NASA 76RTES

System name: KSC Radiation Training and Experience Summary - NASA

System location: John F. Kennedy Space Center, National Aeronautics and Space Administration, Kennedy Space Center, Florida 32899.

Categories of individuals covered by the system: Custodians or users of radioactive materials or ionizing radiation-producing devices. Applicable to all users or custodians at KSC and NASA or NASA contractor personnel at Cape Canaveral Air Force Station, Florida, or Vandenberg Air Force Base, California.

Categories of records in the system: Name and nuclear related experience.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; 42 U.S.C. 2021, 2111, 2201, 2232, 2233, Title 10 Code of Federal Regulations, Part 33 for Federal Licensee, and Florida Administrative Code, Chapter 10 D-56 for State Licensee.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA to determine the suitability of individuals for specific assignments dealing with ionizing radiation and to preclude unnecessary exposure to self and others.

In addition to the internal uses of the information contained in this system of records, routine uses outside of NASA include: (1) Disclosure to Air Force Radiation Protection Officers at Cape Canaveral Air Force Station, Florida, and Vandenberg Air Force Base, California, to governmental and private license holders, and to NASA contractors using radioactive materials or ionizing radiation producing devices to facilitate protection of the individual and the public; (2) Standard routine uses 1 through 4 inclusive as set forth in Appendix B; (3) The Nuclear Regulatory Commission (formerly Atomic Energy Commission) may inspect records pursuant to fulfilling their responsibilities in administering and issuing licenses to use radiation sources.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Duplicate copies of the records are maintained for Kennedy Space Center by Pan American World Airways Occupational Medicine and Environmental Health Services. All records maintained by the KSC Biomedical Office or Pan American World Airways consist of 8 1/2 x 11 inch paper files.

Retrievability: Both files are indexed by name.

Safeguards: Records are personally supervised during the day and locked in the office at night. Records are protected in accordance with the requirements and procedures which appear in the applicable NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: Records are retained as long as the user custodian is employed in NASA programs and then destroyed.

System manager(s) and address: KSC Radiation Protection Officer; address same as shown for System Location.

Notification procedure: Individuals may obtain information from the system manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Individual is sole source.

NASA 76XRAD

System name: KSC USNRC Occupational External Radiation Exposure History for Nuclear Regulatory Commission Licenses - NASA.

System location: John F. Kennedy Space Center, National Aeronautics and Space Administration, Kennedy Space Center, Florida 32899.

Categories of individuals covered by the system: KSC civil servants and KSC contractor personnel who have received exposure approximating or exceeding statutory limits.

Categories of records in the system: Name, date of birth, exposure history, name of license holder, social security number.

Authority for maintenance of the system: 42 U.S.C. 2473; 44 U.S.C. 3101; 42 U.S.C. 2021, 2073, 2093, 2095, 2111, 2133, 2134, and 2201; 10 C.F.R., Part 20 for Federal Licensee; and Florida Administrative Code, Chapter 10 D-56 for State Licensee.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information contained in this system of records is used within NASA to inform individuals of their approaching or exceeding radiation dose limits.

In addition to the internal uses of the information contained in this system of records the following are routine uses outside of NASA: (1) Disclosure to Air Force Radiation Protection Offices at Cape Canaveral Air Force Station, Florida and Vandenberg Air Force Base, California, to governmental and private license holders, and to NASA contractors using radioactive materials or ionizing radiation producing devices, to facilitate the protection of individuals; (2) Standard routine uses 1 through 4 inclusive as set forth in Appendix B; (3) The Nuclear Regulatory Commission (formerly Atomic Energy Commission) may inspect records pursuant to fulfilling their responsibilities in administering and issuing licenses to use radiation sources.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Duplicate copies of the records are maintained for Kennedy Space Center by Pan American World Airways Occupational Medicine and Environmental Health Services. All records maintained by the KSC Biomedical Office or Pan American World Airways consist of 8 1/2 x 11 inch paper files.

Retrievability: Both files are indexed by name.

Safeguards: Records are personally supervised during the day and locked in the office at night. Records are protected in accordance with the requirements and procedures which appear in the NASA regulations at 14 C.F.R. Part 1212.

Retention and disposal: Records are retained as long as the user custodian is employed in NASA programs and then destroyed.

System manager(s) and address: KSC Radiation Protection Officer; address same as shown for System Location.

Notification procedure: Individuals may obtain information from the System Manager.

Record access procedures: Same as above.

Contesting record procedures: The NASA regulations for access to records and for contesting contents and appealing initial determinations by the individual concerned appear at 14 C.F.R. Part 1212.

Record source categories: Individual is sole source.

APPENDIX A.

LOCATION NUMBERS AND MAILING ADDRESSES OF NASA INSTALLATIONS AT WHICH RECORDS ARE LOCATED.

Location 1.
National Aeronautics and Space Administration
Washington, DC 20546

Location 2
Ames Research Center
National Aeronautics and Space Administration
Moffett Field, CA 94035

Location 3
Hugh L. Dryden Flight Research Center
National Aeronautics and Space Administration
P. O. Box 273
Edwards, CA 93523

Location 4
Goddard Space Flight Center
National Aeronautics and Space Administration
Greenbelt, MD 20771

Location 5
Lyndon B. Johnson Space Center
National Aeronautics and Space Administration
Houston, TX 77058

Location 6
John F. Kennedy Space Center
National Aeronautics and Space Administration
Kennedy Space Center, FL 32899

Location 7
Langley Research Center
National Aeronautics and Space Administration
Langley Station
Hampton, VA 23665

Location 8
Lewis Research Center
National Aeronautics and Space Administration
21000 Brookpark Road
Cleveland, OH 44135

Location 9
George C. Marshall Space Flight Center
National Aeronautics and Space Administration
Marshall Space Flight Center, AL 35812

Location 10
NASA Resident Procurement Office-JPL
National Aeronautics and Space Administration
4800 Oak Grove Drive
Pasadena, CA 91103

Location 11
National Space Technology Laboratories
National Aeronautics and Space Administration
Bay St. Louis, MS 39520

Location 12
Wallops Flight Center
National Aeronautics and Space Administration
Wallops Island, VA 23337

Location 13
JSC White Sands Test Facility
National Aeronautics and Space Administration
P.O. Drawer MM
Las Cruces, NM 88001

Location 14
LeRC Plum Brook Station
National Aeronautics and Space Administration
Sandusky, OH 44870

Location 15
Michoud Assembly Facility
National Aeronautics and Space Administration
P.O. Box 29300
New Orleans, LA 70129

APPENDIX B

STANDARD ROUTINE USES - NASA

The following routine uses of information contained in systems of records subject to the Privacy Act of 1974 are standard for many NASA systems. They are cited by reference in the paragraph 'Routine uses of records maintained in the system, including categories of users and the purpose of such uses' of the FEDERAL REGISTER notice on those systems to which they apply.

Standard Routine Use No. 1 - LAW ENFORCEMENT - 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.

Standard Routine Use No. 2 - DISCLOSURE WHEN REQUESTING INFORMATION - 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.

Standard Routine Use No. 3 - DISCLOSURE OF REQUESTED INFORMATION - 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.

Standard Routine Use No. 4 - COURT PROCEEDINGS - In the event there is a pending court or formal administrative proceeding, any records which are relevant to the proceeding may be disclosed to the Department of Justice for purposes of representing the Government, or in the course of presenting evidence, or they may be produced to parties or counsel involved in the proceeding in the course of pre-trial discovery.

[FR Doc.76-25823 Filed 8-30-76;3:20 pm]

federal register

MONDAY, SEPTEMBER 13, 1976



PART VI:

FEDERAL POWER COMMISSION

■

PRIVACY ACT OF 1974

Systems of Records

FEDERAL POWER COMMISSION

PRIVACY ACT 1974

System of Records

Pursuant to 5 U.S.C. 552a(e)(4), the Federal Power Commission hereby publishes its system of records as currently maintained by the Agency. The systems were originally published at 40 FR 39353 (Aug. 27, 1975), and were amended at 40 FR 41984 (Sept. 9, 1975), 40 FR 54118 (Sept. 30, 1975), 40 FR 52806 (Nov. 12, 1975), and 41 FR 9010 (March 2, 1976). Additional changes not previously published in the Federal Register include grammatical and typographical corrections and certain changes of a clarifying nature.

Kenneth F. Plumb,
Secretary.

FPC-1

System name: Appeals, Grievances and Complaints Records - FPC (NOTE: This records system supplements the Appeals, Grievances, and Complaints Records System of the Civil Service Commission).

System location:

Office of the Executive Director
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426
Office of Administrative Law Judges
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426
Office of Personnel Programs
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426
Office of the General Counsel
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426
Office of Individual Investigators and Counselors
Equal Employment Opportunity Office
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426
The National Personnel Records Center
111 Winnebago Street
St. Louis, Missorui 63118
All other bureaus and offices
Offices of Individual Arbitrators
Federal Mediation and Conciliation Service
Washington, D. C. 20427

Categories of individuals covered by the system: Applicants for FPC employment, current and former FPC employees, agencies, and annuitants who appeal from a determination made by an official of the FPC or the Civil Service Commission to the Civil Service Commission, a board established to adjudicate appeals, or to the FPC.

Categories of records in the system: This system of records contains information and files on grievances under negotiated grievance system and/or documents relating to a decision or determination made by the FPC or the Civil Service Commission affecting an individual as the result of an adverse action or other appeal under Part 772 of Civil Service Regulations, classification appeals, performance rating appeal, Fair Labor Standards Act complaint, grievance or EEO complaint. This system of records includes counseling records, case disposition reports to the Civil Service Commission, intra-office and interoffice communications, and schedules, tabulations, lists, and organizational charts which contain personal information.

Authority for maintenance of the system: 15 U.S.C. 717o; 16 U.S.C. 825h; 44 U.S.C. 3101; and the applicable sections of 5 U.S.C. and the Civil Service regulations promulgated there under.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information in the records may be used:

a. To adjudicate the appeal, complaint, or grievance.
b. To respond to a request from a Member of Congress regarding the status of an appeal, complaint or grievance.
c. To provide information to the public on the decision of an appeal, complaint, or grievance required by the Freedom of Information Act.
d. To disclose to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information if necessary in order to obtain information relevant to an FPC 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.
e. To disclose to a Federal agency or the D. C. Government, in responst 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 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.
f. In the event that this record system indicates a violation of law, executive order, or regulation, to serve as a date source for disciplining the individual or other FPC employee.
g. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies compiled by the staff or contractor of the Federal Power Commission
h. By the Civil Service Commission or the General Accounting Office as a data source during the course of on-site inspections or audits of FPC operations.
i. Disclosure ((of information)) may be made to a member of Congress from the record of an individual in response to a written request from the member which is made at the request of the individual who is the subject of the record. the FPC 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 or records may be referred, as a routing 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 purusant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders, binders, and index cards.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: The records are maintained in metal file cabinets with manipulation proof combination lock. Access is limited to those whose official duties require access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: After the FPC or other decision in a case, other than an equal employment opportunity complaint, all records pertaining to the closed case are transferred to the Office of Personnel Programs. After the FPC or other decision in an equal employment opportunity complaint, all records pertaining to the closed case are maintained in the Office of the Executive Director. If an FPC decision is not appealed to the Civil Service Commission or appeal board, as appropriate, the records are maintained up to two years and are transferred to the National Personnel Records Center, St. Louis, Missouri, where they are retained for seven years. The FPC Equal Employment Opportunity counselors maintain case records which have not been a basis of an EEO complaint for one year. The disposition of these records is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

a. Equal employment opportunity complaints records:
Executive Director
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

Notification procedure: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.220.

Record access procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.221.

Contesting record procedures: Same as above. Individuals should provide the appropriate identifying information as required purusant to 18 CFR 3b.224.

Record source categories:

a. Individual to whom the record pertains.
b. Federal Power Commission and/or Civil Service Commission officials.
c. Affidavits or statements from individual.
d. Testimony of witnesses.
e. Official documents relating to the appeal, grievance, or complaint.
f. Correspondence from specific organizations or persons.

FPC-2

System name: Applications for Interlocking Directorates-Public Files --FPC

System location:

Section of Records and Dockets
Office of Administrative Operations
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426
Office of Public Information
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426
Lansburgh Storage Warehouse
Office of Administrative Operations
Federal Power Commission
410 8th Street, N. W.
Washington, D. C.

Categories of individuals covered by the system: Officers and directors of regulated public utilities who, in accordance with Section 305(b) of the Federal Act 016 U.S.C. 825d(b)0, file for permission to hold the position of officer or director of more than one public utility, of a public utility and certain financial institutions authorized to market public utility securities, or of a public utility and a company supplying such utility with electrical equipment.

Categories of records in the system: This system of records includes the following information for each individual: the name of the applicant; the docket number of his application, the position he is applying for; the date of the application and a copy of the application; the date of the notice and a copy of the notice of the application; the date of the order and a copy of the order granting or denying the application; the date of the hearing if applicable; and a copy of any petitions to intervene.

Authority for maintenance of the system: 16 U.S.C. 825d(b); 16 U.S.C. 825h; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used as a file by the staff of the Commission whose official duties require access in deciding whether or not to grant the application and is used as a record of such proceedings. The records are also available to the general public pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders on shelves.

Retrievability: These records are filed by docket number and are cross-referenced by the name of the individual on whom they are maintained.

Safeguards: No measures are taken to prevent disclosure. The system contains only information available to the public.

Retention and disposal: These records are maintained for one year after the applicant dies or ten years after notice of termination of his authorization. The disposition of these records is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

Secretary of the Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individuals on whom the records are maintained and the staff of the Federal Power Commission.

FPC-3

System name: Applications for Interlocking Directorates-Security Files - FPC

System location:

Division of Audits
Office of Accounting and Finance
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426
Section of Records and Dockets
Office of Administrative Operations
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426
Office of the Assistant General Counsel for Hydroelectric and Corporate Regulation
Office of the General Counsel
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Categories of individuals covered by the system: Officers and directors of regulated public utilities who, in accordance with Section 305(b) of the Federal Power Act 016 U.S.C. 825(b)0, file for permission to hold the position of officer or director of more than one public utility, of a public utility and certain financial institutions authorized to market public utility securities, or of a public utility and a company supplying such utility with electrical equipment.

Categories of records in the system: This system of records includes the following information for each individual: a copy of the application for an interlocking directorate, a copy of the FPC's order granting or denying the application, a copy of the FPC staff recommendation, and other supplementary information prepared by the FPC staff, if applicable.

Authority for maintenance of the system: 16 U.S.C. 825d(b); 16 U.S.C. 825h; 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: a. The system is used as a working file by the staff of the Commission whose official duties require access in deciding whether or not to grant the application and is used as a record of such proceedings.

b. In the event that a system or records maintained by the FPC 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 purusant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders in metal file cabinets in a secured room.

Retrievability: These records are indexed by the names of individuals on whom they are maintained.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. An accounting is made of removal of the records from the storage area.

Retention and disposal: These records are maintained for one year after the applicant dies or ten years after notice of termination of his authorization. The disposition is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

Chief, Division of Audits
Office of Accounting and Finance
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Notification procedure: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.220.

Record access procedures: Same as above. Individuals should provide the appropriate identifying information as required purusant to 18 CFR 3b.221.

Contesting record procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.224.

Record source categories: Individuals to whom the records pertain and staff of the Federal Power Commission.

FPC-4

System name: Biographical Material on Chairmen, Vice Chairmen, Commissioners, Secretaries, and Assistant Secretaries -- FPC

System location:

Office of the Secretary
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Categories of individuals covered by the system: All past and present Chairmen, Vice Chairmen, Commissioners, Secretaries and Assistant Secretaries of the Federal Power Commission

Categories of records in the system: This system of records contains 0where applicable0 the following information on each individual: name, date nominated, date confirmed, date of designation, date of oath of office, term of office, home state, political affiliation, date first in attendance at a Commission meeting, date of expiration of term, date of resignation, and date deceased.

Authority for maintenance of the system: 15 U.S.C. 717o; 16 U.S.C. 825h; 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used by the staff of the Commission whose official duties require access to determine information on the Chairmen, Vice Chairmen, Commissioners, Secretaries, and Assistant Secretaries of the Federal Power Commission, and are available to the general public pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in file folders and in 3-ring binders on a metal file cabinet.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: No measures are taken to prevent disclosure. The system contains only information available to the public.

Retention and disposal: These records are retained indefinitely and are updated periodically.

System manager(s) and address:

Secretary of the Federal Power Commission
825 North Capitor Street, N. E.
Washington, D. C. 20426

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Official White House releases; newspapers; minutes of Commission meetings.

FPC-5

System name: Biographical Material on Commissioners and key Members -- FPC

System location:

Office of Public Information
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Categories of individuals covered by the system: Commissioners and key staff members currently employed by the Federal Power Commission.

Categories of records in the system: This system of records contains biographical material on Commissioners and key staff members of the Federal Power Commission including: date and place of birth, marital status, number of children, educational background, past working experience, honors or awards, published materials, and military experience and honors.

Authority for maintenance of the system: 15 U.S.C. 717o; 16 U.S.C. 825h; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used by authorized Federal Power Commission personnel whose official duties require access in preparation of news releases to announce appointments of Commissioners and key staff members or promotions of key staff members, and are available to the general public pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in folders in file cabinets.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: No measures are taken to prevent disclosure. The system contains only information available to the public.

Retention and disposal: These records are maintained as long as the Commissioner or employee remains at the FPC and are updated periodically. Their disposition is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

Director of Public Information
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individuals on whom the records are maintained.

FPC-6

System name: Blood Donor Records -- FPC

System location: a. Records on current Federal Power Commission blood donors are located in the organizational unit to which they are assigned in the Federal Power Commission, 825 North Capitor Street, N. E., Washington, D. C. 20426, as follows:

Office of Energy Systems
Office of the Secretary
Office of Administrative Law Judges
Office of Special Assistants
Bureau of Natural Gas
Bureau of Power
Office of the General Counsel
Office of Regulatory Information Systems
Office of Accounting and Finance
Office of Economics
Office of Administrative Operations
Office of the Comptroller
Office of Public Information

b. Records on current Federal Power Commission blood donors are also located at the following regional offices:

Atlanta Regional Office
Federal Power Commission
730 Peachtree Building
Atlanta, Georgia 30308
Chicago Regional Office
Federal Power Commission
230 South Dearborn Street
Chicago, Illinois 60604
Fort Worth Regional Office
Federal Power Commission
819 Taylor Street
Fort Worth, Texas 76102
New York Regional Office
Federal Power Commission
26 Federal Plaza
New York, New York 10007
San Francisco Office
Bureau of Power
Federal Power Commission
555 Battery Street
San Francisco, California 94111
San Francisco Regional Office
Division of Audits
Office of Accounting and Finance
Federal Power Commission
555 Battery Street
San Francisco, California 94111

Categories of individuals covered by the system: Current and former Federal Power Commission employees who volunteered to

donate blood in connection with the Federal Power Commission/Red Cross Blood Donor Program.

Categories of records in the system: This system of records contains information or documents relating to donors to the Red Cross Blood Donor Program and to the granting of administrative leave for this purpose. The records consist of the individual's name, blood type, home and office addresses and telephone numbers, Social Security number, donor identification number, date of birth, age, sex, date of last donation or rejection, determinations on granting administrative leave, and related correspondence and lists.

Authority for maintenance of the system: 15 U.S.C. 717o; 16 U.S.C. 825h; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records and information therein may be used:

a. By Federal Power Commission officials for the purpose of locating and scheduling regular and special donors to the Red Cross Blood Program.

b. By Federal Power Commission officials for the purpose of approving or disapproving individuals' requests for administrative leave for donating blood.

c. By Federal Power Commission officials for the purpose of counseling individuals concerning their proposed blood donations.

d. In the event that this record system indicates a violation or potential violation of law, executive order, or regulation, to serve as a data source for disciplining the individual or other Federal Power Commission employee.

e. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies compiled by the staff or contractors of the Federal Power Commission.

f. In the event that a system of records maintained by the FPC 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.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, lists, and forms.

Retrievability: Records are indexed by name of individuals to whom they pertain.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms with access limited to those whose official duties require access. Personnel screening is employeed to prevent unauthorized disclosure.

Retention and disposal: The major organizational unit to which the individual is assigned maintains the records pertaining to him for no longer than 15 days after he leaves. Related summaries and correspondence are retained for five years. The disposition of these records, and copies thereof, is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

Director, Office of Personnel Programs
Federal Power Commission
825 North Capitol Street, N. W.
Washington, D. C. 20426

Notification procedure: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.220.

Record access procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.221.

Contesting record procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.224.

Record source categories:

1. The individual to whom the record pertains.
2. American Red Cross.
3. Federal Power Commission officials.

FPC-7

System name: Claims by Employees for Losses of Personal Property -- FPC

System location:

Office of the General Counsel
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426
Office of the Comptroller
Federal Power Commission
825 N. Capitol St., N. E.
Washington, D. C. 20426
Office of Administrative Operations
Federal Power Commission
825 N. Capitol St., N. E.
Washington, D. C. 20426

Categories of individuals covered by the system: Employees of the Federal Power Commission who have filed cliams for reimbursement for personal property losses during their employment at the Commission.

Categories of records in the system: This system of records contains documentation of the personal property claim and Commission staff memoranda accepting or rejecting the claim submitted for resolution to the General Counsel

Authority for maintenance of the system: 15 U.S.C. 717o; 16 U.S.C. 825h; 31 U.S.C. 240-243; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: a. The system is used by the staff of the Commission whose official duties require access in determining the validity of the personal property claim and for financial settlement of the claim.

b. Disclosure 0(of information)0 may be made to a member of Congress from the record of an individual in response to a written request from the member which is made at the request of the individual who is the subject of the record.

c. In the event that a system of records maintained by the FPC 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.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders in metal file cabinets in a secured room.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. An accounting is made of removal of the records from the storage area.

Retention and disposal: Official copies which are used as backup for reimbursement are retained for 3 years after the end of the year in which they originated, or after the GAO audit, whichever is earlier. Other copies are retained for 1 year after the end of the year in which they originated. The disposition of these records is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

General Counsel
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Notification procedure: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.220.

Record access procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.221.

Contesting record procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.224.

Record source categories: Individuals on whom records are maintained and staff of the Federal Power Commission.

FPC-8

System name: Committee Memberships and Assignments -- FPC

System location:

a. Official copies of these records are located in:
Office of the Comptroller
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

b. Automated copies are located in:
Office of Regulatory Information Systems
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

c. Copies of these records are located in the following organizational units of the Federal Power Commission, 825 North Capitol Street, N. E., Washington, D. C. 20426:
Office of the Chairman and Commissioners
Office of the Executive Director
Office of Special Assistants to the Commissioners
Office of the Secretary
Office of Administrative Law Judges
Office of the General Counsel
Office of Administrative Operations
Office of Personnel Programs
Office of the Comptroller
Office of Public Information
Office of Regulatory Information Systems
Office of Energy Systems
Office of Accounting and Finance
Office of Economics
Bureau of Natural Gas
Bureau of Power

d. Copies of these records are located in the following regional offices:
Atlanta Regional Office
Federal Power Commission
730 Peachtree Bldg.
Atlanta, GA 30308
Chicago Regional Office
Federal Power Commission
230 South Dearborn Street
Chicago, IL 60604
Fort Worth Regional Office
Federal Power Commission
819 Taylor Street
Fort Worth, TX 76102
New York Regional Office
Federal Power Commission
26 Federal Plaza
New York, NY 10007
San Francisco Regional Office
Bureau of Power
Federal Power Commission
555 Battery Street
San Francisco, CA 94111
San Francisco Regional Office
Division of Audits
Office of Accounting and Finance
Federal Power Commission
555 Battery Street
San Francisco, CA 94111

Categories of individuals covered by the system: Current Federal Power Commission employees who serve on various interagency committees; Federal Power Commission internal committees; international boards and commissions; industry advisory committees; official extracurricular non-committee assignments; and miscellaneous committees not otherwise classified.

Categories of records in the system: This system of records contains some or all (as appropriate) of the following information for each individual: name of individual, bureau or office, bureau or office address, committee name, individual's position or office with the committee (i.e., chairman, member, etc.) membership term, and the individual's total service with the committee.

Authority for maintenance of the system: 15 U.S.C. 717o; 16 U.S.C. 825h; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

a. These records are used by the Chairman, Commissioners, Executive Director, and Bureau and Office personnel whose official duties require access for purposes including (but not limited to) the following:

1. To facilitate Committee personnel actions such as making appointments, handling resignations, determining membership;

2. To carry out Committee business such as setting up Committee meetings, notifying members, preparing and disseminating reports, handling correspondence and the like;

3. To manage Committee financial matters such as review and pay of travel for Committee members and other authorized Committee expenses; and

4. To prepare Committee management reports on activities, membership expenses and other matters, such as reports to the Congress, OMB, GSA, and Federal Power Commission internal Committee management reports.

b. These records are available to the general public pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Committee membership and related records are maintained in file folders, notebook binders, lists, mag tape/punch cards and cards. They are stored in metal file cabinets.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: No measures are taken to prevent disclosure. The system contains only information available to the public.

Retention and disposal: These records are updated periodically and retained as follows:

a. Office of the Comptroller copies: Transfered to a GSA Records Holding area 3 years after the calendar year they originated.

b. Bureau, Office, and Automated copies: Maintained for 1 year after expiration of individual's membership on the committee. The disposition of the records is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

Comptroller
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Sources include individuals to whom the records pertain and officials and employees of the Federal Power Commission.

FPC-9

System name: Computer Usage Production Statistics for the Office of Regulatory Information Systems -- FPC

System location:

Office of Regulatory Information Systems
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Categories of individuals covered by the system: Current members of the Commission staff and the staff of the Federal Power Commission contractor who have access to the computer.

Categories of records in the system: This system of records includes the following information on computer use and production statistics for each program user who has access to the computer: user identification, organizational identification, identification of project, computer program and step, time of computer use, computer resources used and cost for resources, abnormal and (completion code) information, input/output counts and device utilization.

Authority for maintenance of the system: 15 U.S.C. 717o; 16 U.S.C. 825h; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: a. This system is used by the staff of the Commission and the staff of the contractor who operates the machine whose official duties require access for

preparation of periodic production detail runs for historic purposes for resolving technical questions regarding individual computer run execution and costs; preparation of periodic detail and summary runs to monitor the technical and management efficiency of computer resources availability and utilization; for review of trend information as to ascertain needs for individual and Commission-wide training requirements; and for review of workload statistics to determine and design methods, procedures and specific recommendations to increase productivity and resource availability. This system may be referred to the General Accounting Office and the General Srvices Administration in their oversight responsibilities of computer usage.

b. Disclosure 0(of information)0 may be made to a member of Congress from the record of an individual in response to a written request from the member which is made at the request of the individual who is the subject of the record.

c. In the event that a system of records maintained by the FPC 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.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are stored on magnetic disks and magnetic tapes in a secured room, and on hard copy printouts in a locked cabinet. Identity cross reference of user account numbers and names are stored within a locked cabinet.

Retrievability: These records are indexed by account code (unique user identification number) and programmer name.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening and passwork access control is employed to prevent unauthorized disclosure. An accounting is made of removal of the records from the storage area.

Retention and disposal: The magnetic disk records are transferred to magnetic tape files at least daily. The magnetic tape files are kept for the life of the computer system. Hard copy printouts are maintained for six months after the end of the fiscal year to which they pertain. The disposition of these records is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

Chief, Facilities Operations Branch
Office of Regulatory Information Systems
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Notification procedure: Same as the above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.220.

Record access procedures: Same as the above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.221.

Contesting record procedures: Same as the above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.224.

Record source categories: Individuals on whom the records are maintained.

FPC-10

System name: Congressional Correspondence Files -- FPC

System location:

Bureau of Power
Federal Power Commission
825 North Capitol Street N. E.
Washington D. C. 20426

Categories of individuals covered by the system: Those members of the United States House and Senate 9who have corresponded with the Federal Power Commission and who require data from the Bureau of Power.

Categories of records in the system: This system of records contains incoming correspondence from United States Congressmen referred to the Bureau of Power with the Commission's outgoing replies written by Bureau of Power Staff.

Authority for maintenance of the system: 16 U.S.C. 825h; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are maintained for use by the staff of the Commission whose official duties require access for reference and are utilized to assure a complete record of correspondence by the Commission with congress relating to Bureau of Power matters. They are also availablt to the general public pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in a metal file cabinet.

Retrievability: These records are indexed by the names of the corresponding Congressment.

Safeguards: No measures are taken to prevent disclosure. The system contains only information available to the public.

Retention and disposal: These records are maintained indefinitely until the system manager determines that their usefulness to the Commission has ceased. Their disposition is handled pursuant to applicable GSA regulations and/or applicable internal Administrative directives.

System manager(s) and address:

Regulatory Electric Utilities Specialist
Bureau of Power
Federal Power Commission
825 North Capitol Street, N. E.
Washington D. C. 20426

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Corresponding Congressment and Commission Staff who write the replies.

FPC-11

System name: Congressional Correspondence Files, Office of the Executive Director -- FPC

System location:

Office of the Executive Director
Office of the General Counsel
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Categories of individuals covered by the system: Those members of the United States House and Senate who have corresponded with the FPC since January, 1976.

Categories of records in the system: This system of records contains the incoming correspondence from United States Congressment with the Commission's outgoing replies.

Authority for maintenance of the system: 15 U.S.C. 717o; 16 U.S.C. 825h; 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are maintained for use by the staff of the Commission whose official duties require access for reference and are available to the general public pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders in metal file cabinets.

Retrievability: These records are indexed by the names of the corresponding Congressmen.

Safeguards: No measures are taken to prevent disclosure. The system contains only information available to the public.

Retention and disposal: These records are maintained for the length of time the corresponding Congressmen remain in office. The disposition of these records is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

Office of the Executive Director

Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Notification procedure: Same as above.

Record access procedures: Same as above

Contesting record procedures: Same as above.

Record source categories: Corresponding Congressmen and Commission staff who write the replies.

FPC-12

System name: Correspondence File - Bureau of Natural Gas -- FPC.

System location:

Office of the Chief, Administrative Staff
Bureau of Natural Gas
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Categories of individuals covered by the system: Congressmen and other individuals who direct correspondence to the FPC, the subject of which concerns natural gas.

Categories of records in the system: This system of records contains outgoing replies written by the staff of the Bureau of Natural Gas.

Authority for maintenance of the system: 15 U.S.C. 717o; 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are maintained for use by the staff of the Commission whose official duties require access for reference, and are utilized to assure a complete record of correspondence by the Commission related to Bureau of Natural Gas matters. These records are also available to the general public pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in notebook binders in shelving units.

Retrievability: These records are indexed by the names of the corresponding individuals.

Safeguards: No measures are taken to prevent disclosure. The system contians only information available to the public.

Retention and disposal: These records are maintained for 2 years and their disposition is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

Chief, Administrative Staff
Bureau of Natural Gas
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Staff of the Federal Power Commission

FPC-13

System name: Data Operator Performance Statistics for the Office of Regulatory Information Systems -- FPC

System location:

Office of Regulatory Information Systems
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Categories of individuals covered by the system: Commission input data preparation personnel within the Office of Regulatory Information Systems.

Categories of records in the system: This system of records includes the following information on the Commission data preparation staff (key punching/ data entry operators): data preparation production statistics consisting of job identification, operator identification number, counts of records, strokes and errors punched, verified and corrected and time used by every operator to achieve the work assigned.

Authority for maintenance of the system: 15 U.S.C. 717o; 16 U.S.C. 825h; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: a. This system is used by the staff of the Commission whose official duties require access for providing statistics about files prepared as input to computer processing. These statistics relate to the job control of information prepared such as counts of batches and records necessary to assure proper flow of information. They relate to performance statistics about every operator which are used to evaluate overall productivity capabilities for establishing deadlines with respect to job completion, and also to evaluate individual operator performance to determine training requirements.

b. In the event that a system of records maintained by the FPC 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.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on magnetic disks within the CMC-5 data preparation system safeguarded by a data preparation unit supervisor, and on hard copy printouts which are stored in a locked cabinet. Identity of operator name and corresponding operator number are maintained in a locked cabinet.

Retrievability: These records are indexed by operator number unique for every operator.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. An accounting is made of removal of the records from the storage area.

Retention and disposal: The records on magnetic disks are retained until hard copy printouts have been prepared. Hard copy printouts are retained for three (3) months after the end of the fiscal year to which they pertain. The disposition of these records is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

Chief, Facilities Operations Branch
Office of Regulatory Information Systems
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Notification procedure: Same as the above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.220.

Record access procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.221.

Contesting record procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.224.

Record source categories: Individuals on whom the records are maintained.

FPC-14

System name: Data Sources Within Regulated Industries -- FPC

System location:

Office of Regulatory Information Systems
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Categories of individuals covered by the system: Persons within FPC regulated utilities whom the Commission needs to contact concerning questions related to FPC public use forms.

Categories of records in the system: This system of records contains the name, address, telephone number, and title of the utility representative whom the Commission is to contact concerning questions related to PFC public use forms.

Authority for maintenance of the system: 16 U.S.C. 825h; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used by authorized FPC personnel whose official duties require access to such information and by other Federal agencies in order to determine the name and location of the person to contact concerning questions relating to public use forms submitted by regulated utilities. The records are available to the general public pursuant to the Freedon of Information Act, 5 U.S.C. 552, as amended.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on magnetic disks, tapes, and hard copy listings.

Retrievability: These records are indexed by the names of individuals on whom they are maintained.

Safeguards: No measures are taken to prevent disclosure. The system contains only information available to the public.

Retention and disposal: These records are retained indefinitely and are updated periodically.

System manager(s) and address:

Assistant Executive Director
Office of Regulatory Information Systems
Federal Power Commission
825 North Capitol Street, N. E.
Washington, D. C. 20426

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Representatives of FPC regulated utilities who fill in FPC public use forms.

FPC-15

System name: Employee Conduct Records -- FPC (NOTE: This record system supplements the confidential employment and financial interest statements system of the Civil Service Commission)

System location:

a. Case records consisting of employment and financial interests statements, related records, and the official record pertaining to violations or potential violations of the FPC Standards of Conduct for Employees, Special Employees, or Commissioners:

Office of Personnel Programs
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

b. Legal interpretation and advisory service records are located in:

Office of the General Counsel
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

c. Limitations on the nature of the work assignments of current employees or special employees because of their employment or financial interests, as well as any duplicate records pertaining to violations or potential violations of the FPC Standards of Conduct for employees, special employees, or Commissioners are located in the organization unit to which the individual is assigned in the Federal Power ommission, 825 North Capitol Street, N.E., Washington, D. C. 20426, and at the regional offices of the FPC, as follows:

Offices of the Chairman and Commissioners
Office of the Executive Director
Office of Energy Systems
Office of the Secretary
Office of Administrative Law Judges
Office of Special Assistants to the Commissioners
Bureau of Natural Gas
Bureau of Power
Office of the General Counsel
Office of Regulatory Information Systems
Office of Accounting and Finance
Office of Economics
Office of Administrative Operations
Office of the Comptroller
Office of Public Information
Atlanta Regional Office
Federal Power Commission
730 Peachtree Building
Atlanta, Georgia 30308
Chicago Regional Office
Federal Power Commission
230 S. Dearborn Street,
Chicago, Illinois 60604
Fort Worth Regional Office
Federal Power Commission
819 Taylor Street
Fort Worth, Texas 76102
New York Regional Office
Federal Power Commission
26 Federal Plaza
New York, New York 10007
San Francisco Regional Office
Bureau of Power
Federal Power Commission
555 Battery Street
San Francisco, California 94111
San Francisco Office
Division of Audits
Office of Accounting and Finance
Federal Power Commission
555 Battery Street
San Francisco, California 94111

Categories of individuals covered by the system:

Current and former members of the Federal Power Commission.

Current and former applicants for Federal Power Commission employment.

Current and former employees of the Federal Power Commission.

Current and former special employees of the Federal Power Commission.

Categories of records in the system: These records contain a variety of information required by the reporting and enforcement provisions of the FPC Standards of Conduct. The records include: debt complaints; reports of misconduct; interpretation and advisory services; determinations of prohibited employment, financial interests, or activities and orders for appropriate disposition or termination thereof; limitations on work assignments due to requirements of the Standards of Conduct; other corrective or disclipinary actions based on violations of the Standards of Conduct; data documenting the reasons for actions or decisions affecting the individual; and other related information.

Authority for maintenance of the system: 15 U.S.C. 717o; 16 U.S.C. 825h; 44 U.S.C. 3101; E.O. 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be used as follows:

a. By the FPC and/or Civil Service Commission in connection with counseling the individual, evaluating and/or reevaluating his employment, financial interests, and other activities, and taking appropriate action to ensure compliance with the FPC Standards of Conduct.

b. By the Civil Service Commission or the General Accounting Office as a data source during the course of on-site inspections or audits of FPC operations.

c. To disclose to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information if necessary in order to obtain information relevant to an FPC 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.

d. To disclose to a Federal agency or the D.C. Government in response to its request, in connection with 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 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.

e. In the event that this record system indicates a violation or potential violation of law, executive order, or regulation to serve as a data source for disciplining the individual or other FPC employee.

f. By FPC officials and by contractors, as a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies.

g. Disclosure 0(of information)0 may be made to a member of Congress from the record of an individual in response to a written request from the member which is made at the request of the individual who is the subject of the record.

h. In the event that a system of records maintained by the FPC 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.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in folders, index cards, and in metal file cabinets with manipulation proof combination locks.

Retrievability: Records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Within 15 days after an individual leaves the major organization unit to which he is assigned, the records pertaining to him which have been maintained in that unit are transferred to the Office of Personnel Programs for review and consolidation with the official records. The official records are disposed of two years after separation of the employee or five years upon approval of the CSC pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

1. Legal Interpretation and advisory records:
   General Counsel
   Federal Power Commission
   825 North Capitol Street, N.E.
   Washington, D. C. 20426
2. All other records:
   Director, Office of Personnel Programs
   Federal Power Commission
   825 North Capitol Street, N.E.
   Washington, D. C. 20426

Notification procedure: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.220.

Record access procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.221.

Contesting record procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.224.

Record source categories: Information contained in this system is obtained from the following categories of sources:

From the individual on whom the record is maintained or derived from information which he supplied.
From FPC Officials.
CSC and FPC General Personnel Records Systems.
CSC and FPC Personnel Investigations Records Systems.
CSC and FPC Recruiting, Examining, and Placement Record Systems.
CSC Confidential Employment and Financial Interest Statements System.

FPC-16

System name: Mailing List for Information Concerning Applications for Interlocking Directorates - FPC

System location:

Section of Records and Dockets
Office of Administrative Operations

Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

Categories of individuals covered by the system: Interested parties in applications for interlocking directorates.

Categories of records in the system: This system of records includes the name and address of each individual who receives information concerning interlocking directorate applications to the FPC.

Authority for maintenance of the system: 16 U.S.C. 825h; 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used by the staff of the Commission whose official duties require access in order to mail the information, and are available to the general public pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on index cards in a metal index card cabinet.

Retrievability: These records are filed by docket number and are cross-referenced by the name of the individual on whom they are maintained.

Safeguards: No measures are taken to prevent disclosure. The system contains only information available to the public.

Retention and disposal: These records are maintained indefinitely and are periodically updated.

System manager(s) and address:

Secretary of the Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individuals on whom the records are maintained.

FPC-17

System name: Mailing List for Information Concerning Electric Adequacy and Reliability -- FPC.

System location:

Section of Power Supply and Reliability Reporting
Bureau of Power
Federal Power Commission
825 North Capitol N.E.
Washington, D. C. 20426

Categories of individuals covered by the system: Individuals from other government agencies and members of the public who have requested information on new developments concerning the adequacy and reliability of electric power systems.

Categories of records in the system: This system of records contains the name and address of each individual who has requested from the Division of Power Supply and Reliability information distributed by the Federal Power Commission concerning the adequacy and reliability of electric power systems.

Authority for maintenance of the system: 16 U.S.C. 825h; 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used by the staff of the Commission whose official duties require access in order to mail the information, and are available to the general public pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on index cards and typed sheets of paper in a secretary's desk. This system shall be superseced by a computerized file.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: No measures are taken to prevent disclosure. The system contains only information available to the public.

Retention and disposal: These records are maintained indefinitely and are periodically updated.

System manager(s) and address:

Head, Section of Power Supply and Reliability Reporting
Bureau of Power
Federal Power Commission

825 North Capitol Street, N.E.
Washington, D. C. 20426

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individuals on whom the records are maintained.

FPC-18

System name: Mailing List for Official Publications - FPC

System location:

Unit of Assignment Control
Office of Administrative Operations
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

Categories of individuals covered by the system: Officials of privately and publicly owned utilities, of independent producers, of cooperatives, and of licensees and others upon request who receive official documents of the FPC - rulemakings, notices, orders, and opinions, etc.

Categories of records in the system: This system of records contains the name and address of each individual who receives FPC official publications.

Authority for maintenance of the system: 15 U.S.C. 717o; 16 U.S.C. 825h; 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used by the staff of the Commission whose official duties require access in order to mail the documents, and are available to the general public pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on Cheshire Cards (IBM type cards), processed from Cheshire addressograph equipment, and are stored in metal file cabinets.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: No measures are taken to prevent disclosure. The system contains only information available to the public.

Retention and disposal: These records are maintained indefinitely and are periodically updated.

System manager(s) and address:

Secretary of the Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individuals on whom the records are maintained.

FPC-19

System name: Mailing List for News Releases -- FPC

System location:

Unit of Assignment Control
Office of Administrative Operations
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

Categories of individuals covered by the system: Individuals who receive Federal Power Commission News releases.

Categories of records in the system: This system of records contains the name and address of each individual who receives Federal Power Commission News Releases.

Authority for maintenance of the system: 15 U.S.C. 717o; 16 U.S.C. 825h; 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used by the staff of the Commission whose official duties require access in order to mail the press releases, and are available to the general public pursuant to the Freedom of Information Act, 5 U.S.C. 552, as amended.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained on Cheshire cards (IBM type cards), processed from Cheshire addressograph equipment, and are stored in metal file cabinets.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: No measures are taken to prevent disclosure. The system contains only information available to the public.

Retention and disposal: These records are maintained indefinitely and are periodically updated.

System manager(s) and address:

Director of Public Information
825 North Capitol Street, N.E.
Washington, D. C. 20426

Notification procedure: Same as above.

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Individuals on whom the records are maintained.

FPC-20

System name: Pay and Pay-Related Records (Payroll, Travel, Attendance, Leave) -- FPC

System location:

a. Official copies of these records are located in:
Office of the Comptroller
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

b. Automated copies are located in:
Office of Regulatory Information Systems
Federal Power Commission 825 North Capitol Street, N.E.
Washington, D. C. 20426

c. Copies of these records are located in the following organizational units of the Federal Power Commission; 825 North Capitol Street, N.E., Washington, D. C., 20426:
Office of the Chairman and Commissioners
Office of the Executive Director
Office of Special Assistants to the Commissioners
Office of the Secretary
Office of Administrative Law Judges
Office of the General Counsel
Office of Administrative Operations
Office of Personnel Programs
Office of the Comptroller
Office of Public Information
Office of Regulatory Information Systems
Office of Energy Systems
Office of Accounting and Finance
Office of Economics
Bureau of Natural Gas
Bureau of Power

d. Copies of these records are also located at the following regional offices:
Atlanta Regional Office
Federal Power Commission
730 Peachtree Building
Atlanta, Georgia 30308
Chicago Regional Office
Federal Power Commission
230 S. Dearborn Street
Chicago, Illinois 60604
Fort Worth Regional Office
Federal Power Commission
819 Taylor Street
Fort Worth, Texas 76102
New York Regional Office
Federal Power Commission
26 Federal Plaza
New York, New York 10007
San Francisco Regional Office
Bureau of Power
Federal Power Commission
555 Battery Street
San Francisco, California 94111
San Francisco Regional Office

Division of Audits
Office of Accounting and Finance
Federal Power Commission
555 Battery Street
San Francisco, California 94111

Categories of individuals covered by the system: Current and former FPC employees.

Categories of records in the system: This system of records consists of a variety of records relating to pay actions and determinations made about current and former employees of the FPC while employed by the Commission. The system contains some or all (as appropriate) of the following information for each individual: general data including name, name changes, birth date, FPC employee number, Social Security number, marital status and number of dependents, past and present wages and salaries, overtime and premium pay; grade level(s) and position title(s); time and attendance reports; personnel actions including but not limited to date of appointment, reassignments, promotions, demotions, detail, within-grade increases, transfers, separation and retirement; records relating to life insurance and health benefits; withholdings for Federal, state and local income taxes; labor organization dues; savings bond investments; garnishments and Internal Revenue Service tax liens; payments, refunds, deposits in banks and savings institutions, Civil Service retirement, Social Security deductions and charitable contributions made through Federal government sponsored programs; mailing address for tax purposes and for final pay check; computations of all Federal service; leave status and leave data of all types (including annual, compensatory, jury duty, military, retirement, disability, sick, transferred and without pay); cash awards; travel documents; claims for reimbursement and data documenting the reasons for pay actions.

Authority for maintenance of the system: 5 U.S.C. 3101; 3301; 3501; 4501;5101; 5301; 5501; 5701; 5901;6101; 6301; 8301; 8501; 8701; 8901; 15 U.S.C. 717o; 16 U.S.C. 835h; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used by the staff of the FPC and/or by a specifically authorized contractor of the FPC whose official duties require access in order:

a. To compute net pay for the pay period for an individual in order to obtain salary checks from the Treasury Department, to forward pay information to the Treasury Department, and to distribute Treasury pay and other compensation checks, and travel reimbursement checks.

b. To transfer funds withheld from an individual's pay for Civil Service retirement, Social Security, Federal, State and local income and payroll taxes, charity drives, labor organization dues, deposits in banks and savings institutions, life insurance, health benefits, garnishments, overpayments, and repayments and other pay transfers based on the request of the individual concerned, or proper legal authority.

c. To schedule vacations and other annual leave; and to evaluate and act upon other types of leave requests.

d. To compute annual statements of earnings and taxes withheld for distribution to the individual and to Federal, State, and local governments.

e. Upon the individual's retirement from Federal service, to transfer information on pay, employment, retirement contributions, and other pay related data to the U.S. Civil Service Commission.

f. To review travel, appointments, transfers, demotions, and other personnel actions in connection with the budget and financial management activities of the Commission and to provide personnel related budget and financial information including Social Security numbers to bureaus and offices of the FPC as required for budget, personnel and management purposes.

g. To transfer information to the Civil Service Commission or General Accounting Office for purposes of making a decision when a FPC employee or former FPC employee is questioning the validity of a specific document or documents.

h. In response to a Federal agency's or a prospective employer's 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 employer, to transfer information to the extent that the information is relevant and necessary to the requesting agency's or employer's decision on the matter.

i. To provide information to federal agencies and authorized organizations or persons on the characteristics of the FPC work force, and as a data source for management information analytical studies in support of the function for which the records are collected and maintained, financial management functions or manpower studies.

j. To report to unemployment compensation agencies or boards gross wages and separation information for unemployment compensation.

k. Disclosure 0(of information)0 may be made to a member of Congress from the record of an individual in response to a written request from the member which is made at the request of the individual who is the subject of the record.

l. In the event that a system of records maintained by the FPC 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.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These records are maintained in file folders, cards, lists, forms, magnetic tape or disk, punched cards, microfilm and microfiche in lockable containers and/or secured rooms.

Retrievability: These records are indexed by any combination of name, birth date, social security number, or employee identification number of the individuals on whom they are maintained.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access. Prsonnel screening is employed to prevent unauthorized disclosure. An accounting is made of removal of records from the storage area.

Retention and disposal:

a. Official records which are located in the Office of the Comptroller are retained as follows:

1. Records pertaining to withholding exemptions (Federal, State, Local) returns on income taxes (Federal, State, Local) and reports of withheld Federal taxes or related papers. Also, records pertaining to levy and garnishment and reports of insurance deductions and related papers, including copies of vouchers and schedules of payment: 3 years after end of calendar year in which the records originated.

2. Records pertaining to time and attendance reports, including data on leave (upon retirement or separation), applications for leave and supporting papers (immediately prior to separation): After audit by General Accounting Office, or after 3 years from the end of the calendar year in which originated, whichever is earliest, the records are transferred to the National Personnel Records Center, St. Louis, Missouri, or with the Official Personnel folder when it is transferred to another Federal agency.

3. Individual authorization card and record payroll allotments; includes bond authorization, union dues authorizations, payment of salary or wages to credit in savings account of a financial organization: until superseded by new card or upon transfer or separation of employee.

4. Retirement reports and duplicate registers, copies of personnel actions and payroll change slips, individual paycards: 3 years after end of calendar year in which originated, the records are transferred to the National Personnel Records Center, St. Louis, Missouri with personnel records.

5. Passenger transportation records, including copies of vouchers, travel authorization and supporting papers, records pertaining to reimbursements to individuals, travel orders, per diem vouchers, transportation requests, hotel reservations, and all supporting papers relating to official travel: 3 years after end of calendar year in which they originated.

Copies of records located in bureaus, offices, field offices, and sub-activities thereof, and automated copies, as appropriate:

Copies of time and attendance, including leave data: 1 year after period covered.

Payroll lists: 2 months after period covered.

Passenger transportation records pertaining to travel orders and supporting papers: 6 months after end of fiscal year in which they originated.

The disposition of this record system is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

Comptroller
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

Notification procedure: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.220.

Record access procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.221.

Contesting record procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.224.

Record source categories: Individuals to whom the records pertain, and officials and employees of the Federal Power Commission.

FPC-21

System name: Personnel Investigations Records (Security and Suitability) -- FPC (NOTE: This records system supplements the Prsonnel Investigations Records System of the Civil Srvice Commission.)

System location:

Personnel Security Office
Office of Personnel Programs
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

Categories of individuals covered by the system: Current and former applicants for FPC employment. Current and former FPC employees. Individuals considered for access to classified information or restricted areas and/or security determinations as contractors, employees of contractors, experts, instructors, and consultants to Federal programs. Individuals who are neither applicants nor employees of the Federal Government, but who are or were involved in Federal programs under a cooperative assignment or similar agreement.

Categories of records in the system: These records contain information developed by the FPC or by investigative agencies other than the CSC, voucher references, record checks, analyses and/or summaries, determinations to suspend, remove, or otherwise discipline employees or to disqualify applicants or employees, records or hearings when conducted, material placed into the record to support the decision or determination, affidavits or statements, testimony of witnesses, and security clearance issued.

Authority for maintenance of the system: 15 U.S.C. 717o; 16 U.S.C. 825h; 44 U.S.C. 3101; Executive Order 10450; and the applicable Sections of Title 5, United States Code, and the Civil Service Regulation promulgated thereunder.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows:

a. To evaluate or reevaluate the individual for an FPC sensitive position and security clearance; and by the Federal Power Commission or the Civil Service Commission, to evaluate or reevaluate the individual's qualifications or suitability for Federal Power Commission employment.

b. By the Civil Service Commission or the General Accounting Office as a data source during the course of on-site inspection or audits of Federal Power Commission operations.

c. To the intelligence agencies of the Department of Defense, National Security Agency, Central Intelligence Agency, and the Federal Bureau of Investigation for use in intelligence activities.

d. To any source from which information is requested in the course of an investigation, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested.

e. To disclose to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information if necessary in order to obtain information relevant to a FPC 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 security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

f. To disclose to a Federal agency or the D.C. Government 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 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.

g. In the event that this record system indicates a violation or potential violation of law, executive order, or regulation to serve as a data source for discipling the individual or other FPC employee.

h. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies compiled by the staff or contractors of the FPC.

i. Disclosure 0(of information)0 may be made to a member of Congress from the record of an individual in response to a written request from the member which is made at the request of the individual who is the subject of the record.

j. In the event that a system of records maintained by the FPC 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 investigat- ing or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in folders and index cards in metal file cabinets with manipulation proof combination locks, in lockable metal cabinets, or in secured rooms.

Retrievability: Records are indexed by the names of the individuals on whom they are maintained.

Safeguards: All officials and employees are required to have an appropriate security clearance before they are allowed access to personnel security files and records. Access to and use of personnel security or suitability records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: When the individual separates from the FPC, the records are consolidated with the Official Personnel Folder, transferred to the National Personnel Records Center, or the disposition of the records is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

Personnel Security Officer
Office of Personnel Programs
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

Notification procedure: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.220.

Record access procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.221.

Contesting record procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.224.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(5) and 18 CFR 3b.250, this system is exempt from 5 U.S.C. 552a(d) and the Commission's rules issued pursuant thereto, 18 CFR 3b.221 and 3b.224, to the extent that disclosure would reveal a source who furnished information under an express promise of confidentiality, or prior to September 27, 1975, under an express or implied promise of confidentiality, because the screening of personnel to assure that only qualified and trustworthy individuals are placed in governmental positions will, at times, require information to be collected under a pledge of confidentiality.

Record source categories: Information contained in this system is obtained from the following sources:

Applications and other personnel and security forms furnished by the individual

Investigative material furnished by other Federal agencies
FPC officials
Notices of personnel action furnished by other Federal agencies
From personal investigation or written inquiry from sources such as:
Employers
Schools
References
Neighbors
Associates
Police Departments
Courts
Credit Bureaus
Medical Records
Probation officials
Prison officials
Newspapers, magazines, periodicals, and other publications
CSC Personnel Investigative Records System

FPC-22

System name: Personnel Records (General) -- FPC (NOTE: This records system supplements the General Personnel Records System of the Civil SErvice Commission.)

System location:

a. Official personnel folders and related records on current employees of the Federal Power Commission are located in:
Office of Personnel Programs
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

b. Personnel action file and minority group designation records on current employees of the Federal Power Commission are located in:
Office of the Executive Director
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

c. Automated records on current and former Federal Power Commission employees are located in:
Office of Regulatory Information Systems
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

d. Official personnel folders and related records on former Federal employees are located in:
National Personnel Records Center
111 Winnebago Street
St. Louis, Missouri 63118

e. Operating or work folders, employee record cards, and locator files on current Federal Power Commission employees are located in the organizational unit to which the employee is assigned at the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D. C. 20426, as follows:
Offices of the Chairman and Commissioners
Office of the Executive Director
Office of Energy Systems
Office of the Secretary
Office of Administrative Law Judges
Office of Special Assistants to the Commissioners
Bureau of Natural Gas
Bureau of Power
Office of the General Counsel
Office of Regulatory Information Systems
Office of Accounting and Finance
Office of Economics
Office of Administrative Operations
Office of the Comptroller
Office of Public Information

f. Operating or work folders, employee record cards and locator files on current Federal Power Commission employees are also located at the following regional offices:
Atlanta Regional Office
Federal Power Commission
730 Peachtree Building
Atlanta, Georgia 30308
Chicago Regional Office
Federal Power Commission
230 S. Dearborn Street
Chicago, Illinois 60604
Fort Worth Regional Office
Federal Power Commission
819 Taylor Street
Fort Worth, Texas 76102
New York Regional Office
Federal Power Commission
26 Federal Plaza
New York, New York 10007
San Francisco Regional Office
Bureau of Power
Federal Power Commission
555 Battery Street
San Francisco, California 94111
San Francisco Office
Division of Audits
Office of Accounting and Finance
Federal Power Commission
555 Battery Street
San Francisco, California 94111

Categories of individuals covered by the system: Current and former Federal Power Commission employees.

Categories of records in the system: This records system contains a variety of records relating to personnel actions and determinations about an individual while employed in the Federal service. These records include: recommendations not submitted on standard Government forms, such as, awards, salary increases, performance ratings and training; intra-office and interoffice communications; resumes; probationary period reports; issuance of motor vehicle operator permits; issuance of Federal Power Commission identification cards; career counseling; training needed by an individual, including enrollment in individual development plans, counseling, and determinations under the upward mobility, executive development, student trainee, and worker trainee programs; executive inventory records sheets; material related to pre-employment and fitness-for-duty examinations; participation in alcoholism and drug abuse programs; written requests for information on employment from creditors, financial institutions, etc.; beneficiary designations for unpaid compensation; schedules, tabulations, lists, and organizational charts which contain personal information; Congressional correspondence; agency disciplinary files, except adverse actions; and related information.

Authority for maintenance of the system: 15 U.S.C. 717o; 16 U.S.C. 825h; 44 U.S.C. 3101; and the applicable Section of Title 5 of the United States Code and the Civil Srvice Regulations promulgated thereunder.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used:

a. By Federal Power Commission officials or the Civil Service Commission in connection with personnel actions, salary increases, determinations of rights and benefits, work assignments and evaluation, determination of qualifications, counseling, performance ratings, awards, training, and disciplinary actions. To the extent relevant and necessary, the information may be furnished upon request to other agencies for the same purposes.

b. To provide necessary and relevant information to a prospective employer of a present or former Federal employee; or to an organization at the request of the individual; or to obtain necessary and relevant information from a former employer concerning the hiring and retention of an employee or the issuance of a security clearance.

c. To disclose to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information if necessary in order to obtain information relevant to a Federal Power Commission 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.

d. To disclose to a Federal agency or the D.C. Government, 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 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.

e. In the event that this record system indicates a violation or potential violation of law, executive order, or regulation to serve as a data source for disciplining the individual or other Federal Power Commission employee.

f. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies compiled by the staff or contractors of the Federal Power Commission.

g. By the Civil Service Commission or the General Accounting Office as a data source during the course of on-site inspections or audits of Federal Power Commission operations.

h. To provide AFGE Local No. 421 with periodic lists of employee names, position titles, grades, salaries, and duty stations.

i. To test computer programs being developed or modified, and to test the validity of operational computer programs.

j. By an FPC contractor to prepare microform data records.

k. To disclose to the Office of Workers Compensation Program; Veterans Administration Pension Benefits Program; Social Security Old Age, Survivor and Disability Insurance and Medicare Programs: military retired pay programs; Federal civilian employee retirement programs other than the Civil Service Retirement System; or other national, state, county, municipal, or other publicly recognized charitable or social security administration agencies information needed to adjudicate a claim for benefits under ERIOH or the recipient's benefit program(s) or information needed to conduct an analytical study of benefits being paid under such programs.

l. To disclose to the Federal Employee's Group Life Insurance Office information necessary to support an individual's claim for life insurance benefits under the Federal Employees' Group Life Insurance Program.

m. To disclose to a health insurance carrier or plan participating in the Federal Employees' Health Benefits Program information necessary to support an individual's claim for health insurance benefits under the program.

n. To provide statistical reports to Congress, agencies, and the public on characteristics of the Federal work force.

o. To provide information to an educational institution for training purposes.

p. To provide information to officials of a foreign government for clearance prior to a duty assignment of an employee in a specific country.

q. Disclosure may be made to a Congressional office from the record of an individual in response to a written inquiry from the Congressional office which is accompanied by a written request of that individual.

r. In the event that a system of records maintained by the FPC 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.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, disks, punched cards, organizational charts, lists, schedules, forms, index cards, and microform.

Retrievability: Records are indexed by any combination of name, birth date, Social Security number, or identification number.

Safeguards: Manual and automated records are located in lockable metal file cabinets or in secured rooms with access limited to those whose official duties require access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: Within 15 days after an individual leaves the major organizational unit to which he is assigned, the records pertaining to him which have been maintained in that unit are transferred to the Office of Personnel Programs for review and consolidation with the Official Personnel Folders, or transferred to the Federal Power Commission bureau or office to which the employee is then currently assigned, or other appropriate disposition. The disposition of these records is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives. Current and superseded automated records are maintained indefinitely. The disposition of the personnel action file and the minority group designation records is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

1. Personnel actron file and minority group designation records:
   Executive Director
   Federal Power Commission
   825 North Capitol Street, N.E.
   Washington, D. C. 20426
2. All other records in this system:
   Director, Office of Personnel Programs
   Federal Power Commission
   825 North Capitol Street, N.E.
   Washington, D. C. 20426

Notification procedure: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.220.

Record access procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.221.

Contesting record procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.224.

Record source categories: Information in this system of records either comes from the individual to whom it applies, is derived from information he supplied, is provided by Federal Power Commission officials, or is derived from the CSC General Personnel Records System. Assitional sources are: FPC Pay and Pay-Related Records System, Civil Service Retirement Records System, National Personnel Records Center, Federal Civilian Retirement Systems other than Civil Service Retirement System, Military Retired Pay System Records, Office of Workers' Compensation Programs, Veterans Administration Pension Benefits Program, and Social Security Old Age, Survivor, and Disability Insurance and Medicare Programs.

FPC-23

System name: Recruiting, Examining, and Placement Records -- FPC (NOTE: This records system supplements the Recruiting, Examining, and Placement Record System of the Civil Service Commission.)

System location:

a. Official records on candidates for Federal Power Commission positions are located in:
   Office of Personnel Programs
   Federal Power Commission
   825 North Capitol Street, N.E.
   Washington, D. C. 20426

b. Automated records on candidates are located in:
   Office of Regulatory Information Systems
   Federa Power Commission
   825 North Capitol Street, N.E.
   Washington, D. C. 20426

c. Operating folders and related records on candidates selected for an organizational unit are located in the unit to which the individual is to be assigned at the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D. C. 20426, as follows:
   Offices of the Chairman and Commissioners
   Office of the Executive Director
   Office of Energy Systems
   Office of the Secretary
   Office of Administrative Law Judges
   Office of Special Assistants to the Commissioners
   Bureau of Natural Gas
   Bureau of Power
   Office of the General Counsel
   Office of Regulatory Information Systems
   Office of Accounting and Finance
   Office of Economics
   Office of Administrative Operations
   Office of the Comptroller
   Office of Public Information

d. Operating folders and related records on applicants for a regional office are located in the respective following regional offices:
   Atlanta Regional Office
   Federal Power Commission
   730 Peachtree Building
   Atlanta, Georgia 30308
   Chicago Regional Office
   Federal Power Commission
   230 S. Dearborn Street

Chicago, Illinois 60604
Fort Worth Regional Office
Federal Power Commission
819 Taylor Street
Fort Worth, Texas 76102
New York Regional Office
Federal Power Commission
26 Federal Plaza
New York, New York 10007
San Francisco Regional Office
Bureau of Power
Federal Power Commission
555 Battery Street
San Francisco, California 94111
San Francisco Office
Division of Audits
Office of Accounting and Finance
Federal Power Commission
555 Battery Street
San Francisco, California 94111

Categories of individuals covered by the system: Persons who have applied for Federal Power Commission employment or are/were employed by the Federal Power Commission.

Categories of records in the system:

This records system includes: recruitment or appointment lists which include personal information; ratings of candidates for attorney positions; availability inquiry letters; authorization of payment of travel expenses; referrals for consideration; interview reports; Congressional correspondence; White House correspondence; certifications of performance ability and medical reports concerning candidates under selective placement programs, such as handicapped persons, offenders, and Vietnam era veterans; data documenting the positions for which individuals are considered and the reasons for employment, placement, or promotion actions or decisions made about an individual; medical records; intra-office and interoffice communications; and other related information.

Authority for maintenance of the system: 15 U.S.C. 717o; 16 U.S.C. 825h; 44 U.S.C. 3101; and the applicable Sections of Title 5 of the United States Code and the Civil Service Regulations promulgated thereunder.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or a record may be used:

a. By Federal Power Commission or Civil SErvice Commission officials for purposes of review and consideration for placement in positions for which the applicants, employees, or former employees have applied, and for determinations of rights and benefits of the individuals.

b. To refer current employees for consideration for reassignment, promotion, or detail within the Federal Power Commission.

c. By the Civil Service Commission or the General Accounting Office as a data source during the course of on-site inspections or audits of Federal Power Commission operations.

d. To provide necessary and relevant information to a prospective employer of a present or former Federal employee; or to obtain necessary and relevant information from a former employer concerning the hiring and retention of an employee or the issuance of a security clearance.

e. To disclose to a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, if necessary in order to obtain information relevant to an FPC 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.

f. To disclose to a Federal agency or the D.C. Government, 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 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.

g. In the event that this record system indicates a violation or potential violation of law, executive order, or regulation to serve as a data source for disciplining the individual or other Federal Power Commission employee.

h. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies compiled by the staff or contractors of the Federal Power Commission.

i. To test computer programs being developed or modified, and for validity testing of operational computer programs.

j. By a Federal Power Commission contractor to prepare microform data records.

k. Disclosure 0(of information)0 may be made to a member of Congress from the record of an individual in response to a written request from the member which is made at the request of the individual who is the subject of the record.

l. In the event that a system of records maintained by the FPC 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.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tapes, disks, punched cards, index cards, organizational charts, lists, forms, folders, and microform.

Retrievability: Records are indexed by any combination of name, birth date, Social Security number, and an applicable identification number.

Safeguards: Manual and automated records are located in lockable metal file cabinets or in secured rooms with access limited to those whose official duties require access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal:

a. Lists; index cards and automated records are maintained until no longer needed.

b. Applications from persons who are ineligible for Federal Power Commission positions or who decline an offer of employment are returned to the applicant. Related correspondence is retained for one year.

c. Working files maintained by an organizational unit which selects the individual are retained indefinitely. If the proposed personnel action is not effected due to declination or other reason, the working file is transferred to the Office of Personnel Programs for consolidation with the official record.

The disposition of these records is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

Director, Office of Personnel Programs
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

Notification procedure: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.220.

Record access procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.221.

Contesting record procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.224.

Record source categories: Information in this system of records either comes from the individual to whom it applies, is derived from information he or she supplied, from medical reports on physical qualifications, from examination results which are made known to applicants, from Federal Power Commission officials, from the CSC Recruiting, Examining, and Placement Records System, or from the CSC or FPC General Personnel Records Systems.

FPC-24

System name: Time Distribution Reports -- FPC

System location:

a. Official copies of these records are located in:
Office of the Comptroller

Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

b. Copies of these records are located in the following organizational units of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D. C. 20426:

Office of Special Assistant to the Commissioners
Office of the Secretary
Office of Administrative Law Judges
Office of the General Counsel
Office of Administrative Operations
Office of Personnel Programs
Office of the Comptroller
Office of Public Information
Office of Regulatory Information Systems
Office of Energy Systems
Office of Accounting and Finance
Office of Economics
Bureau of Natural Gas
Bureau of Power

c. Copies of these records are also located at the following regional offices:

Atlanta Regional Office
Federal Power Commission
730 Peachtree Building
Atlanta, Georgia 30308
Chicago Regional Office
Federal Power Commission
230 S. Dearborn Street
Chicago, Illinois 60604
Fort Worth Regional Office
Federal Power Commission
819 Taylor Street
Fort Worth, Texas 76102
New York Regional Office
Federal Power Commission
26 Federal Plaza
New York, New York 10007
San Francisco Regional Office
Federal Power Commission
Bureau of Power
555 Battery Street
San Francisco, California 94111
San Francisco Regional Office
Division of Audits
Office of Accounting and Finance
555 Battery Street
San Francisco, California 94111

d. Automated copies are located in:

Office of Regulatory Information Systems
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

Categories of individuals covered by the system: Current and former FPC employees.

Categories of records in the system: This system of records includes the following information where applicable on each individual: name, the date, employee number, his office or bureau, and a description of the activity assigned to him with related information. It shows how much time the individual spends on each project or activity assigned to him.

Authority for maintenance of the system: 15 U.S.C. 717o; 16 U.S.C. 825h; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are used by the staff of the FPC whose official duties require access in order:

a. To determine equitable charges, fees and assessments authorized by the Federal Power Act and the Commission's Rules and Regulations.

b. To develop budgetary data.

c. To serve as a management tool in distributing workload to individuals of the Commission.

d. To provide information to Federal agencies and authorized organizations or persons on characteristics of the FPC work force, and as a data source for management information analytical studies in support of the function for which the records are collected and maintained, financial management functions, or manpower studies.

e. Disclosure 0(of information)0 may be made to a member of Congress from the record of an individual in response to a written request from the member which is made at the request of the individual who is the subject of the record.

f. In the event that a system of records maintained by the FPC 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.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained on forms and print-outs in lockable containers and on magnetic disks and tapes in a secured room.

Retrievability: These records are indexed by the names of the individuals on whom they are maintained.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure. An accounting is made of removal of records from the storage area.

Retention and disposal: Manual records and hard copies are maintained for one year after the end of the fiscal year in which they originated or until the system manager determines that their usefulness to the Commission has ceased. Antomated records are retained until the end of the fiscal year in which they originated. The disposition of these records is handled pursuant to applicable GSA regulations and/or applicable internal administrative directives.

System manager(s) and address:

Comptroller
Federal Power Commission
825 North Capitol Street, N.E.
Washington, D. C. 20426

Notification procedure: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.220.

Record access procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.221.

Contesting record procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.224.

Record source categories: Individuals to whom the records pertain, the officials and employees of the Federal Power Commission.

[FR Doc.76-25808 Filed 8-30-76;5:11 pm]

federal register

MONDAY, SEPTEMBER 13, 1976



PART VII:

DEPARTMENT OF COMMERCE

■

PRIVACY ACT OF 1974

Systems of Records

DEPARTMENT OF COMMERCE

PRIVACY ACT

Annual Publication of Systems of Records, Notice of Proposed Additional Systems, Changes to Systems

On October 2, 1975 (40 FR 45635-74), the Department of Commerce first published in final form a Notice of Systems of Records in compliance with Section 3 of the Privacy Act of 1974 (P.L. 93-579, 88 Stat. 1897, 5 U.S.C. 552a).

To comply with the provision of that Act which requires each agency to publish its systems of records at least annually (5 U.S.C. 552a(e)(4)), and in accordance with the guidelines developed by the General Services Administration/Office of Federal Register (41 FR 32362-68, August 2, 1976), the following have been provided to the Federal Register:

(1) One magnetic tape, containing a unified text of the Systems of Records and Prefatory Statement which incorporates changes now proposed for public comment, other changes not requiring public comment, and changes noticed in the Federal Register after October 2, 1975; and

(2) Two computer print-outs, containing the same as above. Attached for publication herewith are:

(3) A list of changes now proposed for which public comment is invited (Appendix I); and

(4) A list of the changes noticed in the Federal Register after October 2, 1975 and prior to the date of this notice (Appendix II).

For the items listed in Appendix I, the public is invited to submit written data, views, or arguments to the Assistant Secretary for Administration (Attn.: Information Management Division, Room 5026), U.S. Department of Commerce, Washington, D.C. 20230, any time on or before October 13, 1976. The comments received will be available, as received, for public inspection at the above address between the hours of 9 a.m. and 4 p.m. Monday through Friday (except holidays).

Dated: August 30, 1976.

Joseph E. Kasputys,
Assistant Secretary for Administration.

APPENDIX I

Proposed Changes to Commerce Department Systems of Records for Which Public Comment Is Invited

Included in the unified text of changes to Commerce Department systems of records submitted to the Federal Register this date are several proposed additional systems of records and a proposed new routine use for an existing system of records. The proposed additional systems and the new routine use are listed below to assist the public in readily identifying those portions of the unified text on which public comments are invited.

1. Add a Departmentwide system of records, COMMERCE/DEPT.—19, Department Mailing Lists. The purpose of the mailing lists contained in the proposed system is to provide the means by which the Department can distribute information and/or publications to interested persons. The system covers only those mailing lists which include home addresses; it does not include mailing lists containing business addresses only.

The proposed system is as follows:

COMMERCE/DEPT.—19

System name: Department Mailing Lists — COMMERCE / DEPT. — 19.

System location:

a.
Bureau of the Census
Federal Building 3
Washington, D.C. 20233.

b.
National Fire Prevention and Control Administration
Washington, D.C. 20230.

c.
Office of Minority Business Enterprise
U.S. Department of Commerce
Washington, D.C. 20230.

d.
Office of General Services
U.S. Patent and Trademark Office
2021 Jefferson Davis Highway
Arlington, Virginia 22202.

Categories of individuals covered by the system:

At location a.: persons employed in the Suitland Federal Center who have voluntarily submitted an application to be included in the carpool locator system and be listed as a possible carpool member.

At location b.: All regular publication recipients and all individuals who have requested that they be placed on a mailing list or requested information about NFPCA.

At location c.: subscribers to OMBE publications and/or representatives of the media who receive OMBE material at their home addresses.

At location d.: Former employees of the Patent and Trademark Office who have requested that their names be included on a newsletter mailing list.

Categories of records in the system: At location a.: Name, address, work week, hours of work, work location, work phone number, willingness to join in a carpool, willingness to participate as a driver or rider in a carpool, zip code.

At location b.: Name, title, affiliation and address.
At location c.: Name and home address.
At location d.: Name and home address.

Authority for maintenance of the system: 5 U.S.C. 301; 15 U.S.C. 1512, 2205, 2208, and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For all locations, see general routine uses Nos. 1 through 6, Nos. 8 through 10, and No. 12 of Prefatory Statement.

For records at location a.: Records are disseminated to other persons working at the Suitland Federal Center who have voluntarily listed themselves to form carpools; home address is suppressed.

For records at location b. Information is provided Federal, state, local or international agencies in response to a written request indicating a likelihood that individuals on the mailing list would benefit by or be interested in material to be sent by the requesting agency.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders, computer tape, mailing labels.

Retrievability: Alphabetically by name, and for records at location a., by zip code.

Safeguards: Records are located in locked cabinets or in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: Records are retained in accordance with each unit's Records Control Schedule.

System manager(s) and address:

For records at location a.:
Associate Director for Administration
Bureau of the Census
Federal Building 3
Washington, D.C. 20233.

For records at location b.:
Associate Administrator
National Fire Data Center, NFPCA
U.S. Department of Commerce
P.O. Box 19518
Washington, D.C. 20036.

For records at location c.:
Chief of Information
Office of Public Affairs, OMBE
Washington, D.C. 20230.

For records at location d.:
Director, Office of General Services
U.S. Patent and Trademark Office
Washington, D.C. 20231.

Notification procedure:

For records at location a.: Information may be obtained from:
Associate Director for Administration
Federal Building 3
Bureau of the Census
Washington, D.C. 20233.

For records at location b.: Information may be obtained from:
Administrative Officer, NFPCA
Washington, D.C. 20230.

For records at location c.:
Assistant Director, Field Operations and Administration

Office of Minority Business Enterprise
U.S. Department of Commerce
Washington, D.C. 20230.

For records at location d.: Information may be obtained from:
Assistant Commissioner for Administration
U.S. Patent and Trademark Office
Washington, D.C. 20231.

Record access procedures: Requests from individuals should be addressed to: Same address of the desired location as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address for desired location.

Record source categories: Subject individual.

2. Add a system of records for the National Fire Prevention and Control Administration, COMMERCE/NFPCA—1. The purpose of the proposed system is to enable the National Fire Prevention and Control Administration to maintain a listing of fire experts employed by the Federal government which includes a description of their area of expertise. This information will be provided to members of the fire service community in need of the assistance of such individuals. The proposed system is as follows:

COMMERCE/NFPCA—1

System name: Federal Employees with Fire Related Expertise-COMMERCE/NFPCA-1.

System location:

National Fire Prevention and Control Administration
2400 M Street, NW.
Washington, D.C.

Categories of individuals covered by the system: Federal employees with expertise in fire prevention and control and associated fields.

Categories of records in the system: Name, address, agency, area of expertise.

Authority for maintenance of the system: Section 8(e) and 21(b)(1), and (e) Federal Fire Prevention and Control Act of 1974, P.L. 93-498, 88 Stat. 1535 (15 U.S.C. 2207, 2218).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In addition to the routine uses referenced in the Prefatory Statement, information about individuals is provided to federal, state, local or international agencies and members of the fire service community, including, but not limited to, fire safety and protection organizations, state fire marshals, and firemen, in response to requests indicating that the individual or organization making the request would benefit from the expertise of individuals in the system. Such disclosures are made only if the subject individual has given prior written consent.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders, bound paper director, and magnetic tape.

Retrievability: By individual's name, expertise, agency, and geographic location.

Safeguards: Records are located in lockable metal file cabinets or in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: Records are updated biennially and retained indefinitely.

System manager(s) and address:

Associate Administrator for Fire Safety and Research
National Fire Prevention and Control Administration
U.S. Department of Commerce
P.O. Box 19518
Washington, D.C. 20036.

Notification procedure: Information may be obtained from:

Administrative Officer
National Fire Prevention and Control Administration
P.O. Box 19518
Washington, D.C. 20036.

Requester should provide name and address in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR 4b. Use above address.

Record source categories: Subject individuals.

3. Add a system of records for the National Oceanic and Atmospheric Administration, COMMERCE/NOAA-17, NOAA Diving Program File. The purpose of the proposed system is to ensure that all diving performed under NOAA's auspices is conducted in a manner most likely to minimize accidental injury or occupational illness. This is done by maintaining information concerning an individual's professional qualifications, level of certification to perform underwater operations, and physical condition. The proposed system is as follows:

COMMERCE/NOAA—17.

System name: NOAA Diving Program File — COMMERCE / NOAA — 17.

System location:

Office of NOAA Diving Coordinator
11400 Rockville Pike
Rockville, Maryland 20852.

Categories of individuals covered by the system: NOAA employees who are NOAA Certified Divers.

Categories of records in the system: Diving physical examinations, verification of completed scuba instruction, NOAA scuba diving written examination, diver resume, diver evaluations, letters of certification and/or appointment, monthly diving logs, individual correspondence.

Authority for maintenance of the system: 5 U.S.C. 301; 44 U.S.C. 3101; 16 U.S.C. 1432; 33 U.S.C. 1441, 1442.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use Nos. 1 through 6, 8 through 10, and 12 of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual and machine readable.

Retrievability: Alphabetically by surname.

Safeguards: Records are located in locked metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Five years after termination of diver.

System manager(s) and address:

NOAA Diving Coordinator
11400 Rockville Pike
Rockville, Maryland 20852.

Notification procedure: Information may be obtained from:

Assistant Administrator for Administration
National Oceanic and Atmospheric Administration
6010 Executive Boulevard
Rockville Maryland 20852.

Requestor should provide name and address pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, the Unit Diving Officer, training officers and NOAA Diving Medical Review Board.

4. Add a system of records for the National Oceanic and Atmospheric Administration, COMMERCE/NOAA—18, NOAA Mailing Lists. The purpose of the mailing lists contained in this proposed system is to provide the means by which NOAA can distribute information and/or publications to interested persons. The system covers only those mailing lists which include home addresses; it does not include mailing lists containing business addresses only. The proposed system is as follows:

COMMERCE/NOAA—18.

System name: NOAA Mailing Lists-COMMERCE/NOAA—18.

System location: Mailing lists are maintained at numerous NOAA installations throughout the United States. Addresses of major installations where there are mailing lists are:

Office of Publications
Main Commerce Building
14th Street and Constitution Avenue, NW.
Washington, D.C. 20230

Headquarters:
Assistant Administrator for Administration
6010 Executive Boulevard
Rockville, Maryland 20852

Chief, Finance Division
North Bethesda Office Center
11420 Rockville Pike
Rockville, Maryland 20852

National Marine Fisheries Service:
Director, National Marine Fisheries Service
3300 Whitehaven Street, NW.
Washington, D.C. 20235

Director, Northwest Region
National Marine Fisheries Service, NOAA
1700 Westlake Avenue North
Seattle, Washington, 98109

Director, Southeast Region
National Marine Fisheries Service, NOAA
9450 Gandy Boulevard North
Duval Building
St. Petersburg, Florida 33702

Director, Northeast Region
National Marine Fisheries Service, NOAA
14 Elm Street
Federal Building
Gloucester, Massachusetts 01930

Director, Southwest Region
National Marine Fisheries Service, NOAA
300 South Ferry Street
Terminal Island, California 90731

Director, Alaska Region
National Marine Fisheries Service, NOAA
P.O. Box 1668
Juneau, Alaska 99802

Chief, Statistics and Market News Division
National Marine Fisheries Service, NOAA
3300 Whitehaven Street, NW.
Washington, D.C. 20235

Scientific Publications
National Marine Fisheries Service, NOAA
1107 Northeast 45th Street
Seattle, Washington 98105

Director, Northeast Fisheries Service, NOAA
Woods Hole, Massachusetts 02543

Director, Southwest Fisheries Service, NOAA
P.O. Box 271
Lajolla, California 92038

Director, Southeast Utilization Research Center, NOAA
Regents Drive
College Park, Maryland 20740

Director, Southeast Fisheries Center, NOAA
75 Virginia Beach Drive
Miami, Florida 33149

Director, Atlantic Estuarine Fisheries Center, NOAA
P.O. Box 570
Beaufort, North Carolina 28516

National Ocean Survey:
Director, National Ocean Survey
6001 Executive Boulevard
Rockville, Maryland 20852

Chief, Distribution Division, NOAA
Riverdale Building
6501 Lafayette Avenue
Riverdale, Maryland 20840

Environmental Data Service:
Director, Environmental Data Service
3300 Whitehaven Street, NW.
Washington, D.C. 20235

Director, National Climatic Center
Environmental Data Service, NOAA
Federal Building
Ashville, North Carolina 28801

Director, National Geophysical and Solar Terrestrial Center
Research Building 3, NOAA
3100 Marine Street
Boulder, Colorado 80302

A roster of each mailing list covered by the Privacy Act and its specific location is maintained by the system manager, address below.

Categories of individuals covered by the system: Recipients of NOAA publications and/or other publicly available programmatic information.

Categories of records in the system: All of the lists contain names and addresses. Some of the lists contain telephone numbers, subscription information, addressee's product and its country of origin.

Authority for maintenance of the system: 5 U.S.C. 301; 15 U.S.C. 1512.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs numbered 1 through 6, 8 through 10, and 12 in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual and machine readable.

Retrievability: Alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are retained indefinitely; however, individuals are advised of the existence of the mailing list annually and at their request, names will be deleted or addresses corrected.

System manager(s) and address:

Assistant Administrator for Administration
6010 Executive Boulevard
Rockville, Maryland 20852.

Notification procedure: Information may be obtained from:

Assistant Administrator for Administration
National Oceanic and Atmospheric Administration
6010 Executive Boulevard
Rockville, Maryland 20852.

Requester should provide name and address pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual.

5. Add a system of records for the National Technical Information Service, COMMERCE/NTIS—2, Employee Daily Time and Productivity Records. The purpose of the proposed system is to assist in determining product prices by ascertaining production cost on a per unit basis. The proposed system is as follows:

COMMERCE/NTIS—2.

System name: Employee Daily Time and Productivity Records—COMMERCE/NTIS—2.

System location:

Accounting Control Division, NTIS
Room 1303
Sills Building
Springfield, Virginia 22161.

Categories of individuals covered by the system: Current and former NTIS employees.

Categories of records in the system: Name; social security number; organization unit; duty hours and work units processed by day and accounting project; time in duty status; time on leave; work volumes completed by individuals and by work unit and comparative data on current production compared with earlier periods.

Authority for maintenance of the system: 15 U.S.C. 1151-57, 1525-27; 31 U.S.C. 66a; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs numbered 1 through 6, 8 through 10, and 12 of Prefatory Statement noticed in the Federal Register on October 2, 1975 (40 FR 45635), and amended on November 7, 1975 (40 FR 52074) and August 17, 1976 (41 FR 34805).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By name and/or employee social security number.

Safeguards: Records are located in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access. During non-business hours the file cabinets are locked.

Retention and disposal: Retained until after GAO audit, or not longer than 3 years. Transferred to GSA for disposal.

System manager(s) and address:

Chief, Accounting Control Division, NTIS
Room 1303
Sills Building
Springfield, Virginia 22161.

Notification procedure: Information may be obtained from:

Assistant Director, Administration, NTIS
Room 1006
Sills Building
Springfield, Virginia 22161.

Requester should provide name, social security number and time of employment pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals; NTIS timekeepers, supervisors and managers.

6. Add a routine use for a Patent and Trademark Office system of records, COMMERCE/PAT-TM—6, Parties Involved in Patent Interference Proceedings, to permit disclosure of settlement agreements to other Government agencies. The entire routine use paragraph would read as follows:

Prior to termination of the interference proceedings, and thereafter until a patent has issued (except in cases involving a patent), information concerning these records is provided outside the Office only upon authorization of the applicants or owners of the applications involved or when necessary to carry out the provisions of any Act of Congress or in such special circumstances as may be determined by the Commissioner. Subsequent to such termination in cases involving a patent or after issuance of a patent, the records are open to public inspection. Settlement agreements are made available to the Federal Trade Commission, the Department of Justice, and other Government agencies on written request and a showing of good cause. Also see routine use paragraphs of the Prefatory Statement.

APPENDIX II

Changes to Systems of Records Noticed in the Federal Register After October 2, 1975 and Prior to the Date of this Notice

These changes are listed to assist the public. All are incorporated in the unified text of Commerce Department systems of records submitted to the Federal Register this date.

1. November 3, 1975 Federal Register, page 51173, corrections to October 2, 1975 materials.

2. November 7, 1975 Federal Register, page 52074, adoption of additional system of records, proposed October 2, 1975, COMMERCE/DEPT.—18, Employee Personnel Files Not Covered by U.S. Civil Service Commission, and adoption of expanded routine uses proposed October 2, 1975.

3. November 26, 1975 Federal Register, page 54850, further corrections to October 2, 1975 materials.

4. June 10, 1976 Federal Register, page 23446, proposal to add a new routine use No. 12 to the Prefatory Statement of General Routine Uses.

5. June 18, 1976 Federal Register, pages 24744-24745, correction to June 10, 1976 materials and proposal to add a system of records, COMMERCE/DIBA—8, Foreign Service Officer Evaluations.

6. August 17, 1976 Federal Register, page 34805, adoption of general routine use No. 12 and adoption of system of records COMMERCE/DIBA—8, both proposed June 10, 1976.

7. August 20, 1976 Federal Register, pages 35205-35206, notice to consolidate two systems of records, COMMERCE/NTIS—1 Customer Account Records, and COMMERCE/NTIS—2 Individuals Interested in NTIS Publications, Shipped Order Addresses, and Subscribers Files, both noticed October 2, 1975, into one system, COMMERCE/NTIS—1, and proposal to add a new routine use to that system. Public comment was invited on the proposed routine use.

DEPARTMENT OF COMMERCE
PRIVACY ACT
NOTICE OF SYSTEMS OF RECORDS*

*The identification of the operating unit or units within the Department to which the particular system of records pertains appears as "COMMERCE/" followed by a designating abbreviation. The abbreviations and their meanings are as follows:

CENSUS—Bureau of the Census
DEPT—Overall Department of Commerce (or at least multiple operating units presently, and a potential for more)
DIBA—Domestic and International Business Administration
IATC—Interagency Auditor Training Center
MA—Maritime Administration
NBS—National Bureau of Standards
NFPCA—National Fire Prevention and Control Administration
NOAA—National Oceanic and Atmospheric Administration
NTIS—National Technical Information Service
PAT-TM—Patent and Trademark Office

Other abbreviations appearing in the notices are as follows:

ARC—The Appalachian Regional Commission
BEA—Bureau of Economic Analysis
EDA—Economic Development Administration
Office of Federal
Cochairmen—Office(s) of Federal Cochairmen of the Regional Action Planning Commissions and The Appalachian Regional Commission
OMBE—Office of Minority Business Enterprise
OTEL—Office of Telecommunications
RAPCS—Regional Action Planning Commissions
USTS—United States Travel Service

Prefatory 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 Department to carry out its functions indicates a violation or potential violation of law or contract, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute or contract, or rule, regulation, or order issued pursuant thereto, or the necessity to protect an interest of the Department, 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 contract, or rule, regulation or order issued pursuant thereto, or protecting the interest of the Department.

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 Department decision concerning the assignment, hiring or retention of an individual, 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, as a routine use, to a Federal state, local, or international agency, in response to its request, in connection with the assignment, hiring or retention of an individual, the issuance of a security clearance, the reporting of an investigation of an individual, the letting of a con-

tract, or the issuance of a license, grant, or other benefit by the requesting agencye 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 in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual when the individual has requested assistance from the Member with respect to the subject matter of the record.

6. A record in this system of records which contains medical information may be disclosed, as a routine use, to the medical advisor of any individual submitting a request for access to the record under the Act and 15 CFR Part 4b if, in the sole judgment of the Department, disclosure could have an adverse effect upon the individual, under the provision of 5 U.S.C 552a(f)(3) and implementing regulations at 15 CFR 4b.6.

7. (Deleted; Reserved)

8. A record in this system of records may be disclosed, as a routine use, to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

9. A record in this system of records may be disclosed, as a routine use, to the Department of Justice in connection with determining whether disclosure thereof is required by the Freedom of Information Act (5 U.S.C. 552).

10. A record in this system of records may be disclosed, as a routine use, to a contractor of the Department having need for the information in the per- formance of the contract, but not operating a system of records within the meaning of 5 U.S.C. 552a(m).

11. (Deleted; Reserved)

12. A record in this system may be transferred, as a routine use, to the Civil Service Commission: for personnel research purposes; as a data source for management information; for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained; or for related manpower studies.

National Defense and Foreign Policy Exemption

Some systems of records under the Act which are maintained by the Department contain, from time-to-time, material subject to the specific exemption authorized by 5 U.S.C 552a(k)(1), relating to national defense and foreign policy materials. The systems of records noticed below, and also listed in 15 CFR 4b.14(a) of the regulations published in the FEDERAL REGISTER, which are subject to this determination of specific exemption under 5 U.S.C. 552a(k)(1) are:

COMMERCE/DIBA-1
COMMERCE/DIBA-2
COMMERCE/DIBA-3
COMMERCE/NOAA-11
COMMERCE/PAT-TM-4
COMMERCE/PAT-TM-6
COMMERCE/PAT-TM-7
COMMERCE/PAT-TM-8
COMMERCE/PAT-TM-9
COMMERCE/DEPT-12
COMMERCE/DEPT-13
COMMERCE/DEPT-14

The Department hereby asserts a claim to exemption of such materials wherever they might appear in such systems of records, or any systems of records, at present or in the future. The materials would be exempt from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). The reason therefor is to protect the material required by Executive Order to be kept secret in the interest of the national defense and foreign policy.

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COMMERCE/DEPT-1.

System name: Attendance, Leave, and Payroll Records of Employees and Certain Other Persons—COMMERCE/DEPT-1.

System location: a. For employees of Departmental Offices, BEA, DIBA, EDA, NFPCA, OMBE, USTS, Offices of Federal Cochairmen, RAPCs, and ARC: Office of Financial Management Service, OS, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230, and Office of Organization and Management Systems (ADP Operations Division), use above address.

b. For employees of MARAD: (manual) Division of Accounts, (machine readable) Division of Data Operations, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

c. For employees of NBS, NTIS, and OTEL: National Bureau of Standards, Accounting Division (Payroll Section), Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

d. For employees of NOAA: National Oceanic and Atmospheric Administration, Personal Service Accounting Branch, 6010 Executive Boulevard, Rockville, Maryland 20852.

e. For employees of PAT-TM: Office of Finance (Employee Accounts Division), U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

f. For employees of CENSUS: Finance Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233, and the following Census Regional Offices: 1365 Peachtree Street, NE., Atlanta, Georgia 30309; 441 Stuart Street, Boston, Massachusetts 02116; 230 South Tryon Street, Charlotte, North Carolina 28202; 536 South Clark Street, Chicago, Illinois 60605; 1100 Commerce Street, Dallas, Texas 75202; 11011 West Sixth Avenue (P.O. Box 25207), Denver, Colorado 80225; 234 State Street, Detroit, Michigan 48226; One Gateway Center, 4th and State Streets, Kansas City, Kansas 66101; 1100 Wilshire Boulevard, Los Angeles, California 90024; 26 Federal Plaza, New York City, New York 10007; 600 Arch Street, Philadelphia, Pennsylvania 19106; and 1700 Westlake Avenue, Seattle, Washington 98109.

Categories of individuals covered by the system: All Commerce Department employees and certain other persons as categorized by organizational component in a. through f. above.

Categories of records in the system: Name, date of birth, social security number and employee number, service computation date, grade, step, and salary; organization (code), retirement or FICA data as applicable; Federal, state, and local tax deductions, as appropriate; IRS tax lien data; savings bond and charity deductions; regular and optional Government life insurance deduction(s), health insurance deduction and plan or code; cash-award data; jury duty data; military leave data; pay differentials; union dues deductions; allotments, by type and amount; financial institution code and employee account number; leave status and leave data of all types (including annual, compensatory, jury duty, maternity, military, retirement disability, sick, transferred, absence without leave, and without pay); time and attendance records, including number of regular, overtime, holiday, Sunday, and other hours worked; pay period number and ending date; cost of living allowances; mailing address; co-owner and/or beneficiary of bonds, marital status and number of dependents; and "Notification of Personnel Action". The individual records listed herein are included only as pertinent or applicable to the individual employee.

Authority for maintenance of the system: Title 5 U.S.C., Title 31 U.S.C. 66a, Title 44 U.S.C. 3101, 3309.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Transmittal of data to U.S. Treasury to effect issuance of paycheck to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions, and other authorized purposes.

Reporting: tax withholding to Internal Revenue Service and appropriate State and local taxing authorities; FICA deductions to the Social Security Administration; dues deductions to labor unions; withholdings for health and life insurance to the insurance carriers and the U.S. Civil Service Commission; charity contribution deductions to agents of charitable institutions; annual W-2 statements to taxing authorities and the individual; wage, employment, and separation information to state unemployment compensation agencies and to housing authorities for low-cost housing applications; and NOAA Corps data to U.S. Civil Service Commission for preparation of statistical materials. Also, see routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Both manual and machine-readable.

Retrievability: By name and/or employee or social security number.

Safeguards: Physical, technical, and administrative security is maintained, with all storage equipment and/or rooms locked when not in use. Admittance, when open, is restricted to authorized personnel only. All payroll personnel and computer operators and programmers are instructed and cautioned on the confidentiality of the records.

Retention and disposal: Retained on site until after GAO audit, then disposed of, or transferred either to Federal Records Storage Centers in accordance with the fiscal records program approval by GAO, as appropriate, or General Record Schedules of GSA.

System manager(s) and address: For records at location a.: Director, Departmental Office of Financial Management Service, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b.: Chief, Division of Accounts, Maritime Administration, Washington, D.C. 20230;

For records at location c.: Chief Accountant, Accounting Division, National Bureau of Standards, Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234)

For records at location d.: Chief, Personal Service Accounting Branch, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852;

For records at location e.: Director, Office of Finance, U.S. Patent and Trademark Office, Washington, D.C. 20231; and,

For records at location f.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233, and the Director of the particular Regional Office listed above.

Notification procedure: For BEA records at location a., information may be obtained from: Special Assistant to the Director, BEA, Tower Building, 1401 K Street, NW., Washington, D.C. 20005;

For DIBA records at location a., information may be obtained from: Director, Office of Management and Systems, DIBA, U.S. Department of Commerce, Washington, D.C. 20230;

For EDA records at location a., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230;

For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, 2400 M Street NW., Washington, D.C. 20230;

For OMBE records at location a., information may be obtained from: Assistant Director, Field Operations and Administration, OMBE, U.S. Department of Commerce, Washington, D.C. 20230;

For USTS records at location a., information may be obtained from: Executive Director, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Secretary, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230;

For NBS and NTIS records at location c., information may be obtained from: Associate Director for Administration, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234);

For OTEL records at location c., information may be obtained from: Administrative Officer, OTEL, 1325 G Street, NW., Washington, D.C. 20231;

For records at location d., information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852;

For records at location e., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231; and

For records at location f., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Requester should provide name, social security number, and time or organization unit of employment pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address of the desired location as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address for desired location.

Record source categories: Subject individuals, those authorized by the individual to furnish information, supervisors, timekeepers, official personnel records, and IRS.

COMMERCE/DEPT-2.

System name: Accounts Receivable—COMMERCE/DEPT-2.

System location: a. For Departmental offices, BEA, DIBA, EDA, NFPCA, USTS, OMBE, Offices of Federal Cochairmen, RAPCs, and ARC: Office of Financial Management Service, OS, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

b. For MARAD: (manual) Division of Accounts, (machine readable) Division of Data Operations, Maritime Administration, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

c. For NBS and OTEL: National Bureau of Standards, Accounting Division, Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

d. For NOAA: National Oceanic and Atmospheric Administration, Finance Division, 6010 Executive Boulevard, Rockville, Maryland 20852.

e. For PAT-TM: Office of Finance, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

f. For CENSUS: Finance Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

g. For NTIS: Accounting Control Division, National Technical Information Service, Room 1303, Sills Building, Springfield, Virginia 22161.

Categories of individuals covered by the system: Debtors owing money to organizational components identified in a. through f., including employees, former employees, business firms, general public, and institutions.

Categories of records in the system: Name and address; amount owed, and service, overpayment or other accounting therefor; invoice number, if any.

Authority for maintenance of the system: 5 U.S.C. 5701-09; FPMR 101-7; Treasury Fiscal Requirements Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Billing debtors, reporting to Civil Service Commission for liquidating debts from retirement and other benefits, and routine uses per Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: By name, and invoice number as appropriate.

Safeguards: Physical security, handling by authorized personnel only.

Retention and disposal: Retained until payment is received and account is audited, then disposed of in accordance with Records Control Schedule.

System manager(s) and address: For records at location a.: Director, Office of Financial Management Service, OS, U.S. Dept. of Commerce, Washington, D.C. 20230.

For records at location b.: Chief, Division of Accounts, Maritime Administration, Washington, D.C. 20230.

For records at location c.: Chief, Accounting Division, National Bureau of Standards, Administration Building, Washington, D.C. 20234.

For records at location d.: Chief, Finance Division, NOAA, 6010 Executive Blvd., Rockville, Md. 20852.

For records at location e.: Director, Office of Finance, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location f.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location g.: Chief, Accounting Control Division, National Technical Information Service, Room 1303, Sills Building, Springfield, Virginia 22161.

Notification procedure: For DIBA records at location a., information may be obtained from: Director, Office of Management and Systems, DIBA, U.S. Department of Commerce, Washington, D.C. 20230;

For EDA records at location a., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230;

For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, 2400 M Street NW., Washington, D.C. 20230;

For USTS records at location a., information may be obtained from: Executive Director, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Secretary, Maritime Administration, Washington, D.C. 20230;

For NBS records at location c., information may be obtained from: Associate Director for Administration, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234);

For OTEL records at location c., information may be obtained from: Administrative Officer, OTEL, 1325 G Street, NW., Washington, D.C. 20231;

For records at location d., information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852.

For records at location e., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231; and

For records at location f., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location g., information may be obtained from: Assistant Director, Adminstration, National Technical Information Service, Room 1006, Sills Building, Springfield, Virginia 22161.

Requester should provide name and address, and invoice number as appropriate, pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, those authorized by the individual to furnish information, contracting officer as appropriate, accounting records.

COMMERCE/DEPT-3.

System name: Conflict of Interest Records, Appointed Officials—COMMERCE/DEPT-3.

System location: Office of General Counsel, Room 5876, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals, past and present, appointed by the President to Commerce Department offices and other senior level officers of the Department.

Categories of records in the system: Statements of personal and family shareholdings and other interests in business enterprises; copies of blind trust and other agreements pertaining to such interests; correspondence as to insulation of control of such interests; opinions of counsel; and confirmation materials.

Authority for maintenance of the system: 5 U.S.C. 301, 18 U.S.C. 306, 28 U.S.C. 533-535, 44 U.S.C. 3101, E.O. 10450, and E.O. 11222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Disposed of 2 years after separation of employee.

System manager(s) and address: Deputy General Counsel, Room 5870, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and date of appointment pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: The subject individual, financial institutions involved, counsel, and those authorized by the individual to furnish information.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (k)(5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k)(5) is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine suitability for employment.

COMMERCE/DEPT-4.

System name: Congressional Files—COMMERCE/DEPT-4.

System location: Office of the Assistant to the Secretary for Congressional Affairs, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Categories of individuals covered by the system: Members of Congress.

Categories of records in the system: Biographical information from sources such as the Congressional Quarterly, Congressional Directory, biographies provided by Members' Offices, extracts from the Congressional Record, and correspondence between the Members and the Department.

Authority for maintenance of the system: 5 U.S.C. 301 and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in paper form only.

Retrievability: Indexed by name of Member or State or Congressional District.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: The records are retained in accordance with the Office's Record Control Schedule.

System manager(s) and address: Assistant to the Secretary for Congressional Affairs, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Departmental Office of Organization and Management Systems, OS, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230. Requester should provide name of Member pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Published Congressional reference materials and the Member, himself or herself.

COMMERCE/DEPT-5.

System name: Donors of Gifts and Bequests—COMMERCE/DEPT-5.

System location: a. For records of Departmental offices, DIBA, EDA, OMBE, and USTS: Office of Financial Management Service, OS, U.S. Department of Commerce, Washington, D.C. 20230.

b. For records of MA: Office of Administration, U.S. Merchant Marine Academy, Kings Point, Long Island, N.Y. 11024 and Division of Accounts, Maritime Administration, Washington, D.C. 20230 (for cash donations only).

c. For records of DIBA: Office of Budget, DIBA, U.S. Department of Commerce, Washington, D.C. 20230.

d. For records of NBS, NTIS, and OTEL: Accounting Division, NBS, AdministrationBuilding, Gaithersburg, Maryland (mailing address: Washington, D.C. 20234).

e. For records of NOAA: Finance Division, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852.

f. For records of PAT-TM: Office of Finance, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

g. For records of CENSUS: Finance Divison, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Categories of individuals covered by the system: Any donor of gifts or bequests of funds, property, or services to Departmental offices or agencies.

Categories of records in the system: Name and address of donor; dollar amount of donations; value and description of non-cash donations; name and title of employee whose expenses are encompassed by the gift; and purposes for which gift or bequest was made.

Authority for maintenance of the system: 5 U.S.C. 608a-608c.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Both paper records in file folders.

Retrievability: Filed chronologically by date of transaction or serial number.

Safeguards: Physical, technical, and administrative security is maintained, with all storage equipment and/or rooms locked when not in use. Admittance, when open, is restricted to authorized personnel only.

Retention and disposal: Records are maintained permanently.

System manager(s) and address: For records at location a.: Director, Office of Financial Management Service, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b.: Assistant Superintendent for Administration, Office of Administration, U.S. Merchant Marine Academy, Kings Point, Long Island, N.Y. 11024 and Chief, Division of Accounts, Maritime Administration, Washington, D.C. 20230.

For records at location c.: Director, Office of Budget, DIBA, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location d.: Chief, Accounting Division, NBS, Administration Building, Gaithersburg, Maryland. (Mailing address: Washington, D.C. 20234).

For records at location e.: Chief, Finance Division, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852.

For records at location f.: Director, Office of Finance, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location g.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Notification procedure: For DIBA records at location a., information may be obtained from: Director, Office of Management and Systems, DIBA, U.S. Department of Commerce, Washington, D.C. 20230;

For EDA records at location a., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230;

For OMBE records at location a., information may be obtained from: Assistant Director, Field Operations and Administration, OMBE, U.S. Department of Commerce, Washington, D.C. 20230;

For USTS records at location a., information may be obtained from: Executive Director, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20236.

For records at location c., information may be obtained from: Director, Office of Management and Systems, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230;

For NBS records at location d., information may be obtained from: Associate Director for Administration, Room A1101, Administration Building, NBS, Gaithersburg, Md. (Mailing address: Washington, D.C. 20234);

For OTEL records at location d., information may be obtained from: Administrative Officer, OTEL, 1325 G Street, NW., Washington, D.C. 20231;

For records at location e., information may be obtained from: Associate Administrator for Administration, Room 908, Washington Science Center, NOAA, Rockville, Maryland 20852; and

For records at location f., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

For records at location g., Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Requester should provide name and date of transaction, pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Donors and subject employees and those authorized by the foregoing to furnish information.

COMMERCE/DEPT-6.

System name: Visitor Logs and Permits for Facilities Under Department Control—COMMERCE/DEPT-6.

System location: a. Maritime Administration: Beaumont Reserve Fleet, Beaumont, Texas; James River Reserve Fleet, Fort Eustis, Virginia; Reserve Fleet Division Office, New York City, New York; Suisan Bay Reserve Fleet, Benicia, California; and U.S. Merchant Marine Academy, Kings Point, New York.

b. National Bureau of Standards: Security Office, Administration Building, Rockville, Maryland 20234; and Guard Service Office, Radio Building, NBS, Boulder, Colorado 80302.

Categories of individuals covered by the system: Non-Federal visitors, Federal personnel entering facilities after duty hours, and employees seeking parking and firearm permits.

Categories of records in the system: Name, address, place of birth, citizenship, physical characteristics, type and number of firearms and amount of ammunition, purpose of visit, affiliation, time in and time out, license numbers, and records of violations.

Authority for maintenance of the system: 5 U.S.C. 301; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name, or date and time.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained on site for five years, then disposed of in accordance with unit's Record Control Schedule.

System manager(s) and address: For records at location a.: Security Officer, respective Reserve Fleet address; Reserve Fleet Division Reception Office Chief, Reserve Fleet Division, New York City, New York; and Special Assistant to Superintendent, U.S. Merchant Marine Academy, Commandant's Department, Kings Point, New York.

For records at location b.: Security Officer, Chief, Administrative Service Division, National Bureau of Standards, Washington, D.C. 20234.

Notification procedure: For records at location a., information may be obtained from: Secretary, Maritime Administration, Main Commerce Building, Washington, D.C. 20230.

For records at location b., information may be obtained from: Associate Director for Administration, National Bureau of Standards, Administration Building, Washington, D.C. 20234.

Requesters should provide name and address, date of visit or type of permit, as appropriate, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, those authorized by the individual to furnish information, and employers.

COMMERCE/DEPT-7.

System name: Employee Accident Reports—COMMERCE/DEPT-7.

System location: a. For employees of Departmental Offices, NFPCA, and USTS: Office of Administrative Service and Procurement, U.S. Department of Commerce, Washington, D.C. 20230.

b. For employees of DIBA: Office of Administrative Support, Domestic and International Business Administration, Washington, D.C. 20230.

c. For employees of EDA: Office Service Division, Economic Development Administration, Washington, D.C. 20230.

d. For employees of MARAD: Office of Domestic Shipping, Maritime Administration, Washington, D.C. 20230.

e. For employees of OMBE: Field Operations and Administration, Office of Minority Business Enterprise, Washington, D.C. 20230.

f. For employees of NBS; Safety and Fire Protection Section Administration Building, NBS, Gaithersburg, Md. (P.O. Washington, D.C. 20234).

g. For employees of NOAA: Administrative Operations Division, National Oceanic and Atmospheric Administration, 6010 Executive Blvd., Rockville, Md. 20852.

h. For employees of NTIS; Property Management Branch, Administrative Service Division, National Technical Information Service, 5285 Port Royal Rd., Springfield, Va. 22161.

i. For employees of PAT-TM: Office of General Service, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

j. For employees of CENSUS and BEA; Administrative Service Division, Bureau of the Census, Building 3, Washington, D.C. 20233.

k. For employees of OTEL; Administrative Service Office, Office of Telecommunications, 1325 G St., NW., Washington, D.C. 20005.

Categories of individuals covered by the system: All Department employees as categorized by organization component in a. through k., above, who have sustained occupational injury/illness or who have been involved in a motor vehicle accident while on official Government business.

Categories of records in the system: Name; address; home telephone number; date and place of birth; sex; social security number; occupation; grade; location and description of accident or injury; driving permit or license data; physical condition at time of incident; insurance information; vehicle ownership and licensing data.

Authority for maintenance of the system: 29 U.S.C. 651-78, 28 U.S.C. 2671-2680, Executive Orders 11612 and 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement. Also, accident reports involving Government vehicles are disclosed to the General Service Administration, the custodian of Government vehicles; accident information may also be disclosed to insurance carriers during resolution of claims.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets with access limited to those whose official duties require access.

Retention and disposal: Disposed after 5 years.

System manager(s) and address: For records at location a.: Coordinator for Occupational Safety and Health and Motor Management, Departmental Office of Administrative Service and Procurement, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b.: Director, Office of Administrative Support, Domestic and International Business Administration, Washington, D.C. 20230.

For records at location c.: Chief, Office Service Division, Economic Development Administration, Washington, D.C. 20230.

For records at location d.: Safety Officer, Office of Domestic Shipping, Maritime Administration, Washington, D.C. 20230.

For records at location e.: Safety Officer, Field Operations and Administration, Office of Minority Business Enterprise, Washington, D.C. 20230.

For records at location f.: Chief, Safety and Fire Protection Section, Administration Building, NBS, Gaithersburg, Md. (P.O. Washington, D.C. 20234).

For records at location g.: Safety Engineer, Administrative Operations Division, National Oceanic and Atmospheric Administration, Rockville, Md. 20852.

For records at location h.: Chief, Property Management Branch, Administrative Service Division, Sills Building, National Technical Information Service, Springfield, Va. 22161.

For records at location i.: Director, Office of General Service, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location j.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location k.: Safety Officer, Administrative Service Office, Office of Telecommunications, 1325 G St., NW., Washington, D.C. 20233.

Notification procedure: For Departmental office records at location a., information may be obtained from: Director, Office of Organization and Management Systems, OS, U.S. Department of Commerce, Washington, D.C. 20230;

For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, 2400 M Street NW., Washington, D.C. 20230;

For USTS records at location a., information may be obtained from: Executive Director, United States Travel Service, Washington, D.C. 20230.

For records at location b., information may be obtained from: Director, Office of Management and Systems, Domestic and International Business Administration, Washington, D.C. 20230;

For records at location c., information may be obtained from: Director, Office of Public Affairs, Economic Development Administration, Washington, D.C. 20230;

For records at location d., information may be obtained from: Secretary, Maritime Administration, Washington, D.C. 20230;

For records at location e., information may be obtained from: Assistant Director, Field Operations and Administration, Office of Minority Business Enterprise, Washington, D.C. 20230;

For records at location f., information may be obtained from: Associate Director for Administration, National Bureau of Standards, Gaithersburg, Md. (P.O. Washington, D.C. 20234);

For records at location g., information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, Rockville, Md. 20852;

For records at location h., information may be obtained from: Assistant Director for Administration, National Technical Information Service, Springfield, Va. 22161;

For records at location i., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231;

For Census records at location j., information may be obtained from: Associate Director for Administration, Bureau of the Census Federal Building 3, Washington, D.C. 20233;

For BEA records at location j., information may be obtained from: Special Assistant to the Director, BEA, Tower Building, 1401 K Street, NW., Washington, D.C. 20005;

For records at location k., information may be obtained from: Administrative Office, Office of Telecommunications, 1325 G St., NW., Washington, D.C. 20005; and

Requester should provide name and approximate date of accident pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address of the desired location as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address for desired location.

Record source categories: Subject individual, those authorized by the individual to furnish information; others involved in accident; witnesses; employee's supervisor; and, the safety officer.

COMMERCE/DEPT-8.

System name: Employee Applications for Motor Vehicle Operator's Card—COMMERCE/DEPT-8.

System location: a. For employees of Departmental offices, NFPCA, OMBE, OTEL, Offices of Federal Cochairmen, and USTS: Office of Administrative Service and Procurement, U.S. Department of Commerce, Washington, D.C. 20230.

b. For employees of DIBA: Office of Administrative Support, Domestic and International Business Administration, Washington, D.C. 20230.

c. For employees of EDA: Office Service Division, Economic Development Administration, Washington, D.C. 20230.

d. For employees of MARAD: Office of Administrative Service, Maritime Administration, Washington, D.C. 20230; the following MARAD regional offices: 26 Federal Plaza, New York, N.Y. 10007; 701 Loyola Ave., New Orleans, La. 70150; 450 Golden Gate Ave., San Francisco, Calif. 94102; and the U.S. Merchant Marine Academy, Department of Public Works, Kings Point, L.I., N.Y. 11024.

e. For employees of NBS: Safety and Fire Protection Section, Administration Building, Gaithersburg, Md. (P.O. Washington, D.C. 20234); and Security Office, Radio Building, NBS, Boulder, Colorado 80302.

f. For employees of NOAA: Administrative Operations Division, National Oceanic and Atmospheric Administration, Rockville, Md. 20852.

g. For employees of PAT-TM: Office of General Service, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

h. For employees of CENSUS and BEA: Administrative Service Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233; and the following Census Regional Offices: 1365 Peachtree Street, NE., Atlanta, Georgia 30309; 441 Stuart Street, Boston, Massachusetts 02116; 230 South Tryon Street, Charlotte, North Carolina 28202; 536 South Clark Street, Chicago, Illinois 60605; 1100 Commerce Street, Dallas, Texas 75202; 11011 West Sixth Avenue (P.O. Box 25207), Denver, Colorado 80225; 234 State Street, Detroit, Michigan 48226; One Gateway Center, 4th and State Streets, Kansas City, Kansas 66101; 1100 Wilshire Boulevard, Los Angeles, California 90024; 26 Federal Plaza, New York City, New York 10007; 600 Arch Street, Philadelphia, Pennsylvania 19106; and 1700 Westlake Avenue, Seattle, Washington 98109.

i. For employees of NTIS: Property Management Division, National Technical Information Service, Sills Building, Springfield, Virginia 22161.

Categories of individuals covered by the system: All Department employees as categorized by organizational components in a. through h. above, who are seeking or holding a Federal vehicle operator permit.

Categories of records in the system: Name; position title; date and place of birth; physical characteristics; social security number, summary of driving record, including all arrests, traffic citations and accidents for the past five years; hearing and visual acuity examination report; road test results; and medical history.

Authority for maintenance of the system: 40 U.S.C. 471; E.O. 9397.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement. Also, information is transmitted to the Department of Transportation with request for suitability check.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets with access limited to those whose official duties require access.

Retention and disposal: Disposed of when re-issued at the end of three years or upon employee's terminiation of employment.

System manager(s) and address: For records at location a.: Coordinator for Occupational Safety and Health and Motor Management, Departmental Office of Administrative Service and Procurement, U.S. Department of Commerce Washington, D.C. 20230.

For records at location b.: Director, Office of Administrative Support, Domestic and International Business Administration, Washington, D.C. 20230.

For records at location c.: Chief, Office Service Division, Economic Development Administration, Washington, D.C. 20230.

For records at location d.: Director, Office of Administrative Service, Maritime Administration, Washington, D.C. 20230.

For records at location e.: Chief, Safety and Fire Protection Section, Administration Building, National Bureau of Standards, Gaithersburg, Md. (P.O. Washington, D.C. 20234).

For records at location f.: Motor Fleet Manager, Administrative Operations Division, National Oceanic and Atmospheric Administration, Rockville, Md. 20852.

For records at location g.: Director, Office of General Service, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location h.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location i.: Chief, Property Management Division, National Technical Information Service, Sills Building, Springfield Virginia 22161.

Notification procedure: For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, 2400 M Street NW., Washington, D.C. 20230;

For OMBE records at location a., information may be obtained from: Assistant Director, Field Operations and Administration, OMBE, U.S. Department of Commerce, Washington, D.C. 20230;

For OTEL records at location a., information may be obtained from: Administrative Officer, OTEL 1325 G Street, NW., Washington, D.C. 20231;

For USTS records at location a., information may be obtained from: Executive Director, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Director, Office of Management and Systems, Domestic and International Business Administration, Washington, D.C. 20230.

For records at location c., information may be obtained from: Director, Office of Public Affairs, Economic Development Administration, Washington, D.C. 20230.

For records at location d., information may be obtained from: Secretary, Maritime Administration, Washington, D.C. 20230.

For records at location e., information may be obtained from: Associate Director for Administration, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

For records at location f., information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852.

For records at location g., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location h., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For BEA records at location h., information may be obtained from: Special Assistant to the Director, BEA, Tower Building, 1401 K Street, NW., Washington, D.C. 20005;

For records at location i., information may be obtained from: Assistant Director for Administration, National Technical Information Service, Sills Building, Springfield, Virginia 22161.

Requester should provide name, organizational unit, and approximate date of employement pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address of the desired location as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, those authorized by the individual to furnish information, motor vehicle departments in individual's state, and National Driver Register of the Department of Transportation.

COMMERCE/DEPT-9.

System name: Travel Records (Domestic and Foreign) of Employees and Certain Other Persons—COMMERCE/DEPT-9.

System location: a. For employees of Departmental Offices, BEA, DIBA, EDA, NFPCA, OEP, OMBE, USTS, Offices of Federal Cochairmen, and RAPCs; members of DOC Advisory Committees; employees and certain other persons associated with ARC; and private citizens invited to visit the Department:

Paper records in office of Financial Management Service, OS, and machine readable records in ADP Operations Division, OOMS, both in Main Commerce Building, Washington, D.C. 20230.

b. For employees of MARAD in Washington, D.C.: (machine readable) Division of Data Operations, (manual) Division of Accounts, Maritime Administration, Main Commerce Building, Washington, D.C. 20230. Regional employees: U.S. Merchant Marine Academy Travel Clerk, Kings Point, N.Y. 11024; Administrative Service Office, Maritime Administration, 26 Federal Plaza, New York, N.Y. 10007; Administrative Service Office, Maritime Administration, P.O. Box 52948, New Orleans, La. 70152; Region Office Service, Maritime Administration, 450 Golden Gate Ave., P.O. Box 36073, San Francisco, California 94102; Great Lakes Regional Office, Maritime Administration, Room 600, 666 Euclid Ave., Cleveland, Ohio 44114.

c. For employees of NBS, NTIS, and OTEL: Accounting Division, National Bureau of Standards, Administration Building, Washington, D.C. 20234.

d. For employees of NOAA: Travel and Transportation Branch, NOAA Finance Division, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852 and the following Field Finance Offices: Research Building 3, 3100 Marine Street, Boulder, Colo. 80302; Room 1760, 601 E. 12th Street, Kansas City, Mo. 64106; 75 Virginia Beach Drive, Building 2, Miami, Fla. 33149; and, North Bethesda Office Center, 11420 Rockville Pike, Rockville, Maryland 20852.

e. For employees of PAT-TM: Office of General Service, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

f. For employees of CENSUS: Finance Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and the following Regional Offices for intermittent CENSUS employees: 1365 Peachtree Street, N.E., Atlanta, Georgia 30309; 441 Stuart Street, Boston, Massachusetts 02116; 230 South Tryon Street, Charlotte, North Carolina 28202; 536 South Clark Street, Chicago, Illinois 60605; 1100 Commerce Street, Dallas, Texas 75202; 11011 West Sixth Avenue (P.O. Box 25207), Denver, Colorado 80225; 234 State Street, Detroit, Michigan 48226; One Gateway Center, 4th and State Street, Kansas City, Kansas 66101; 1100 Wilshire Boulevard, Los Angeles, California 90024; 26 Federal Plaza, New York City, New York 10007; 600 Arch Street, Philadelphia, Pennsylvania 19106; and 1700 Westlake Avenue, Seattle, Washington 98109.

Categories of individuals covered by the system: Employees, Advisory Committee Members, State Representatives of ARC, and official guests of the Department.

Categories of records in the system: Name, address, social security number; destination, intinerary, mode and purpose of travel; dates; expenses including amounts advanced (if any), amounts claimed, and amounts reimbursed; travel orders, travel vouchers, receipts, and passport record card.

Authority for maintenance of the system: Budget and Accounting Act of 1921; Accounting and Auditing Act of 1950; and Federal Claim Collection Act of 1966.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Transmittal to U.S. Treasury for payment, to State Department for passports, and see routine use portion of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual and machine readable.

Retrievability: Filed by name, social security number, or travel order number.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained according to GSA Federal Travel Regulations, and then disposed of according to unit's Records Control Schedule.

System manager(s) and address: For records at location a., Director, Office of Financial Management Service, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., Chief, Division of Accounts, Maritime Administration, Washington, D.C. 20230; U.S. Merchant Marine Academy Travel Clerk, Kings Point, N.Y. 11024; Administrative Service Officer, Maritime Administration, 26 Federal Plaza, New York, N.Y. 10007; Administrative Service Officer, Maritime Administration, P.O. Box 52948, New Orleans, La. 70152; Regional Office Service Officer, Maritime Administration, 450 Golden Gate Ave., P.O. Box 36073, San Francisco, California 94102; Regional Director, Maritime Administration, Great Lakes Regional Office, 666 Euclid Ave., Cleveland, Ohio 44114.

For records at location c., Chief, Accounting Division, National Bureau of Standards, Administration Building, Gaithersburg, Maryland 20234.

For records at location d., Chief, Travel and Transportation, Finance Division, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852 and the Chief of the particular Field Finance Office listed above.

For records at location e., Director, Office of General Service, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location f., Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and the Director of the particular Regional Office listed above.

Notification procedure: For BEA records at location a., information may be obtained from: Special Assistant to the Director, BEA, Tower Building, 1401 K Street, NW., Washington, D.C. 20005;

For DIBA records at location a., information may be obtained from: Director, Office of Management and Systems, DIBA, U.S. Department of Commerce, Washington, D.C. 20230;

For EDA records at location a., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230;

For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, 2400 M Street NW., Washington, D.C. 20230;

For OMBE records at location a., information may be obtained from: Assistant Director, Field Operations and Administration, OMBE, U.S. Department of Commerce, Washington, D.C. 20230;

For USTS records at location a., information may be obtained from: Executive Director, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information can be obtained from: Secretary, Maritime Administration, Washington, D.C. 20230.

For NBS and NTIS records at location c., information can be obtained from: Associate Director for Administration, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

For OTEL records at location c., information may be obtained from: Administrative Officer, OTEL 1325 G Street, NW., Washington, D.C. 20231;

For records at location d., information can be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852.

For records at location e., information can be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location f., information can be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Requester should provide name, travel order number, if known, and date of travel, in accordance with the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, those authorized by the individual to furnish information, supervisors, and finance (or accounting) office standard references.

COMMERCE/DEPT-10.

System name: Foreign Residence Requirement Waiver Applicants—COMMERCE/DEPT-10.

System location: Office of Personnel, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Categories of individuals covered by the system: Applicant aliens seeking Departmental support for requests for waivers of the foreign residence requirement of Section 212(e) of the Immigration and Nationality Act, as amended.

Categories of records in the system: Name, alien registration number, country of current nationality, date and place of birth, education, dates and places of entry and type of visa for each entry into the U.S., location and dates of foreign residence between entries, date of acquisition of exchange-visitor status, dates and places of residence in the United States and in the country of the exchange-visitor's nationality, place of intended residence in the U.S., current residence and telephone number, prospective U.S. employer, report of sponsors of the exchange visit on the request for waiver, and reasons for request of waiver.

Authority for maintenance of the system: 8 U.S.C. 1182(e).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Requests and supporting documentation with recommendation for waiver are submitted to the State Department. Per State Department regulations, names of applicants are required to be transmitted to the applicants' Exchange Visitor Program Sponsors and the governments of their countries and nationality. Disclosed to other Federal Agencies upon their request in order to coordinate effective implementation of the waiver request program. Also see routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Indexed alphabetically by name and calendar year of receipt of application.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained for nine years and then destroyed.

System manager(s) and address: Director, Office of Personnel, Room 5119, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Departmental Office of Organization and Management Systems, OS, Main Commerce Building, Washington, D.C. 20230. Requester should provide name, date of application, and alien registration number, in accordance with inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Applicant, those authorized by the applicant to furnish information, U.S. employer, Exchange Visitor Program sponsor, and embassy of country of nationality.

COMMERCE/DEPT-11.

System name: Unfair Labor Practice Charges/Complaints—COMMERCEDEPT-11.

System location: a. For employees of Departmental Offices, BEA, EDA, NFPCA, NTIS, OMBE, and Office of Federal Cochairmen: Office of Personnel, OS, U.S. Department of Commerce, 14th and Constitution Ave., NW., Washington, D.C. 20230.

b. For Employees of DIBA: Domestic and International Business Administration, Office of Personnel, (Employee Relations Division), 14th and Constitution Avenue, NW., Washington, D.C. 20230.

c. For employees of MARAD: Maritime Administration, Office of Personnel, 14th and Constitution Ave., NW., Washington, D.C. 20230.

d. For employees of NBS: National Bureau of Standards, Personnel Division (Employee Relations and Development Section), Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

e. For employees of NOAA: National Oceanic and Atmospheric Administration, Personnel Division, (Labor Management Relation Section), 6010 Executive Boulevard, Rockville, Maryland 20852.

f. For employees of PAT-TM: Office of Personnel (Employee Relations Division), U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

g. For employees of Census: Personnel Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Categories of individuals covered by the system: Commerce employees filing unfair labor practice charges/complaints.

Categories of records in the system: Formal charge and complaint; name, address, and other personal information about complainant, transcript of hearing (if held), and information about other personnel in complainant's work unit, as relevant.

Authority for maintenance of the system: Executive Order 11491, as amended; Rules and Regulations of the Assistant Secretary of Labor for Labor Management Relations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement. Information is also transmitted to investigative officials of the Department of Labor as well as to the Federal Labor Relations Council for settlement of the complaint or appeal.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Name and Docket or Case number.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: For records at location a.: Labor Relations Officer, Office of Personnel, U.S. Department of Commerce, Washington, D.C. 20230;

For records at location b.: Chief, Employee Relations Division, Office of Personnel, Domestic and International Business Administration, Washington, D.C. 20230;

For records at location c.: Director, Office of Personnel, Maritime Administration, Washington, D.C. 20230.

For records at location d.: Chief, Employee Relations and Development Section, Personnel Division, National Bureau of Standards, Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234);

For records at location e.: Chief, Labor Management Relations Section, Personnel Division, National Oceanic and Atmospheric Administration, 6010 Executive Blvd., Rockville, Maryland, 20852;

For records at location f.: Employee Relations Officer, Office of Personnel, U.S. Patent and Trademark Office, Washington, D.C. 20231;

For records at location g.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Notification procedure: For BEA records at location a., information may be obtained from: Special Assistant to the Director, BEA, Tower Building, 1401 K Street, NW., Washington, D.C. 20005;

For EDA records at location a., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230;

For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, 2400 M Street NW., Washington, D.C. 20230;

For NTIS records at location a., information may be obtained from: Assistant Director, Administration, National Technical Information Service, Room 1006, Sills Building, Springfield, Virginia 22161.

For OMBE records at location a., information may be obtained from: Assistant Director, Field Operations and Administration, OMBE, U.S. Department of Commerce, Washington, D.C. 20230;

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Director, Office of Management and Systems, Domestic and International Business Administration, Washington, D.C. 20230;

For records at location c., information may be obtained from: Secretary, Maritime Administration, Washington, D.C. 20230;

For records at location d., information may be obtained from: Associate Director for Administration, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234);

For records at location e., information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852;

For records at location f., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231.;

For records at location g., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Requester should provide name, social security number, date of complaint, and organizational unit in which employed at the time of the complaint, pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject complainant, those authorized by the complainant to furnish information, colleagues and supervisors of complainant and management officials.

COMMERCE/DEPT-12.

System name: Investigative Records-Contract and Grant Frauds and Employee Criminal Misconduct—COMMERCE/DEPT-12.

System location: a. For records of EDA: Investigation and Inspection Staff, EDA, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

b. For all other records: Departmental Office of Investigations and Security, OS, Main Commerce Building, Washington, D.C. 20230.

Categories of individuals covered by the system: Past and present employees, when under or having been under investigation for suspected violation of criminal laws; employees and principal officers of contractors used by the Department; and principal officers and employees of organizations, firms, or institutions which are recipients or beneficiaries of grants, loans, or loan guarantee programs of the Department.

Categories of records in the system: Name; address; date and place of birth; citizenship; physical characteristics; employment and military service history; credit references and credit records; education; medical history; arrest records; Federal employee's relatives; dates and purpose of visits to foreign countries; passport numbers; names of spouses, relatives, references, and personal associates; activities; and conflict of interest, security, and suitability for employment.

Authority for maintenance of the system: Executive Orders 10450 and 11652; Title 18 U.S.C., including sections 201, 209, 287, 508, 602, 641, 643, 653, 654, 1001, 1719, 1913, 2071, and 2073; 5 U.S.C. 301; 15 U.S.C. 1512; 28 U.S.C. 533-535; and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: For records at location a: Indices are alphabetical, record folders are filed alphabetically by principal subject; For records at location b: Indices are alphabetical, record folders are filed by number.

Safeguards: Locked cabinets in secured rooms or in guarded building, and used only by authorized screened personnel.

Retention and disposal: When cases are closed records are disposed of in accordance with the unit's Records Control Schedule.

System manager(s) and address: For records at location a., Director, Investigation and Inspection Staff, EDA, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., Director, Office of Investigatives and Security, OS, Main Commerce Building, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and association with the Department, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals; CSC, FBI and other Federal, state, and local agencies; individuals and organizations that have pertinent knowledge about the subject; and, those authorized by the individual to furnish information.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (j)(2), all information about an individual in the record which meets the criteria stated in 5 U.S.C. 552a (j)(2) are exempted from the notice, access, and contest requirements of the agency regulations and from all parts of 5 U.S.C. 552a except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i) and pursuant to 5 U.S.C. 552a (k)(1), (k)(2) and (k)(5), on condition that the 5 U.S.C. 552a (j)(2) exemption is held to be invalid, all information and material in the record which meets the criteria of these three subsections are exempted from the notice, access, and contest requirements under (5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations.

The exemption of this information and material is necessary in order to accomplish this law enforcement function of the agency, to prevent disclosure of classified information as required by Executive Order 11652, to assure the protection of the President, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of sources, to maintain access to sources of information, and to avoid endangering these sources and law enforcement personnel.

COMMERCE/DEPT-13.

System name: Investigative Records-Persons Within the Investigative Jurisdiction of the Department—COMMERCE/DEPT-13.

System location: Departmental Office of Investigations and Security, OS, Main Commerce Bldg., Washington, D.C. 20230.

Categories of individuals covered by the system: Nominees, members, and former members of public advisory committees, trade missions, and export councils; employees, former employees, and prospective employees; research associates; and guest workers. Employees of contractors used, or which may be used, by the Department on national security classified projects. Principal officers of some contractors used, or which may be used by the Department. Principal officers and some employees of organizations, firms, or institutions which are recipients or beneficiaries, or prospective recipients or beneficiaries, of grants, loans, or loan guarantee programs of the Department.

Categories of records in the system: Name; address; date and place of birth; citizenship; physical characteristics; employment and military service history; credit references and credit records; education; medical history; arrest records; Federal employee relatives; dates and purpose of visits to foreign countries; passport numbers; names of spouses, relatives, references, and personal associates; activities; and conflict of interest, security, and suitability materials.

Authority for maintenance of the system: Executive Orders 10450, 11478, 11652; 5 U.S.C. 301 and 7531-32; 15 U.S.C. 1512; 28 U.S.C. 533-535; 44 U.S.C. 3101; and Equal Employment Act of 1972.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Locked cabinets in secure rooms in guarded building, and used only by authorized screened personnel.

Retention and disposal: When cases are closed, records are disposed of in accordance with the unit's Records Control Schedule.

System manager(s) and address: Director, Office of Investigatives and Security, OS, Main Commerce Building, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and association with the Department, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals; CSC, FBI and other Federal, state, and local agencies; individuals and organizations that have pertinent knowledge about the subject; and, those authorized by the individual to furnish information.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (k)(1), (k)(2) and (k)(5), all information and material in the record which meets the criteria of these subsections are exempted from the notice, access, and contest requirements under (5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations because of the necessity to exempt this information and material in order to accomplish this law enforcement function of the agency, to prevent disclosure of classified information as required by Executive Order 11652, to assure the protection of the President, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfull commitments made to protect the confidentiality of information, and to avoid endangering these sources and law enforcement personnel.

COMMERCE/DEPT-14.

System name: Litigation, Claims, and Administrative Proceeding Records—COMMERCE/DEPT-14.

System location: a. For matters involving EDA: Office of Chief Counsel, EDA, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

b. For matters involving MARAD: Maritime Administration, Office of General Counsel, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

c. For matters involving NBS: National Bureau of Standards, Office of Legal Adviser, Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

d. For matters involving NOAA: National Oceanic and Atmospheric Administration, Office of General Counsel, 6010 Executive Boulevard, Rockville, Maryland 20852.

e. For matters involving PAT-TM: Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

f. For matters involving CENSUS: Office of the Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

g. For all other matters: Office of the General Counsel, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals making claims or bringing actions against the Department and individuals the subject of the Department's claims and actions, including tort and property claims and civil contract issues (but excluding Federal Employee Compensation Act claimants). Individuals suspected of violations of criminal and civil statutes in connection with Departmental programs and activities. Individuals the subject of administrative proceedings where the Department is involved. Individuals cited for violation of traffic and grounds regulations.

Categories of records in the system: Names, addresses, statements of claims and analyses thereof, investigatory reports, opinions of law, and pleadings, motions, depositions, rulings, opinions, citation particulars (description of vehicle, date of birth, physical characteristics, driving permit or license data, vehicle license data, etc.), and other litigation documentation.

Authority for maintenance of the system: 5 U.S.C 301; 44 U.S.C Section 3101; 42 U.S.C 3211; 31 U.S.C. 240; 28 U.S.C 533-535 and 1346(b); 15 U.S.C. 277 and 278e(b); E.O. 10450; and all other authorities of the Department.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are disposed of according to unit's Record Control Schedule.

System manager(s) and address: For records at location a.: Chief Counsel, Economic Development Administration, Department of Commerce, Washington, D.C. 20230.

For records at location b.: General Counsel, Maritime Administration, Washington, D.C. 20230.

For records at location c.: Legal Adviser, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

For records at location d.: General Counsel, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852.

For records at location e.: Solicitor, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location f.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location g.: General Counsel, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: For records at location a., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230;

For records at location b., information may be obtained from: Secretary, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230;

For records at location c., information may be obtained from: Associate Director for Administration, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234);

For records at location d., information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852;

For records at location e., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231;

For Census records at location f., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233;

For BEA records at location f., information may be obtained from: Special Assistant to the Director, BEA, Tower Building, 1401 K Street NW., Washington, D.C. 20005; and

For records at location g., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

Requester should provide name, address, social security number, case number; date of claim, organization unit in which employed, as appropriate, pursuant to the inquiry provisions which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject claimant or plaintiff; those authorized by the foregoing to furnish information; and, whatever sources pertinent to the nature of the case.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a (k)(1), (k)(2) and (k)(5), all investigatory material and material subject to the provisions of 5 U.S.C. 552(b)(1) in the record which meets the criteria of these sub-sections is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations because of the necessity to exempt this information and material in order to prevent disclosure of classified information as required by Executive Order 11652 in the interest of the national defense and foreign policy and in order for the Department's legal staff to properly perform its functions.

COMMERCE/DEPT-15.

System name: Private Legislation Claimants-Central Legislative Files—COMMERCE/DEPT-15.

System location: Office of the General Counsel, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C.20230.

Categories of individuals covered by the system: Individual claimants against the government seeking remedy through private relief bills in patent, contract, employee compensation, and other similar areas which involve the Department.

Categories of records in the system: Draft and formal relief bills, statements, and information as to the basis and validity of the claim, and correspondence with the claimant and the sponsor of the legislation.

Authority for maintenance of the system: 5 U.S.C. 301, Act of February 4, 1903, 32 Stat. 825.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are retained according to the Office's Records Control Schedule.

System manager(s) and address: Assistant General Counsel, Legislation, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Organization and Management Systems, OS, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name, social security number, date of claim, and name of bill, if any, pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject claimant and those authorized by the claimant to furnish information; records of units of the Department primarily involved in the transaction; service or application on which the claim is founded; and the sponsoring Member of Congress.

COMMERCE/DEPT-16.

System name: Property Accountability Files—COMMERCE/DEPT-16.

System location: a. For MARAD: Supply Management Division, Maritime Administration, Washington, D.C. 20230; Department of Administrative Service, U.S. Merchant Marine Academy, Kings Point, N.Y. 11024; Administrative Service Office, Maritime Administration, 26 Federal Plaza, New York, N.Y. 10007; Administrative Service Office, Maritime Administration, P.O. Box 52948, New Orleans, La. 70152; Region Office Service, Maritime Administration, 450 Golden Gate Avenue, P.O. Box 36073, San Francisco, California 94102; Great Lakes Regional Office, Maritime Administration, Room 600, 666 Euclid Ave., Cleveland, Ohio 44114.

b. For all libraries of the Department. For listing, see Directory of Libraries in the United States Department of Commerce, 1972, Department of Commerce, Washington, D.C.; or American Library Directory, biennial, R.R. Bowker Company, New York City.

c. For employees of CENSUS: Administrative Service Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233, and the following Census Regional Offices: 1365 Peachtree Street, N.E., Atlanta, Georgia 30309; 441 Stuart Street, Boston, Massachusetts 02116; 230 South Tryon Street, Charlotte, North Carolina 28202; 536 South Clark Street, Chicago, Illinois 60605; 1100 Commerce Street, Dallas, Texas 75202; 11011 West Sixth Avenue (P.O. Box 25207). Denver, Colorado 80225; 234 State Street, Detroit, Michigan 48226; One Gateway Center, 4th and State Streets, Kansas City, Kansas 66101; 1100 Wilshire Boulevard, Los Angeles, California 90024; 26 Federal Plaza, New York City, New York 10007; 600 Arch Street, Philadelphia, Pennsylvania 19106; and 1700 Westlake Avenue, Seattle, Washington 98109.

d. For employees of NBS: Administrative Service Division, National Bureau of Standards, Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234); Instrument Shops Division, Shops Building, NBS, Gaithersburg, Maryland (P.O. Washington, D.C. 20234); and Security Office, Radio Building, NBS, Boulder, Colorado 80302.

e. For employees of PAT-TM: Office of General Service, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Categories of individuals covered by the system: Employees, general public, institutions, and anyone who charges out or signs for books or other materials.

Categories of records in the system: Name; telephone number; title of book; identification of property or equipment; home and business address; employee I.D. number; position; job title; grade; organization; explanations for items not accounted for, correspondence; clearances; and, key number.

Authority for maintenance of the system: 5 U.S.C. 301; 44 U.S.C. 3101; 40 U.S.C. 481-92; 15 U.S.C. 1518.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders and trays.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal files cabinets, or lockable desks, or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained until property is accounted for, then disposed of in accordance with unit's Record Control Schedule.

System manager(s) and address: For records at location a.: Chief, Supply Management Division, Maritime Administration, Washington, D.C. 20230; Administrative Service Officer, U.S. Merchant Marine Academy, Kings Point, N.Y. 11024; Administrative Service Officer, Maritime Administration, 26 Federal Plaza, New York, N.Y., 10007; Administrative Service Officer, Maritime Administration, P.O. Box 52948, New Orleans, La. 70152; Property Accountability Officer, Region Office Service, Maritime Administration, 450 Golden Gate Avenue, P.O. Box 36073, San Francisco, California 94102; Regional Director, Great Lakes Regional Office, Maritime Administration, 666 Euclid Ave., Cleveland, Ohio 44114.

For records at location b.: the head of the respective library.

For records at location c.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233, and the Director of the particular Regional Office listed above.

For records at location d.: Chief, Administrative Service Division, National Bureau of Standards, Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

For records at location e.: Director, Office of General Service, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: For records at location a.: Director, Departmental Office of Organization and Management Systems, OS, Main Commerce Building, Washington, D.C. 20230.

For records at location b.: Address communication to the library's parent organization (e.g., National Bureau of Standards) Attention: Privacy Officer, or use the Privacy Officer's Official position title and address as listed in Appendix B to the Department's rules which appear in 15 CFR Part 4b.

For records at location c., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location d., information may be obtained from: Associate Director for Administration, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

For records at location e., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231;

Requester should provide name and address pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, those authorized by the individual to furnish information, book cards, and supply person providing the equipment.

COMMERCE/DEPT-17.

System name: Records of Cash Receipts—COMMERCE/DEPT-17.

System location: a. For Departmental offices, BEA, DIBA, NFPCA, OMBE, USTS, EDA, Offices of Federal Chairman, RAPCs, and ARC: Office of Financial Management Service (Receipts and Distribution Section), OS, U.S. Department of Commerce, 14th and Constitution Ave., NW., Washington, D.C. 20230 and Office of Organization and Management Systems (ADP Operations Division), use same address.

b. For MARAD: Division of Accounts, Maritime Administration, 14th and Constitution Ave., NW., U.S. Department of Commerce, Washington, D.C. 20230.

c. FOR NTIS: Accounting Control Division, National Technical Information Service, Room 1303, Sills Building, Springfield, Virginia 22161.

d. For PAT-TM: Office of Finance, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

e. For Census: Finance Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Categories of individuals covered by the system: Individuals paying for goods or services, reimbursing overpayments, or otherwise delivering cash to the Department.

Categories of records in the system: Individual's name, the goods or service purchased, amount, date, check number, division or office, bank deposit, treasury deposit number.

Authority for maintenance of the system: 31 U.S.C. 66(a).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual and machine-readable.

Retrievability: Name and/or account or case number.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Permanently maintained.

System manager(s) and address: For records at location a.: Director, Office of Financial Management Service, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b.: Chief, Division of Accounts, Maritime Administration, Washinton, D.C. 20230.

For records at location c.: Chief, Accounting Control Division, National Technical Information Service, Room 1303, Sills Building, Springfield, Virginia 22161.

For records at location d.: Director, Office of Finance, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location e.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Notification procedure: For BEA records at location a., information may be obtained from: Special Assistant to the Director, BEA, Tower Building, 1401 K Street, NW., Washington, D.C. 20005;

For DIBA records at location a., information may be obtained from: Director, Office of Management and Systems, DIBA, U.S. Department of Commerce, Washington, D.C. 20230;

For EDA records at location a., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230;

For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, Washington, D.C. 20230;

For OMBE records at location a., information may be obtained from: Assistant Director, Field Operations and Administration, OMBE, U.S. Department of Commerce, Washington, D.C. 20230;

For USTS records at location a., information may be obtained from: Executive Director, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Secretary, Maritime Administration, Washington, D.C. 20230;

For records at location c., information may be obtained from: Assistant Director, Administration, National Technical Information Service, Room 1006, Sills Building, Springfield, Virginia 22161.

For records at location d., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231.

For records at location e., information may be obtained from: Assistant Director for Administration, Bureau of the Census; Federal Building 3, Washington, D.C. 20233.

Requester should provide name, address, date of receipt, and check number or case number pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information.

COMMERCE/DEPT-18.

System name: Employees Personnel Files Not Covered By U.S. Civil Service Commission—COMMERCE/DEPT-18.

System location: a. For employees of Departmental Offices, Offices of Federal Cochairmen, RAPCs, ARC, NFPCA, BEA, EDA, OMBE, USTS, OTEL, and NTIS: Processing and Servicing Branch, Departmental Office of Personnel, Room 5014, U.S. Department of Commerce, Washington, D.C. 20230;

b. For employees of CENSUS: Office of Personnel, Bureau of Census, Federal Building 3, Room 3260, Washington, D.C. 20233;

c. For employees of DIBA: Office of Personnel, Domestic and International Business Administration, Room 3512, U.S. Department of Commerce, Washington, D.C. 20230;

d. For employees of MARAD: Division of Career Management, MARAD Office of Personnel, Room 1099-C, U.S. Department of Commerce, Washington, D.C. 20230;

e. For employees of NBS: Office of Personnel, National Bureau of Standards, Administration Building, Room A123, Gaithersburg, Maryland 20760; and National Academy of Sciences, 2100 Pennsylvania Avenue, N.W., Room JH606, Washington, D.C. 20037;

f. For employees of NOAA: Personnel Division, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852; and

g. For employees of PAT-TM: Office of Personnel, U.S. Patent and Trademark Office, U.S. Department of Commerce, Room 9C06, Crystal Plaza 2, Arlington, Virginia 22202.

Categories of individuals covered by the system: Current and former employees.

Categories of records in the system: All personnel records in the Department which are subject to the Privacy Act but are not covered in the notices of systems of records published by the U.S. Civil Service Commission. The records of this system may include, but are not limited to: Employee Development; Incentive Awards; International Women's Year; Medical; Career Management Program; Ship Personnel; Employee Overseas Assignment, and Relations; Minority Group Statistics; Personnel Uniform ADP System; Experts and Consultants Quarterly Review; Re-Employment Priority; Repromotion Priority; Merit Promotion Programs; Within-Grade Denials (Reconsideration File); and, Employee Information System.

Authority for maintenance of the system: 5 U.S.C. 301; 44 U.S.C. 3101; and Federal Personnel Manual and related directives of the U.S. Civil Service Commission.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine uses paragraphs in the Prefatory Statement and routine uses paragraphs of U.S. Civil Service Commission notices of systems of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual and machine readable.

Retrievability: Filed by name and/or social security number.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained according to Unit's Records Control Schedule.

System manager(s) and address: For records at location a.: Chief, Processing and Servicing Branch, Office of Personnel, Room 5014, U.S. Department of Commerce, Washington, D.C. 20230;

For records at location b.: Chief of Personnel, Bureau of the Census, Federal Building 3, Room 3260, Washington, D.C. 20233;

For records at location c.: Director of Personnel, Domestic and International Business Administration, U.S. Department of Commerce, Room 3512, Washington, D.C. 20230;

For records at location d.: Chief, Division of Career Management, Office of MARAD Personnel, Room 1099-C, U.S. Department of Commerce, Washington, D.C. 20230;

For records at location e.: Chief of Personnel, National Bureau of Standards, Administration Building, Room A123, Gaithersburg, Maryland 20760;

For records at location f.: Chief, Personnel Division, National Oceanic and Atmospheric Administration, NBOC2, Rockville, Maryland 20852; and

For records at location g.: Personnel Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Room 9C06, Crystal Plaza 2, Arlington, Virginia 22202.

Notification procedure: For BEA records at location a., information may be obtained from: Special Assistant to the Director, BEA, Tower Building, 1401 K Street, NW., Washington, D.C. 20005;

For EDA records at location a., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washingtont D.C. 20230;

For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, 2400 M Street, NW., Washington, D.C. 20230;

For OEP records at location a., information may be obtained from: Deputy Director, OEP, U.S. Department of Commerce, Washington, D.C. 20230.

For OMBE records at location a., information may be obtained from: Assistant Director, Field Operations and Administration, OMBE, U.S. Department of Commerce, Washington, D.C. 20230;

For OTEL records at location a., information may be obtained from: Administrative Officer, OTEL, 1325 G Street, NW., Washington, D.C. 20231;

For USTS records at location a., information may be obtained from: Executive Director, USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For NTIS records at location a., information may be obtained from: Deputy Director, NTIS, U.S. Department of Commerce, Washington, D.C. 20230;

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233;

For records at location c., information may be obtained from: Director, Office of Management and Systems, Domestic and International Business Administration, Washington, D.C. 20230;

For records at location d., information may be obtained from: Secretary, Maritime Administration, Washington, D.C. 20230;

For records at location e., information may be obtained from: Associate Director for Administration, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234);

For records at location f., information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852; and

For records at location g., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Requester should provide name, social security number, and time or organization unit of employment pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information; others involved in references of the individual; physicians; employee's supervisor; and, sources in the U.S. Civil Service Commission notices.

COMMERCE/DEPT-19

System name: Department Mailing Lists—COMMERCE/DEPT-19.

System location: a. Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

b. National Fire Prevention and Control Administration, Washington, D.C. 20230.

c. Office of Minority Business Enterprise, U.S. Department of Commerce, Washington, D.C. 20230.

d. Office of General Service, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

Categories of individuals covered by the system: At location a.: persons employed in the Suitland Federal Center who have voluntarily submitted an application to be included in the carpool locator system and be listed as a possible carpool member.

At location b.: All regular publication recipients and all individuals who have requested that they be placed on a mailing list or requested information about NFPCA.

At location c.: subscribers to OMBE publications and/or representatives of the media who receive OMBE material at their home addresses.

At location d.: Former employees of the Patent and Trademark Office who have requested that their names be included on a newsletter mailing list.

Categories of records in the system: At location a.: Name, address, work week, hours of work, work location, work phone number, willingness to join in a carpool, willingness to participate as a driver or rider in a carpool, zip code.

At location b.: Name, title, affiliation and address.

At location c.: Name and home address.

At location d.: Name and home address.

Authority for maintenance of the system: 5 U.S.C. 301; 15 U.S.C. 1512, 2205, 2208, and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For all locations, see general routine uses 01 through 6, 08 through 10, and 012 of Prefatory Statement.

For records at location a.: Records are disseminated to other persons working at the Suitland Federal Center who have voluntarily listed themselves to form carpools; home address is suppressed.

For records at location b. Information is provided Federal, state, local or international agencies in response to a written request indicating a likelihood that individuals on the mailing list would benefit by or be interested in material to be sent by the requesting agency.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file folders, computer tape, mailing labels.

Retrievability: Alphabetically by name, and for records at location a., by zip code.

Safeguards: Records are located in locked cabinets or in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: Records are retained in accordance with each unit's Records Control Schedule.

System manager(s) and address: For records at location a.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

For records at location b.: Associate Administrator, National Fire Data Center, NFPCA, U.S. Department of Commerce, P. O. Box 19518, Washington, D.C. 20036.

For records at location c.: Chief of Information, Office of Public Affairs, OMBE, Washington, D.C. 20230.

For records at location d.: Director, Office of General Service, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: For records at location a.: Information may be obtained from: Associate Director for Administration, Federal Building 3, Bureau of the Census, Washington, D.C. 20233.

For records at location b.: Information may be obtained from: Administrative Officer, NFPCA, Washington, D. C. 20230.

For records at location c.: Assistant Director, Field operations and Administration, Office of Minority Business Enterprise, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location d.: Information may be obtained from: Assistant Commissioner for Administration, U. S. Patent and Trademark Office, Washington, D.C. 20231.

Record access procedures: Requests from individuals should be addressed to: Same address of the desired location as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address for desired location.

Record source categories: Subject individual.

COMMERCE/CENSUS-1.

System name: Agriculture Census Records for 1964 (partial), 1969 and 1974—COMMERCE/CENSUS-1.

System location: Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and Bureau of the Census, 1201 East 10th Street, Jeffersonville, Indiana 47103.

Categories of individuals covered by the system: Farm operators and family members.

Categories of records in the system: Age, race, residence, ethnic groups, off-farm employment, income.

Authority for maintenance of the system: 13 U.S.C. 142.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These data maintained by the Bureau of the Census are used solely for statistical purposes

and are confidential under 13 U.S.C. 8 and 9. Publications of the Bureau do not contain data that could identify any particular establishment or individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape, microform, punch card, paper hard copy.

Retrievability: Retrieved by unique serial identification numbers internal to the Bureau.

Safeguards: All employees are subject to the restrictions, penalties, and prohibitions of Title 13, U.S.C. Employees are also regularly advised of the regulations issued pursuant to Title 13, governing the confidentiality of the data.

Retention and disposal: Retention and disposal practices are in accordance with approved General Services Administration schedules. Generally, records are retained for periods of 5 to 7 years, unless a longer period is necessary for statistical purposes or for permanent archival retention.

System manager(s) and address: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C., 552 a(k)(4), this record is exempted from the notification, access and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is applicable as the data are maintained by the Bureau of the Census solely as statistical records as required under Title 13 U.S.C. and are not used in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance to agency rules published in 15 CFR Part 4b.

COMMERCE/CENSUS-2.

System name: Employee Productivity Measurement Records—COMMERCE/CENSUS-2.

System location: Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and Bureau of the Census, 1201 East 10th Street, Jeffersonville, Indiana 47103 and Bureau of the Census, Personal Census Service Branch, Pittsburg, Kansas 66762. Also at the following Census Regional Offices: 1365 Peachtree Street, NE., Atlanta, Georgia 30309; 441 Stuart Street, Boston, Massachusetts 02116; 230 S. Tryon Street, Charlotte, North Carolina 28202; 536 S. Clark Street, Chicago, Illinois 60605; 1100 Commerce Street, Dallas, Texas 75202; 11011 W. 6th Avenue, P.O. Box 25207, Denver, Colorado 80225; 234 State Street, Detroit, Michigan 48226; One Gateway Center, 4th and State Streets, Kansas City, Kansas 66101; 11000 Wilshire Boulevard, Los Angeles, California 90024; 26 Federal Plaza, New York, New York 10007; 600 Arch Street, Philadelphia, Pennsylvania 19106; 1700 Westlake Avenue, Seattle, Washington, 98109.

Categories of individuals covered by the system: Census employees.

Categories of records in the system: Name, employee number, rate of pay, supervisor, organization unit, location, type of work performed, time work accomplished, work units processed, production standard and percent performance, number and types of errors and error rates, work units accepted and rejected, and similar information on employee and work group productivity.

Authority for maintenance of the system: 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraph in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape, paper copy, microform.

Retrievability: Retrieved by name or employee number and/or program or interviewer code.

Safeguards: Tape under ADP security, sensitive material is held in locked file cabinets.

Retention and disposal: Records retained for 5 years.

System manager(s) and address: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Notification procedure: Information may be obtained from: same address as stated in the system manager section above. Requester should provide name, employee number and/or program or interviewer code, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals, timekeepers, supervisors, managers, and those authorized by the individuals to furnish information.

COMMERCE/CENSUS-3.

System name: Individual and Household Statistical Surveys and Special Studies Records—COMMERCE/CENSUS-3.

Security classification: Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and Bureau of the Census, 1201 East 10th Street, Jeffersonville, Indiana 47103 and National Archives and Records Services, Washington National Records Center, Washington, D.C. 20409.

Categories of individuals covered by the system: Individuals in families and households designated for statistical sample surveys and special studies.

Categories of records in the system: Age, sex, race, education, marital status, residence, family income, birth expectations, employment, ethnic origin, relationship to head of household, mobility status, and similar social, economic, and demographic characteristics of individuals.

Authority for maintenance of the system: 12 U.S.C. 17012-1, 2(f) and 2(g); 13 U.S.C. 6, 8, 9, 41, 89, 101, 141, 181, 195, and 301; 15 U.S.C. 772; 16 U.S.C. 742d(4) and (5); 23 U.S.C. 134, 307, and 307a; 29 U.S.C. 1 and 9; 31 U.S.C. 686; 42 U.S.C. 242c, 242k, 282(5), 902, 1395 11(a), 1862, 2825, and 3771;and 49 U.S.C. 1605.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These data maintained by the Bureau of the Census are used solely for statistical purposes. Publications do not contain data that could identify any particular establishment or individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy, punch card, magnetic tape, and microform.

Retrievability: Unique serial identification numbers internal to the Bureau of the Census.

Safeguards: All employees are subject to the restrictions, penalties, and prohibitions of Title 13, U.S.C. Employees are also regularly advised of the regulations issued pursuant to Title 13, U.S.C. governing the confidentiality of the data.

Retention and disposal: Retention and disposal practices are in accordance with approved GSA schedules. Generally, records are retained for periods of 5 to 7 years, unless a longer period is necessary for statistical purposes or for permanent archival retention.

System manager(s) and address: Director, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C., 552a(k)(4), this record is exempted from the notification, access and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is applicable as the data are maintained by the Bureau of the Census solely as statistical records as required under Title 13 U.S.C. and are not used in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance to agency rules published in the rules section of this Federal Register.

COMMERCE/CENSUS-4.

System name: Minority-Owned Business Enterprises Survey Records—COMMERCE/CENSUS-4.

System location: National Archives and Records Service, Washington National Records Center, Washington, D.C. 20409 and General Services Administration, Federal Records Center, Suitland, Maryland 20233 and Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Categories of individuals covered by the system: Female and minority persons who are sole proprietors, partners, or shareholders of small business corporations.

Categories of records in the system: Name, social security number, sex, race, whether Spanish surname, receipts of business, geographic area, legal form of business. Name and social security

number are deleted from partners and stockholders once other data are coded. Data include number, geographic dispersion, and economic characteristics of minority business enterprises.

Authority for maintenance of the system: 13 U.S.C. 131 and 132.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These data maintained by the Bureau of the Census are used solely for statistical purposes. Publications do not contain data that could identify any particular establishment or individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy and magnetic tape.

Retrievability: Filed by name and social security number.

Safeguards: All employees are subject to the restrictions, penalties, and prohibitions of Title 13, U.S.C. Employees are also regularly advised of the regulations issued pursuant to Title 13, U.S.C. governing the confidentiality of the data.

System manager(s) and address: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C., 552a(k)(4), this record is exempted from the notification, access and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is applicable as the data are maintained by the Bureau of the Census solely as statistical records as required under Title 13 U.S.C. and are not used in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance to agency rules published in the rules section of this Federal Register.

COMMERCE/CENSUS-5.

System name: Population and Housing Census Records for 1960 and 1970—COMMERCE/CENSUS-5.

System location: Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and Bureau of the Census 1201 East 10th Street, Jeffersonville, Indiana 47103.

Categories of individuals covered by the system: All persons counted during the Censuses of Population and Housing taken in 1960 and 1970.

Categories of records in the system: Records contain population information on age; sex; race or color; marital status and family relationships; citizenship and ethnic origin; education and veteran status, income, occupation and employment; and housing information on occupancy, vacancy, utilization, plumbing, structural and financial characteristics and equipment, fuels and appliances, and similar social, economic, and demographic characteristics.

Authority for maintenance of the system: 13 U.S.C. 141.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are maintained and used solely for statistical purposes and are confidential under 13 U.S.C 8 and 9. Publications do not contain data that could identify any particular establishment or individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microform, paper copy, magnetic tape, punch cards.

Retrievability: Information is retrieved by the use of unique serial identification numbers internal to the Bureau of the Census.

Safeguards: All employees are subject to the restrictions, penalties, and prohibitions of Title 13, U.S.C. Employees are also regularly advised of the regulations issued pursuant to Title 13, U.S.C. governing the confidentiality of the data.

Retention and disposal: Records are retained in accordance with the unit's Records Control Schedule.

System manager(s) and address: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C., 552a(k)(4), this record is exempted from the notification, access and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is applicable as data are maintained by the Bureau of the Census solely as statistical records as required under Title 13 U.S.C. and are not used in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance to agency rules published in the rules section of this Federal Register.

COMMERCE/CENSUS-6.

System name: Population Census Personal Service Records for 1900 and All Subsequent Decennial Censuses—COMMERCE/CENSUS-6.

System location: Bureau of the Census, Personal Census Services Branch, Pittsburg, Kansas 66762.

Categories of individuals covered by the system: All persons ever counted during decennial censuses of population (1900-1970).

Categories of records in the system: Name, address, relationship to head of household, date of birth, marital status, occupation and education data, race of household members, and other similar characteristics as reported in each census.

Authority for maintenance of the system: 13 U.S.C. 8.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records may be considered as statistical records pursuant to 5 U.S.C. 552(a), as they were originally collected for statistical purposes, and are now maintained to perform searches at the request of subject individual under procedures published in the 15 CFR Part 60 and in accordance with 13 U.S.C. 8 to provide proof of age, citizenship, proof of relationship, and limited use for genealogical purposes.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microform.

Retrievability: Indexed by numerical coding of surname on SOUNDEX system and by township, county, and state.

Safeguards: All employees are subject to the restrictions, penalties, and prohibitions of Title 13, U.S.C. Employees are also regularly advised of the regulations issued pursuant to Title 13, U.S.C. governing the confidentiality of the data.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(4) this record is exempt from the notification access and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is applicable as data are maintained by the Bureau of the Census as statistical records as required by Title 13, U.S. Code and are not used by the Bureau in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance with the Department's rules which appear in 15 CFR Part 4b.

COMMERCE/CENSUS-7.

System name: Special Censuses of Population Conducted for State and Local Government—COMMERCE/CENSUS-7.

System location: Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and Bureau of the Census, 1201 East 10th Street, Jeffersonville, Indiana 47103.

Categories of individuals covered by the system: Residents counted in the area requesting a census.

Categories of records in the system: Address, name, age, race, sex, relationship to head of household, and occasionally other related social, economic, and demographic characteristics.

Authority for maintenance of the system: 13 U.S.C. 8.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These data maintained by the Bureau of the Census are used solely for statistical purposes. Publications do not contain data that could identify any particular establishment or individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape, paper copy.

Retrievability: Records are retrieved by name and address.

Safeguards: All employees are subject to the restrictions, penalties, and prohibitions of Title 13, U.S.C. Employees are also regularly advised of the regulations issued pursuant to Title 13, U.S.C. governing the confidentiality of the data.

Retention and disposal: Tapes retained for 90 days after processing, then erased, paper copy is retained for 2 years, then destroyed.

System manager(s) and address: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C., 552a(k)(4), this record is exempted from the notification, access and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f)). This exemption is applicable as the data are maintained by the Bureau of the Census solely as statistical records as required under Title 13 U.S.C. and are not used in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance to agency rules published in the rules section of this Federal Register.

COMMERCE/DIBA-1.

System name: Individuals Identified in Export Administration Compliance Proceedings or Investigations—COMMERCE/DIBA-1.

System location: Office of Export Administration, DIBA, 14th Street and Constitution Ave. NW., U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals identified in an export administration compliance proceeding or investigation. Individuals alleged to have violated the Export Administration regulations; established violators of the regulations; certain other individuals identified by the FBI or other investigating agency or individual in the investigative process such as those involved in organized crime; and individuals who have received warning letters.

Categories of records in the system: Reports from F.B.I., other law enforcement or investigative agencies, investigators, or informants; investigative and intelligence data; documented violations; warning letters. Includes any information on alleged or proven violators of the Export Administration Act.

Authority for maintenance of the system: Export Administration Act of 1969 (50 U.S.C. App. 2401 et seq.), as amended. 5 U.S.C. 301, 28 U.S.C. 533-535, 44 U.S.C. 3101, and E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in paper form.

Retrievability: Information filed by case or subject file. All names are cross-referenced by name card file.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained for a reasonable period of time. Disposition is recorded.

System manager(s) and address: Director, Compliance Division, Office of Export Administration, DIBA, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Management and Systems, DIBA, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name, address, and case or subject, if known, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Individual exporters, those authorized by the individual to furnish information, trade sources, investigative agencies, intelligence or investigative personnel of the Office of Export Administration, and informants.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(j)(2), all information about an individual in the record which meets the criteria stated in 5 U.S.C. 552a(j)(2) are exempted from the notice, access and contest requirements of the agency regulations and from all parts of 5 U.S.C. 552a except subsections (b),(c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i), and pursuant to 5 U.S.C. 552a(k)(1) and (k)(2) on condition that the 5 U.S.C. 552a(j)(2) exemption is held to be invalid, all investigatory material in the record which meets the criteria stated in 5 U.S.C. 552a (k)(1) and (k)(2) are exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations because of the necessity to exempt this information and material in order to accomplish this law enforcement function of the agency, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of sources, to maintain access to sources of information, and to avoid endangering these sources and law enforcement personnel. Section 7(c) of the Export Administration Act of 1969, as amended, also protects this information and material from disclosure.

COMMERCE/DIBA-2.

System name: Individuals Involved in Export Transactions—COMMERCE/DIBA-2.

System location: Office of Export Administration, DIBA, U.S. Department of Commerce, 14th St. and Constitution Ave., NW., Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals involved in export transactions. Information primarily is maintained on foreign companies and business officials, but includes U.S. citizens involved with or working for firms abroad.

Categories of records in the system: Reports and cables from U.S. foreign service posts and reports from investigative agencies.

Authority for maintenance of the system: 50 U.S.C. App. 2401 et seq. (Export Administration Act of 1969 as amended). 5 U.S.C 301, 28 U.S.C. 533-535, 44 U.S.C. 3101, and E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by individual's name.

Safeguards: Barlocked metal cabinets with combination. Some material is maintained in safes.

Retention and disposal: Disposed of after 5 years.

System manager(s) and address: Director, Compliance Division, Office of Export Administration DIBA, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Management and Systems, DIBA, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and date of involvement in export transactions pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: U.S. Foreign Service Posts, CIA, Compliance Division, OEA, Post Office Fraud Section, FBI, and Defense Intelligence Agency.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(2), law enforcement investigatory material is exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f), to the extent the disclosure of such material would reveal the identity of a confidential source of information, in order to maintain the ability to obtain necessary information and to fulfill commitments made to sources that their identities would be kept confident.

Pursuant to 5 U.S.C. 552a(k)(1), material which is classified is exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) to prevent disclosures detrimental to national defense or foreign policy.

COMMERCE/DIBA-3.

System name: Individuals Involved in International Business Trade Complaints—COMMERCE/DIBA-3.

System location: Office of Export Development, DIBA, U.S. Department of Commerce, 14th St. and Constitution Ave., NW., Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals filing trade complaints (business disputes) against foreign firms, or against whom foreign firms file complaints through U.S. Embassies.

Categories of records in the system: Complaint and supporting documentation, record of the handling and disposition of the complaint, and third party information (bank references, information obtained from other parties to the transaction, and commercial contacts of the individual).

Authority for maintenance of the system: 15 U.S.C. 1512.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement. Also foreign governments obtain information on the disputants in order to check reliability of the firms involved, and foreign firms involved in the dispute obtain information. This information is supplied to the foreign governments and foreign firms through the Department of State. The Department of State also uses information to check the credibility of the foreign firms involved in a dispute. Information is released to other executive branch agencies, e.g., SBA, USDA, when a party to the dispute falls within their area of jurisdiction in an attempt to solve the dispute.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Name of American party to the dispute.

Safeguards: Metal cabinets with bar and combination lock.

Retention and disposal: Permanent.

System manager(s) and address: Director, Office of Export Development, DIBA, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Management and Systems, DIBA, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of individual and name of American party to the dispute pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, those authorized by the individual to furnish information, the complainant, banks, commercial contracts, and other parties to the transaction.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(1), material which is classified is exempted from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f), to prevent disclosures detrimental to national defense or foreign policy.

COMMERCE/DIBA-4.

System name: Directors of U.S. Trade Missions, Chairmen of U.S. Government Technical Sales Seminars, and Technical Representatives of Catalog Exhibits—COMMERCE/DIBA-4.

System location: Office of International Marketing, DIBA, 14th St. and Constitution Ave. NW., U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals who are Directors of U.S. Trade Missions, Chairmen of U.S. Government Technical Sales Seminars, and Technical Representatives of Catalog Exhibits sponsored by the Department.

Categories of records in the system: Home address, date and place of birth, photographs, brief career history, social security number, citizenship, names of close relatives, previous residences, and passport numbers.

Authority for maintenance of the system: Delegation of Authority, dated June 25, 1962 from United States Information Agency under Section 5 (e) of Executive Order 11034 of June 25, 1962, as amended by Executive Order 11380 of November 8, 1967, insofar as said delegation pertains to U.S. participation in trade missions abroad under the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: By promotion theme of trade mission, location of trade mission and individual's name.

Safeguards: Records are locked in lockable metal file cabinets or in metal file cabinets in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: File is retained for three years and then destroyed.

System manager(s) and address: Director, Special Activities Division, Office of International Marketing, DIBA, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Management and Systems, DIBA, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and location of trade mission and individual's name pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, and individual's company, and those authorized by the individual to furnish information.

COMMERCE/DIBA-5.

System name: Membership Information: District and Regional Export Councils—COMMERCE/DIBA-5.

System location: Office of Export Development, President's Export Council Staff, 14th St. and Constitution Ave. NW., U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Present, former and potential members of the District Export Councils and Regional Export Councils.

Categories of records in the system: Address, date and place of birth, brief career history, education, special qualifications for appointment, and record of appointment. Miscellaneous material such as photographs, press releases and resumes are maintained on some members.

Authority for maintenance of the system: 15 U.S.C. 1512.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed by name of committee or may be filed by name of individual.

Safeguards: Records are located in lockable metal file cabinets or in metal cabinets in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: Retained for active councils. Retired when councils terminate.

System manager(s) and address: Director, Office of Export Development, DIBA, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Management and Systems, DIBA, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of individual and council pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, individual's company, and persons nominating the individual for council membership.

COMMERCE/DIBA-6.

System name: National Defense Executive Reserve Personnel Folders—COMMERCE/DIBA-6.

System location: Office of Industrial Mobilization, Bureau of Domestic Commerce, DIBA, 14th St. and Constitution Ave. NW., U.S. Department of Commerce, Washington, DC. 20230 and Office of Export Administration, Bureau of East-West Trade, 14th St. and Constitution Ave. NW., U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals from the business community selected to assume responsibility for industrial production, construction, and distribution in the event of national emergencies.

Categories of records in the system: Name; home address; photograph; brief career history; names of close relatives; marital status; previous government experience; previous residences; current and recent past employment and approximate earnings; citizenship; social security number; business and residence telephone numbers; security clearance; statement of understanding; request for appointment; appointment affidavits; secrecy agreement; sex; date and place of birth; military and civil defense obligations; education; and professional and other memberships.

Authority for maintenance of the system: 50 U.S.C. 2153 and E.O. 11179 of September 22, 1964.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement. Transferring data to the Federal Preparedness Agency pursuant to E.O. 11179.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper forms and index cards.

Retrievability: Filed alphabetically by individual's name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: Retained until two years after individual's resignation or death and then discarded.

System manager(s) and address: Director, Office of Industrial Mobilization, DIBA, U.S. Department of Commerce, Washington, D.C. 20230.

Emergency Planning Officer, Bureau of East-West Trade, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Management and Systems, DIBA, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of individual pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information.

COMMERCE/DIBA-7.

System name: Overseas Assignments for DIBA's Office of Field Operations—COMMERCE/DIBA-7.

System location: Office of Field Operations, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Trade Specialists employed by DIBA's Office of Field Operations (OFO)(District Offices) who have applied for overseas assignment and OFO trade specialists on overseas assignment.

Categories of records in the system: Form DIB-716 "Overseas Assignments Data (OFO Personnel Only)". This form contains information on date of birth, U.S. Passport Type and No., position title, grade, private business experience, previous U.S. Government overseas assignments, foreign language proficiency, etc.

Authority for maintenance of the system: The delegation of authority, dated June 25, 1962, from the United States Information Agency under Section 5 (e) of Executive Order 11034 of June 25, 1962, as amended by Executive Order 11380 of November 8, 1967, insofar as said delegation pertains to U.S. participation in trade missions abroad under the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.); The foreign Assistance Act of 1961, as amended (22 U.S.C. 2151 et seq.), and Section 302 of Executive Order 10973 of November 3, 1961, issued pursuant thereto, relating to drawing the attention of private enterprise to investment opportunities abroad.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper record in file folders.

Retrievability: Filed by name or geographic district or region.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: Indefinitely.

System manager(s) and address: Director, Office of Field Operations, DIBA, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Management and Systems, DIBA, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of individual and assignment location pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information.

COMMERCE/DIBA-8.

System name: Foreign Service Officer Evaluations—COMMERCE/DIBA-8.

System location: Office of International Marketing, DIBA, U.S. Department of Commerce, 14th & E St. and Constitution Ave., N.W., Washington, D.C. 20230.

Categories of individuals covered by the system: Members of the Foreign Service of the United States serving abroad or on detail to the Department of Commerce in economic/commercial positions.

Categories of records in the system: (1) End User and Field Observation Reports; (2) memorandums, cables, letters and other documents used in the preparation of End User and Field Observation Reports, and of Foreign Service Officer Evaluation Reports; and (3) other documents relating to officer performance.

Authority for maintenance of the system: Foreign Service Act of 1946, as amended; 22 U.S.C. 801 et seq., 986; and 15 U.S.C. 1512.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: A record in this system may be disclosed, as a routine use, to the Department of State in connection with the evaluation of the performance of Foreign Service Officers. (See also general routine use paragraphs.)

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by individual FSO's name.

Safeguards: Records are located in lockable metal file cabinets in premises with access limited to those whose official duties require access.

Retention and disposal: End User Reports and Field Observation Reports are transmitted to the Department of State by July 15 of each year. Other documents relating to officer performance are retained until the retirement, resignation or death of the individual and then retired or destroyed, as appropriate.

System manager(s) and address: Director, Support Services Division, Office of International Marketing, DIBA, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Director, Office of Management and Systems, DIBA, Room 3100, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide his name pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, and supervisors of those individuals.

COMMERCE/IATC-1.

System name: Auditor Trainee Registrants—COMMERCE/IATC-1.

System location: Interagency Auditor Training Center, Woodmont Building, 8120 Woodmont Avenue, Bethesda, Maryland 20014.

Categories of individuals covered by the system: Individuals, past and present, who have registered as an enrollee at the Training Center.

Categories of records in the system: Name; date of birth; social security number; phone; address; occupation; position; grade level; and education.

Authority for maintenance of the system: Government Employees Training Act of 1958; Executive Order 11348, April 20, 1976; and Intergovernmental Cooperation Act of 1968 (P.L. 90-557).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Indexed by name and year of attendance.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Director, IATC, Woodmont Building, Room 607, 8120 Woodmont Avenue, Bethesda, Maryland 20014.

Notification procedure: Information may be obtained from: address same as above. Requester should provide name and dates of attendance pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: Director, Office of Organization and Management Systems, OS, Department of Commerce, Washington, D.C. 20230.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals and those authorized by the individual to furnish information.

COMMERCE/MA-1.

System name: Applications to U.S. Merchant Marine Academy (USMMA)—COMMERCE/MA-1.

System location: Office of Admissions, U.S. Merchant Marine Academy, Kings Point, Long Island, N.Y. 11204.

Categories of individuals covered by the system: Applicants for admission to the Academy.

Categories of records in the system: Contains name; address; name of nominating Congressman and his congressional district; social security number; citizenship; color of hair and eyes; sex; marital status; scholastic background; names of relatives who attended the Academy; high school record; personality record (compiled by high school authorities); seaman's experience; military service data; and biographical sketch. (Form: KP 2-65).

Authority for maintenance of the system: Merchant Marine Act of 1936; 5 U.S.C. 301; 28 U.S.C. 533-535; 44 U.S.C. 3101; 46 U.S.C. 216(b)(1); and, E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statment.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by last name.

Safeguards: Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

Retention and disposal: If admitted, the application becomes part of the Midshipman's Personnel Record for permanent retention. The file is transferred to the Federal Records Center after 5 years. If not admitted, it is retained for one year and destroyed.

System manager(s) and address: Director, Office of Admissions, see address above.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of applicant pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, the individual's high school officials, references, and those authorized by the individual to furnish information.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k)(5) is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine applicant's suitability for civilan employment and military service.

COMMERCE/MA-2.

System name: Cadet Files, State Merchant Marine Academies—COMMERCE/MA-2.

System location: Office of Maritime Manpower, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Current and former cadets enrolled in the State Maritime Academies.

Categories of records in the system: Name; date of birth; marital status; number of dependents; military service; number of arrests and convictions; date of change in pay; reenrollment or reinstatement; disenrollment; non-subversive activities; no-strike statement; and date of graduation. (Forms: MA-1005 and 1006A).

Authority for maintenance of the system: 46 U.S.C 1383,1387.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by last name.

Safeguards: Records are located in lockable file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: The records are transferred to the Federal Records Center one year after graduation or termination and disposed of 60 years after date of enrollment.

System manager(s) and address: Director, Office of Maritime Manpower, see address above.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C., 20230. Requester should provide Cadet's name and State School attended, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: The subject student, State Merchant Marine Academies, and those authorized by the student to furnish information.

COMMERCE/MA-3.

System name: Citizenship Statements and Affidavits—COMMERCE/MA-3.

System location: Division of Reserve Fleet, Room 6628, U.S. Department of Commerce, Washington, D.C. 20230, for bidders on surplus vessels; and Citizenship Officer, Office of the General Counsel, MA, Room 4898, U.S. Department of Commerce, Washington, D.C. 20230, for all other programs.

Categories of individuals covered by the system: Officers and shareholders of non-personal applicants and individual applicants.

Categories of records in the system: Name; date and place of birth; nationality; and nationalization data.

Authority for maintenance of the system: Merchant Marine Act of 1936; 46 U.S.C. 11,802, 803, 1114.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statements.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by applicant's name; name of individual or vessel name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: The records are transferred to the Federal Records Center after 5 years where they are retained indefinitely.

System manager(s) and address: Chief, Divison of Reserve Fleet and Citizenship Office, Office of the General Counsel, addresses are same as above.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of applicant, or name of individual, or name of vessel, the program under which filed and the date, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject applicant and individual and those authorized by the foregoing to furnish information.

COMMERCE/MA-4.

System name: General Agent's Protection and Indemnity and Second Seaman's Insurance: WSA and NSA—COMMERCE/MA-4.

System location: Office of Marine Insurance, Room 3618, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Individuals (e.g., seamen, passengers, stevedores) filing claims against general agents for death, disability, loss of personal effects, detention and repatriation and property damage.

Categories of records in the system: Claimant's name; address; mariner's document number; sea service record; disciplinary records; selective service classification; names of parents; marriage and divorce data; social security number; alien registration and citizenship data; medical information; next-of-kin; wages per month; birth date; witness statements; investigator's report; names of counsel; and executors and administrators of estates. (Forms: MA-574, MA-570, MA-269, MA-26 and 27).

Authority for maintenance of the system: Merchant Marine Act of 1936; 46 C.F.R. 320; 5 U.S.C. 301, 302; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To evaluate and award money for filed claims, negotiate settlements, to contest or to initiate lawsuits. Users are the Office of Marine Insurance; adjustors and attorneys acting for the Government; Office of Federal Employees Compensation in the Department of Labor; and the Marine Index Bureau, 17 Battery Place, New York, N.Y. (a contract service centralizing data on seamen claims). Also see the routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by seaman's name and vessel's name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: The records are transferred to the Federal Records Center after one year where they are retained indefinitely.

System manager(s) and address: Director, Office of Marine Insurance, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide seaman's name, vessel name, and date of incident, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual; the individual's attorney; adjustors, investigators; attorneys; Office of Marine Insurance; witness; the Marine Index Bureau; and, those authorized by the individual to furnish information.

COMMERCE/MA-5.

System name: Marine Training School Registrants—COMMERCE/MA-5.

System location: MA regional offices: Eastern-26 Federal Plaza, New York, N.Y. 10007; Central-701 Loyola Ave., New Orleans, La. 70150; Western-450 Golden Gate Ave., San Francisco, California 94102; and, Great Lakes-Room 600, 666 Euclid Ave., Cleveland, Ohio 44114.

Categories of individuals covered by the system: Each seafarer enrolling in an agency training course.

Categories of records in the system: Name; address; position title; owner's document number; social security number; certificate number; sponsoring organization; course completed; date of course completion; course grade; date of birth; and telephone number. (Forms: MA-1005 and 1006A).

Authority for maintenance of the system: Merchant Marine Act of 1936; 46 U.S.C. 1126(b)(5)(c).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In addition to the routine uses referenced in the Prefatory Statement, the information is used by the U.S. Coast Guard for verification of attendance and performance.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by student's name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose duties require access.

Retention and disposal: The records are transferred to the Federal Records Center one year after graduation or termination and disposed of 60 years after date of enrollment.

System manager(s) and address: Training Facility Registrar where the training was taken, see address above.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name, date and facility attended, course description, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: The student, the training instructors, and those authorized by the individual to furnish information.

COMMERCE/MA-6.

System name: Medical Records of Seamen Treated in Overseas Military Hospitals—COMMERCE/MA-6.

System location: Office of Maritime Manpower, Room 4099, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: All seamen who were treated in military hospitals overseas during the Vietnam conflict.

Categories of records in the system: Name; social security number; name of vessel; medical history; treatment provided; and diagnosis.

Authority for maintenance of the system: 5 U.S.C. 301, 302; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use in paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by last name of patient.

Safeguards: Records are located in lockable file cabinets or in metal file cabinets in secured or secured premises with access limited to those whose official duties require access.

Retention and disposal: The records are transferred to the Federal Records Center one month after receipt from the military where they are retained indefinitely.

System manager(s) and address: Director, Office of Maritime Manpower, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of seaman and approximate dates of treatment, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: The seaman, the medical staff of the treating facility, and those authorized by the seaman to furnish information.

COMMERCE/MA-7.

System name: National Defense Executive Reserve—COMMERCE/MA-7.

System location: Division of Emergency Plans, Room 3716, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Nominees and members of the National Defense Executive Reserve.

Categories of records in the system: Name; home address; photograph; brief career history; names of close relatives; marital status; previous Government experience; previous residences; current and recent employment and approximate earnings; citizenship; social security number; business and residence telephone numbers; security clearance; statement of understanding; request for appointment; appointment affidavits; secrecy agreement; sex; date and place of birth, military and civil defense obligations; education; and professional and other memberships.

Authority for maintenance of the system: 50 U.S.C. 2153; and E.O. 11179 of September 22, 1964.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement. Transferring data to the Federal Preparedness Agency pursuant to E.O. 11179.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by last name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Retained until two years after individual's resignation or until death and then discarded.

System manager(s) and address: Chief, Division of Emergency Plans, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: The individual, those authorized by the individual to furnish information, the investigator performing personal and security investigation and sources contacted by the investigator.

COMMERCE/MA-8.

System name: Non-Attorney Practitioner Applications and "Section 807 Reports"—COMMERCE/MA-8.

System location: Office of the Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Those representing others in agency proceedings.

Categories of records in the system: Name; address; compensation paid; expenses incurred; exact nature of the representation; education; experience; employment history for last five years; date and place of birth; citizenship; past Federal service; involvement in litigation alleging fraud; and Communist, Fascist, etc. affiliations. (Form: MA-327).

Authority for maintenance of the system: Merchant Marine Act of 1936; 46 U.S.C 807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name of practitioner and by name of principal.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to to those whose official duties require access.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Secretary, Maritime Administration, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, see above address. Requester should provide name of practitioner, pursuant to the inquiry provision of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, the individual's principal, and those authorized by the individual to furnish information.

COMMERCE/MA-9.

System name: Seaman Awards and Nominations, for Service, Valor, etc.—COMMERCE/MA-9.

System location: Office of Maritime Manpower, Room 3069A, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Seamen nominated for and given awards for service, valor, etc.

Categories of records in the system: Name; address; date of birth; mariner's document number; social security number; names of ships and dates of service; and possibly: medical information; and personal recommendations.

Authority for maintenance of the system: Merchant Marine Medals Act; 46 U.S.C. 249.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name of seaman or vessel.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are transferred to the Federal Records Center after one year, where they are retained for 75 years with the individual's medical records.

System manager(s) and address: Director, Office of Maritime Manpower, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide seaman's name and name of vessel, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, the individual's coworkers, witnesses to incidents, and those authorized by the individual to furnish information.

COMMERCE/MA-10.

System name: Seamen's Employment Analysis Records—COMMERCE/MA-10.

System location: Division of Data Operations, Room SB-087, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Current and recent merchant seamen.

Categories of records in the system: Social security number; date of birth; records of U.S. Coast Guard issued documents; voyage employment information (e.g., port and date signed on); and maritime schools attended.

Authority for maintenance of the system: 46 U.S.C. 1122(a) and 1126.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored on magnetic tape.

Retrievability: Filed by social security number.

Safeguards: In addition to technical securities, the records are located in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: Basic biographical data are retained indefinitely; discharge records are destroyed two years from date of discharge.

System manager(s) and address: Director, Office of Maritime Manpower, Room 4099, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and social security number pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Magnetic tape is produced from information received from the U.S. Coast Guard.

COMMERCE/MA-11.

System name: Seamen's Unclaimed Wages (Vietnam Conflict)—COMMERCE/MA-11.

System location: (Manual) Division of Accounts, (machine readable) Division of Data Operations, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Seamen owed wages for service aboard Government vessels operated by general agents.

Categories of records in the system: Name; social security number; employing general agent; and wages due and owing.

Authority for maintenance of the system: 31 U.S.C. 65-67.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In addition to routine uses specified in the Prefatory Statement, these records are disclosured to the U.S. Treasury for the purpose of reporting wages owed.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and on magnetic tape.

Retrievability: Paper records are filed alphabetically by name and by social security number. Magnetic tape is indexed by social security number.

Safeguards: Paper records are secured in lockable metal file cabinets. Magnetic tapes are subject to technical securities. Both forms of records are located in secured areas with access limited to those whose official duties require access.

Retention and disposal: Both forms of records are retained until such time the claim is resolved or the wages are disbursed.

System manager(s) and address: Chief, Division of Accounts, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and social security number, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: The general agents.

COMMERCE/MA-12.

System name: Shipyard Labor Supply and Demand Programs—COMMERCE/MA-12.

System location: Division of Data Operations, Maritime Administration, Room SB-087, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Production workers in selected shipyards.

Categories of records in the system: Name; social security number; skill level; seniority; general employment data; age; and shipyards worked.

Authority for maintenance of the system: 46 U.S.C. 1121(c).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are stored on magnetic tape.

Retrievability: Filed by social security number.

Safeguards: In addition to maintenance of technical securities, the tapes are located in secured areas with access limited to those whose official duties require access.

Retention and disposal: Records are retained for one year and destroyed.

System manager(s) and address: Director, Office of Maritime Manpower, Room 3069A, U.S. Department of Commerce, Washington, D.C. 20230.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name, social security number, badge number, and shipyard location, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Employing shipyard.

COMMERCE/MA-13.

System name: Trustees for Ship Sales—COMMERCE/MA-13.

System location: Division of Ship Management, Room 6086, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Individual trustees and executives of nonpersonal entity trustees.

Categories of records in the system: Name; address; vessel name; settlor of the trust; detailed financial information on individual trustees; and personal information on executives of corporate, etc. trustees. (Forms: MA-579, MA-580).

Authority for maintenance of the system: Shipping Act of 1916; 5 U.S.C. 301; 28 U.S.C. 533-535; 44 U.S.C. 3101; 46 U.S.C. 802, 808 and 835; and, E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name of trustee.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are renewed annually and are retained permanently.

System manager(s) and address: Chief, Division of Ship Management, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of trustee pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject trustee and those authorized by the trustee to furnish information.

Systems exempted from certain provisions of the act: All investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k)(5) is exempted from the notice, access, and contest requirements (under 5 U.S.C 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to make determinations or the award of Federal contracts.

COMMERCE/MA-14.

System name: USMMA Graduates—COMMERCE/MA-14.

System location: Office of External Affairs, U.S. Merchant Marine Academy, Kings Point, N.Y. 11024.

Categories of individuals covered by the system: All graduates of USMMA, since 1942, and some parents of graduates.

Categories of records in the system: Name; address (home and business); vocation; class year; social security number; employer's name and address; years of maritime service, at sea and ashore; military service; marine licenses; post-graduate education; honors and awards; and union affiliation. Graduate registration for job-placement also contains graduate's preferred salary and job location.

Authority for maintenance of the system: 5 U.S.C. 301; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To make employment referrals, to compile statistical reports for Congress and its Members on the professional progress of the graduates, and to mail alumni publications, notices and announcements. The users are the Director, Office of External Affairs and his immediate administrative staff, prospective employers, Congress and its Members, the United States Merchant Marine Academy Alumni Association, Inc., the Kings Point Fund, Inc., and the commercial contractor providing automated services. Also see the routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and basic information is on magnetic tape.

Retrievability: Filed alphabetically by name, and by social security number.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access. Records on tape also are subject to physical securities.

Retention and disposal: The records are kept indefinitely.

System manager(s) and address: Director, Office of External Affairs, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: A questionnaire voluntarily returned by graduates every few years; graduates asking to be registered for job-placement; families of graduates; public and private employees of graduates; persons nominating graduates for alumni awards; United States Merchant Marine Academy Alumni Association, Inc.; and published articles naming graduates.

COMMERCE/MA-15.

System name: USMMA Midshipman Account Records—COMMERCE/MA-15.

System location: Budget and Accounts Officer, U.S. Merchant Marine Academy, Kings Point, New York 11024.

Categories of individuals covered by the system: All current midshipmen.

Categories of records in the system: Name, social security number, mailbox number, and all of the debts and credits of the midshipmen to the Academy.

Authority for maintenance of the system: The Merchant Marine Act of 1936, 46 U.S.C. 216(b)(4).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer card.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or in secured premises with access limited to those whose official duties require access.

Retention and disposal: Maintained for one year after graduation or separation, and then destroyed.

System manager(s) and address: Budget and Accounts Officer, see above address.

Notification procedure: Information may be obtained from Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of midshipman and dates of attendance pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject midshipman, those authorized by the midshipman to furnish information, the suppliers of midshipman equipment, and the Budget and Accounts Office personnel.

COMMERCE/MA-16.

System name: USMMA Midshipman Grade Transcripts—COMMERCE/MA-16.

System location: U.S. Merchant Marine Academy, Kings Point, N. Y. 11024.

Categories of individuals covered by the system: All present and past midshipmen.

Categories of records in the system: Name; social security number; courses taken, grades received, and cumulative average.

Authority for maintenance of the system: The Merchant Marine Act of 1936; and 46 U.S.C. 216(b)(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Sent to other schools or employers when requested by the midshipman. Users are the midshipman, the Academy registrar, other schools and employers. Also see routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by midshipman's name.

Safeguards: Records are located in lockable metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Registrar, U.S. Merchant Marine Academy, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of midshipman, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject midshipman, those authorized by the midshipman to furnish information, his instructors, and the Registrar's Staff.

COMMERCE/MA-17.

System name: USMMA Midshipman Medical Files—COMMERCE/MA-17.

System location: Medical Department, U.S. Merchant Marine Academy, Kings Point, New York 11024.

Categories of individuals covered by the system: All midshipmen.

Categories of records in the system: Complete medical history prior to and during enrollment at the Academy.

Authority for maintenance of the system: The Merchant Marine Act of 1936; 5 U.S.C. 301; 28 U.S.C. 533-535; 44 U.S.C. 3101; 46 U.S.C. 216(b); and, E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by midshipman's name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or in secured premises with access limited to those whose official duties require access.

Retention and disposal: If appointed, record is retained for sixty years; and if not appointed, the record is retained for one year and destroyed.

System manager(s) and address: Medical Officer, U.S. Merchant Marine Academy. See above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of applicant or midshipman and date of application or appointment pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject applicant or midshipman, those authorized by the foregoing to furnish information, individual's physician, and Academy medical officers.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k)(5) is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine suitability for civilian employment and military service.

COMMERCE/MA-18.

System name: USMMA Midshipman Personnel Records—COMMERCE/MA-18.

System location: Office of the Commandant of Midshipman, U.S. Merchant Marine Academy, Kings Point, New York 11024.

Categories of individuals covered by the system: All current and former midshipmen since inception of the Academy in 1942.

Categories of records in the system: Nomination to U.S. Merchant Marine Academy; College Board Scores; high school transcript; name; address; social security number; parent's names and address and occupation; relatives who attended USMMA; number of brothers and sisters; medical report; height; weight; color of hair; color of eyes; complexion; commendations; record of disciplinary cases; resignation notice; graduation certification; and report of deficiencies.

Authority for maintenance of the system: The Merchant Marine Act of 1936; 5 U.S.C. 301; 28 U.S.C. 533-535; 44 U.S.C. 3101; 46 U.S.C. 216(b); and E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by midshipman's name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or in secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are maintained permanently.

System manager(s) and address: Commandant of Midshipmen, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name and period of attendance pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: The subject midshipman, faculty administrators and midshipman corps officers who provide copies to the midshipman; former employers, teachers and school authorities, and references; Government or private physicians; U.S. Navy Security Officers; and, those authorized by the midshipman to furnish information.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C, 552a(k)(5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k)(5) is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine suitablilty for civilian employment and military service.

COMMERCE/MA-19.

System name: USMMA Non-Appropriated Fund Employees—COMMERCE/MA-19.

System location: Department of Administrative Services, U.S. Merchant Marine Academy, Kings Point, N.Y. 11024.

Categories of individuals covered by the system: All current and former employees of non-appropriated fund activities since 1970.

Categories of records in the system: Name; telephone number; social security number; address; date of birth; height; weight; birthplace; employment history; special qualifications; education summary; references; personnel actions showing positions held and salary paid; insurance coverage; and letters of commendation or reprimand.

Authority for maintenance of the system: The Merchant Marine Act of 1936; 5 U.S.C. 301; 28 U.S.C. 533-535; 44 U.S.C. 3101; 46 U.S.C. 216(b); and, E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by midshipman's name.

Safeguards: Records are located in lockable metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Head, Department of Administrative Services, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of employee and date of employment pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject employee and those authorized by the employee to furnish information; past employers and references; and the employee's supervisor.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k)(5) is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine suitability for employment.

COMMERCE/MA-20.

System name: USMMA Ship's Service Employees—COMMERCE/MA-20.

System location: Department of Administrative Services, U.S. Merchant Marine Academy, Kings Point, N.Y. 11024.

Categories of individuals covered by the system: Officers and employees of firms or individuals holding service contracts.

Categories of records in the system: Name; address; education; experience; professional background; and business references.

Authority for maintenance of the system: 5 U.S.C. 301; 28 U.S.C. 533-535; 44 U.S.C. 3101; and, E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by contractor's name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: The records are retained for one year.

System manager(s) and address: Administrative Services Officer and Contracting Officer, Administrative Services Office, see above address.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide name of employee and date(s) of employment pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject contractor/employee, those authorized by the foregoing to furnish information and business references.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C 552a(k)(5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k)(5) is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine whether to award Federal contracts for maintenance and other services.

COMMERCE/MA-21.

System name: Waivers of Liability to Board Reserve Fleet Vessels—COMMERCE/MA-21.

System location: Beaumont Reserve Fleet, Beaumont, Texas; James River Reserve Fleet, Fort Eustis, Virginia; and Suisun Bay Reserve Fleet, Benicia, California.

Categories of individuals covered by the system: All individuals boarding Reserve Fleet vessels.

Categories of records in the system: Name, affiliation, date, and signature. (Form: MA-118).

Authority for maintenance of the system: 50 U.S.C. 1744-45.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets or metal file cabinets in secured rooms or in secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are maintained for three years and then destroyed.

System manager(s) and address: The chief of the particular Regional Office: Eastern-26 Federal Plaza, New York, New York 10007; Central-701 Loyola Avenue, New Orleans, Louisiana 70150; Western-450 Golden Gate Avenue, San Francisco, California 94102; and U.S. Merchant Marine Academy, Kings Point, Long Island, New York 11024.

Notification procedure: Information may be obtained from: Secretary, Maritime Administration, Room 3099, U.S. Department of Commerce, Washington, D.C. 20230. Requester should provide the

name of the visitor, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information.

COMMERCE/NBS-1.

System name: NBS Guest Workers—COMMERCE/NBS-1.

System location: Personnel Division, National Bureau of Standards, U.S. Department of Commerce, Washington, D.C. 20234.

Categories of individuals covered by the system: Guest workers pursuing individual scientific or technical projects.

Categories of records in the system: Agreement between NBS and guest worker; name; citizenship; social security number; supervisor; arrival and departure dates; date of security assurance; conditions; and facilities to be made available.

Authority for maintenance of the system: 27 Stat. 395 and 31 Stat. 1039.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets with access limited to those whose official duties require access.

Retention and disposal: The records are disposed 5 years after guest worker terminates.

System manager(s) and address: Personnel Officer, Administration Building, National Bureau of Standards, Washington, D.C. 20234.

Notification procedure: Information may be obtained from: Associate Director for Administration, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name and approximate date of affiliation, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, those authorized by the individual to furnish information, and operating officials making the facilities available.

COMMERCE/NBS-2.

System name: Inventors of Energy-Related Processes and Devices—COMMERCE/NBS-2.

System location: Office of Energy-Related Inventions, Institute for Applied Technology, National Bureau of Standards, Washington, D.C. 20234.

Categories of individuals covered by the system: Inventors submitting ideas for evaluation by NBS.

Categories of records in the system: Name, address, and telephone number of the persons submitting ideas or inventions for evaluation.

Authority for maintenance of the system: 88 Stat. 1894.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In addition to the routine uses referenced in the Prefatory Statement, the information is used in correspondence with the inventor or person submitting the invention for evaluation and submitter-designated interested third parties, in the evaluation of technical and commercial feasibility, in reports to the Energy Research and Development Administration, and in development of statistical and analytical data.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets; access to all files is restricted to those persons requiring access for evaluation or administrative purposes and who have permission pursuant to a written contract or agreement with NBS, or have written authorization of the legal advisor; an exception to this would be a valid request made under the Freedom of Information Act for information that is not 1) a trade secret or 2) commercial or financial information that is privileged or confidential and therefore falling within the exemption set out in the Act, 5 U.S.C. 552 (b)(4).

Retention and disposal: Currently all records are retained indefinitely.

System manager(s) and address: Chief, Office of Energy-Related Inventions, Institute for Applied Technology, National Bureau of Standards, Washington, D.C. 20234.

Notification procedure: Information may be obtained from: Associate Director for Administration, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name and additional factual data as appropriate, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals and those authorized by the individual to furnish information.

COMMERCE/NBS-3.

System name: Research Associates—COMMERCE/NBS-3.

System location: Office of Programs, Administration Building, National Bureau of Standards, U.S. Department of Commerce, Washington, D.C. 20234.

Categories of individuals covered by the system: Research Associates.

Categories of records in the system: Personal history statement, conflict of interest statement, titles of publications authored or coauthored by research associates.

Authority for maintenance of the system: 27 Stat. 395 and 31 Stat. 1039.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets with access limited to those whose official duties require access.

Retention and disposal: Records are transferred from an active to terminated section of the files at conclusion of individual's service as a research associate and are retained in accordance with the unit's Records Control Schedule.

System manager(s) and address: Industrial Liaison Officer, Office of Programs, Administration Building, National Bureau of Standards, Washington, D.C. 20234.

Notification procedure: Information may be obtained from: Associate Director for Administration, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name and approximate date of affiliation, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information.

COMMERCE/NBS-4.

System name: Participants in Clinical Dental Projects—COMMERCE/NBS-4.

System location: Dental and Medical Materials Section, National Bureau of Standards, U.S. Department of Commerce, Washington, D.C. 20234.

Categories of individuals covered by the system: NBS employees and spouses who have volunteered to participate in program.

Categories of records in the system: Name; date and place of birth; business address and phone number; drug sensitivity data; dental work limitations; home address and phone number; age; sex; and race.

Authority for maintenance of the system: 31 Stat. 1449 as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Indexed by name and project.

Safeguards: Records are located in steel file cabinets in secured rooms with access limited to those whose official duties require access.

Retention and disposal: Currently records are retained indefinitely.

System manager(s) and address: Chief, Dental and Medical Materials Sections, National Bureau of Standards, Washington, D.C. 20234.

Notification procedure: Information may be obtained from: Associate Director for Administration, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name and the title of the project, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, clinical examiner, and those authorized by the individual to furnish information.

COMMERCE/NBS-5.

System name: Participants in Human Factors Studies—COMMERCE/NBS-5.

System location: Human Factors Laboratory, Bowman House, National Bureau of Standards, U.S. Department of Commerce, Washington, D.C. 20234.

Categories of individuals covered by the system: Individuals who have served as subjects in Human Factors Laboratory experiments and studies.

Categories of records in the system: Name of the participant; name and description of the study; and signature of the participant, parent, or guardian certifying voluntary participation; and acceptance of the terms of the research participant's agreement.

Authority for maintenance of the system: 31 Stat. 1449 as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Maintained in a steel filing cabinet in a secured building with access limited to Human Factors Laboratory staff.

Retention and disposal: Records maintained during course of study and destroyed three years after completion of the study.

System manager(s) and address: Chief, Human Factors Section, Center for Consumer Product Technology, National Bureau of Standards, Washington, D.C. 20234.

Notification procedure: Information may be obtained from: Associate Director for Administration, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name and the title of experiment, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information.

COMMERCE/NBS-6.

System name: Participants in Psychoacoustic Experiments—COMMERCE/NBS-6.

System location: Psychoacoustics Laboratory, Sound Building, National Bureau of Standards, Washington, D.C. 20234.

Categories of individuals covered by the system: Applicants and participants in psychoacoustic experiments.

Categories of records in the system: Name, age, and sex; hearing history; strip chart recording of hearing sensitivity both before and after participation in the experiment; responses to questions and test related to material learned during the experiment.

Authority for maintenance of the system: 84 Stat. 1590.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper questionaires and strip chart recordings in file folders.

Retrievability: Indexed by experiment, date, and then by participant's name.

Safeguards: Maintained in locked metal cabinet, in locked room, accessible only to authorized personnel.

Retention and disposal: Disposed after ten years.

System manager(s) and address: Chief, Sound Section, National Bureau of Standards, Washington, D.C. 20234.

Notification procedure: Information may be obtained from: Associate Director for Administration, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name and approximate date of experiment, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals and those authorized by the individual to furnish information.

COMMERCE/NBS-7.

System name: Employees External Radiation Exposure Records—COMMERCE/NBS-7.

System location: Health Physics Section, National Bureau of Standards, Washington, D.C. 20234.

Categories of individuals covered by the system: Individuals working with radioactive materials and machines who may be exposed to ionizing radiation.

Categories of records in the system: Name, social security number, date of birth, organizational unit, and amount of radiation received.

Authority for maintenance of the system: 42 U.S.C. 2201 and 68 Stat. 950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement. Also, film from badges is sent monthly to the U.S. Army for determination of amount of radiation exposure.

Information involving exposure levels, incidents, and amounts of overexposure is required to be submitted to the Nuclear Regulatory Commission. In the event of serious overexposure, information would be disclosed to the Bethesda (Maryland) Naval Medical

Center, employee's family physician, and other appropriate medical authorities.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and film.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets with access limited to those whose official duties require access.

Retention and disposal: Currently, records are retained indefinitely.

System manager(s) and address: Chief, Health Physics Section, National Bureau of Standards, Washington, D.C. 20234.

Notification procedure: Information may be obtained from: Associate Director for Administration, Room 1105, Administration Building, National Bureau of Standards, Washington, D.C. 20234. Requester should provide name, social security number, and date of employment, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals and U.S. Army.

COMMERCE/NFPCA-1.

System name: Federal Employees with Fire Related Expertise—COMMERCE/NFPCA-1.

System location: National Fire Prevention and Control Administration, 2400 M Street, N.W., Washington, D.C. 20037.

Categories of individuals covered by the system: Federal employees with expertise in fire prevention and control and associated fields.

Name, address, agency, area of expertise.

Categories of records in the system:

Authority for maintenance of the system: Section 8(e) and 21(b)(1), and (e) Federal Fire Prevention and Control Act of 1974, P.L. 93-498, 88 Stat. 1535 (15 U.S.C. 2207, 2218).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In addition to the routine uses referenced in the Prefatory Statement, information about individuals is provided to federal, state, local or international agencies and members of the fire service community, including, but not limited to, fire safety and protection organizations, state fire marshals, and firemen, in response to requests indicating that the individual or organization making the request would benefit from the expertise of individuals in the system. Such disclosures are made only if the subject individual has given prior written consent.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders, bound paper directory, and magnetic tape.

Retrievability: By individual's name, expertise, agency, and geographic location.

Safeguards: Records are located in lockable metal file cabinets or in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: Records are updated biennially and retained indefinitely.

System manager(s) and address: Associate Administrator for Fire Safety and Research, National Fire Prevention and Control Administration, U.S. Department of Commerce, P.O. Box 19518, Washington, D.C. 20036.

Notification procedure: Information may be obtained from: Administrative Officer, National Fire Prevention and Control Administration, P.O. Box 19518, Washington, D.C. 20036. Requester should provide name and address in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR 4b. Use above address.

Record source categories: Subject individuals.

COMMERCE/NOAA-1.

System name: Applicants for Federal Permits to Take, Buy, or Transport Endangered Species for Specific Purposes—COMMERCE/NOAA-1.

System location: Marine Mammal and Endangered Species Division, National Marine Fisheries Service, Washington, D.C. 20235.

Duplicate portions of the system may be located in the Regional Offices of the National Marine Fisheries Services at: Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930; Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702; 300 South Ferry Street, Terminal Island, California 90731; Lake Union Building, 1700 Westlake Avenue North, Seattle, Washington 98109; and P.O. Box 1668, Juneau, Alaska 99801.

Categories of individuals covered by the system: Applicants for permits to take, import, export, or transport or sell in interstate or foreign commerce endangered species either for scientific purposes, enhancement of propagation or enhancement of survival, or to minimize undue economic hardship.

Categories of records in the system: Name and address; professional or business affiliation; educational and professional background; other qualifications, and the activities conducted by the individual(s) authorized by permit.

Authority for maintenance of the system: Endangered Species Act of 1973; 16 U.S.C. 1531-1543 10(a), 10(b), and 11(f).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement. Information from the applications is published in the Federal Register and made available to the public to comply with the statutes under which the application is made.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file books.

Retrievability: Filed by file number and cross-referenced alphabetically by applicant names.

Safeguards: Records are located in cabinets with full public access upon request.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Chief, Marine Mammals and Endangered Species Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name and address pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual applicants, public comments on an application, reviews by NMFS offices, reports from Federal agents and observers on activities conducted under permit authority, and those authorized by the individual applicant to furnish information.

COMMERCE/NOAA-2.

System name: Applicants for Hardship Exemptions under Marine Mammal Protection Act of 1972—COMMERCE/NOAA-2.

System location: Marine Mammal and Endangered Species Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235.

Duplicate portions of the system are located in regional offices of the National Marine Fisheries Service at: Federal Building, 14 Elm Street, Gloucester, Massachusetss 01930; Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702; 300 South Ferry Street, Terminal Island, California 90731; Lake Union Building, 1700 Westlake Avenue North, Seattle, Washington 98109; and P.O. Box 1668, Juneau, Alaksa 99801.

Categories of individuals covered by the system: Applicants for exemptions from the provisions of the Marine Mammal Protection Act of 1972, on the basis of undue economic hardship.

Categories of records in the system: Name and address; professional or business affiliation; educational and professional background; other qualifications of the individual; and the activities conducted by an individual as authorized by exemption, economic, and financial information indicating the degree of anticipated economic hardship.

Authority for maintenance of the system: Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and regulations (50 CFR 216.31) promulgated under section 112 of the Act, and in accordance with section 101(c).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement. Information from the application is published in the Federal Register and made available to the public to comply with the statutes under which the application is made.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file books.

Retrievability: Filed by file number and cross-referenced alphabetically by applicant names.

Safeguards: Records are located in cabinets with full public access upon request.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Chief, Marine Mammals and Endangered Species Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name and address pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual applicants, public comments on an application, reviews of an application by National Marine Fisheries Service Offices, reports from Federal agents and observers on activities conducted under exemption authority and those authorized by the individual applicant to furnish information.

COMMERCE/NOAA-3.

System name: Applicants for Marine Mammal Scientific Research and Display Permits—COMMERCE/NOAA-3.

System location: Marine Mammal and Endangered Species Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235.

Duplicate portions of the system are located in regional offices of the National Marine Fisheries Service at: Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930; Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702; 300 South Ferry Street, Terminal Island, California 90731; Lake Union Building, 1700 Westlake Avenue North, Seattle, Washington 98109; and Box 1668, Juneau, Alaska 99801.

Categories of individuals covered by the system: Applicants for permits to take or import marine mammals for the purposes of scientific research and public display.

Categories of records in the system: Name and address; professional or business affiliation; educational and professional background; and the activities conducted by an individual as authorized by permit.

Authority for maintenance of the system: Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and is specifically solicited in accordance with regulations (50 C.F.R. 216.31) promulgated as authorized by section 112 of the Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement. Information from the applications is published in the Federal Register and available to the public to comply with the statutes under which the application is made.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file books.

Retrievability: Filed by file number and cross-referenced alphabetically by applicant names.

Safeguards: Records are located in cabinets with full public access upon request.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Chief, Marine Mammals and Endangered Species Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name and address pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual applicants, public comments on an application, reviews by NMFS offices and the U.S. Marine Mammal Commission, reports from Federal agents and observers on activities conducted under permit authority, and those authorized by the individual applicant to furnish information.

COMMERCE/NOAA-4.

System name: Applicants for the NOAA Corps—COMMERCE/NOAA-4.

System location: Office of the Director, NOAA Corps, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852.

Categories of individuals covered by the system: Applicants for appointment in the NOAA Corps.

Categories of records in the system: Name, social security number, letters of reference, physical examiniations, college transcripts, statements of prior military sevice, recruiting officer's appraisal, personal resumes, and similar data necessary to be considered for a commission in the NOAA Corps.

Authority for maintenance of the system: 33 U.S.C. 853i; 853j; 853j-l; 853t; 854; 854a-1.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement. Also to respond to the applicant, Members of Congress, or others with a valid interest who may inquire as to the status of the application or who may request reconsideration of a rejected application.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are maintained in secured room. Access only on the authority of the Director, NOAA Corps or the Chief/Deputy Chief, Commissioned Personnel Division.

Retention and disposal: Destroyed after approximately six months if rejected, unless applicant indicates a desire for reconsideration.

System manager(s) and address: Director, NOAA Corps, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name, address, social security number, and date of birth, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals, personal references, the NOAA Corps officer who recruited the individual, and those authorized by the individual to furnish information.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k)(5) is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine applicant's suitability for employment in the NOAA Corps.

COMMERCE/NOAA-5.

System name: Applicants for Threatened Species Permits—COMMERCE/NOAA-5 (Note: A system now being established to be in operation by late September 1975).

System location: Marine Mammal and Endangered Species Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235.

Duplicate portions of the system may be located in the regional offices of the National Marine Fisheries Service at: Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930; Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702; 300 South Ferry Street, Terminal Island, California 90731; Lake Union Building, 1700 Westlake Avenue North, Seattle, Washington 98109; and P.O. Box 1668, Juneau, Alaska 99801.

Categories of individuals covered by the system: Applicants for permits to engage in activities involving threatened species which are otherwise prohibited by protective regulations. Protective regulations for threatened species may allow exceptions by permit to prohibited acts.

Categories of records in the system: Name and address; profession or business affiliation; educational and professional background; other qualifications; and the activities conducted by the individual(s) as authorized by permit.

Authority for maintenance of the system: The Endangered Species Act of 1973 (16 U.S.C. 1531-1543).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement. Information from the application is published in the Federal Register and made available to the public to comply with the statutes under which the application is made.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy in file books.

Retrievability: Filed by file number and cross-referenced alphabetically by applicant names.

Safeguards: Records are located in cabinets with full public access upon request.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Chief, Marine Mammals and Endangered Species Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Washington, D.C. 20235.

Notification procedure: Imformation may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name and address pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual applicants, public comments on an application, reviews of an application by National Marine Fisheries Service Offices, reports from Federal agents and observers on activities conducted under permit authority, and those authorized by the individual applicant to furnish information.

COMMERCE/NOAA-6.

System name: Commissioned Officers Official Travel Orders Folders—COMMERCE/NOAA-6.

System location: Office of the Director, NOAA Corps, National Oceanic and Atmospheric Administration, Rockville, Maryland 20852.

Categories of individuals covered by the system: Commissioned officers of the NOAA Corps (active, retired, and deceased) and former officers separated within previous six months.

Categories of records in the system: Name, grade, social security number, estimated travel cost, dates of transfer, assignment locations, and type of duty.

Authority for maintenance of the system: 37 U.S.C.; 33 U.S.C. 857-5, 857a, 855.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement. Also the record is sent to the organization to which officer is assigned such as branches of the U.S. Military Service, branches of foreign military services, World Weather Organization, etc., to authorize travel and travel allowances and to effect assignments and assignment changes for commissioned officers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are maintained in a locked space. Access only on the authority of the Director, NOAA Corps, or the Chief/Deputy Chief, Commissioned Personnel Division.

Retention and disposal: Retained as separate file on all active duty officers. Incorporated into the Official Personnel File of retired and deceased officers and retained. Incorporated into the Official Personnel File of separated officers and after six months transferred to the National Personnel Records Center, St. Louis, Missouri 63118.

System manager(s) and address: Director, NOAA Corps, see above address.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide full name, social security number, date of birth, and dates of service, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual's Official Personnel Record and from the approved recommendations of the Officer Assignment Board.

COMMERCE/NOAA-7.

System name: Commissioned Officer Official Personnel Folders—COMMERCE/NOAA-7.

System location: Office of the Director, NOAA Corps (NC), National Oceanic and Atmospheric Administration, Rockville, Maryland 20852.

Categories of individuals covered by the system: Commissioned Officers of the NOAA Corps (active, retired, and deceased) and former commissioned officers separated within previous six months.

Categories of records in the system: Name, social security number; selective service number; promotion history; history of assignments; performance evaluations; date of birth; education; prior employment history; prior uniformed service; pay and allowance data; relatives; references; commendations; discipline; insurance; medical evaluations; and similar personal information.

Authority for maintenance of the system: 33 U.S.C. 853a-t, 854a-a-2, 855, 856, 857, 857-1-5, 857a, 858, 864, 865, 872, 873, 874, 875, 876; 5 U.S.C. 301; 28 U.S.C. 533-535; 44 U.S.C. 3101; and, E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use para-

graphs of the Prefatory Statement. Users are Selective Service System, Veterans Administration, Federal Housing Administration, Social Security Administration, Public Health Service, Department of Defense elements, Taxing authorities (Federal, State and local), unemployment compensation authorities, and the organization to which officer is assigned such as branches of U.S. Military Service, branches of foreign military services, World Weather Organizations, etc. Selected information is disseminated to determine eligibility for retention, promotion, retirement, separation, and other personnel actions; physical fitness; entitlement to pay and various allowances; report taxes withheld; entitlement to social security benefits, veterans benefits, unemployment compensation, waivers for repayment of student loans, death benefits, survivor benefits, and FHA in-service loans; assignments; and selective service status.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are maintained in secured area. Access only on the authority of the Director, NOAA Corps or the Chief/Deputy Chief, Commissioned Personnel Division.

Retention and disposal: Records retained indefinitely on active, retired, and deceased officers; discharged officer's records are retained for approximately 6 months, then transferred to the National Personnel Records Center, St. Louis, Missouri 63118.

System manager(s) and address: Director, NOAA Corps, see above address.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name, address, social security number, and date of birth pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, official correspondence and forms generated by routine personnel actions, previous employers, prior military service, Selective Service System, Federal Housing Administration, Social Security Administration, and similar sources.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(5), all investigatory material in the record which meets the criteria of 5 U.S.C. 552a(k)(5) is exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f))of the agency regulations in order to fulfill commitments made to protect the confidentiality of sources, and to maintain access to sources of information which are necessary to determine employee's suitability for employment in the NOAA Corps.

COMMERCE/NOAA-8.

System name: Commissioned Officers Retired Payroll—COMMERCE/NOAA-8.

System location: Office of the Director, NOAA Corps, NOAA, Rockville, Md. 20852.

Categories of individuals covered by the system: Commissioned officers of the NOAA Corps who are entitled to retired pay, and the survivors of deceased active duty and retired officers who are entitled to a survivor's annuity.

Categories of records in the system: Name; social security number; amount of gross retired pay or survival annuity; amount of federal income tax withheld; amount of VA reduction; amount of survivor benefit cost deducted; miscellaneous deductions; and net retired pay or annuity.

Authority for maintenance of the system: 33 U.S.C. 853a-h; 853j-l-t; 854a-2; 856; 857-2; 857-5; 872; 873. Authorities for Payroll Records: 5 U.S.C. 301; 552; Chap. 55; 31 U.S.C. 550; 628; 31 U.S.C. 52; 15 U.S.C. 1511; 37 U.S.C. 201 (Pay for Commissioned Officers); 5 App. Reorg. Plan No. 4 of 1970.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual, flat-paper computer print-out.

Retrievability: Filed by month and year.

Safeguards: Records are maintained in a secured area. Access only by authority of the Director, NOAA Corps or the Chief, Program Planning, Liaison and Training Division.

Retention and disposal: Retained 3 years and then destroyed.

System manager(s) and address: Director, NOAA Corps, see above address.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide full name, grade, social security number and branch of service pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Information is a print-out from the computerized retired pay system maintained by the Commanding Officer, U.S. Navy Finance Center, 240 East Ninth Street, Cleveland, Ohio 44199, who maintains, under contract, the pay accounts of retired NOAA Corps officers and their annuitants.

COMMERCE/NOAA-10.

System name: Employee Production Records—COMMERCE/NOAA-10.

System location: Microfilming Unit, Technical Services Branch, National Climatic Center, NOAA, Federal Building, Asheville, N.C. 28801.

Categories of individuals covered by the system: Certain NOAA employees at the system location.

Categories of records in the system: Employee output in workload units; number of records filmed each work day by each employee.

Authority for maintenance of the system: 5 U.S.C. 301; 33 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are kept in offices locked during nonworking hours.

Retention and disposal: Records are retained until superseded by current data and then destroyed.

System manager(s) and address: Director, National Climatic Center, see above address.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name, place of employment (name and location of office, division, branch, and section), dates employed, and social security number, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Compiled from organization work sheets and from logs posted by employees.

COMMERCE/NOAA-11.

System name: Fisheries Law Enforcement Case Files—COMMERCE/NOAA-11.

System location: Law Enforcement Division, NMFS, 3300 Whitehaven Street, NW., National Oceanic and Atmospheric Ad-

ministration, U.S. Department of Commerce, Washington, D.C. 20235.

Categories of individuals covered by the system: Violators and alleged violators of the criminal and/or civil provisions of certain laws (listed in the Authority section of this notice) and the regulations issued thereunder, within the responsibility of the Secretary of Commerce.

Categories of records in the system: 1. Information compiled for the purpose of identifying individual criminal and/or civil offenders and alleged offenders and consisting of identifying data and notations of arrests, the nature and disposition of criminal or civil charges, sentencing, confinement, release, parole and probation status, and fines and penalties assessed;

2. Information compiled for the purpose of a criminal or civil investigation, including reports of informants and investigators, and associated with an identifiable individual;

3. Reports identifiable to an individual compiled at any stage of the process of enforcement of the criminal and civil laws from arrest or indictment through release from supervision, and the imposition of civil sanctions through administrative and/or judicial process; and

4. Investigatory material compiled for law enforcement purposes other than the material covered above.

Authority for maintenance of the system: Reorganization Plan No. 4 of 1970; 5 U.S.C. 301; 28 U.S.C. 533-535; 44 U.S.C. 3101; E.O. 10450; Certain sections of Titles 15, 16, 18, and 22 of the United States Code; and, relevant treaty, international convention, and/or agreements of which there are approximately 20. (Example: International Convention for the Regulation of Whaling (TIAS 1849) cf. 16 U.S.C. 916).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in Prefatory Statement. Also, information is given to the Marine Mammal Commission for their use in making recommendations on the issuance of permits and the award of grants under the Marine Mammal Protection Act of 1972.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by individual's name and is also given an identifying case number at its initiation.

Safeguards: Employees are informed of the Departmental rule of conduct regarding unauthorized disclosure of information contained in official records. All Special Agents receive a security clearance, granted by the Department of Commerce, after an investigation. The files of the Law Enforcement Division which relate to information concerning an identifiable individual are maintained in locked, metal file cabinets.

Retention and disposal: All records of this Division are subject to the retention and disposal procedures set forth in NOAA Directives Manual 62-10, et seq.

System manager(s) and address: Chief, Law Enforcement Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 3300 Whitehaven Street, NW., Page Building 2, Suite 426, Washington, D.C. 20235.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name, address, and case number pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information; NMFS investigators; Federal and state law enforcement personnel; foreign governments; special interest organizations, members of the general public, and all information sources that are open to the public-at-large.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(j)(2), all information about an individual in the record which meets the criteria stated in 5 U.S.C. 552a(j)(2) are exempted from the notice, access and contest requirements of the agency regulations and from all parts of 5 U.S.C. 552a except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i), and pursuant to 5 U.S.C. 552a(k)(2), on condition that the 5 U.S.C. 552a(j)(2) exemption is held to be invalid, all investigatory material in the record which meet the criteria stated in 5 U.S.C. 552a(k)(2) are exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the agency regulations because of the necessity to exempt this information and material in order to accomplish this law enforcement function of the agency, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of sources, to maintain access to sources of information, and to avoid endangering these sources and law enforcement personnel. In addition, pursuant to 5 U.S.C 552a(k)(1), all materials qualifying for this exemption are exempt from 5 U.S.C 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f) in order to prevent disclosure of classified information as required by Executive Order 11652 in the interest of the national defense and foreign policy.

COMMERCE/NOAA-12.

System name: Marine Recreational Fishermen's Catch Statistics—COMMERCE/NOAA-12.

System location: Statistics & Market News Division, NMFS, NOAA, U.S. Department of Commerce, 3300 Whitehaven Street, NW., Washington, D.C. 20235.

Categories of individuals covered by the system: Marine recreational fishermen.

Categories of records in the system: Marine recreational fishermen catches by species, length, weight, area of capture, disposition of catch, and expenses and other trip records.

Authority for maintenance of the system: Fish and Wildlife Act as amended (16 U.S.C. 742 et seq.).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy, punch cards, mag-tape, and disc files.

Retrievability: Filed alphabetically by name.

Safeguards: Personnel indoctrination and screening; secured offices; and entrance into the computer system to obtain individual records would require detailed knowledge of in-house ADP procedures by a skilled computer programer.

Retention and disposal: Records are permanently maintained.

System manager(s) and address: Chief, Statistics and Market News Division (F23), see above address.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, NOAA, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Individual recreational fishermen.

COMMERCE/NOAA-13.

System name: Guest Workers at National Geophysical and Solar-Terrestrial Data Center—COMMERCE/NOAA-13.

System location: National Geophysical and Solar-Terrestrial Data Center, EDS/NOAA, RB3, Room A123, Boulder, Colorado 80302.

Categories of individuals covered by the system: People that are visiting NGSDC as Guest Workers to use the data files.

Categories of records in the system: Name; address; length of visit; type of work they are doing; and education.

Authority for maintenance of the system: 5 U.S.C. 301 and 44 U.S.C. 3301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in metal file cabinets which are locked after hours. Access is limited to those whose official duties require access.

Retention and disposal: Records are retained for 3 years.

System manager(s) and address: Administrative Officer, NGSDC, see above address.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, NOAA, 6010 Executive Blvd., Rockville, Maryland 20852. Requester should provide name pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information.

COMMERCE/NOAA-14.

System name: Individuals Engaged in Weather Modification Activities—COMMERCE/NOAA-14.

System location: EM5 Office of Weather Modification, NOAA, U.S. Department of Commerce, 6010 Executive Blvd., Rockville, Md. 20852.

Categories of individuals covered by the system: Individuals and associations involved in weather modification operations.

Categories of records in the system: Individual's name and address; type of weather modification activity; location and duration of project; and equipment used.

Authority for maintenance of the system: P.L. 92-205; 15 CFR Part 908.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement. Also information is made available to anyone who so requests.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folder.

Retrievability: Filed sequentially by chronology.

Safeguards: Records are located in cabinets with full public access upon request.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Office of the Director, Office of Weather Modification, see above address.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide--name, address, date(s) of project etc., pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual or association involved and those authorized by the foregoing to furnish information.

COMMERCE/NOAA-16.

System name: Scientist-Researchers in GATE (Global Atmospheric Research Program Atlantic Tropical Experiment)—COMMERCE/NOAA-16.

System location: NOAA, EM6 Office of World Weather Programs, 6010 Executive Blvd., Rockville, Maryland 20852.

Categories of individuals covered by the system: Research meteorologists and ocean scientists participating in the Global Atmospheric Research Program Atlantic Tropical Experiment (GATE).

Categories of records in the system: Names of individual scientists; their research institutions and research programs; and their addresses.

Authority for maintenance of the system: Ministerial requirement necessitated by NOAA's appointment, as lead agency for the U.S. participation in "GATE"; Presidential memorandum dated July 5, 1968 to DOC; 5 U.S.C. 301; and 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement. Data is also used to summarize and evaluate the U.S. GATE Research Program for the World Meteorological Organization incorporation into the International summary.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Indexed by name of principal scientist.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secure premises with access limited to those whose official duties require access.

Retention and disposal: Records maintained indefinitely.

System manager(s) and address: Director, GATE Project Office, see above address.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, NOAA, 6010 Executive Blvd., Rockville, Maryland 20852. Requester should provide--name and address etc., pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and those authorized by the individual to furnish information.

COMMERCE/NOAA-17.

System name: NOAA Diving Program File—COMMERCE/NOAA-17.

System location: Office of NOAA Diving Coordinator, 11400 Rockville Pike, Rockville, Maryland 20852.

Categories of individuals covered by the system: NOAA employees who are NOAA Certified Divers.

Categories of records in the system: Diving physical examinations, verification of completed scuba instruction, NOAA scuba diving written examination, diver resume, diver evaluations, letters of certification and/or appointment, monthly diving logs, individual correspondence.

Authority for maintenance of the system: 5 U.S.C. 301; 44 U.S.C. 3101; 16 U.S.C. 1432; 33 U.S.C. 1441, 1442.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs numbered 1 through 6, 8 through 10, and 12 of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual and machine readable.

Retrievability: Alphabetically by surname.

Safeguards: Records are located in locked metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Five years after termination of diver.

System manager(s) and address: NOAA Diving Coordinator, 11400 Rockville Pike, Rockville, Maryland 20852.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville Maryland 20852. Requestor should provide name and address pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, the Unit Diving Officer, training officers and NOAA Diving Medical Review Board.

COMMERCE/NOAA-18.

System name: NOAA Mailing Lists—COMMERCE/NOAA-18.

System location: Mailing lists are maintained at numerous NOAA installations throughout the United States. Addresses of major installations where there are mailing lists are:

Office of Publications
Main Commerce Building
14th Street and Constitution Avenue, N.W.
Washington, D.C. 20230
Headquarters:
Assistant Administrator for Administration
6010 Executive Boulevard
Rockville, Maryland 20852
Chief, Finance Division
North Bethesda Office Center
11420 Rockville Pike
Rockville, Maryland 20852
National Marine Fisheries Service:
Director, National Marine Fisheries Service
3300 Whitehaven Street, N.W.
Washington, D.C. 20235
Director, Northwest Region
National Marine Fisheries Service, NOAA
1700 Westlake Avenue North
Seattle, Washington, 98109
Director, Southeast Region
National Marine Fisheries Service, NOAA
9450 Gandy Boulevard North
Duval Building
St. Petersburg, Florida 33702
Director, Northeast Region
National Marine Fisheries Service, NOAA
14 Elm Street
Federal Building
Gloucester, Massachusetts 01930
Director, Southwest Region
National Marine Fisheries Service, NOAA
300 South Ferry Street
Terminal Island, California 90731
Director, Alaska Region
National Marine Fisheries Service, NOAA
P.O. Box 1668
Juneau, Alaska 99802
Chief, Statistics and Market News Division
National Marine Fisheries Service, NOAA
3300 Whitehaven Street, N.W.
Washington, D.C. 20235
Scientific Publications
National Marine Fisheries Service, NOAA
1107 Northeast 45th Street
Seattle, Washington 98105
Director, Northeast Fisheries Service, NOAA
Woods Hole, Massachusetts 02543
Director, Southwest Fisheries Service, NOAA
P.O. Box 271
Lajolla, California 92038
Director, Southeast Utilization Research Center, NOAA
Regents Drive
College Park, Maryland 20740
Director, Southeast Fisheries Center, NOAA
75 Virginia Beach Drive
Miami, Florida 33149
Director, Atlantic Estuarine Fisheries Center, NOAA
P.O. Box 570
Beaufort, North Carolina 28516
National Ocean Survey:
Director, National Ocean Survey
6001 Executive Boulevard
Rockville, Maryland 20852
Chief, Distribution Division, NOAA
Riverdale Building
6501 Lafayette Avenue
Riverdale, Maryland 20840
Environmental Data Service:
Director, Environmental Data Service
3300 Whitehaven Street, N.W.
Washington, D.C. 20235
Director, National Climatic Center
Environmental Data Service, NOAA
Federal Building
Ashville, North Carolina 28801
Director, National Geophysical and Solar Terrestrial Center
Research Building 3, NOAA
3100 Marine Street
Boulder, Colorado 80302

A roster of each mailing list covered by the Privacy Act and its specific location is maintained by the system manager, address below.

Categories of individuals covered by the system: Recipients of NOAA publications and/or other publicly available programmatic information.

Categories of records in the system: All of the lists contain names and addresses. Some of the lists contain telephone numbers, subscription information, addressee's product and its country of origin.

Authority for maintenance of the system: 5 U.S.C. 301; 15 U.S.C. 1512.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs numbered 1 through 6, 8 through 10, and 12 in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual and machine readable.

Retrievability: Alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records are retained indefinitely; however, individuals are advised of the existence of the mailing list annually and at their request, names will be deleted or addresses corrected.

System manager(s) and address: Assistant Administrator for Administration, 6010 Executive Boulevard, Rockville, Maryland 20852.

Notification procedure: Information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852. Requester should provide name and address pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual.

COMMERCE/NTIS-1.

System name: Individuals Interested in NTIS Publications, Shipped Order Addresses, Customer Account Records, and Subscriber Files—COMMERCE/NTIS-1.

System location: Automated Data Processing Division & Document Distribution and Reproduction Division, Rooms 1312 and 2027, Sills Building, NTIS, Springfield, Va. 22161.

Categories of individuals covered by the system: All individuals who order and/or purchase products and services from NTIS and all individuals who have requested that they be placed on the NTIS promotional mailing list.

Categories of records in the system: Name; address; items ordered; items sent; amount of purchases, date order received; date order mailed; NTIS deposit account or customer code number; total charge to date; whether account collectible or not; categories of publications ordered by each purchaser; when subscription expires; amount on deposit.

Authority for maintenance of the system: 15 U.S.C. 1151-57; 41 U.S.C. 104, 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records maintained in the system are disclosed to NTIS sales agents; and to individuals, organizations, Federal agencies, and State and local governments contributing publications to NTIS for their market research and sales accounting purposes, through the mechanism of providing them the names and addresses of individuals (and others) who have purchased their publications. Also see general routine uses 01 through 6, 08 through 10, and 012 of Prefatory Statement noticed in the Federal Register on October 2, 1975, (40 FR 45635), and amended on Nov.7, 1975 (40 FR 52074) and August 17, 1976 (41 FR 34805).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders, film files, magnetic tape and disc files.

Retrievability: Filed alphabetically by name.

Safeguards: Records are located in lockable metal file cabinets or in metal tape vaults in secured rooms or premises with access limited to those whose official duties require access.

Retention and disposal: Records are updated regularly and maintained indefinitely.

System manager(s) and address: Chief, Automated Data Processing Division, NTIS, Room 2030, Sills Building, Springfield, Va. 22161.

Notification procedure: Information may be obtained from: Assistant Director, Administration, NTIS, Sills Building, Springfield, Virginia 22161. Requester should provide name and address in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals and NTIS transaction files.

COMMERCE/NTIS-2.

System name: Employee Daily Time and Productivity Records—COMMERCE/NTIS-2.

System location: Accounting Control Division, NTIS, Room 1303, Sills Building, Springfield, Virginia 22161.

Categories of individuals covered by the system: Current and former NTIS employees.

Categories of records in the system: Name; social security number; organization unit; duty hours and work units processed by day and accounting project; time in duty status; time on leave; work volumes completed by individuals and by work unit and comparative data on current production compared with earlier periods.

Authority for maintenance of the system: 15 U.S.C. 1151-57, 1525-27; 31 U.S.C. 66a; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See general routine use paragraphs numbered 1 through 6, 8 through 10, and 12 of Prefatory Statement noticed in the Federal Register on October 2, 1975 (40 FR 45635), and amended on November 7, 1975 (40 FR 52074) and August 17, 1976 (41 FR 34805).

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper Records.

Retrievability: By name and/or employee social security number.

Safeguards: Records are located in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access. During non-business hours the file cabinets are locked.

Retention and disposal: Retained until after GAO audit, or not longer than 3 years. Transferred to GSA for disposal.

System manager(s) and address: Chief, Accounting Control Division, NTIS, Room 1303, Sills Building, Springfield, Virginia 22161.

Notification procedure: Information may be obtained from Assistant Director, Administration, NTIS, Room 1006, Sills Building, Springfield, Virginia 22161. Requester should provide name, social security number and time of employment pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals; NTIS timekeepers, supervisors and managers.

COMMERCE/PAT-TM-1.

System name: Attorneys and Agents Registered to Practice Before the Office—COMMERCE/PAT-TM-1.

System location: Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202, and Office of Computer Services, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

Categories of individuals covered by the system: Attorneys and agents who are registered to practice before the Patent and Trademark Office in patent cases, and applicants for such registration to practice.

Categories of records in the system: Biographical information, personal and professional qualifications, character and fitness reports, undertakings of former examiners, current address, and status information.

Authority for maintenance of the system: 35 U.S.C. 1, 6, and 31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Prefatory Statement paragraphs on Routine Uses. Also, a public roster of the registered individuals is published periodically, and limited information is disseminated by Committee on Enrollment staff in response to inquiries from members of the public (e.g., potential clients), state bars, and courts.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and magnetic tape.

Retrievability: Filed alphabetically by name or registration number.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Chairman, Committee on Enrollment, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name, address, and date of application, if known, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b.

Record source categories: Subject individual, references, and those authorized by the individual to furnish information.

COMMERCE/PAT-TM-2.

System name: Complaints, Investigations and Disciplinary Proceedings Relating to Registered Patent Attorneys and Agents—COMMERCE/PAT-TM-2.

System location: Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

Categories of individuals covered by the system: Attorneys and agents registered to practice before the Patent and Trademark Office in patent cases, and disbarred or suspended attorneys and agents.

Categories of records in the system: Complaints and information obtained during investigations and quasi-judicial disciplinary proceedings.

Authority for maintenance of the system: 35 U.S.C. 1, 6, and 32.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement. Also, dissemination of information concerning the complaint, investigations, or disciplinary proceeding, by the Solicitor's staff, to the complainant and, upon inquiry, to State bars and courts.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Solicitor, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and identification data pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals, clients of same, registered attorneys and agents, witnesses in disciplinary proceedings, court opinions, and those authorized by the individual to furnish information.

COMMERCE/PAT-TM-3.

System name: Employee Production Records—COMMERCE/PAT-TM-3.

System location: Office of Program Planning and Evaluation, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

Categories of individuals covered by the system: Employees of the Patent and Trademark Office.

Categories of records in the system: Employee name and number, position and grade level, time in duty status, time on leave, duty hours distributed by task, receipt date of oldest item in processing queue, beginning and ending balances of work in process, work volumes compiled by organization and in some organizations by individuals, and comparative data on current production compared with earlier periods.

Authority for maintenance of the system: 5 U.S.C. 301 and 35 U.S.C. 6.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders, and microfilm.

Retrievability: Filed by organization; cross referenced for access by name.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Supervisory Information Systems Analyst, Office of Program Planning and Evaluation, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and number, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, those authorized by the individual to furnish information, and the individual's supervisors.

COMMERCE/PAT-TM-4.

System name: Government Employee Invention Rights—COMMERCE/PAT-TM-4.

System location: Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

Categories of individuals covered by the system: Government employees who are inventors or nongovernment employees who are joint inventors together with a government employee inventor.

Categories of records in the system: Invention rights questionnaires including information as to the inventor's employment status and his official duties and responsibilities at the time the invention was made, title determinations, appeals to the Commissioner, and petitions for reconsideration.

Authority for maintenance of the system: 35 U.S.C. 1 and 6, and E.O. 10096, dated January 23, 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See paragraphs on routine uses in the Prefatory Statement to these notices. Also, information is transferred to various Government departments and agencies in connection with determinations made as to respective property rights (or the methods of protection thereof) of Government employees and such departments and agencies in and to inventions made by such employees.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name and case number.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Head, Office of Government Employee Inventions, Office of the Solicitor, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 21230. Requester should provide name (and case number, if known) pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual and their employees, and those authorized by the individual to furnish information.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(1), Government Employee Invention Rights records which relate to applications or inventions subject to a secrecy order pursuant to 35 U.S.C. 181 or are otherwise subject to security classification pursuant to E.O. 11652 or the Atomic Energy Act of 1954, are exempted from the notification, access, and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is made to prevent disclosure of information which might be detrimental to national security and in accordance to agency rules, which are published in the Rules Section of this Federal Register.

COMMERCE/PAT-TM-5.

System name: Non-Registered Persons Rendering Assistance to Patent Applicants—COMMERCE/PAT-TM-5.

System location: Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

Categories of individuals covered by the system: Persons other than registered attorneys or agents who have offered or rendered,

for payment, various services to inventors, patent applicants and patentees.

Categories of records in the system: Declarations of assistance received and other reports or complaints, including names and addresses, of persons rendering services, and information given and used for investigatory and law enforcement purposes.

Authority for maintenance of the system: 35 U.S.C. 1, 6, and 33; 5 U.S.C. 301; 28 U.S.C. 533-535; 44 U.S.C. 3101; and E.O. 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Providing notice to patent applicants, by Solicitor's staff, regarding whether or not the persons from whom assistance was received are registered to practice before the Office. Used by Solicitor's Staff for investigative purposes. Also, see paragraphs on routine uses in Prefatory statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed alphabetically by name.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Solicitor, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requesters should provide name and address, and name of patent applicants, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Patent applicants who have received and paid for services by the individuals on whom the records are maintained.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(2), all investigatory materials in the record which meet the criteria in 5 U.S.C. 552a(k)(2) are exempted from the notice, access, and contest requirements (under 5 U.S.C. 552a(c)(3), (d), (e), (1), (e)(4)(G), (H), and (I), and (f)), of the agency regulations because of the necessity to exempt this information and material in order to accomplish the law enforcement function of the agency, to prevent subjects of investigations from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of sources, to maintain access to sources of information, and to avoid endangering these sources and law enforcement personnel.

COMMERCE/PAT-TM-6.

System name: Parties Involved in Patent Interference Proceedings—COMMERCE/PAT-TM-6.

System location: Board of Patent Interferences, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

Categories of individuals covered by the system: Applicants for patent and patentees who become involved in a conflict involving the question of priority of invention.

Categories of records in the system: All records relating to the declaration, conduct, and termination of interference proceedings, including, but not limited to: preliminary statements, motions, testimony, and settlement agreements. The data contained in the records may include information relating to the applicant's or patentee's name, age, citizenship, residence, educational and work background, physical and mental health, activities relating to conception and reduction to practice of the contested subject matter, and other matters which may arise during the conduct of the interference proceeding or in connection with any agreements made by the parties relative to the interference proceeding.

Authority for maintenance of the system: 35 U.S.C. 1, 6, 23, 24, and 135.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Prior to termination of the interference proceedings, and thereafter until a patent has issued (except in cases involving a patent), information concerning these records is provided outside the Office only upon authorization of the applicants or owners of the applications involved or when necessary to carry out the provisions of any Act of Congress or in such special circumstances as may be determined by the Commissioner. Subsequent to such termination in cases involving a patent or after issuance of a patent, the records are open to public inspection. Settlement agreements are made available to the Federal Trade Commission, the Department of Justice, and other Government agencies on written request and a showing of good cause. Also see routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed by Interference Number, cross-indexed to the names of the parties.

Safeguards: Records are located in lockable metal file cabinets or in metal file cabinets in secured rooms or secured premises with access limited to those whose official duties require access.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Chairman, Board of Patent Interferences, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requesters should provide name and address, and Interference Number, if known, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Applicants for patent and patentees, the patent attorneys or agents authorized by such persons to represent them, those authorized by the applicant to furnish information, and witnesses and other parties involved in the taking of testimony.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(i), Patent Interference Proceedings records which relate to applications subject to a secrecy order pursuant to 35 U.S.C. 181 or are otherwise subject to security classification pursuant to E.O. 11652 or the Atomic Energy Act of 1954, are exempted from the notification, access, and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is made to prevent disclosure of information which might be detrimental to national security and in accordance to agency rules, which appear in 15 CFR Part 4b.

COMMERCE/PAT-TM-7.

System name: Patent Application Files—COMMERCE/PAT-TM-7 (Note: This notice is broken down, where indicated, into three subsystems relating to the status of the files: a. Pending; b. Abandoned; and c. Patented.)

System location: a. U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; b. Abandoned Files Unit, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; c. Record Branch, Patent Search Division, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202, and Office of Organization and Management Systems, ADP Operations Division, U.S. Department of Commerce, Washington, D.C. 20230.

Categories of individuals covered by the system: Applicants for patent, including inventors, legal representatives for deceased or incapacitated inventors, and other persons authorized by law to make applications for patent.

Categories of records in the system: Oath or declaration of applicant including name, citizenship, residence, post office address and other information pertaining to the applicant's activities in connection with the invention for which a patent is sought. Statements containing various kinds of information with respect to inventors

who are deceased or incapacitated, or who are unavailable or unwilling to make application for patent.

Authority for maintenance of the system: 35 U.S.C. 1, 6, and 115; 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: a. Information concerning these records is provided outside the Office only upon authorization of the applicant or owner of the application or when necessary to carry out the provisions of any act of Congress or in such special circumstances as may be determined by the Commissioner, e.g., secrecy order files under 35 U.S.C. 181. b. Same as a., except where application is referred to in a U.S. Patent, in which case the record is open to public inspection. c. Records are open to public inspection.

All three subsystems are also subject to the routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and magnetic tape and disc for subsystem c.

Retrievability: Subsystems a. and b. filed by serial number; Subsystem c. filed by Patent Number.

Safeguards: Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained. Records on magnetic tape are located in premises secured by combination and key lock.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: a. Assistant Commissioner for Patents, U.S. Patent and Trademark Office, Washington, D.C. 20231; b. Director, Office of General Services, U.S. Patent and Trademark Office, Washington, D.C. 20231; c. Director, Office of Patent and Trademark Services, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and Serial Number or Patent Number, if known, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: The inventors or other persons who submit applications for patent and the patent attorneys or agents authorized by such inventor or other persons to represent them.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(1), Patent Applications, to the extent that they are subject to a secrecy order pursuant to 35 U.S.C. section 181 or are otherwise subject to security classification pursuant to E.O. 11652 or the Atomic Energy Act of 1954 are exempted from the notification, access and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). procedures. This exemption is made to prevent disclosure of information which might be detrimental to national security and in accordance to agency rules published in the Rules Section of this Federal Register.

COMMERCE/PAT-TM-8.

System name: Patent Application Secrecy Order Files—COMMERCE/PAT-TM-8.

System location: Patent Examining Operation, Group 220, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

Categories of individuals covered by the system: Applicants including inventors, legal representatives for deceased or incapacitated inventors, and other persons authorized by law to make applications for patent.

Categories of records in the system: Identification of patent application and applicant including application serial number, filing date, title of invention, applicant's or inventor's address and addresses of applicant's duly appointed representatives.

Authority for maintenance of the system: 35 U.S.C., 1, 6, and 181 through 183.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to authorized Government agencies under 35 U.S.C., section 181 for determination of the requirement for a secrecy order, and notification of the applicant or his duly appointed representative of such secrecy order. Also see routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed by serial number of applicant, cross-indexed to name of applicant.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained, plus storage in a locked vault.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Director of Patent Examining Group 220, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and social security or Patent Number, if known, pursuant to the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject applicants or their representatives and authorized representatives of the Energy Research and Development Administration, the Secretary of Defense, and the Chief Officer of any other department or agency of the Government designated by the President as a defense agency of the United States.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(1), these records, since they relate to determinations pertinent to secrecy orders pursuant to 35 U.S.C. section 181 or to security classification pursuant to E.O. 11652 or the Atomic Energy Act of 1954 are exempted from the notification access and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is made to prevent disclosure of information which might be detrimental to national security and in accordance to agency rules published in the Rules Section of this Federal Register.

COMMERCE/PAT-TM-9.

System name: Patent Assignment Records—COMMERCE/PAT-TM-9.

System location: Office of Patent and Trademark Services, Assignment Division, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202 and Patent Examining Operation, Group 220, U.S. Patent and Trademark Office, same address.

Categories of individuals covered by the system: Persons who have given or received property rights under an application for patent or a patent by means of a written instrument recorded in the Patent and Trademark Office. Deceased or incapacitated inventors and their legal representatives.

Categories of records in the system: Assignments, grants, mortgages, liens, encumbrances, licenses, and other instruments affecting title. Letters testamentary and other court certificates and orders.

Authority for maintenance of the system: 35 U.S.C. 1, 6, and 261, and E.O. 9424.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See the routine use paragraphs of the Prefatory Statement. Also, records are searched by all users for the purpose of determining ownership or other property rights with respect to patents and patent applications. Providing certified abstracts of title and copies of instruments. On the separate Government Register, those records categorized as "Public" are available for public inspections; those records

categorized as "Departmental" are used by duly authorized employees of Government agencies only; and those records designated as "secret" are disclosed only to persons having written authority from the head of the agency submitting the record. With the exception of assignment records relating to pending or abandoned patent applications, all non-Government Register records are open to public inspection. Information concerning assignment records relating to pending or abandoned patent applications is maintained in confidence in accordance with 5 U.S.C. 122 but is provided outside the Office only upon authorization of the applicants or owners of the applications involved or when necessary to carry out the provisions of any Act of Congress or in such special circumstances as may be determined by the Commissioner.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper files, microfilm reels, and index card files.

Retrievability: Filed by name, application serial number, patent number.

Safeguards: Building employs security guards. Records subject to confidence requirements are maintained in areas accessible only to authorized personnel who are properly screened, cleared and trained. Records in the Secret Portion of the Government Register are, additionally, stored in a locked vault.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Recording Officer, Assignment Division, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requesters should provide name, and Application Serial Number or Patent Number if known, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Persons who have submitted written instruments to the Patent and Trademark Office for recording.

Systems exempted from certain provisions of the act: Pursuant to 5 U.S.C. 552a(k)(i), assignment records which are designated "Secret" and maintained in the Government Register pursuant to E.O. 9424 are exempted from the notification, access, and contest requirements of the agency procedures (under 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)). This exemption is made to prevent disclosure of information which might be detrimental to national security and in accordance to agency rules which appear in 15 CFR Part 4b.

COMMERCE/PAT-TM-10.

System name: Patent Deposit Accounts System—COMMERCE/PAT-TM-10.

System location: Receipts Control Division, Office of Finance, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202; and Office of Computer Services, same address.

Categories of individuals covered by the system: Registered patent attorneys and agents and other members of the public who maintain deposit accounts to pay the cost of services rendered by the Patent and Trademark Office.

Categories of records in the system: Name, address, account number, and financial transactions with the Office.

Authority for maintenance of the system: 35 U.S.C. 1, 6, and 41.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Microfilm, magnetic tape.

Retrievability: Filed by name, account number.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Director, Office, of Finance, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requesters should provide name and account number in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals and those authorized by the individual to furnish information.

COMMERCE/PAT-TM-11.

System name: Patent Examiner Testimony Files—COMMERCE/PAT-TM-11.

System location: Office of the Solicitor, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

Categories of individuals covered by the system: Employees and former employees who have testified in person or through deposition in court actions in regard to duties performed while employed by the Patent and Trademark Office, or who have been interviewed to determine whether such testimony will be taken.

Categories of records in the system: Name, address, employment status, education, work experience, and other matters which might be raised in the course of a deposition or other testimony.

Authority for maintenance of the system: 35 U.S.C. 1 and 6; 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs of the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy.

Retrievability: Filed alphabetically by name.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Solicitor, U.S. Patent and Trademark Office, Washington D.C. 20231

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and date(s) of testimony or interview, if known, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individual, the individual's coworkers, and those authorized by the individual to furnish information.

COMMERCE/PAT-TM-12.

System name: Patent Subscription Service System—COMMERCE/PAT-TM-12.

System location: U.S. Patent and Trademark Office, Office of Patent and Trademark Services, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

Categories of individuals covered by the system: Individuals subscribing to copies of patents, trademarks, designs, defensive publications, and related publications issued in certain classes or subclasses.

Categories of records in the system: Name of subscriber, Deposit Account Number, address, classes or subclasses subscribed to,

total number of subclasses subscribed to; and initial payment per year. Weekly listings of patent, trademark, design, defensive publication, and related publication numbers for each subscription order.

Authority for maintenance of the system: 35 U.S.C. 41; 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On magnetic tape and computer print out.

Retrievability: By subscriber's name and account number.

Safeguards: Maintained in areas accessible only to authorized personnel in building protected by security guards nonbusiness hours.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Director of Office of Patent and Trademark Services U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and Deposit Account Number in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification section above.

Contesting record procedures: The Department's rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals and those authorized by the individual to furnish information.

COMMERCE/PAT-TM-13.

System name: Petitioners for License to File for Foreign Patents—COMMERCE/PAT-TM-13.

System location: Patent Examining Operation, Group 220, U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Va. 22202.

Categories of individuals covered by the system: Petitioners for license to file a patent application in any foreign country.

Categories of records in the system: Petitioner's name, address, and description of subject matter, or, where a corresponding U.S. application has been filed, identification of applicant including application serial number, filing date, title to invention, applicant's address and addresses of applicant's duly appointed representatives.

Authority for maintenance of the system: 35 U.S.C. 1, 6, and 184.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See routine use paragraphs in the Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper copy.

Retrievability: By number assigned called P number and by serial number related to P number when additional matter is submitted in connection with a corresponding U.S. application, cross-indexed to petitioner's name.

Safeguards: Buildings employ security guards. Records are maintained in areas accessible only to authorized personnel who are properly screened, cleared, and trained.

Retention and disposal: Records retention and disposal is in accordance with the unit's Records Control Schedule.

System manager(s) and address: Director of Patent Examining Group 220, U.S. Patent and Trademark Office, Washington, D.C. 20231.

Notification procedure: Information may be obtained from: Assistant Commissioner for Administration, U. S. Patent and Trademark Office, Washington, D.C. 20231. Requester should provide name and serial number or P number if known, in accordance with the inquiry provisions of the Department's rules which appear in 15 CFR Part 4b.

Record access procedures: Requests from individuals should be addressed to: same address as stated in the notification above.

Contesting record procedures: The Department's rules for access, for contesting contents and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address.

Record source categories: Subject individuals or their duly appointed representatives. /*

[FR Doc.76-25837 Filed 8-30-76;4:31 pm]

federal register

MONDAY, SEPTEMBER 13, 1976



PART VIII:

DEPARTMENT OF COMMERCE

Economic Development Administration

■

LOCAL PUBLIC WORKS CAPITAL DEVELOPMENT AND INVESTMENT PROGRAM

Correction and Clarification

Title 13—Business Credit and Assistance

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 316—LOCAL PUBLIC WORKS CAPITAL DEVELOPMENT AND INVESTMENT PROGRAM

Clarifications and Corrections

Pursuant to the authority vested in it by section 107 of Title I of the Public Works Employment Act of 1976, (42 U.S.C. 6701 et seq.), the Economic Development Administration hereby amends 13 CFR Part 316 for the purpose of clarifying and correcting existing regulations.

Section 316.2 is amended by adding quotation marks to the phrase *General purpose unit of local government in the list of defined terms*. This correction makes the format of the definitions uniform.

Section 316.2 is also amended by adding a definition for the phrase "renovation, repair, or other improvements."

Section 316.4 is amended by revising subsection (b) to clarify the source and type of certification necessary for projects receiving direct grants under the Local Public Works Capital Development and Investment Program.

Sections 316.4(c) is amended to provide that the Federal share of any project for which a grant is made under this section shall be 100 percent of the cost of the project exclusive of any funds budgeted and available or otherwise specifically committed for the project by the applicant.

Section 316.5(a) is likewise amended to provide that a grant under this section shall be in such amount as may be necessary to make the Federal share of the project 100 percent exclusive of any funds budgeted and available or otherwise specifically committed for the project by the applicant.

The purpose of these two amendments is to make clear that a project for which an applicant has partial funding available is eligible under this program for 100 percent of the additional funding required. EDA believes that Congress did not intend to exclude such projects from consideration by prohibiting the Federal share from being less than 100 percent of total project costs under Section 103 or 104 where partial financing is already available and committed for a project. Rather, EDA interprets Congressional intent in these sections to be that no applicant be required to provide any matching funds but that where State or local funds are already available, such funds can and should be used in financing the project.

Section 316.10(a)(2)(i)(C) is amended to change the third factor in the project selection formula to the relationship of labor cost to total project cost and delete the cost per person-month of employment factor. This new factor is limited and necessary to help EDA maintain a reasonable balance between new construction and renovation/rehabilitation activities, both of which are provided for in the Act.

Section 316.10(a)(2)(i)(D) is amended to clarify the meaning of project area as used in the fourth factor of the project selection formula. Project area is now defined as the applicant's jurisdiction.

Section 316.10(b) is amended by adding a new paragraph (10). It authorizes the rejection of applications which contain inaccurate information. This provision is necessary to allow the agency to evaluate applications within the 60-day statutory time limit.

Section 316.10(e) is amended by changing its language to more accurately express the types of project costs which are ineligible for funding under the Program.

Section 316.10 is amended by adding a new paragraph (i) to provide that projects which have ratios of labor costs to total project costs in excess of 80 percent and less than 10 percent will be rejected and denied. This provision is necessary to facilitate the undertaking of new construction projects.

Because the material contained herein relates to a grant program administered by the Economic Development Administration, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of the proposed rulemaking opportunity for public participation and delay in effective date are inapplicable.

However, in accordance with the spirit of public policy set forth in 5 U.S.C. 553, interested persons may submit written comments or suggestions regarding these amendments to the Assistant Secretary for Economic Development, U.S. Department of Commerce, Room 7800B, Washington, D.C. 20203, within thirty days from the date of publication. All suggestions will be considered in revising or amending these regulations. Until such time as further changes are made, however, the amended regulations shall remain in effect, thus permitting the public business to proceed more expeditiously.

Consideration has been given as to whether matters set forth in these amendments constitute a major proposal with an inflationary impact within the meaning of OMB Circular No. A-107 and the interpretative guidelines issued by the Department of Commerce. It has been determined that these regulations do not constitute action requiring an inflationary impact statement.

In consideration of the foregoing, 13 CFR Part 316 is hereby amended:

§ 316.2 [Amended]

1. Section 316.2 is corrected by adding quotation marks around the phrase, General purpose unit of local government, so that the definition reads as follows:

"General purpose unit of local government" means any city, county, town, parish, Indian tribe, or any other "unit of general local government" as included within the definition of that term by Section 4201(4) of the Intergovernmental Cooperation Act of 1968. (42 U.S.C. 4201 et seq.)

2. Section 316.2 is amended by adding after the definition of "Public Works" the following new definition:

"Renovation, repair or other improvements" means only those activities which either substantially or appreciably increase the value or prolong the life of a public facility and excludes those activities which keep the public facility in ordinary efficient operating condition during its probable useful life.

§ 316.4 [Amended]

3. Section 316.4 is amended by revising paragraph (b) to read as follows:

(b) Applications under this section will be approved only if the applicant submits with its application, if applicable, and required by EDA, a written certification from the other Federal agency/agencies primarily concerned with projects of the type involved in the application that the project meets all applicable Federal statutory and regulatory requirements to the extent necessary to assure the utilization of the project for the services intended.

4. Section 316.4 is amended by revising subsection (c) to read as follows:

(c) The Federal share of any project for which a grant is made under this section shall be 100 per centum of the cost of the project exclusive of any funds budgeted and available or otherwise specifically committed for the project by the applicant.

§ 316.5 [Amended]

5. Section 316.5 is amended by revising paragraph (a) to read as follows:

(a) The Assistant Secretary may make supplemental grants for the purpose of increasing the Federal contribution to 100 percent of the project cost (exclusive of any funds budgeted and available or otherwise specifically committed for the project by the applicant) for any Federally assisted public works project authorized by any Federal law other than the Local Public Works Act if the applicant submits with its application: * * *.

§ 316.10 [Amended]

6. Section 316.10(a)(2)(i)(C) is amended and revised to read as follows:

(C) The relationship of labor cost to total project cost, defined as the ratio of total wages to total project cost. In formulating project proposals, applicants should bear in mind the intent of the Act to reduce unemployment generally, and to give due consideration to the amount of unemployment and underemployment in the construction and construction-related industries. As previously indicated, projects eligible for funding would include, but are not limited to, such local public works projects as municipal offices, courthouses, libraries, schools, police and fire stations, detention facilities, water and sewer lines, streets and roads, civic centers, museums, health, education and social service facilities, convention centers, and

the upgrading of existing facilities through renovation, repair, and other related improvements. To implement the legislative objective of assisting the construction and construction-related industries: (1) projects having labor costs greater than 35 percent of total project costs, but not more than 80 percent, will receive the maximum score for this factor; and (2) projects having labor costs ranging from 10 to 35 percent of total project costs will be ranked according to their respective percentages, with projects having 35 percent receiving the maximum score for this factor. Finally, it should be emphasized that supplemental assistance provided for under the Act will be considered as part of the total project costs; the latter is defined as funds from all sources, whether Federal, State, or local. The relationship of labor cost to total project cost will constitute 30 percent of a project's basic rank.

7. Section 316.10(a)(2)(i)(D) is revised to read as follows:

(D) The level of income prevailing in the project area (which for purposes of this factor is defined as the applicant's jurisdiction). This factor will constitute 15 percent of a project's basic rank.

8. Section 316.10(b) is amended by adding the following new paragraph (10):

(10) It contains information which in the opinion of the Assistant Secretary is accurate.

9. Section 316.10(e) is amended by substituting the words "or A/E costs" for "and other A/E costs," so that the paragraph reads as follows:

"(e) Project costs for administration, plans, specifications, estimates or other A/E costs, which have been incurred prior to the date of application, will not be funded."

10. Section 316.10 is amended by adding the following new paragraph (i):

"(i) Projects with extremely high ratios of labor costs to total project costs (greater than 80 percent) and projects with extremely low ratios of labor costs to total project costs (less than 10 percent) will be rejected and denied."

AUTHORITY: Title I, Pub. L. 94-369; (July 22, 1976); 42 U.S.C. 6701 et seq.; 90 Stat. 999; and Department of Commerce Organization Order 10-4 (September 30, 1975) as amended 40 FR 56702, as amended at 40 FR 58878 and at 41 FR 37829).

Effective date: This amendment becomes effective on September 13, 1976.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular No. A-107.

Dated: September 9, 1976.

JOHN W. EDEN,
Assistant Secretary for Economic Development.

[FR Doc.76-26940 Filed 9-10-76;11:24 am]

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