

federal register

TUESDAY, SEPTEMBER 14, 1976



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Rules Going Into Effect Today

NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

List of Public Laws

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

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
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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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Weekly Briefings at the Office of the Federal Register

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

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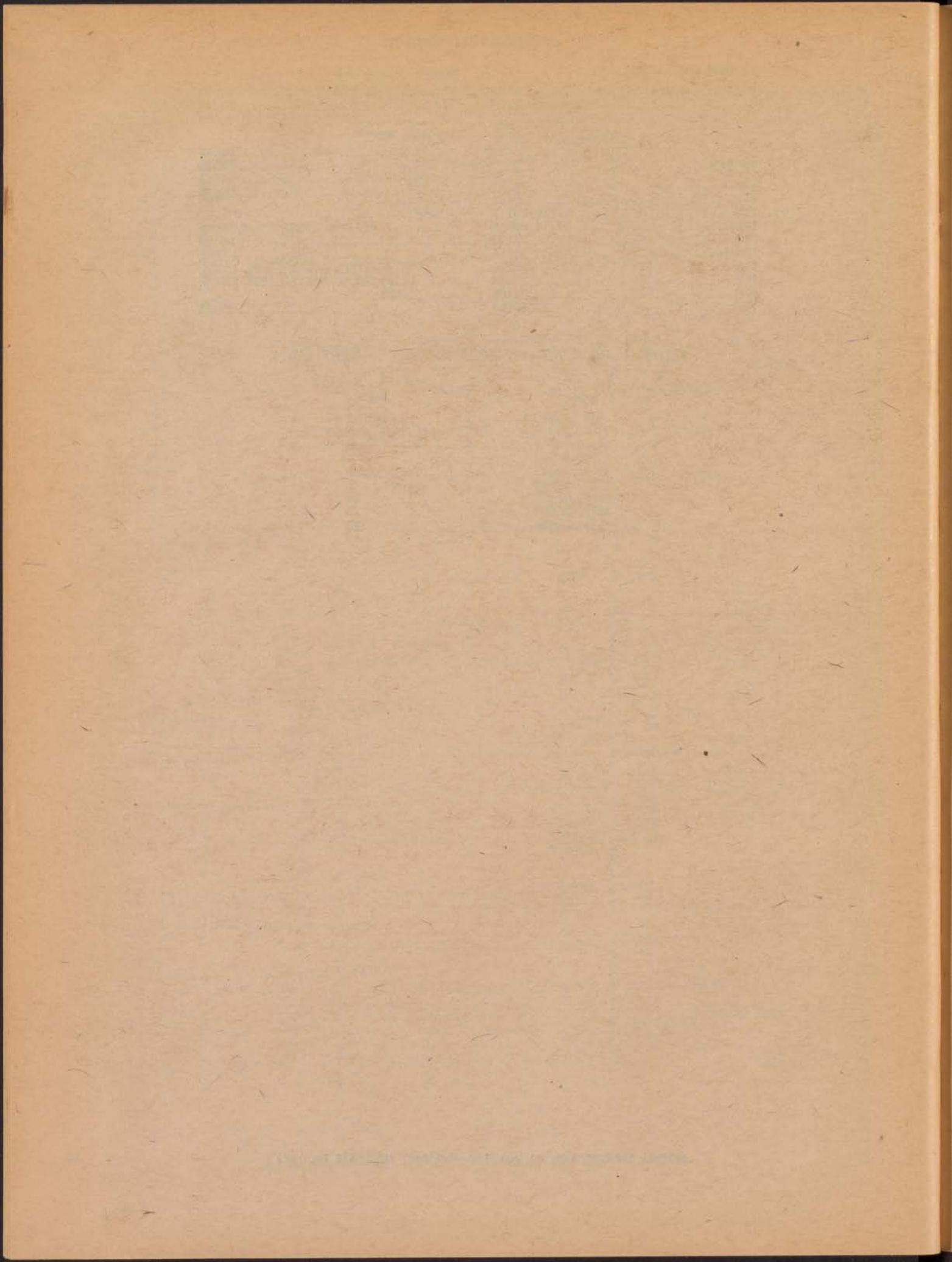
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presidential documents

Title 3—The President

CORRECTION

EDITORIAL NOTE: This proclamation, published at 41 FR 38487, September 10, 1976, is being reprinted to correct a typographical error in the third paragraph, first line.

PROCLAMATION 4458

Veterans Day, 1976

By the President of the United States of America

A Proclamation

America has entered its third century as a Nation whose citizens still are enriched by the priceless blessings of freedom.

None among us has done more to defend and preserve our freedom than the patriotic men and women who answered our country's call to service and sacrifice, and who today bear the proud title of "veteran."

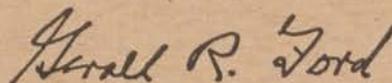
To provide an occasion for the expression in words of tribute and through appropriate ceremonies our esteem for and gratitude to these courageous, unselfish Americans, the Congress determined (5 U.S.C. 6103(a)) that one day shall be set aside each year, as a national holiday, to honor our veterans.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby request that you, my fellow Americans, participate in the observance of Monday, October 25, 1976, as Veterans Day. I deem it most appropriate that in public ceremonies as well as in private thoughts and prayers we gratefully acknowledge the magnificent contribution of our veterans to an America that today remains free and, with the help of God, at peace.

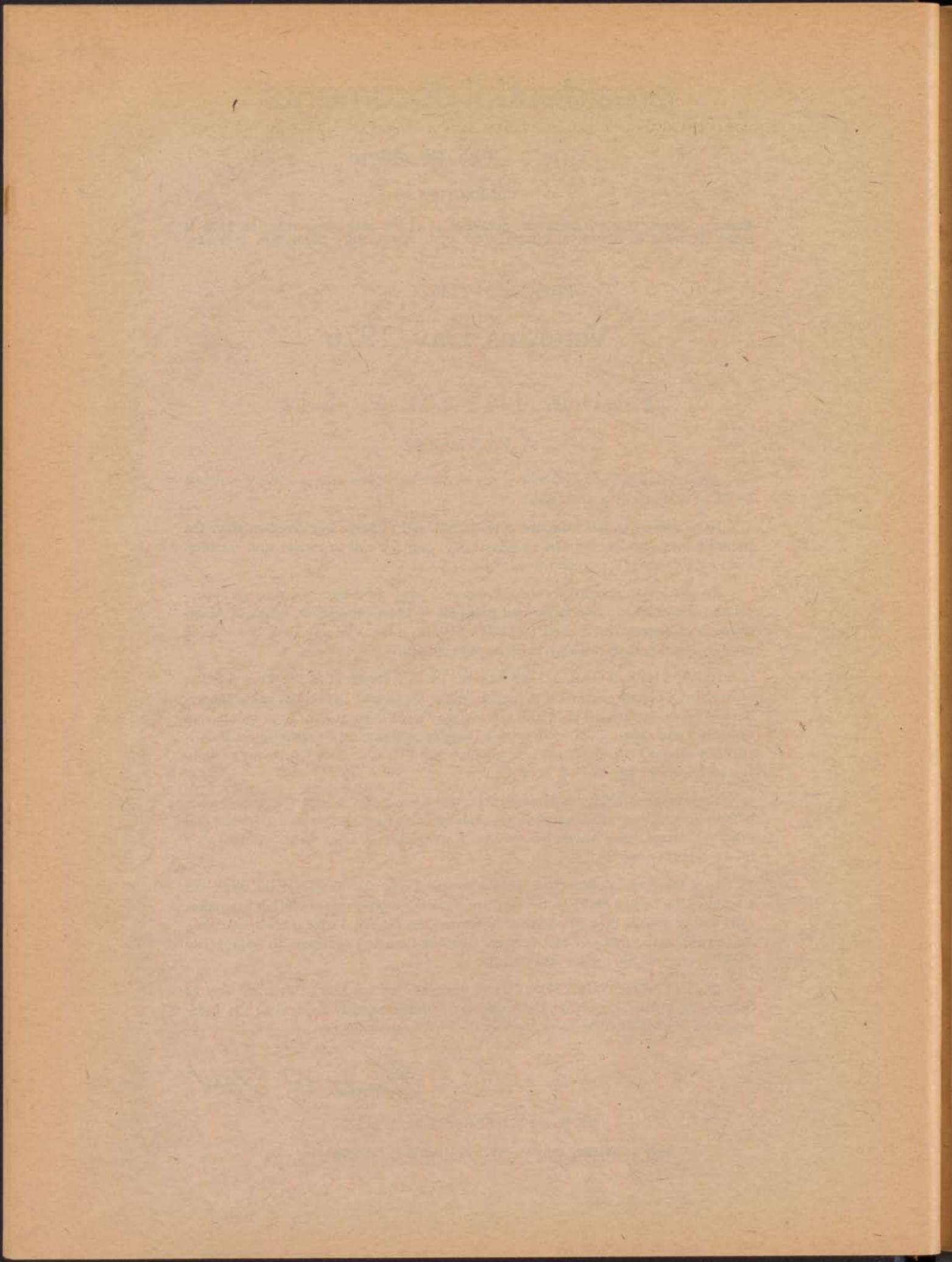
Veterans Day, 1976, can be made especially meaningful for our veterans who are patients in Veterans Administration hospitals by a visit from their relatives, friends and other Americans. Such a visit, however brief, will tell them as no words can that they have not been forgotten.

I ask that Federal, State and local government officials arrange for the display of the flag of the United States on this day, and I ask those government officials to support fully and personally the observance of Veterans Day. Finally, I urge schools, churches, unions, and civic, patriotic and veterans' organizations to participate in appropriate public ceremonies throughout the country.

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



[FR Doc.76-26772 Filed 9-9-76;11:30 am]



PROCLAMATION 4459

National Hispanic Heritage Week, 1976

By the President of the United States of America

A Proclamation

The America whose Bicentennial we celebrate this year was created and made great by the efforts of people who came to the shores of the new world in search of a future in which their opportunity would be determined by their own industry and desire to make better lives for themselves and their children. At the same time, they brought to this continent their own cultural heritage and, in so doing, contributed immeasurably to the formulation of the American spirit and character.

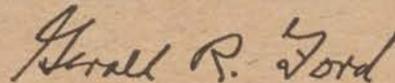
America's Hispanic heritage was strong even before we achieved our independence. Men and women of Hispanic origin fought in the Revolutionary War and in subsequent conflicts. They have enriched our culture, arts and scholarship. They have used their talents to help America build a society based on ideals of freedom and equality.

This year is also the sesquicentennial of the Inter-American System, begun 150 years ago with the Congress of Panama. America's Hispanic heritage strengthens the ties of friendship and interdependence that bind the nations of the hemisphere. In celebrating it, we celebrate our mutual commitment to peace and amity.

In recognition of the invaluable contributions to our society of men and women of Hispanic origin, the Congress, by joint resolution approved September 17, 1968 (36 U.S.C. 169f) has requested the President to issue annually a proclamation designating the week including September 15 and 16 as National Hispanic Heritage Week.

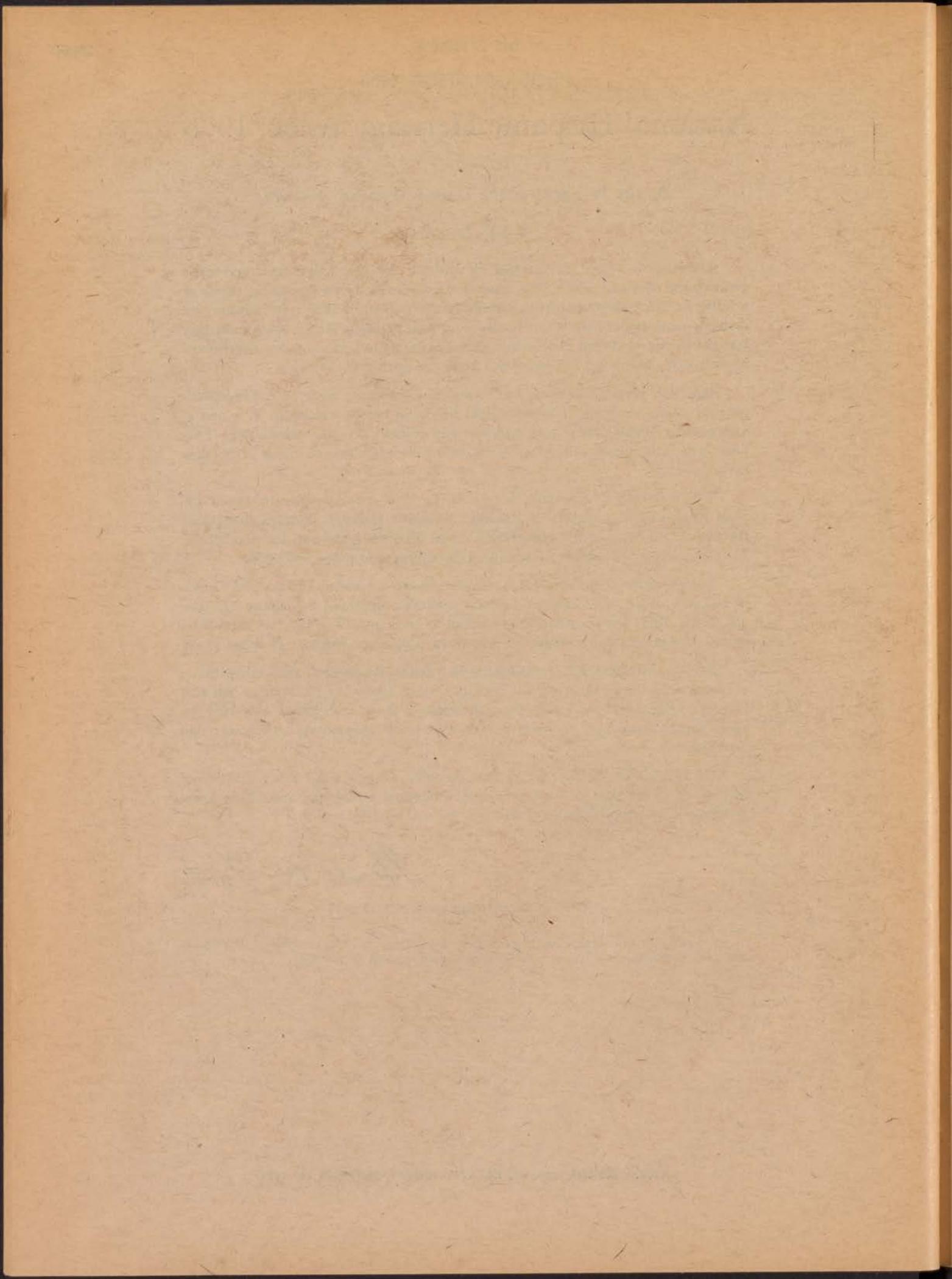
NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning September 12, 1976, as National Hispanic Heritage Week. I call upon the people of the United States, especially the educational community, to observe that week with appropriate ceremonies and activities.

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



[FR Doc. 76-27008 Filed 9-10-76; 3:15 pm]

EDITORIAL NOTE: For the President's remarks, dated Sept. 10, 1976, on signing Proclamation 4459, see the Weekly Compilation of Presidential Documents (vol. 12, p. 1326).



rules and regulations

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

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

Title 5—Administrative Personnel
CHAPTER I—CIVIL SERVICE COMMISSION
PART 213—EXCEPTED SERVICE
Federal Energy Administration

Section 213.3388 is amended to show that one position of Confidential Assistant (Secretary) to the Director, Office of Communications and Public Affairs, is excepted under Schedule C.

Effective September 14, 1976, § 213.3388(c) (4) is added as set out below:

§ 213.3388 Federal Energy Administration.

(c) Office of Communications and Public Affairs.

(4) One Confidential Assistant (Secretary) to the Director.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

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

[FR Doc.76-26753 Filed 9-13-76; 8:45 am]

PART 711—LABOR-MANAGEMENT RELATIONS

Authority Delegation: Vice Chairman or Commissioner

Section 711.103(a) is amended to include reference to §§ 205.11 and 205.12 of the Regulations of the Assistant Secretary of Labor for Labor-Management Relations appearing in Chapter II of Title 29, Code of Federal Regulations, to recognize in the Vice Chairman or the Commissioner, as appropriate, authority to decide questions of whether a grievance is subject to a negotiated grievance procedure, or subject to arbitration under an agreement as provided in section 13(d) of Executive Order 11491, as amended. Section 711.103(a) is further amended to make appropriate reference to actions and decisions of the Assistant Secretary under Chapter II of Title 29, Code of Federal Regulations.

Section 711.103(a) is amended as set forth below:

§ 711.103 Operating responsibilities.

(a) The Vice Chairman or the Commissioner, as appropriate, is responsible for taking the actions and making the decisions of the Assistant Secretary which are referred to in §§ 202.16, 202.20, 203.26, 203.27, 204.91, 204.92, 204.93, 205.11, and 205.12.

(Sec. 6(e), E.O. 11491; 3 CFR, 1969 Comp., p. 191)

Effective date: September 14, 1976.

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

[FR Doc.76-26752 Filed 9-13-76; 8:45 am]

Title 7—Agriculture

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

[Bartlett Pear Regulation 11, Amendment 2]

PART 931—HANDLING OF FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Grade, Size and Container Requirements

This amendment of Bartlett Pear Regulation 11 (§ 931.311; 41 F.R. 30094, 36795) is issued pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931). Said regulation became effective on August 1, 1976, and this amendment extends the regulation through June 30, 1977. Unless extended, the regulation would expire on September 16, 1976. The regulation specifies grade, size, and container requirements for fresh shipments of Washington-Oregon Bartlett pears.

Notice was published in the August 5, 1976, issue of the FEDERAL REGISTER (41 FR 32757) that consideration was being given to a proposal by the Northwest Fresh Bartlett Pear Marketing Committee, established under the marketing agreement and Order No. 931 (7 CFR Part 931) regulating the handling of fresh Bartlett pears grown in Oregon and Washington. This is a regulatory program effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice provided that all written data, views, or arguments in connection with the proposal be submitted not later than August 30, 1976. None were received. However, Amendment 1 to Bartlett Pear Regulation 11 (41 FR 36795) became effective August 27, 1976. This amendment, based on a recommendation submitted by the committee on August 23, 1976, lowered quality requirements applicable to fresh shipments of Bartlett pears produced in the Medford District in Oregon by permitting the handling of such pears which fail to meet the U.S.

No. 2 grade requirements on account of hail marks.

Amendment 2 to Bartlett Pear Regulation 11, as hereinafter set forth, will continue to provide that (1) Bartlett pears grade at least U.S. No. 1 and be not smaller than 165 size except such pears of the 150 size or larger must be at least U.S. No. 2 grade, (2) Red Bartlett pears grade at least U.S. No. 1 and be not smaller than 180 size except such pears of the 165 size or larger must be at least U.S. No. 2 grade, (3) pears in specified containers grade at least U.S. No. 2 and be not smaller than 2¼ inches or 2⅝ inches in diameter as specified for the particular container, (4) pears of any variety grown in the Medford District which fail to meet the requirements of U.S. No. 2 grade only because of serious, but not very serious damage caused by hail marks may be shipped if the shape of the pear is such that it will cut at least one good half, and (5) Bartlett pears be packed in specified containers.

This action reflects the Department's appraisal of the crop and the need for regulation based on current and prospective market conditions. Committee reports indicate that fresh shipments of Washington-Oregon Bartlett pears from the 1976 crop will total about 56,684 tons compared to 68,200 tons in 1975 and 49,300 tons in 1974. The regulation, as hereinafter set forth, is necessary to prevent the handling during the aforesaid period of lower quality and smaller size Bartlett pears so as to provide good quality fruit in the interest of producers and consumers consistent with the objectives of the act. Some damage was done by hailstorms in the Medford District and the regulation provides appropriate requirements applicable to pears produced in such district.

After consideration of all relevant material presented, including the proposal set forth in the aforesaid notice, the recommendations submitted on July 9 and August 23, 1976 by the Northwest Fresh Bartlett Pear Marketing Committee, established under said marketing agreement and order, and other available information, it is hereby found that regulation of Oregon-Washington Bartlett pears, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of Oregon-Washington Bartlett pears are currently in progress

and the regulation should continue to be applicable to all such shipments in order to effectuate the declared policy of the act; (2) except for less restrictive grade requirements applicable to the handling of pears produced in the Medford District in Oregon, the provisions of the amendment are identical to those specified in the notice; and (3) compliance with this amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. Section 931.311 (Bartlett Pear Regulation 11; 41 FR 30094, 36795) is amended to read as follows:

§ 931.311 Bartlett Pear Regulation 11.

(a) During the period of August 1, 1976, through June 30, 1977, no handler shall handle any lot of Bartlett pears unless such pears meet the following applicable requirements or are handled in accordance with paragraph (a) (4) or (5) of this paragraph:

(1) *Minimum grade and size.* (i) Bartlett pears of varieties other than Red Bartletts, when packed in the standard western pear box, the "L.A. lug", or their carton equivalents, in half-cartons (containers with inside dimensions of 19¼ x 11½ x 5½ inches), in master containers containing overwrapped consumer packages of pears, or in "tight-filled" containers shall be of a size not smaller than 165 size and shall grade at least U.S. No. 1: *Provided*, That Bartlett pears of such varieties may be handled in such containers if they grade at least U.S. No. 2 and are of a size not smaller than 150 size. Red Bartlett variety pears, when packed in any of the containers specified in this subdivision, shall be of a size not smaller than 180 size and shall grade at least U.S. No. 1: *Provided*, That pears of such variety may be handled in such containers if they grade at least U.S. No. 2 and are of a size not smaller than 165 size: *Provided*, That such pears of any variety grown in the Medford District which fail to meet the requirements of U.S. No. 2 grade only because of serious, but not very serious, damage caused by hail marks may be shipped if the shape of the pear is such that it will cut at least one good half;

(ii) Bartlett pears of any variety, when packed in the "western lug", shall grade at least U.S. No. 2 and be not less than 2¼ inches in diameter: *Provided*, That such pears of any variety grown in the Medford District which fail to meet the requirements of U.S. No. 2 grade only because of serious, but not very serious, damage caused by hail marks may be shipped if the shape of the pear is such that it will cut at least one good half; and

(iii) Bartlett pears of any variety, when packed in containers containing at least 14 pounds but not more than 15 pounds net weight, shall grade at least U.S. No. 2 grade and measure not less than 2½ inches in diameter: *Provided*, That such pears of any variety grown in the Medford District which fail to meet

the requirements of U.S. No. 2 grade only because of serious, but not very serious, damage caused by hail marks may be shipped if the shape of the pear is such that it will cut at least one good half.

(2) *Pack or container requirements.* Bartlett pears of any variety shall be packed in one of the following types of containers:

(i) "Standard western pear box" or "L.A. lug" or their carton equivalents;

(ii) "Western lug" or containers having a capacity equal to or greater than said lug;

(iii) "Half-carton" containers;

(iv) Containers of at least 14 pounds but not more than 15 pounds net weight;

(v) "Tight-filled" containers; or

(vi) Master containers containing overwrapped consumer packages.

(3) *Special inspection requirements for minimum quantities.* During the aforesaid period any handler may ship on any conveyance up to, but not in excess of, an amount equivalent to 200 "standard western pear boxes" of pears without regard to the inspection requirements of § 931.55 under the following conditions: (i) Each handler desiring to make shipment of pears pursuant to this subparagraph shall first apply to the committee on forms furnished by the committee for permission to make such shipments. The application form shall provide a certification by the shipper that all shipments made thereunder during the marketing season shall meet the marketing order requirements, that he agrees such shipments shall be subject to spot check inspection, and that he agrees to report such shipments at time of shipment to the committee on forms furnished by the committee, showing the car or truck number and destination; and (ii) on the basis of such individual reports, the committee shall require spot check inspection of such shipments.

(4) *Special purpose shipments.* Notwithstanding any other provisions of this section, any shipment of pears in gift packages may be handled without regard to the provisions of this paragraph and of §§ 931.41 and 931.55.

(5) Notwithstanding any other provisions of this section, any individual shipment of pears which meets each of the following requirements may be handled without regard to the provisions of this paragraph and of §§ 931.41 and 931.55:

(i) The shipment consists of pears sold for home use not for resale;

(ii) The shipment does not, in the aggregate, exceed 500 pounds net weight of pears; and

(iii) Each container is stamped or marked with the handler's name and address and with the words "not for resale" in letters at least one-half inch in height.

(b) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; "U.S. No. 1", "U.S. No. 2", and "size" shall have the same meaning as when used in the United States Standards for Summer and Fall

Pears (7 CFR 51.1260-51.1280); "150 size", "165 size", and "180 size" shall mean that the pears are of a size which pack, in accordance with the sizing and packing specifications of a standard pack, as specified in said United States Standards, 150, 165, or 180 pears, as the case may be, in a standard western pear box (inside dimensions 18 inches by 11½ by 8½ inches); the term "tight-filled" shall mean that the pears in any container shall have been well settled by vibration according to approved and recognized methods; the term "master container" shall mean those containers containing overwrapped consumer packages of pears; and the term "very serious damage" shall mean any injury or defect which very seriously affects the appearance or the edible or shipping quality of the pears.

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

Dated: September 8, 1976, to become effective September 16, 1976.

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

[FR Doc.76-26814 Filed 9-13-76; 8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

[FmHA Instruction 443.1]

PART 1821—FARM PURCHASE AND DEVELOPMENT LOANS TO INDIVIDUALS

Subpart A—Farm Ownership Loan Policies, Procedures and Authorizations

AMENDMENT

Section 1821.11 of Subpart A of Part 1821, Title 7, Chapter XVIII, Code of Federal Regulations (38 FR 27055) is amended in the last sentence of paragraph (m) (2) to change the cross-reference from "Part 1824" to "Subpart G of Part 1901." As amended, the last sentence of § 1821.11(m) (2) reads as follows:

§ 1821.11 Special requirements.

(m) * * *

(2) * * * In making this determination and proceeding with subsequent steps, the State Director will follow the provisions of Subpart G of Part 1901 of this Chapter to the extent applicable to loans being made under this Subpart.

(7 U.S.C. 1989, 42 U.S.C. 1480, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Effective date: This amendment shall become effective on September 14, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

SEPTEMBER 3, 1976.

[FR Doc.76-26820 Filed 9-13-76; 8:45 am]

[FmHA Instruction 444.5]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart D—Rural Rental Housing Loan Policies, Procedures and Authorizations

AMENDMENT

Section 1822.88(n) of Subpart D of Part 1822, Title 7, Chapter XVIII, Code of Federal Regulations (40 FR 4278) is amended to change the cross-reference from "Part 1824" to "Subpart G of Part 1901." As amended, § 1822.88(n) reads as follows:

§ 1822.88 Special conditions.

(n) *Guidelines for preparing environmental impact statements.* When projects exceed 25 units the provisions of Subpart G of Part 1901 of this Chapter will be applicable.

(42 U.S.C. 1480, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Effective date: This document shall become effective on September 14, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

SEPTEMBER 3, 1976.

[FR Doc.76-26817 Filed 9-13-76;8:45 am]

[FmHA Instruction 442.12]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart O—Grants for Facilitating Development of Private Business Enterprises and Community Water and Waste Disposal Facilities

AMENDMENT

Section 1823.456 of Subpart O of Part 1823, Title 7, Chapter XVIII, Code of Federal Regulations (38 FR 29037) is amended to change the cross-reference from "Part 1824" to "Subpart G of Part 1901." As amended, § 1823.456 reads as follows:

§ 1823.456 Environmental impact statement.

The need for an environmental impact statement will be determined by FmHA in accordance with Subpart G of Part 1901 of this chapter. Applicants will furnish any information required by FmHA to comply with environmental requirements.

(7 U.S.C. 1989, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Effective date: This amendment shall become effective on September 14, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

SEPTEMBER 3, 1976.

[FR Doc.76-26819 Filed 9-13-76;8:45 am]

[FmHA Instruction 441.2]

PART 1832—EMERGENCY LOANS

Subpart A—Emergency Loan Policies, Procedures and Authorizations

AMENDMENT

Section 1832.27 of Subpart A of Part 1832, Title 7, Chapter XVIII, Code of Federal Regulations (40 FR 42321) is amended in the last sentence of paragraph (b) to change the cross-reference from "Part 1824 * * *" to "Subpart G of Part 1901." As amended, the last sentence of § 1832.27(b) reads as follows:

§ 1832.27 Environmental impact requirements.

(b) * * * In making this determination and proceeding with subsequent steps, the State Director will follow the provisions of Subpart G of Part 1901 of this chapter to the extent applicable to loans being made under this Regulation.

(7 U.S.C. 1989, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Effective date: This amendment shall become effective on September 14, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

SEPTEMBER 3, 1976.

[FR Doc.76-26818 Filed 9-13-76;8:45 am]

[FmHA Instruction 449.1]

PART 1845—FmHA EMERGENCY LIVESTOCK LINE OF CREDIT GUARANTEES

Environmental Impact Requirements

AMENDMENT

Section 1845.19 of Part 1845, Title 7, Chapter XVIII, Code of Federal Regulations (40 FR 30623) is amended. The last sentence in paragraphs (b), and (b) (2) of this section are amended to change the cross-reference "Part 1824 * * *" to "Subpart G of Part 1901." As amended, the last sentence in § 1845.19 (b), and (b) (2) reads as follows:

§ 1845.19 Environmental impact requirements.

(b) * * * That determination will be made and required actions taken in accordance with Subpart G of Part 1901 of this Chapter.

(2) If the State Director or his designee determines that an environmental impact statement is required, the actions provided for in said Subpart G of Part 1901 of this Chapter will be taken.

(Sec. 10 Pub. L. 93-357, 88 Stat 392, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Effective date: This amendment shall become effective on September 14, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

SEPTEMBER 3, 1976.

[FR Doc.76-26822 Filed 9-13-76;8:45 am]

PART 1980—GUARANTEED LOAN PROGRAM

Subpart E—Business and Industrial Loan Programs

AMENDMENT

Section 1980.432 of Subpart E of Part 1980, Title 7, Chapter XVIII, Code of Federal Regulations (40 FR 57643) is amended. The last sentence of this section is amended to change the cross-reference "Part 1824" to "Subpart G of Part 1901." As amended, the last sentence of § 1980.432 reads as follows:

§ 1980.432 Environmental impact assessments and statements.

* * * In all cases FmHA is responsible for assuring that the requirement of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA), and Title 7 CFR Subpart G of Part 1901 of this Chapter are met.

(7 U.S.C. 1989, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Effective date: This amendment is effective on September 14, 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

SEPTEMBER 3, 1976.

[FR Doc.76-26821 Filed 9-13-76;8:45 am]

Title 9—Animals and Animal Products
CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Release of Areas Quarantined

● *Purpose.* The purpose of this amendment is to release Gloucester, Atlantic, Cape May, and Cumberland Counties in New Jersey from the areas quarantined because of hog cholera. ●

This amendment excludes Gloucester, Atlantic, Cape May and Cumberland Counties in New Jersey from the areas quarantined by the regulations in 9 CFR Part 76, as amended, because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas contained in 9 CFR Part 76, as amended, do not apply to the excluded areas, but the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 apply to the excluded areas. No

areas in New Jersey remain under quarantine.

Accordingly, Part 76, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases is hereby amended in the following respect:

§ 76.2 [Amended]

In § 76.2, paragraph (e) (2) relating to the State of New Jersey is deleted. (Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective September 8, 1976.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of hog cholera and must be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 8th day of September 1976.

J. M. HEIL,
Deputy Administrator,
Veterinary Services.

[FR Doc. 76-26882 Filed 9-13-76; 8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release SAB-11]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS

Subpart B—Staff Accounting Bulletins

PUBLICATION OF STAFF ACCOUNTING BULLETIN No. 11

The Division of Corporation Finance and the Office of the Chief Accountant today announced the publication of Staff Accounting Bulletin No. 11. The statements in the Bulletin are not rules or interpretations of the Commission nor are they published as bearing the Commission's official approval; they represent interpretations and practices followed by the Division and the Chief Accountant in administering the disclosure requirements of the federal securities laws.

Staff Accounting Bulletin No. 11 provides interpretations of Accounting Series Release No. 190 [41 FR 13596]. This release (the adoption of Rule 3-17¹

¹ The term "rule" has been replaced by the appropriate section number of the Code of Federal Regulations. Accordingly, Rule 3-17 is referred to as § 210.3-17.

of Regulation S-X [17 CFR 210.3-17]) requires the disclosure of replacement cost data by certain registrants effective for years ending on or after December 25, 1976.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 3, 1976.

CHANGES TO STAFF ACCOUNTING BULLETIN No. 7

In SAB No. 7 [41 FR 13600] (which also interpreted ASR No. 190) the following was stated regarding limited use assets:

5. LIMITED USE ASSETS

Facts:

Many assets may relate only to a one-time project such as a construction contract for a contractor or a research and development project for a company in a high-technology industry. Other assets may be so unique that their replacement cost is not relevant (e.g., art objects, highly successful motion pictures, etc.)

Question:

Is replacement cost data on such assets required?

Interpretive Response:

There is no one answer that will cover all situations; each is dependent upon the circumstances. For example, if a building contractor engages in a number of similar projects and transfers personnel and equipment from one project to the next, replacement cost concepts appear appropriate. However, if equipment is assembled to complete a single project and it appears that management will dispose of the equipment upon completion because it will have no further use for it, then using a historical cost basis may be appropriate. Accordingly, individual projects must be assessed to determine if they give rise to a unique, one-time operating cycle relative to the particular business. Historical cost may be appropriate only when existing projects would not ordinarily be replaced with other similar projects.

To the extent that cost of sales in the historical financial statements includes costs of individual projects of a unique sort which do not require the acquisition of goods and services which are regularly used in the registrant's production process, such as is the case in many research projects, the historical cost of these projects should be used. If, however, such projects require the use of standard inputs acquired during the course of the project, current input cost data should be developed even if the projects are unique or unusual in nature.

The value of specific assets which are highly unique in their economic and operational characteristics (such as the examples given) is frequently unrelated to their replacement costs. In such instances, these assets may be reported at historical cost. Disclosure of the current value of such assets may be useful

to investors and is encouraged, but it is not required by this rule. In any instance where historical cost data are given in lieu of replacement cost, there should be full disclosure of the amounts and the reason replacement cost data are not given.

The following changes are made:

The last sentence of the paragraph under "Facts" is replaced with the following:

Other assets, such as art objects, may be so unique that their replacement cost is not relevant.

The parenthetical statement "(such as the examples given)" in the first sentence of the last paragraph of "Interpretive Response" is deleted.

The following sub-heading is added after the heading "5. Limited Use Assets":

a. General.

NEW INTERPRETATIONS

TOPIC 6: INTERPRETATIONS OF ACCOUNTING SERIES RELEASES

I. Accounting Series Release No. 190—Amendments to Regulation S-X Requiring Disclosure of Certain Replacement Cost Data (§ 210.3-17)

1. DEFINITIONS AND CONCEPTS

b. Productive Capacity.

Question 8:

The interpretive response to Question 5 above (see SAB 9) states that "... operating leases are part of a lessor's productive capacity." What is the definition of an operating lease?

Interpretive Response:

An operating lease to a lessor would be a non-financing lease to a lessee under § 210.3-16(q). More specifically, an operating lease is a lease which neither (i) covers 75 percent or more of the economic life of the property nor (ii) has terms which assure the lessor a full recovery of the fair market value of the property at the inception of the lease plus a reasonable return on the use of the assets invested subject only to limited risk in the realization of the residual interest in the property and the credit risks generally associated with secured loans.

c. Approaches to Replacement Cost.

Facts:

A registrant is currently considering the types of measurement techniques he may utilize for replacement cost.

Question:

What are the general types of measurement techniques available?

Interpretive Response:

Four types of replacement cost measurement techniques are most generally applicable: indexing, direct pricing, unit pricing, and functional pricing.

Indexing provides a valid measurement of replacement cost provided the index

is adjusted for technological change or if the asset type has not had technological change. Indexing should be applied to homogeneous asset groups on a vintage basis and should not be applied to used asset purchases or assets acquired in business combinations accounted for as purchases.

Direct pricing applies to assets or groups of assets whereby direct labor and material prices are determined from purchase orders, invoices, engineering estimates, price lists, manufacturers' quotes, internally published labor and material prices, and other direct price sources.

Unit pricing is a structured variation of direct pricing whereby a building, inventory lot, or other type of asset is directly priced based upon labor, material, and overhead estimates, then divided into a unit measure (e.g., replacement cost per square foot of building, replacement cost per unit of inventory, etc.).

Functional pricing is generally used to determine the replacement cost for a processing function rather than for a specific asset or asset group. Functional pricing can be applied to a heterogeneous group of assets. Functional pricing often combines the techniques of indexing, direct pricing, and unit pricing. It measures the cost of productive capacity based on the number of units which can be produced within a particular time period. For example, a meat packing plant with a replacement cost of \$5,000,000 has the capacity to process 500 head of cattle per day, resulting in the functional replacement cost of \$10,000 per head of cattle per day. Functional pricing may involve the usage of information such as:

- Engineering studies.
- Recently built processing facilities.
- Design specifications for processing plants.
- Major equipment suppliers.
- Manufacturers' quotes.
- Internal estimates for installation and/or modifications.
- Trade association studies.

Functional pricing takes into consideration and adjusts for technological change, but one major consideration is additional adjustments for economies of scale.

While these are the most common approaches, other techniques may be appropriate under various factual circumstances.

e. Cost Savings.

Facts:

In replacing its productive capacity, a company anticipates acquiring equipment which would permit substantial operating cost savings as a result of improvements in technology over that of its present equipment.

Question 1:

In presenting replacement cost data, should replacement cost of sales and the replacement cost of year end inventories include explicit provision for economies which the company expects from increased efficiency of new productive capacity?

Interpretive Response:

In general, the staff believes that prospective cost savings from new productive capacity should only be considered in calculating replacement cost data relative to inventory and cost of sales when the savings are reasonably assured and quantifiable within reasonable limits. In such cases, where cost savings are explicitly considered, § 210.3-17(e) requires disclosure of the amount and elements of the cost savings used in the calculation.

An alternative approach to disclosure of such cost savings would be to not reflect such savings directly in the replacement cost of sales number, but to disclose supplementally the nature and magnitude of such savings. When cost savings are not reasonably assured and quantifiable, registrants are encouraged to disclose the general nature and magnitude of savings in such fashion as they believe will be most meaningful to investors.

Question 2:

In calculating replacement cost depreciation, should any consideration be given to operating cost savings from new equipment?

Interpretive Response:

Section 210.3-17(d) does not permit the recognition of the operating economies of new equipment in the calculation of depreciation on a replacement cost basis. It would therefore not be appropriate, for example, to reduce replacement cost depreciation by an amount representing expected labor cost savings which would result from the replacement of productive capacity.

5. LIMITED USE ASSETS

b. Motion Picture Films.

Facts:

Each motion picture film is a unique artistic production. The replacement cost of one film bears little or no relationship to the replacement cost of another. In addition, there is no predictable relationship between incurred cost and ultimate revenues.

Question:

Based upon the above, may replacement cost data related to motion picture film be excluded?

Interpretive Response:

Yes. However, the staff encourages registrants to seek means other than replacement cost to convey the current economics of the production of motion picture films. In addition, estimates of the current value of a film inventory may be useful information for investors.

6. REPLACEMENT COST OF PRODUCTIVE CAPACITY

b. Fully Depreciated Assets.

Question 3:

Is it acceptable to omit replacement cost disclosures for fully-depreciated assets which are still in use but which have been written off the books, provided that assets so excluded are not significant (e.g., less than 5% of gross property, plant and equipment)?

Interpretive Response:

Yes.

[FR Doc.78-26830 Filed 9-13-78; 8:45 am]

[Release Nos. 33-5735, 34-12748]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Guides for Statistical Disclosure by Bank Holding Companies

The Commission today authorized the publication of Guides 61 and 3, "Statistical Disclosure by Bank Holding Companies," of the Guides for the Preparation and Filing of Registration Statements under the Securities Act of 1933 (15 U.S.C. 77a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)) and of the Guides for the Preparation and Filing of Reports and Proxy and Registration Statements under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)), respectively. The proposed Guides were published for comment on October 1, 1975 (Securities Act Release No. 5622 and Securities Exchange Act Release No. 11697) (40 FR 48526, October 16, 1975). The Guides are not Commission rules nor do they bear the Commission's official approval; they represent policies and practices followed by the Commission's Division of Corporation Finance in administering the disclosure requirements of the federal securities laws.

Since Guides 61 and 3 have been revised to reflect public comments on the earlier proposals, the Commission does not believe that it is necessary to solicit additional comments. However, the experiences of registrants and users of the information provided pursuant to the Guides will be monitored to determine, by June 30, 1978, whether the disclosures sought by the Guides are necessary and appropriate in the public interest and for the protection of investors. Pursuant to this monitoring program, the staff will survey and interview potential users of the information including investors, analysts and academicians in order to assess the benefits derived from disclosures provided pursuant to the Guides. The staff also will survey registrants in order to determine what additional burdens and expenses, if any, are incurred in complying with the Guides. In this connection, the Commission specifically invites public comments on the need for further revisions to the Guides.

A. GENERAL STATEMENT

These Guides are intended to provide registrants with a convenient reference to the statistical disclosures sought by the staff of the Division of Corporation Finance in registration statements and other disclosure documents filed by bank holding companies.

As the operations of bank holding companies have diversified it has become increasingly difficult for investors to identify the sources of income of such companies. And, since various sources of income can have a wide range of risk characteristics, investors may have difficulty assessing the future earnings potential of a bank holding company without detailed information concerning the company's sources of income and exposure to risks.

In the preparation of the Guides, the staff has been mindful of the investor's need to assess uncertainties, the need for disclosure with respect to changes in risk characteristics, and specifically the need for substantial and specific disclosure of changes in risk characteristics of loan portfolios. See Accounting Series Release No. 166 (December 24, 1974) (40 FR 2878, January 15, 1975). Accordingly, the Guides call for more meaningful disclosure about loan portfolios and related items in filings by bank holding companies. In addition, many of the disclosures suggested by the Guides are intended to provide information to facilitate analysis and comparison of sources of income and exposure to risks. This information also will assist investors to evaluate the potential impact of future economic events upon a registrant's business and earnings and to assess the ability of a bank holding company to move into or out of situations with favorable or unfavorable risk/return characteristics.

As these Guides were being prepared, the Commission's staff consulted extensively with representatives of the Board of Governors of the Federal Reserve System, the Comptroller of the Currency and the Federal Deposit Insurance Corporation, through the Interagency Bank Disclosure Coordinating Group, and received substantial assistance, particularly in understanding the operations and activities of banks.

B. COMMENTS

Comments on the proposed Guides were received from 115 interested parties, and changes have been made to reflect a number of suggestions made by the commentators.

One frequent comment was that the information called for by the Guides should be conformed to that required in reports to the federal bank regulatory agencies. This has been done to the fullest extent possible, consistent with the public interest and the protection of investors. Of course, the information called for by the Guides serves different purposes and necessarily differs in some respects from the information required by the bank regulatory agencies. Nevertheless, the staff will be flexible and gen-

erally will accept data in a format which conforms with reports to the bank regulatory agencies if management believes that such information is representative of the business activities of the registrant and the risks associated with such business.

Many commentators stated that the historical information for a registrant's last five fiscal years called for by several sections of the Guides would be extremely difficult to obtain in some cases, especially where detailed breakdowns of certain assets or reserves are requested. As the Division stated in the release accompanying the proposed Guides, and as is reiterated in the Guides published today, historical information need not be provided if it is not presently available and cannot be compiled without unwarranted or undue burden or expense. If possible, reasonably comparable data should be furnished instead.

The Division recognizes that some of the information called for by the Guides, which are prospective in nature, will not be currently available. Accordingly, registrants are urged to begin to develop data for inclusion in future filings. Where, for some special reason, certain requested information will not be available with respect to periods to be covered in future filings subject to the Guides, this should be brought to the staff's attention.

Similarly, with respect to those sections of the Guides which request information on a daily average basis, certain commentators stated that some bank holding companies may not have such information, or the capacity to generate such information, without undue burden or expense. Accordingly, the Guides provide that when the collection of data on a daily average basis would involve undue burden or expense, weekly or month-end averages may be used, provided such averages are representative of the operations of the registrant.

A note to the General Instructions indicates the factors which the staff will consider in evaluating the reasonableness of assertions by registrants that the compilation of requested information would involve unwarranted or undue burden or expense. These factors include, among other things, the size of the registrant, the estimated costs of compiling the data, the electronic data processing capacity of the registrant, and whether management uses the requested information for its own purposes.

C. THE GUIDES

Guides 61 and 3 set forth the types of statistical information to be included in bank holding company filings under the Securities Act of 1933 and the Securities Exchange Act of 1934. They are intended to apply only to the description of business portion of a bank holding company registration statement, proxy statement or report. Although the Guides describe certain information that should be disclosed, they do not purport to be all inclusive and in no way limit the type of information required. Approp-

iate disclosure must always depend on the individual facts and circumstances concerning each registrant. Thus, the staff may request that registrants provide supplemental information where necessary or appropriate in the public interest or for the protection of investors.

In general, the Guides as published are similar to those proposed for comment, although certain noteworthy changes have been made. New instructions have been added and other instructions reworded for clarity. The introductory statements in the proposed Guides have been restated as general instructions. In addition, the statements have been reworded slightly to emphasize the flexible approach to be taken by the staff with respect to format (Instruction 2), historical data (Instruction 4), and daily averages (Instruction 5). In this regard, the Guides indicate that if the required information is not reasonably available, the registrant may provide comparable information instead.

In addition a number of changes suggested by the commentators have been made to clarify the Guides, make the information requested more concise and eliminate repetitive requests for information. Thus, for example, certain categories of Section IV, "Deposits, Long Term Debt and Funds Borrowed," of the proposed Guides, have been eliminated in light of the average balance sheets required under Section I.

The Guides contain nine sections, each dealing with a particular area of statistical disclosure for bank holding companies.

Section I, "Distribution Of Assets, Liabilities And Stockholders' Equity," has been revised to require complete balance sheets in terms of average amounts and percentages, rather than assets only. Many commentators expressed the view that complete balance sheet presentations more effectively demonstrate changes in financial position from year to year. In addition, several commentators noted that average liabilities were requested in a subsequent section of the proposed guides and suggested that the information be consolidated in one balance sheet presentation. Section I also has been modified to call for separate disclosure of foreign assets and liabilities only when certain minimum percentage tests have been met.

Section II, "Investment Portfolio," calls for disclosure of the composition of the registrant's investment portfolio in terms of the book values of certain categories of investments, a breakdown of maturities and the weighted average yield for each range of maturity. As suggested by comments on the proposed Guides, an explanation of the method used to compute the yield on such investments is requested, and where yields on tax exempt obligations are computed on a tax equivalent basis, the amount of adjustment and tax rate used in the computations is sought.

Section III, "Loan Portfolio," calls for information concerning types of loans, their maturities and sensitivities to

changes in interest rates, and information concerning nonperforming loans.

Paragraph A of Section III, "Types Of Loans," requests that data be presented as of the end of each reported period, rather than on a daily average basis as originally proposed. In addition, clarifying language has been added to indicate that the detailed categories of loans specified in this section apply to loans attributable to domestic operations only and a new category, "Loans Attributable to Foreign Operations," has been added to make clear that information with respect to such loans should be separately stated.

Paragraph B of Section III, "Maturities and Sensitivity to Changes in Interest Rates," represents a consolidation of paragraphs B and C of Section III of the proposed Guides, as suggested by many commentators.

Paragraph C of Section III, "Non-Performing Loans," is a consolidation of paragraphs D and E of Alternative (1) of Section III of the proposed Guides. For purposes of the Guides, non-performing loans are defined as "(a) loans which are contractually past due 60 days or more as to interest or principal payments and (b) loans the terms of which have been renegotiated to provide a reduction or deferral of interest or principal because of a deterioration in the financial position of the borrower (exclusive of loans in (a)). These categories of loans are substantially the same as those called for by Section III D (Alternative (1)) of the proposed Guides. In addition, the Guides state that "if management is aware of any significant loans, group of loans or segments of the loans portfolio not included in (a) or (b) above, where there are serious doubts as to the ability of the borrowers to comply with the present loan payment terms, a separate discussion of the risk elements associated with such loans, including the relative magnitude of such risks, shall be given."

In addition, the Guides provide that real estate loans secured by one to four family residential properties need not be considered for disclosure pursuant to this paragraph. Separate, limited disclosure relating to loans to individuals for household, family and other personal expenditures is requested only if loans in this category exceed 10 percent of the total loan portfolio. The references to collateral in the proposal have been deleted.

Paragraph C also requests information as of the end of each of the last five years, instead of for two fiscal years, as originally proposed. The staff believes that data for a five year period, if used in conjunction with other disclosures called for by these Guides, will show trends indicative of management policies concerning non-performing loans, particularly with respect to renegotiated loans and those loans which, in the opinion of management, raise serious doubts as to the ability of the borrower to comply with the present payment terms of the loans. A new instruction has been added to Section III C indicating

that a registrant may use different criteria and may present quantitative information in a different manner than described in this paragraph if such presentation more effectively identifies and communicates the present risk elements in the loan portfolio.

Section IV, "Summary of Loan Loss Experience," which was Section IX of the proposed Guides, has been modified to require five years of data rather than ten as originally proposed. Paragraph G of Section IV asks registrants to describe those factors which influenced management's judgment in determining the amount of reserves charged to operating expense. A statement that the amount is based upon management's judgment will not suffice. Paragraph H calls for a breakdown of the loan loss reserve by categories of loans. Many commentators asserted that the disclosures requested by the paragraph are inconsistent with their procedures for determining loan loss reserves. On the other hand, on many occasions, registrants have explained to the staff that, in arriving at the amount of loan loss reserve, they evaluated each significant loan in the portfolio and established a reserve relative to each such loan. The staff is aware that the total loan loss reserve is not necessarily the cumulative amount of reserve for these loans, and that a certain unallocated amount of reserve may be set aside to cover potential losses within a group or block of loans. The staff believes that such disclosures would be meaningful to investors. However, an instruction has been added which states that if the registrant uses categories other than those specified in the Guides in analyzing its loan loss reserves, which it believes would be more informative to investors, the data presented may be based on such other categories.

Section V, "Deposits," which was Section IV of the proposed Guides, has been condensed. The disclosures relating to long-term debt and funds borrowed requested by the proposed Guides are now included in Section I, under average balance sheets.

Section VI, "Return On Equity and Assets," which was Section V of the proposed Guides, has been expanded at the suggestion of several commentators to request disclosures of dividend pay-out ratios and equity to asset ratios for each reported period. The instructions make clear that registrants should describe and explain the trends in each of the ratios disclosed, if the ratios have changed significantly.

Section VII, "Interest Rates And Interest Differential," which was Section VI of the proposed Guides, has been revised to clarify the disclosures requested.

Section VIII, "Foreign Operations," which was Section VII of the proposed Guides, has been modified to reflect the fact that there appears to be no single definition of foreign operations which would serve the needs of registrants, the federal bank regulatory agencies, and investors, and which would be applicable to the foreign operations of all banks.

Therefore, the Guides request each registrant to present information with respect to its foreign operations on the basis which it believes is representative of its foreign activities and the risks associated with such business. Specifically, a registrant may present information in a manner consistent with the reporting requirements of the federal bank regulatory agencies if it believes that such presentation is representative of its foreign activities and the risks associated with such business. It should be emphasized, however, that the purpose of such disclosures is to enable investors to assess the various sources of earnings of the registrant, the risks pertaining thereto and the risks to which assets are exposed.

As originally proposed, the Guides called for certain disclosures with respect to a registrant's foreign operations if during either of the last two reporting periods revenues or income before taxes attributable to foreign operations exceeded 5 percent of consolidated revenues or income before taxes, or if assets associated with foreign operations exceeded 5 percent of total assets. This percentage has been increased to 10 percent to conform to certain other disclosure guidelines administered by the Commission's staff, and disclosure is requested only if the percentage test has been met during each of the last two years.

The proposed Guides called for a presentation of the amount of foreign assets and liabilities by currency and disclosure of open currency positions at the end of the latest reported period. Comments on the proposals persuaded the staff that such data would be extremely difficult to accumulate and would be of little value to investors in light of frequent fluctuations in the value of foreign currencies. Therefore, the Guides as published suggest that registrants discuss generally their foreign exchange activities and the types of risks associated with such activities.

Section IX, "Commitments and Lines of Credit," which was Section VIII of the proposed Guides, has been substantially revised in light of comments received on the proposals. As revised, this section calls for a general discussion of a registrant's present practices with respect to commitments and lines of credit. Separate disclosure of specific commitment figures is requested only if a registrant has firm commitments of material amounts which present unusual risks.

C. AUTHORIZATION FOR PUBLICATION OF GUIDES

The Commission hereby authorizes publication of Guides 61 and 3, "Statistical Disclosure By Bank Holding Companies," pursuant to the Securities Act of 1933, particularly sections 7 and 10 thereof, and the Securities Exchange Act of 1934, particularly sections 12, 13, 15(d) and 23(a).

Guide 61 will be applied by the staff to registration statements filed on or after thirty days following publication in the FEDERAL REGISTER. Guide 3 will be applied by the staff to filings covering periods ending on or after December 25, 1976.

The text of the Guides is set forth below:

GUIDE 61—GUIDES FOR THE PREPARATION AND FILING OF REGISTRATION STATEMENTS UNDER THE SECURITIES ACT OF 1933

STATISTICAL DISCLOSURE BY BANK HOLDING COMPANIES

General instructions

1. This Guide applies to the description of business portion of bank holding company registration statements filed on Form S-1 (Item 9) [17 CFR 239.111], S-7 (Item 5) [17 CFR 239.261] and S-14 (Item 1) [17 CFR 239.231].

2. Information furnished in accordance with this Guide should generally be presented in tabular form in the order appearing below. However, an alternative presentation, such as inclusion of the information in Management's Analysis of the summary of earnings, may be used if in management's opinion such presentation would be more meaningful to investors.

3. When the term "reported period" is used in the Guide, it refers to each of the periods described below, unless otherwise specified: (a) each of the last five fiscal years of the registrant; (b) any subsequent interim period for which an income statement is furnished; and (c) any additional period necessary to keep the information presented from being misleading.

4. Some of the information called for by the Guide, which is prospective in nature, may not be available on a historical basis. The staff should be advised of such situations and if the requested information is unavailable and cannot be compiled without unwarranted or undue burden or expense, such information need not be provided. If possible, reasonably comparable data should be furnished instead. If, for some special reason, certain requested information will not be available with respect to periods to be covered in future filings subject to the Guide, this should also be brought to the staff's attention.

5. Unless otherwise indicated, averages called for by the Guide are daily averages. Where the collection of data on a daily average basis would involve unwarranted or undue burden or expense, weekly or month-end averages may be used, provided such averages are representative of the operations of the registrant. The basis used for presenting averages should be stated.

NOTE: In evaluating the reasonableness of assertions by registrants that the compilation of requested information, such as historical data or daily averages, would involve an unwarranted or undue burden or expense, the staff takes into consideration, among other factors, the size of the registrant, the estimated costs of compiling the data, the electronic data processing capacity of the registrant, and whether management uses the requested information for its own purposes.

I. Distribution of Assets, Liabilities and Stockholders' Equity

A. For each reported period, present average balance sheets. Such average

balance sheets may be condensed from the detailed ones required on a statement date basis, provided such condensed balance sheets indicate the significant shifts in sources and uses of funds.

B. For each reported period, present the percentage of:

1. Each asset reflected in the balance sheets presented under Paragraph A to total average assets; and

2. Each liability and component of stockholders' equity reflected in the balance sheets presented under Paragraph A to the total of average liabilities and average stockholders' equity.

C. For each reported period, present separately, on the basis of averages, the percentage of total assets and total liabilities attributable to foreign operations.

Instruction.—Separate disclosure of foreign assets and liabilities is required under Paragraph C only if disclosure regarding foreign operations is required pursuant to Instruction (2) under Section VIII of this Guide.

II. Investment Portfolio

A. As of the end of each reported period, present the book value of investments in obligations of (1) the U.S. Treasury, (2) U.S. government agencies and corporations, (3) states and political subdivisions (U.S.), and (4) other bonds, notes and debentures.

B. As of the end of the latest reported period, present the amount of each investment category listed above which is due (1) in one year or less, (2) after one year through five years, (3) after five years through ten years, and (4) after ten years. In addition, state the weighted average yield for each range of maturities and explain the method used to calculate such yield.

Instruction.—State whether yields on tax exempt obligations have been computed on a tax equivalent basis. If a tax equivalent basis is used, state for each range the amount of the adjustment and state the tax rate used in the computations.

III. Loan portfolio

A. *Types of loans.* As of the end of each reported period, present separately the amount of loans in each category listed below. Categories 1 through 7 are for loans attributable to domestic operations only.

1. Real estate loans (include only loans secured primarily by real estate):

(a) Construction and land development;

(b) Secured by 1-4 family residential properties;

(c) Other real estate loans.

2. Loans to financial institutions:

(a) Real estate investment trusts and mortgage companies;

(b) Domestic commercial banks;

(c) Banks in foreign countries;

(d) Other depository institutions;

(e) Other financial institutions.

3. Loans for purchasing or carrying securities.

4. Loans to farmers (except loans secured by real estate; include loans for household and personal expenditures).

5. Commercial and industrial loans.

6. Loans to individuals for household, family, other personal expenditures.

7. All other loans attributable to domestic operations.

8. Loans attributable to foreign operations.

Instructions.—(1) Additional detail of loans by type may be appropriate in some circumstances, such as when a substantial portion of total commercial and industrial loans is concentrated in one or a few industries.

(2) The "Instructions for the Preparation of Reports of Condition by State Member Banks of the Federal Reserve System, Schedule A—Loans" provides definitions of the categories of loans listed above for domestic offices. Although consolidated information is called for by this section, it is suggested that these definitions be used for guidance.

(3) Separate disclosure of category 8 is required only if disclosure regarding foreign operations is required pursuant to Instruction (2) under Section VIII of this Guide.

(4) The total of loans reported pursuant to this paragraph should equal total loans in the balance sheet.

B. *Maturities and sensitivity to changes in interest rates.* As of the end of the latest fiscal year and any interim period reported on, present separately the amount of loans in each category listed in Paragraph A (except categories 1(b) and 6) (1) due in one year or less, (2) after one year through five years and (3) after five years. In addition, present separately the total amount of all such loans due after one year which (a) have predetermined interest rates and (b) have floating or adjustable interest rates.

Instructions.—(1) Scheduled repayments should be reported in the maturity category in which the payment is due.

(2) Demand loans, loans having no stated schedule of repayments and no stated maturity, and overdrafts should be reported as due in one year or less.

C. *Nonperforming loans.* As of the end of each reported period, state the following for (a) loans which are contractually past due 60 days or more as to interest or principal payments; and (b) loans, the terms of which have been renegotiated to provide a reduction or deferral of interest or principal because of a deterioration in the financial position of the borrower (exclusive of loans in (a)).

1. The aggregate amount of loans in each category described above;

2. The gross amount of interest income which would have been recorded on all such loans during the period if all such loans had been current (in accordance with their original terms) and outstanding throughout the period or since their origination, whichever is shorter; and

3. The amount of interest on all such loans which was reflected in income during the period.

In addition, if management is aware of any significant loans, groups of loans or segments of the loan portfolio not included in (a) or (b) above, where there are serious doubts as to the ability of the borrowers to comply with the present loan payment terms, a separate discussion of the risk elements associated with such loans, including the relative magnitude of such risks, shall be given.

Instructions.—(1) Loans in categories 1(b) and 6 under Paragraph A need not be considered for disclosure pursuant to Paragraph C. However, if loans in category 6 exceed 10 percent of total loans, the information called for in Paragraph C for those loans considered nonperforming pursuant to clause (a), should be separately provided.

(2) A renewal on current market terms of a loan at maturity will not be considered a renegotiation for purposes of clause (b) of Paragraph C.

(3) A loan remains in the category described in clause (b) until such time as the terms are substantially equivalent to terms on which loans with comparable risks are being made.

(4) If a substantial portion of the loans stated pursuant to Paragraph C are concentrated in one or a few industries separate disclosure of the information required by this paragraph should be provided for such loans.

(5) The registrant may use different criteria and may present quantitative information in a different manner than described above if such presentation more effectively identifies and communicates the present risk elements in the loan portfolio.

IV. Summary of Loan Loss Experience

An analysis of loan loss experience shall be furnished in the following format for each reported period.

A. Amount of loans outstanding at end of period.

B. Average amount of loans outstanding.

C. Amount of loan loss reserve at beginning of period.

D. Amount of losses charged off during period broken down by the eight major categories of loans specified in Section III(A).

E. Amount of recoveries during period of losses previously charged off broken down by the eight major categories of loans specified in Section III(A).

F. Net loans charged off during period.

G. Additions to loan loss reserve charged to operating expense during period. For the latest fiscal year and any interim period reported on, also describe briefly the factors which influenced management's judgment in determining the amount charged to operating expense. The statement that the amount is based on management's judgment is not sufficient.

H. A breakdown of the loan loss reserve by the eight major categories of loans specified in Section III(A), including as a separate category any unallocated portion of the reserve. State (a) the dollar amount of the loan loss reserve applicable to each category and

(b) the percentage of loans in each category to total loans.

I. Amount of loan loss reserve at end of period.

J. Ratio of net charge-offs during period to average loans outstanding for the period.

Instruction.—If the registrant uses other categories in analyzing its loan loss reserve which it believes would be more informative to investors, such categories may be used for purposes of the disclosures prepared pursuant to this Guide.

V. Deposits

A. For each reported period, present separately the average amount of (1) demand deposits in domestic offices, (2) savings and time deposits in domestic offices (excluding time deposits separately reportable under (3) below), (3) time certificates of deposit in domestic offices issued in amounts of \$100,000 or more, and (4) deposits in foreign offices.

Instructions.—(1) Passbook type savings deposits should be included in category (2) regardless of size.

(2) If material, the registrant should disclose separately the aggregate amount of deposits by foreign depositors in domestic offices. Identification of the nationality of depositors is not requested.

B. As of the end of the latest fiscal year and any interim period reported on, present separately the amount outstanding of time certificates of deposit issued by domestic offices in amounts of \$100,000 or more by time remaining until maturity: 3 months or less; over 3 through 6 months; over 6 through 12 months; and over 12 months.

VI. Return on Equity and Assets

For each reported period, present the following:

1. Return on assets (net income divided by average total assets).

2. Return on equity (net income divided by average equity).

3. Dividend payout ratio (dividends declared per share divided by net income per share).

4. Equity to assets ratio (average equity divided by average total assets).

Instructions.—(1) Describe and explain the trends in each of these ratios if changes are significant. (2) The ratios required under 1, 2, and 3 above may also be calculated using income before securities gains (losses).

VII. Interest Rates and Interest Differential

A. For each reported period, present an analysis of net interest earnings as follows:

1. For each major category of interest-earning assets and each major category of interest-bearing liabilities, the average amount outstanding during the period and the interest earned or paid on such amount.

2. The average yield for each major type of interest-earning asset.

3. The average rate paid for each major type of interest-bearing liability.

4. The average yield on all interest-earning assets and the average effective

rate paid on all interest-bearing liabilities.

5. The net yield on interest-earning assets (net interest earnings divided by total interest-earning assets). Net interest earnings is the difference between total interest earned and total interest paid.

B. For the latest two fiscal years and any interim period reported on, present (1) the dollar amount of change in interest income and (2) the dollar amount of change in interest expense. The changes should be segregated for each major category of interest-earning asset and interest-bearing liability into amounts attributable to (a) changes in volume (change in volume times old rate), (b) changes in rates (change in rate times old volume), and (c) changes in rate/volume (change in rate times the change in volume). The rate/volume variances should be allocated on a consistent basis between rate and volume variances and the basis of allocation disclosed in a note to the table.

Instructions.—(1) Explain how non-accruing loans have been treated for purposes of the analysis in Paragraph A.

(2) Major categories of interest-earning assets should include loans, taxable investment securities, nontaxable investment securities, federal funds sold and securities purchased with agreements to resell, and other (specify if significant). Major categories of interest-bearing liabilities should include: savings deposits, other time deposits, deposits in foreign offices, short-term debt, long-term debt and other (specify if significant).

(3) In the calculation of the changes in the interest income and interest expense, any out-of-period items and adjustments should be excluded and the types and amounts of items excluded disclosed in a note to the table.

(4) If loan fees are included in the interest income computation, the amount of such fees should be disclosed, if material.

(5) The interest on tax exempt securities may be calculated on a tax equivalent basis. The registrant should describe the basis used.

(6) If disclosure regarding foreign operations is required pursuant to Instruction (2) under Section VIII of this Guide, the information required by this section should be further segregated between domestic and foreign operations.

VIII.—Foreign Operations

Instructions.—(1) The registrant should present information with respect to its foreign operations on the basis which it believes is representative of its foreign activities and the risks pertaining thereto. Registrant may present information in a manner consistent with the reporting requirements of the federal bank regulatory agencies if registrant believes that such designations are representative of its foreign activities and the risks associated with such business. The registrant should describe which components of its business it designates as foreign and the basis for such designation.

(2) Disclosure of the information on foreign operations specified below is required only if during each of the last two years (a) the gross revenues or income (loss) before taxes associated with foreign operations exceeded 10 percent of consolidated total revenues or income (loss) before taxes, respectively, or (b) the assets associated with foreign operations exceeded 10 percent of consolidated total average assets. In order to arrive at the foreign component of revenue or income, the registrant may be required to make internal allocations between foreign and domestic activities. The registrant should generally indicate the nature of significant estimates and assumptions used in such allocations. Any significant changes in assumptions or methods of allocations during the reported periods should also be indicated along with the effect of such changes on reported results.

(3) If disclosure of the information specified below would involve violation of the banking confidentiality requirements of any country, registrants may omit such disclosure, provided that a statement is made in the filing that such information has been omitted. The staff may in its discretion ask for support for the registrant's assertion that disclosure would violate any such confidentiality requirements.

(4) The registrant should indicate the basis used for the geographical breakdown provided under Paragraphs B and C below (domicile of the obligor, area of risk, or such other basis as is used). The geographical breakdown may be based on the classifications of the federal bank regulatory agencies. Separate disclosure is not required for any geographic area which represents less than 10 percent of the registrant's total foreign assets as called for by Paragraph B below and total revenue and income before taxes attributable to foreign operations as called for by Paragraph C below.

NOTE: The disclosures called for by Paragraph A(3) concerning deposits are intended to elicit information in terms of aggregate average amounts only, and identification of the nationality of depositors is not requested.

A. For the latest reported period, present separately the aggregate average amount of:

1. Balances in banks which are located in foreign countries;
2. Loans:
 - (a) Loans to banks;
 - (b) Loans to other financial institutions;
 - (c) Loans to governments or official institutions;
 - (d) Consumer loans;
 - (e) Loans to businesses;
 - (f) Real estate loans; and
 - (g) Other loans.
3. Deposits:

(a) Deposits of banks which are located in foreign countries (including balances of foreign branches of other United States banks);

(b) Deposits of foreign governments, official institutions, central banks, or international institutions; and

(c) Other deposits.

4. Other borrowings from foreign sources.

B. For the latest reported period, present a geographical breakdown of the average amount of foreign assets in such categories as are appropriate in light of the operations of the registrant. If there are material risks arising from a concentration of assets in a particular foreign country, such country shall be identified and the amount of such assets shall be disclosed. A concentration of 5 percent or more of consolidated total average assets normally would indicate, in the absence of mitigating factors, a material risk.

C. For each reported period, state the amount of revenue and income before taxes attributable to foreign operations and the percentage of such amounts to consolidated total revenues and income before taxes, respectively. In addition, present an appropriate geographical breakdown of revenue and income before taxes for such reported periods. If a material portion of consolidated total revenues is attributable to one foreign country, such country shall be identified and the amount of revenue and income before taxes so attributed shall be stated separately. As in Paragraph B above, 5 percent or more of consolidated total revenues normally would be a material portion.

D. Discuss generally the registrant's foreign exchange activities and the types of risks associated with such activities.

IX. Commitments and Lines of Credit

Discuss the registrant's present practice with respect to commitments and lines of credit. In particular, indicate the terms on which such commitments and lines of credit are generally extended, such as expiration period and fees charged. Also discuss the usual purposes for which such commitments and lines of credit are made available, such as particular types of loans, letters of credit, etc. Any firm commitments of material amounts which represent unusual risks should be separately disclosed.

GUIDE 3—GUIDES FOR THE PREPARATION AND FILING OF REPORTS AND PROXY AND REGISTRATION STATEMENTS UNDER THE SECURITIES EXCHANGE ACT OF 1934

STATISTICAL DISCLOSURE BY BANK HOLDING COMPANIES

This Guide applies to the description of business portion of bank holding company registration statements filed on Form 10 (Item 1). (17 CFR 249.210), in proxy and information statements relating to mergers, consolidations, acquisitions and similar matters (Item 14 of Schedule 14A and Item 1 of Schedule 14C) (17 CFR 240.14a-101 and 240.14c-101), and in reports filed on Form 10-K (Item 1) (17 CFR 249.310).

(The rest of Guide 3 is identical to Guide 61 set forth above.)

(Secs. 7, 10, 48 Stat. 78, 81; secs. 12, 13, 15(d), 23(a), 48 Stat. 892, 894, 895, 901; sec. 205, 48 Stat. 906; sec. 203(a), 49 Stat. 704; secs. 1, 3,

8, 49 Stat. 1375, 1377, 1379; secs. 8, 202, 68 Stat. 685, 686; secs. 3, 4, 10, 78 Stat. 565-568, 569, 570-574, 589; secs. 1, 2, 82 Stat. 454; secs. 1, 2, 28(c), 84 Stat. 1435, 1497; sec. 105 (b), 88 Stat. 1503; secs. 8, 9, 10, 13, 89 Stat. 117, 118, 119, 155; 15 U.S.C. 77g, 77j, 781, 78m, 78o(d), 78w(a).)

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

AUGUST 31, 1976.

[FR Doc. 76-26837 Filed 9-13-76; 8:45 am]

[Release No. 33-5738, Release No. IC-9426]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Procedures for Filing and Processing Registration Statements and Post-Effective Amendments Filed by Registered Investment Companies

As previously announced,¹ the Division of Investment Management of the Securities and Exchange Commission is now responsible for, among other things, processing registration statements and post-effective amendments filed by registered investment companies under the Securities Act of 1933 (15 U.S.C. 77a-1 et seq.) ("the Securities Act"). Consistent with the Commission's practice of publishing the views of its staff to assist registrants, their counsel and accountants, and other interested persons, the Commission has authorized the publication of this release to give registrants the opportunity to consider these views in preparing forthcoming filings.^{2,3}

Generally, investment company filings are subject to the same requirements as other registration statements under the Securities Act. Set forth below are reminders of some requirements frequently overlooked in investment company filings, a description of certain filing procedures the Division encourages registrants to use and a summary of the procedures the Division intends to follow in reviewing registration statements and post-effective amendments. The objectives of the staff to process filings more efficiently, in a manner consistent with the Commission's traditional high standards, can be accomplished only with the

¹ Securities Act Release No. 5720 (June 22, 1976), 41 FR 29374 (July 16, 1976).

² This release supersedes Securities Act Releases No. 4955 (March 12, 1969), 34 FR 5547 (March 23, 1969), 5305 (September 21, 1972), 37 FR 20317 (September 29, 1972), and 5439 (November 14, 1973), 38 FR 32613 (November 27, 1973), except for the check lists attached to Release No. 4955.

³ This release is published under the authority of Section 6(a) of the Securities Act [15 U.S.C. 77 f(a)] and Section 4(b) of the Securities Exchange Act of 1934 [15 U.S.C. 77d(b)].

full cooperation of registrants, counsel, underwriters, accountants and others.

REGISTRATION STATEMENTS (NOT INCLUDING POST-EFFECTIVE AMENDMENTS)

I. EXISTING REQUIREMENTS FREQUENTLY OVERLOOKED

Include Sufficient Copies

Registrants should file the number of complete copies of every filing (including exhibits) required by Rule 402 under the Securities Act (17 CFR 230.402).

Letter of Transmittal

In the letter of transmittal, registrants should describe possible problem areas and set forth their desired time schedule.

Check Lists

The check lists for Forms N-8A (17 CFR 274.10), N-8B-1 (17 CFR 274.11), S-4 (17 CFR 239.14) and S-5 (17 CFR 239.15) which are attached to Securities Act Release No. 3955 are intended to assist registrant's counsel in preparing an investment company registration statement and to assist the staff in making an initial determination as to whether the registrant has adequately considered the provisions of the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq., as amended by Pub. L. No. 91-547 [December 14, 1970] and Pub. L. No. 94-29 [June 4, 1975]) ("the Investment Company Act") and the Securities Act and the rules thereunder. Counsel should complete the applicable check lists and file three copies as supplemental material accompanying all investment company registration statements.

Guidelines

In preparing a registration statement, counsel should be aware of the "Guidelines for the Preparation of Form S-4 and S-5 Including The Prospectus for a Management Investment Company," parts of which may be relevant (Investment Company Act Release No. 7220 [June 9, 1972], 37 FR 12790 [June 29, 1972]). Counsel is advised to refer to the "Guidelines for the Preparation of Form N-8B-1," (Investment Company Act Release No. 7221 [June 9, 1972], 37 FR 12790 [June 29, 1972]), which may also be relevant.

II. STAFF REVIEW PROCEDURES

The staff employs three review procedures for registration statements. After initial analysis, the staff, and not the registrant, will determine which type of review a registration statement will receive.

Cursory Review

If a registration statement appears to have been properly prepared and to raise no novel or complex issues, the staff may advise the registrant in writing that it has made only a cursory review of the registration statement and remind it that, in any event, review by the staff may not be relied upon to indicate that the registration statement is true, complete, or accurate. Generally, the staff will give no written or oral comments in the case of a cursory review. Absent unusual circumstances, the staff will then

comply with a request for acceleration of the effective date of the registration statement pursuant to Rule 461 under the Securities Act (17 CFR 230.461), and declare the registration statement effective on the date requested.

Customary Review

A registration statement which is not given cursory or deferred review will receive a more complete review of financial, accounting, and legal considerations. A supervisory staff member will decide the extent of the comments to be given the registrant and whether the comments will be given orally or in writing. After resolution of the issues raised by staff comments, the staff will consider a request for acceleration of the effective date of the registration statement.

Deferred Review

If a supervisory staff member determines that a registration statement is so poorly prepared or otherwise presents problems so serious that no further staff time would be justified in view of other staff responsibilities, review will be deferred. The staff will not give detailed comments, but will notify the registrant of the general nature of the problems the registration statement presents. The registrant will then have to consider withdrawing or appropriately amending the registration statement. Should the registrant decide to permit the registration statement to become effective in accordance with Section 8(a) of the Securities Act [15 U.S.C. 77h(a)] without taking corrective steps, the staff would recommend that the Commission take appropriate action.

ANNUAL UPDATING BY POST-EFFECTIVE AMENDMENT*

I. FILING A POST-EFFECTIVE AMENDMENT PRIOR TO FISCAL YEAR-END

A registrant should file a post-effective amendment which includes the narrative portion of its prospectus, exclusive of financial statements ("narrative only"), two months prior to the fiscal year-end. The facing sheet of the amendment should indicate the registrant's fiscal year-end and the type of filing, i.e., "narrative only." The registrant should mark the amendment to indicate any differences between the current amendment and the most recent filing which contained a prospectus and which was declared effective, and should describe any significant differences in a letter accompanying the filing. The accompanying letter should also specify any problems under the Investment Company Act of which the registrant is aware,

* Staff procedures for processing post-effective amendments filed by registered investment companies were adopted on September 21, 1972, pursuant to Securities Act Release No. 5305. To remind investment companies of the procedure established in Release No. 5305 and to set forth certain mechanical procedures, the Commission issued Securities Act Release No. 5439 on November 14, 1973. As previously noted, these releases are hereby superseded.

and if such problems have been previously discussed with the staff the letter should mention those staff members participating in the discussion.

The registrant should file the number of complete copies of every post-effective amendment (including exhibits) required by Rule 472 under the Securities Act (17 CFR 230.472).

Upon receipt and examination of a properly filed amendment, the staff will attempt to give comments as expeditiously as possible. Prior to filing the second amendment, counsel should attempt to resolve the comments raised by the staff in its examination of the "narrative only" amendment.

"Narrative only" amendments filed after the close of a registrant's fiscal year will be examined as the staff's work load permits, but the registrant should not generally expect to receive comments until after it files an amendment incorporating financial statements.

When registering additional shares pursuant to section 24(e) of the Investment Company Act [15 U.S.C. 80a-24(e)] in a "narrative only" amendment, registrants should recognize that the amendment will be declared effective at the same time the filing containing financial statements is declared effective; therefore, it is suggested that if additional shares must be registered immediately such registration be completed by filing a separate amendment for that purpose.

III. FILING A POST-EFFECTIVE AMENDMENT INCORPORATING FINANCIAL STATEMENTS

The registrant should file a second post-effective amendment which includes the narrative and financials as soon as the financial statements are available. Registrants should attempt to file the amendment incorporating financials soon after the mailing of the annual report to shareholders.

The second filing should be marked to show all differences between that filing and the "narrative-only" amendment and the facing sheet should set forth the date on which the "narrative only" amendment was filed. The filing also should be accompanied by a letter detailing the staff comments with which the registrant has not complied and noting any changes made other than those in response to staff comments.

Registrants should be aware that, depending on the circumstances, they may receive additional comments on the narrative portion of the second filing, as well as comments on the financial information. To avoid, to the extent possible, the problems associated with last minute comments, registrants are urged to file the second amendment promptly.

* Rule 30d-1(a) under the Investment Company Act [17 CFR-270.30d-1(a)], in pertinent part, provides that "(e)ach report shall be mailed within 45 days after the date as of which the report is made except that if the reporting company is a non-diversified company having one or more majority owned subsidiaries which are not investment companies, the report may be mailed within 60 days after the date as of which it is made."

IV. FILING A MODEL POST-EFFECTIVE AMENDMENT

The staff is aware that a registrant which is part of a group of investment companies with the same investment adviser, principal underwriter, and/or manager may want to model its prospectus after that of one registrant in the group. The staff wishes to emphasize that while the filing of a single post-effective amendment modeled after that of another registrant may save time and money, the staff may have additional comments on the amendment of the registrant who has followed the model, even after it has commented on the model. Every registrant considering using a model should weigh the suitability of the procedure in light of its own circumstances.

When a model is to be used, the staff requests that the registrant to be used as a model file its post-effective amendment according to the two-part procedure outlined above. After the staff has commented on the narrative filing of the model registrant, and questions raised by those comments have been resolved, another registrant in the group may file its post-effective amendment patterned after the model, including both the text and financial statements, promptly after the end of its fiscal year. In addition to the information usually required, the facing sheet of that amendment should state the name of the model company and the date of the model filing. The amendment should be marked to indicate any differences between it and the last post-effective amendment the registrant filed which contained a prospectus and which was declared effective. The filing should be accompanied by a letter discussing any comments on the model with which the registrant has not complied and any differences between this amendment and the model.

STAFF COMMENTS AND REGISTRANTS' STATUTORY RESPONSIBILITY

The staff reviews all Securities Act filings with the objective of attaining full and fair disclosure of the character of the securities to be offered under legal, economic and industry considerations existing at the time of filing. Since those considerations are constantly changing, and since the review of any given filing takes place within the limits of available time and manpower, registrants should recognize that certain disclosures may appear in some prospectuses which do not appear in others and that such differences in disclosure do not preclude the staff from commenting on the presence or absence of specific disclosures in any filing it reviews. The staff is not, at any time, estopped from making a comment it has not previously made.

Regardless of the procedure chosen by the registrant in filing post-effective amendments or followed by the Division in its review of registration statements and post-effective amendments, registrants should be aware that the statutory burden of full disclosure is on the issuer, its affiliates, the underwriter, the

accountants and others and that as a matter of law this burden cannot be shifted to the Commission or its staff. Attention is directed to "Escott v. Bar-Chris Construction Corporation, et al.," 283 F. Supp. 643 (DC, S.D.N.Y. 1968).

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 3, 1976.

[FR Doc. 76-26833 Filed 9-13-76; 8:45 am]

[Release No. 34-12766]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Uniform Net Capital Rule

The Securities and Exchange Commission today announced the adoption of certain amendments and interpretations to Rule 15c3-1 [17 CFR 240.15c3-1] ("§ 240.15c3-1"), the uniform net capital rule, pertaining to the treatment of transactions in options market maker accounts for purposes of computing net capital. The amendments, which become effective on November 1, 1976, are designed primarily to enable net capital computations to reflect more directly the risks incurred by brokers and dealers who guarantee, endorse or clear transactions in listed options for specialists who act as market makers in such options. The amendments essentially are those proposed in Securities Exchange Act Release No. 12148 (Feb. 26, 1976) [41 FR 12306 (March 25, 1976)] ("Release No. 12148"), modified in light of suggestions and data received in response to the Commission's solicitation of public comment upon the proposals.

INTRODUCTION

Section 15(c) (3) of the Securities Exchange Act of 1934 directs the Commission, *inter alia*, to establish minimum financial responsibility requirements for all brokers and dealers. On June 26, 1975, the Commission adopted¹ amendments to § 240.15c3-1 constituting a uniform net capital rule applicable to substantially all brokers and dealers, thus implementing this congressional directive.

For purposes of determining compliance with the minimum net capital requirements of § 240.15c3-1(a), § 240.15c3-1(c) (2) defines "net capital" as net worth adjusted by the additions to and deductions from net worth enumerated in this paragraph of the rule. A broker or dealer who guarantees, endorses or carries the account of a listed options specialist is required by § 240.15c3-1(c) (2) (x) to deduct from his net worth, for each class of listed options in which such specialist is a market maker, 130 percent of the market value of short options posi-

¹ Securities Exchange Act Release No. 11497 (June 26, 1975), 40 FR 29795 (July 16, 1975).

tions in the account. However, in the case of a market maker account reflecting both long and short positions in options for the same underlying security, § 240.15c3-1(c) (2) (x) requires the deduction from net worth of the greater of (a) 30 percent of the market value of the long positions, or (b) 130 percent of the market value of the short positions less 70 percent of the market value of the long positions, in either case less any equity in the account. "Equity" is defined in § 240.15c3-1(c) (13) as the sum of the market value² of all long positions and the credit balance (if any) in the account, minus the sum of the market value of all short positions and the debit balance (if any) in the account.

In Release No. 12148, the Commission noted that these provisions constitute a self-contained test of liquidity which theoretically provides a direct incentive to a broker or dealer to require the maintenance of an appropriate capital cushion in a specialist's market maker account which he clears, guarantees or endorses.³ The Commission stated, however, "that the practical ramifications of situations wherein one broker or dealer carries, guarantees and clears on a combined basis the market maker accounts of numerous options specialists tend to dilute the protections afforded by Rule § 240.15c3-1(c) (2) (x) & (c) (13)."⁴ The practice of "cross-netting" equity in some market maker accounts against liquidating deficits in other such accounts, the Commission pointed out, produces deductions from net worth in respect of the combined account not fully reflective of the credit and market risks borne by the carrying broker or dealer, and could leave individual options specialists free to incur hazardous liquidating deficits in their market maker accounts.⁵ In these circumstances, the Commission found it appropriate to propose amendments to § 240.15c3-1(c) (2) (x) designed to eliminate potential dangers to the public stemming from these considerations.

ADOPTION OF AMENDMENTS TO § 240.15c3-1(c) (2) (x)

The amendments to § 240.15c3-1(c) (2) (x) proposed in Release No. 12148 proceeded from three essential principles. First, proposed § 240.15c3-1(c) (2) (x) would have proscribed cross-netting as a permissible mode of computation thereunder. Second, given the existence of a prohibition against cross-netting, the Commission determined that it would be

² See also Options Clearing Corp. R. 307.

³ Proposed amendments to § 240.15c3-1(c) (13) would clarify that for purposes of the computation of equity, "market value" is adjusted as required by paragraphs (c) (2) (vi) or (c) (2) (x) of § 240.15c3-1, or Appendix A thereto. See Securities Exchange Act Release No. 11969 (Jan. 2, 1976), 41 FR 5299 (Feb. 5, 1976). See also text accompanying note 13 *infra*.

⁴ Securities Exchange Act Release No. 12148, at 2 (Feb. 26, 1976), 41 FR 12306 (March 25, 1976) [hereinafter cited as Release No. 12148].

⁵ *Id.* (footnotes omitted).

⁶ *Id.* at 2-3.

appropriate to provide treatments of bona fide hedged and spread positions more precisely reflecting the market risks inherent in such positions. Finally, proposed § 240.15c3-1(c)(2)(x) would have incorporated the principles of day-to-day control and early warning embodied in § 240.15c3-1(a)(6), which sets forth an optional financial responsibility standard for certain dealers engaging in market maker or specialist transactions. Comments and impact studies received from interested members of the public in response to the Commission's invitation in Release No. 12148⁷ generally indicate substantial agreement with these principles, and they have been retained in § 240.15c3-1(c)(2)(x) as adopted. However, results of the impact studies conducted by certain commentators suggest that it is appropriate to modify the individual treatments of specific positions in options proposed in Release No. 12148.

LONG AND SHORT POSITIONS

The proposed amendments to § 240.15c3-1(c)(2)(x) involved no change in the capital charges presently applicable to long or short positions in listed options which, under proposed § 240.15c3-1(c)(2)(x), would not be part of a bona fide hedged or spread position. However, substantial impact data received from interested members of the public indicated that the deductions applicable to pure short positions may be excessive in relation to the market risks inherent in such positions; conversely, the same data supported the conclusion that the 30 percent deduction applicable to pure long positions (where the account also contains pure short positions) may not take into account that the market value of an option is a leverage function of the value of its underlying security. Accordingly, under § 240.15c3-1(c)(2)(x)(A), as adopted herein, a broker or dealer guaranteeing, carrying or endorsing the market maker account of a specialist in listed option contracts (a "clearing member") will be required to deduct from his net worth 50 percent of the market value of each option contract carried long, and 75 percent of the market value of each contract carried short, with the proviso that no contract in a short position shall be deemed to have a market value of less than one hundred dollars.

HEDGED POSITIONS

Pursuant to proposed § 240.15c3-1(c)(2)(x)(C), a bona fide hedged position would consist of a long or short position in an underlying security (including a security currently exchangeable or convertible into the underlying security without the payment of money) offset by a call option position for the same number of shares of the same underlying security. As adopted, this provision clarifies that in the case of securities exchangeable or convertible into the underlying security, a bona fide hedged position exists only if such securities constitute the long position. Section 240.15c3-1(c)(2)(x)(C), as adopted, recognizes hedges

involving long or short positions in listed put options as bona fide hedged positions for purposes of § 240.15c3-1(c)(2)(x), provided again that the options position is equivalent in size to the offsetting securities position. Recognition of these put hedges increases to four the number of distinct trading strategies eligible for qualification as bona fide hedged positions under § 240.15c3-1(c)(2)(x) as adopted. These variants are treated seriatim in § 240.15c3-1(c)(2)(x)(A)(2)-(5), which closely resemble their counterparts in Appendix A to § 240.15c3-1.⁸ For purposes of applying the deductions required by these provisions, § 240.15c3-1(c)(2)(x)(E)(1) requires that bona fide hedges shall be constituted by matching long or short positions in an underlying security against offsetting long or short options positions taken in order of increasing exercise values (decreasing exercise values in the case of puts); in the case of long (or short) options of equal exercise value, the option possessing the longest time to expiration should be matched first. Section 240.15c3-1(c)(2)(x)(E) also effectively requires a clearing member to allocate positions in each market maker account so as to constitute bona fide hedged positions, before attempting to form bona fide spread positions.

SPREAD POSITIONS

Proposed § 240.15c3-1(c)(2)(x)(D) defined a bona fide spread position as a long and short position in call option contracts for equivalent units of the same underlying security, where the long option expires no sooner than the short option. If the long or short position consisted of contracts bearing different expiration dates, long and short contracts would be matched, pursuant to proposed § 240.15c3-1(c)(2)(x)(E), in order of decreasing time to expiration; in cases of long or short options of equal time to expiration, the option possessing the lowest exercise value would be matched first. Once the existence and composition of a bona fide spread position were determined in accordance with these proposed criteria, the spread would receive a haircut of 30 percent of the difference between the market values of its component long and short positions.

These proposed provisions concerning spreads evoked several constructive discussions by interested members of the public. It was suggested that the definitional requirement that the long option component of a spread expire no sooner than the short option would prove superfluous in light of the continuous, rapid turnover characterizing option specialists' market maker accounts, and would impede the maintenance of a fair and orderly market in listed options. It was also pointed out, with respect to the allocation procedure set forth in proposed § 240.15c3-1(c)(2)(x)(E), that reversal

⁷ Appendix A may be found at 17 CFR § 240.15c3-1a (1976). See *id.* § 240.15c3-1a(c)(3), (4), (9), (10) (respectively, long stock—short call, short stock—short put, long stock—long put, and short stock—long call).

of the contemplated priority of time to expiration over exercise value would produce an allocation more consistent with the procedure mandated by margin maintenance rules applicable to clearing firms.⁹ These commentators suggested further that the deductions from net worth applicable to bona fide spreads should "parallel" the deductions for pure long and pure short positions, in order to discourage market makers from assuming spread positions solely to secure the substantially more favorable capital treatment thereof contemplated by proposed § 240.15c3-1(c)(2)(x). The Commission has determined that it is appropriate to adopt the provisions of proposed § 240.15c3-1(c)(2)(x) pertaining to spreads with modifications indicated by these considerations. These provisions, as adopted, also incorporate recognition of listed put spreads meeting definitional criteria parallel to those outlining the contours of a bona fide call spread.¹⁰ Thus, § 240.15c3-1(c)(2)(x)(D) defines a bona fide spread as a long position and a short position in the same type (i.e., put or call) of option contracts for the same number of units of the same underlying security. If the long or short position consists of option contracts of differing expiration dates or exercise values, then, pursuant to § 240.15c3-1(c)(2)(x)(E)(2), the long options taken in order of increasing exercise values (decreasing exercise values in the case of put options) should be matched against the short options similarly ordered; in the case of long (or short) option possessing the longest time to expiration should be matched first.

Bona fide spread positions resulting from the operation of these provisions wherein the market value of the long position exceeds the market value of the short position are treated in § 240.15c3-1(c)(2)(x)(A)(6), which prescribes a deduction from net worth of 50 percent of the greater of (i) such excess long market value, or (ii) \$50 per long contract. A proviso to this paragraph of the rule recognizes that a market maker carrying both a spread position with excess long market value and a short position in options of the same type for the same underlying security generally incurs less market risk than that reflected by aggregating the deductions separately applicable to the two positions, because of the necessarily counter effect of their market behavior. Bona fide spreads wherein the market value of the short position equals or exceeds the market value of the long position are treated in § 240.15c3-1(c)(2)(x)(A)(7), which prescribes a basic deduction of 75 percent of the greater of (i) the difference between the market values of the short and long positions or (ii) \$50 per contract carried in the long position. This provision, like § 15c3-1(c)(2)(x)(A)(6) discussed above, recognizes that the market risk created by a spread position with

⁹ See Options Clearing Corp. R. 601(a).

¹⁰ See also 17 CFR § 240.15c3-1a(c)(12) (1976) (proprietary haircuts for listed put spreads).

⁸ *Id.* at 11.

excess short market value is reduced by the presence in the same market maker account of a pure long position in the same type of options for the same underlying security. Another proviso to § 240.15c3-1(c)(2)(x)(A)(7) stipulates that if the options in the short position expire no later than the options in the long position, the deduction in respect of the spread shall be the greater of (i) 75 percent of \$50 per contract carried long or (ii) the amount by which the difference between the proceeds of the short position and the cost of the long position is less than the amount by which the exercise value of the long position exceeds the exercise value of the short position.

DEFINITION OF EQUITY

Proposed § 240.15c3-1(c)(2)(x)(B) set forth a definition of "equity" for purposes of proposed § 240.15c3-1(c)(2)(x). The Commission has determined that it is appropriate to adopt this provision (as § 240.15c3-1(c)(2)(x)(B)(2)) in the form proposed, except for transferring to a separate provision (§ 240.15c3-1(c)(2)(x)(A)(8)) the requirement that positions in a market maker account not directly related to specialist activities shall receive their normal proprietary haircuts. Section 240.15c3-1(c)(2)(x)(B) itself, as adopted, consists of the two sentences concluding proposed § 240.15c3-1(c)(2)(x)(A), which state in essence that the deduction computed for each market maker account pursuant to § 240.15c3-1(c)(2)(x)(A) shall be reduced by the amount of equity in the account or increased to the extent of any liquidating deficit therein.

1000 PERCENT TEST

A new provision, § 240.15c3-1(c)(2)(x)(B)(1), provides that no broker or dealer subject to § 240.15c3-1(c)(2)(x)(A) shall permit the aggregate deductions from his net worth required by that paragraph in respect of all market maker accounts guaranteed, endorsed or carried by such broker or dealer to exceed 1000 percent of his net capital, as defined by § 240.15c3-1(c)(2), for any period exceeding five business days. The Commission has determined that this provision, which will ensure that clearing members maintain a capital cushion adequate in light of the special risks attending their activity, is a necessary and appropriate complement to other provisions of § 240.15c3-1(c)(2)(x) requiring the maintenance of an adequate capital cushion at the market maker level. Inasmuch as violation of this provision constitutes a violation of section 240.15c3-1 involving a net capital deficiency, the notice and reporting requirements of Rule 17a-11(a) [17 CFR 240.17a-11(a)] apply, and operate at the close of the five business day period. In order to provide appropriate early warning of violations of § 240.15c3-1(c)(2)(x)(B)(1), this paragraph requires a broker and dealer subject thereto to give immediate telegraphic notice to the Commission and his examining authority if such broker's or dealer's § 240.15c3-1(c)(2)(x)(A) deductions at any time exceed 100 percent of his net capital.

EARLY WARNING AND CONTROL PROCEDURES

Proposed § 240.15c3-1(c)(2)(x)(F) and (G) set forth control and early warning procedures incumbent upon brokers or dealers guaranteeing endorsing or carrying the market maker account of a specialist in listed options, in the deductions required by proposed § 240.15c3-1(c)(2)(x)(A) exceeded the equity in such account, or if the account liquidated to a deficit. These provisions closely resemble their counterparts in § 240.15c3-1(a)(6)(iv).

The Commission has adopted these provisions in their original form.¹¹ Proposed § 240.15c3-1(c)(2)(vi)(H), which would invest the Commission with authority to approve, in appropriate individual cases, lesser deductions from net worth than those specified in proposed § 240.15c3-1(c)(2)(x), has been adopted without change.

The text of § 240.15c3-1(c)(2)(x), in the form adopted by the Commission, appears later in this release.

DELETION OF SECTION 240.15c3-1(c)(13) AND WITHDRAWAL OF PROPOSED AMENDMENTS THERETO

Section 240.15c3-1(c)(13) defines the term "equity" for purposes of the present § 240.15c3-1(c)(2)(x). In Release No. 12148, the Commission proposed to delete this provision, inasmuch as proposed § 240.15c3-1(c)(2)(x) contained its own definition of equity in paragraph (B) thereof.¹² The amendments to § 240.15c3-1(c)(2)(x) adopted today include, in modified form, proposed § 240.15c3-1(c)(2)(x)(B). Accordingly, the Commission has determined to adopt its proposal to delete § 240.15c3-1(c)(13). This action renders obsolete the amendment to § 240.15c3-1(c)(13) proposed in Securities Exchange Act Release No. 11969;¹³ accordingly, the Commission has determined to withdraw that proposal.¹⁴

ADOPTION OF AMENDMENTS TO SECTION 240.15c3-1(a)(6)

Section 240.15c3-1(a)(6)¹⁵ establishes

¹¹In the course of their comments upon proposed § 240.15c3-1(c)(2)(x), certain interested members of the public suggested that calls for margin, marks to the market or other required deposits outstanding not more than one business day be applied to market maker accounts for purposes of proposed § 240.15c3-1(c)(2)(x)(F). In the Commission's view, this may not be consistent with the concept of requiring immediate remedial action if at any time there is insufficient equity present in a market maker account. However, should experience with § 240.15c3-1(c)(2)(x) indicate the desirability of an amendment to § 240.15c3-1(c)(2)(x)(F) along these lines, the Commission will reconsider the matter at a later date.

¹²Release No. 12148 at 7.

¹³Securities Exchange Act Release No. 11969, at 10-11 (Jan. 2, 1976), 41 FR 5299 (Feb. 5, 1976); see note 3 supra.

¹⁴Withdrawal of this proposed amendment is formally announced in Securities Exchange Act Release No. 12767 (Sept. 2, 1976) [41 FR 39048 (Sept. 14, 1976)].

¹⁵Section 240.15c3-1(a)(6) was adopted in Securities Exchange Act Release No. 11969 (Jan. 2, 1976), 41 FR 5299 (Feb. 5, 1976).

an optional financial responsibility standard available to certain dealers who combine specialist activities with certain other floor activities. Section 240.15c3-1(a)(6) is predicated on the maintenance of a specified level of equity in the dealer's market maker or specialist account carried with another broker or dealer, including, in the case of positions in options, the same percentage levels required by the present § 240.15c3-1(c)(2)(x).¹⁶

In Release No. 12148, the Commission proposed amendments to § 240.15c3-1(a)(6) corresponding to the amendments to § 240.15c3-1(c)(2)(x) proposed in that same release, in order to preserve the symmetry between the two provisions. The Commission has determined that it is appropriate to adopt the proposed amendments to § 240.15c3-1(a)(6), with modifications reflecting the alterations to proposed § 240.15c3-1(c)(2)(x) discussed above. As adopted, the amendments to § 240.15c3-1(a)(6) incorporate by reference, rather than repeat substantially verbatim, the relevant provisions of § 240.15c3-1(c)(2)(x) as amended.

The text of § 240.15c3-1(a)(6), as amended today, appears later in this release.

DISPOSITION OF PROPOSED INTERPRETATIONS RELATING TO PROPOSED SECTION 240.15c3-1(c)(2)(x)

In Release No. 12148, the Commission proposed two interpretations designed to clarify certain aspects of proposed § 240.15c3-1(c)(2)(x). With respect to proposed § 240.15c3-1(c)(2)(x)(H), the Commission proposed to clarify by interpretation that the broker or dealer guaranteeing, endorsing or carrying an options specialist's market maker account for which the Commission has approved lesser adjustments to net worth shall deduct from his capital the difference between the equity in such account maintained pursuant to such lesser adjustments and the equity required therein pursuant to proposed § 240.15c3-1(c)(2)(x)(A). This would conform to the treatment of specialist or market maker accounts under § 240.15c3-1(a)(6), if lesser equity requirements therefor were approved pursuant to the provision presently designated as § 240.15c3-1(a)(6)(iii)(E).¹⁷ The Commission has determined that this proposed interpretation is appropriate, and accordingly adopts the interpretation in the form proposed.

The second interpretation proposed in Release No. 12148 stated that pursuant to § 240.15c3-1(c)(1), equity in individual

¹⁶See Release No. 12148 at 8. The primary distinction between § 240.15c3-1(a)(6) and § 240.15c3-1(c)(2)(x) lies in the former provision's availability to certain dealers who already are subject to section 240.15c3-1; § 240.15c3-1(c)(2)(x) deals with the market maker accounts of specialists in listed options who are themselves exempted from net capital regulation pursuant to § 240.15c3-1(b)(1).

¹⁷The amendments to § 240.15c3-1(a)(6) adopted herein involve the redesignation of this provision as § 240.15c3-1(a)(6)(iii)(B).

options specialists' market maker accounts would be includable in the aggregate indebtedness of the broker or dealer guaranteeing, endorsing or carrying such accounts. The Commission has determined that the proposed interpretation of § 240.15c3-1(c) (1) is no longer necessary in light of § 240.15c3-1(c) (2) (x) (B) (1), which, through a maximum permissible ratio between a clearing member's net capital and the deductions from its net worth specified by § 240.15c3-1(c) (2) (x) (A) in respect of its market maker account clearing activity, limits the volume of such activity in which such a firm may engage with a given amount of net capital. Additionally, § 240.15c3-1(c) (2) (x) (B) (1), unlike the proposed interpretation, is applicable to those clearing members which operate under § 240.15c3-1(f), the alternative net capital requirement. In view of these considerations, the Commission has determined that it is appropriate to withdraw the interpretation of § 240.15c3-1(c) (1) proposed in Release No. 12148.¹⁸

STATUTORY BASIS AND COMPETITIVE CONSIDERATIONS

Pursuant to the Securities Exchange Act of 1934, and particularly sections 15(c) (3) and (23) (a) thereof, 15 U.S.C. 78o(c) (3), 78w(a), the Commission amends section 240.15c3-1 in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations in the manner set forth below, effective November 1, 1976. The Commission finds that any burden imposed upon competition by the amendments is necessary and appropriate in furtherance of the purposes of the Act, and particularly to implement the Commission's continuing mandate under section 15(c) (3) thereof, 15 U.S.C. 78o(c) (3), to provide minimum safeguards with respect to the financial responsibility of brokers and dealers.

TEXT OF AMENDMENTS TO SECTION 240.15c3-1

1. The text of the amendments to § 240.15c3-1, is as follows:

§ 240.15c3-1 Net capital requirements for brokers and dealers.

(a) * * *

MARKET MAKERS, SPECIALIST AND CERTAIN OTHER DEALERS

(6) (i) A dealer who meets the conditions of paragraph (a) (6) (ii) of this section may elect to operate under this paragraph (a) (6) and thereby not apply, except to the extent required by this paragraph (a) (6), the provisions of paragraphs (c) (2) (vi), (f) (3) or Appendix A, 17 CFR 240.15c3-1a, of this section to market maker and specialist transactions and, in lieu thereof, apply thereto the provisions of paragraph (a) (6) (iii) of this section.

(ii) This paragraph (a) (6) shall be available to a dealer who does not effect

¹⁸ Withdrawal of this proposed interpretation is formally announced in Securities Exchange Act Release No. 12767 (Sept. 2, 1976) [41 FR 39048 (Sept. 14, 1976)].

transactions with other than brokers or dealers, who does not carry customer accounts, who does not effect transactions in unlisted options, and whose market maker or specialist transactions are effected through and carried in a market maker or specialist account cleared by another broker or dealer is provided in paragraph (a) (6) (iv) of this section.

(iii) A dealer who elects to operate pursuant to this paragraph (a) (6) shall at all times maintain a liquidating equity in respect of securities positions in his market maker or specialist account at least equal to:

(A) An amount equal to 25 percent (5 percent in the case of exempted securities) of the market value of the long positions and 30 percent of the market value of the short positions; provided, however, in the case of long or short positions in options and long or short positions in securities other than options which relate to a bona fide hedged position as defined in paragraph (c) (2) (x) (C) this section, such amount shall equal the deductions in respect of such positions specified by paragraph (c) (2) (x) (A) (1)-(8) of this section.

(B) Such lesser requirement as may be approved by the Commission under specified terms and conditions upon written application of the dealer and the carrying broker or dealer.

(C) For purposes of this paragraph (a) (6) (iii), equity in such specialist or market maker account shall be computed by (1) marking all securities positions long or short in the account to their respective current market values, (2) adding (deducting in the case of a debit balance) the credit balance carried in such specialist or market maker account, and (3) adding (deducting in the case of short positions) the market value of positions long in such account.

(iv) The dealer shall obtain from the broker or dealer carrying the market maker or specialist account a written undertaking which shall be designated "Notice Pursuant to § 240.15c3-1(a) (6) of Intention to Carry Specialist or Market Maker Account." Said undertaking shall contain the representations required by paragraph (a) (6) of this section and shall be filed with the Commission's Washington, D.C. Office, the regional office of the Commission for the region in which the broker or dealer has its principal place of business and the Designated Examining Authorities of both firms prior to effecting any transactions in said account. The broker or dealer carrying such account:

(A) Shall mark the account to the market not less than daily and shall issue appropriate calls for additional equity which shall be met by noon of the following business day;

(B) Shall notify by telegraph the Commission and the Designated Examining Authorities pursuant to 17 CFR 240.17a-11, if the market maker or specialist fails to deposit any required equity within the time prescribed in paragraph (a) (6) (iv) (A) above; said telegraphic notice shall be received by the Commission and the Designated Examining Au-

thorities not later than the close of business on the day said call is not met;

(C) Shall not extend further credit in the account if the equity in the account falls below that prescribed in paragraph (a) (6) (iii) above, and

(D) Shall take steps to liquidate promptly existing positions in the account in the event of a failure to meet a call for equity.

* * * * *
(c) * * * * *
(2) * * * * *

BROKERS OR DEALERS CARRYING ACCOUNTS OF OPTIONS SPECIALISTS

(x) (A) With respect to any transaction in options listed on a registered national securities exchange or a facility of a registered national securities association for which a broker or dealer acts as a guarantor, endorser or carrying broker or dealer for options purchased or written by a specialist not otherwise subject to the provisions of this section, such broker or dealer shall adjust its net worth by deducting, for each class of option contracts in which each such specialist is a market maker, an amount equal to 50 percent of the market value of each option contract in a long position and 75 percent of the market value of each contract in a short position; provided, however, that:

(1) For the purpose of the above deductions, each option contract in a short position shall be deemed to have a market value of not less than \$100.

(2) In the case of a bona fide hedged position as defined in this paragraph (c) (2) (x) involving a long position in a security, other than an option, and a short position in a call option, the deduction shall be 30 percent (or such other percentage required by paragraphs (A)-(K) of paragraph (c) (2) (vi) of this section or 15 percent if such broker or dealer operates pursuant to paragraph (f) of this section) of the market value of the long position reduced by any excess of the market value of the long position over the exercise value of the short option position; provided, that no such reduction shall operate to increase net capital.

(3) In the case of a bona fide hedged position as defined in this paragraph (c) (2) (x) involving a short position in a security, other than an option, and a long position in a call option, the deduction shall be the lesser of 30 percent of the market value of the short position or the amount by which the exercise value of the long option position exceeds the market value of the short position; however, if the exercise value of the long option position does not exceed the market value of the short position, no deduction shall be applied.

(4) In the case of a bona fide hedged position as defined in this paragraph (c) (2) (x) involving a short position in a security, other than an option, and a short position in a put option, the deduction shall be 30 percent (or such other percentage required by paragraphs (A)-(K) of paragraph (c) (2) (vi) of this section) of the market value of the short

security position reduced by any excess of the exercise value of the short option position over the market value of the short security position; provided, that no such reduction shall operate to increase net capital.

(5) In the case of a bona fide hedged position as defined in this paragraph (c) (2) (x) involving a long position in a security, other than an option, and a long position in a put option, the deduction shall be the lesser of 30 percent (15 percent if such broker or dealer operates pursuant to paragraph (f) of this section) of the market value of such long security position or the amount by which the market value of such long security position exceeds the exercise value of the long option position; however, if the market value of the long security position does not exceed the exercise value of the long option position, no deduction shall be applied.

(6) In the case of a bona fide spread position as defined in this paragraph (c) (2) (x) in which the market value of the long position exceeds the market value of the short position, the deduction shall be 50 percent of the greater of the difference between the market values of such long and short positions or \$50 for each option contract included in the long position as part of such spread position; provided, that such endorser, guarantor or carrying broker or dealer need not deduct more in respect of any such spread position in a particular underlying security and in respect of option contracts for the same underlying security which are carried in a pure short position in such specialist's market maker account than the greater of the deduction required by this paragraph (6) in respect of the spread position or the deduction required by paragraphs (A) and (A) (1) of this paragraph (c) (2) (x) in respect of the pure short position.

(7) In the case of a bona fide spread position as defined in this paragraph (c) (2) (x) in which the market value of the short position equals or exceeds the market value of the long position, the deduction shall be 75 percent of the greater of the difference between the market values of such short and long positions or \$50 for each option contract included in the long position as part of such spread position; provided, that if the option contracts in the short position expire no later than the option contracts in the long position, such deduction shall be the greater of 75 percent of \$50 per long contract, or the amount by which the difference between the proceeds of the short position and the cost of the long position is less than the amount by which the exercise value of the long position exceeds the exercise value of the short position; and provided further, that such endorser, guarantor or carrying broker or dealer need not deduct more in respect of any such spread position in a particular underlying security and in respect of option contracts for the same underlying security which are carried in a pure long position in such specialist's market maker account than the greater of the deduction

required by this paragraph (7) in respect of the spread position or the deduction required by paragraph (A) of this paragraph (c) (2) (x) in respect of the pure long position.

(8) In the case of positions in securities which are not part of a bona fide hedged or spread position as defined in this paragraph (c) (2) (x) and, in the case of options, which are not listed on the national securities exchange of which such specialist is a member, the deduction shall be that set forth in paragraph (c) (2) (vi) of this section, or, if such securities are options, the deduction shall be that set forth in Appendix A (17 CFR 240.15c3-1a) to this section.

(B) The deduction computed for each specialist's positions pursuant to paragraph (A) of this paragraph (c) (2) (x) shall be reduced by any liquidating equity, as defined in this paragraph (c) (2) (x), that exists in such specialist's market maker account with the broker or dealer, and shall be increased to the extent of any liquidating deficit in such account. Provided, that in no event shall this provision result in increasing the net capital of any such guarantor, endorser, or carrying broker or dealer.

(1) No such guarantor, endorser or carrying broker or dealer shall permit the deductions required by paragraph (A) of this paragraph (c) (2) (x) in respect of all transactions in specialists' market maker accounts guaranteed, endorsed or carried by such broker or dealer to exceed 1000 percent of such broker's or dealer's net capital as defined in paragraph (c) (2) of this section for any period exceeding five business days. Provided, that if at any time such deductions exceed 1000 percent of such broker's or dealer's net capital, then the broker or dealer shall immediately transmit telegraphic notice of such event to the principal office of the Commission in Washington, D.C., the regional office of the Commission for the region in which the broker or dealer maintains its principal place of business, and such broker's or dealer's Designated Examining Authority.

(2) For purposes of this paragraph (c) (2) (x), equity in each such specialist's market maker account shall be computed by (i) marking all securities positions long or short in the account to their respective current market values, (ii) adding (deducting in the case of a debit balance) the credit balance carried in such specialist's market maker account, and (iii) adding (deducting in the case of short positions) the market value of positions long in such account.

(C) For purposes of this paragraph (c) (2) (x), a bona fide hedged position shall mean either (1) a long position in a security other than an option (an "underlying security"), or in a security which is currently exchangeable for or convertible into the underlying security if the conversion or exchange does not require the payment of money, which is offset by a short call option position or a long put option position for the same number of units of the same underlying security, or (2) a short position in an

underlying security which is offset by a long call position or a short put position for the same number of units of the same underlying security.

(D) For purposes of this paragraph (c) (2) (x), a bona fide spread position shall mean long and short positions in the same type (that is, put or call) of option contracts for the same number of units of the same underlying security.

(E) For purposes of applying the deductions required by paragraph (A) of this paragraph (c) (2) (x) in respect of positions in each such specialist's market maker account, long and short positions in each such account shall be allocated in the following sequence:

(1) Bona fide hedged positions as defined in paragraph (C) of this paragraph (c) (2) (x) shall be constituted by matching long or short positions in securities, other than options, against offsetting long or short options positions taken in order of increasing exercise values (decreasing exercise values in the case of put options); provided, that in the case of long (or short) options of equal exercise value, the option possessing the greatest time to expiration shall be matched first.

(2) Thereafter, bona fide spread positions as defined in paragraph (D) of this paragraph (c) (2) (x) shall be constituted by matching long options taken in order of increasing exercise values (decreasing exercise values in the case of puts) against offsetting short options taken in order of increasing exercise values (decreasing exercise values in the case of puts); provided, that in the case of long (or short) options of equal exercise value, the option possessing the greatest time to expiration shall be matched first.

(3) Thereafter, long or short positions not allocated pursuant to paragraphs (1) or (2) above shall be treated in the manner prescribed by paragraphs (A), (A) (1) or (A) (8) of this paragraph (c) (2) (x).

(F) If at any time the deductions required in respect of any such specialist's market maker account pursuant to paragraph (A) of this paragraph (c) (2) (x) exceed the equity in the account computed pursuant to paragraph (B) (2) of this paragraph (c) (2) (x), then the broker or dealer guaranteeing, endorsing, or carrying options transactions in such account:

(1) Shall not extend further credit in the account, and

(2) Shall issue a call for additional equity which shall be met by noon of the following business day, and

(3) Shall notify by telegraph the principal office of the Commission in Washington, D.C., the regional office of the Commission for the region in which the broker or dealer maintains its principal place of business, and the Designated Examining Authorities of the specialist and the broker or dealer if the specialist fails to deposit any required equity within the time prescribed in (2) above; said telegraphic notice shall be received by the Commission's Washington, D.C. office, the Commission's regional office, and the Designated Examining Authority.

ties not later than the close of business on the day said call is not met.

(G) If at any time a liquidating deficit exists in any such specialist's market maker account, then the broker or dealer guaranteeing, endorsing or carrying options transactions in such account shall take steps to liquidate promptly existing positions in the account.

(H) Upon written application to the Commission by the specialist and the broker or dealer guaranteeing, endorsing, or carrying options transactions in such specialist's market maker account, the Commission may approve upon specified terms and conditions lesser adjustments to net worth than those specified by paragraph (A) of this paragraph (c) (2) (x).

2. In section 240.15c3-1, paragraph (c) (13) is deleted.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 2, 1976.

[FR Doc.76-26834 Filed 9-13-76;8:45 am]

[Release No. IA-532, File No. S7-632]

**PART 275—RULES AND REGULATIONS,
INVESTMENT ADVISERS ACT OF 1940**
Investment Advisers

**NEW RULES CONCERNING GENERAL RE-
QUIREMENTS FOR PAPERS AND APPLI-
CATIONS, AND PROCEDURE WITH RESPECT
THERE TO**

On May 13, 1976, the Securities and Exchange Commission published notice (Investment Advisers Act Release No. 516 [41 FR 22101 (June 1, 1976)]) that it had under consideration the adoption of new Rules 0-4, 0-5, and 0-6 [17 CFR 275.0-4, 17 CFR 275.0-5, and 17 CFR 275.0-6, respectively] under the Investment Advisers Act of 1940 [15 U.S.C. 80b-1 et seq.] (the "Advisers Act") for the purpose of facilitating the processing of applications for orders under the provisions of the Advisers Act and the rules promulgated thereunder¹ and the adoption of a re-

¹ Clause (F) of section 202(a)(11) [15 U.S.C. 80b-2(a)(11)(F)] of the Advisers Act excludes from the definition of "investment adviser" such persons not within the intent of the definitional paragraph "as the Commission may designate by rules and regulations or order."

Section 206A [15 U.S.C. 80b-6(A)] of the Act provides as follows:

The Commission, by rules and regulations, upon its own motion, or by order upon application, may conditionally or unconditionally exempt any person or transaction, or any class or classes of persons, or transactions, from any provision or provisions of this title 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 this title.

Section 210(a) [15 U.S.C. 80b-10(a)] of the Act provides in part as follows:

The information contained in any registration application or report or amendment

related clarifying amendment of the title of Rule 204-1 [17 CFR 275.204-1] under the Advisers Act and invited all interested persons to submit their views on the proposals.

The Commission has considered all of the comments received and has adopted Rules 0-4, 0-5 and 0-6 and amended the title of Rule 204-1 in the form set forth below, effective October 21, 1976. The foregoing actions have been taken by the Commission pursuant to sections 203 [15 U.S.C. 80b-3], 204 [15 U.S.C. 80b-4], and 211 [15 U.S.C. 80b-11] of the Advisers Act and Title V of the Independent Officers Appropriations Act, 1952 [31 U.S.C. 483a].

The rules which have been adopted relate to the filing and processing of applications for orders under the provisions of the Advisers Act and the rules promulgated thereunder.

Rule 0-4 under the Advisers Act contains general requirements of papers and applications filed pursuant to the Advisers Act and any rule or regulation thereunder, including, among other things, the method for filing such papers and formal specifications respecting the form in which applications should be filed and their contents, including a statement as to the authority of the persons signing the application, a statement of the grounds for the application, and the address of the applicant.

Rule 0-5 under the Advisers Act specifies the procedure of the Commission with regard to proceedings initiated by the filing of an application, or upon the Commission's own motion, pursuant to any section of the Advisers Act or any rule or regulation thereunder, unless in the particular circumstance a different procedure is provided. It encompasses a requirement for notice of the initiation of the proceedings in the Federal Register, a period of time during which interested persons might request a hearing, a provision for the issuance of orders, including orders for hearings, and a re-

thereto filed with the Commission pursuant to any provision of this title shall be made available to the public, unless and except insofar as the Commission, by rules and regulations upon its own motion, or by order upon application, finds that public disclosure is neither necessary nor appropriate in the public interest or for the protection of investors.

Section 211 [15 U.S.C. 80b-11] of the Act provides in part as follows:

(a) The Commission shall have authority from time to time to make, issue, amend, and rescind such rules and regulations and such orders as are necessary or appropriate to the exercise of the functions and powers conferred upon the Commission elsewhere in this title.

(c) Orders of the Commission under this title shall be issued only after appropriate notice and opportunity for hearing. Notice to the parties to a proceeding before the Commission shall be given by personal service upon each party or by registered mail or certified mail or confirmed telegraphic notice to the party's last known business address. Notice to interested persons, if any, other than parties may be given in the same manner or by publication in the Federal Register.

quirement of a \$150 application fee. The \$150 fee would not be required where an applicant for an order under the Advisers Act also applies for an order under the Investment Company Act of 1940 [15 U.S.C. 80a-1 et seq.] (the "Investment Company Act") in the same application, since a \$500 application fee would then be required pursuant to Rule 0-5(d) [17 CFR § 270.0-5(d)] under the Investment Company Act.

Rule 0-6 under the Advisers Act provides for incorporation by reference in applications filed under the Advisers Act of all or a part of other documents, including financial statements, filed with the Commission pursuant to any Act administered by the Commission. In view of the relative brevity of other reports currently required to be filed with the Commission under the Advisers Act, incorporation by reference in such documents would appear to be unnecessary at this time.

Under Rule 0-6, any incorporation by reference is subject to the limitations of Rule 24 of the Commission's rules of practice [17 CFR 201.24]. Since the provisions of that rule may be amended from time to time, a Note to the rule has been added which advises applicants to review Rule 24 as in effect at the time an application is filed prior to incorporating by reference any document as an exhibit to such application.

The term "application," as used in Rules 0-4, 0-5, and 0-6, is defined as "any application for an order of the Commission under the Act other than an application for registration as an investment adviser."

The Commission also has amended the title to Rule 204-1 to make it clear that that rule relates only to amendments to applications for registration and not to amendments to other kinds of applications.

COMMISSION ACTION

The text of Rules 0-4, 0-5, and 0-6 under the Advisers Act as adopted by the Commission, effective October 21, 1976, is as follows:

§ 275.0-4 General requirements of papers and applications.

(a) *Filing of papers.* All papers required to be filed with the Commission shall, unless otherwise provided by the rules and regulations in this part, be delivered through the mails or otherwise to the Securities and Exchange Commission, Washington, D.C. 20549. Except as otherwise provided by the rules and regulations in this part, such papers shall be deemed to have been filed with the Securities and Exchange Commission on the date when they are actually received by it.

(b) *Formal specifications respecting applications.* Every application for an order under any provision of the Act, for which a form with instructions is not specifically prescribed, and every amendment to such application shall be filed in quintuplicate. One copy shall be signed by the applicant, but the other four copies may have facsimile or typed signatures. Such applications shall be on paper approximately 8½ by 11 inches

in size, except that tables, charts, and other documents may be larger if folded to approximately that size. The left margin should be at least 1½ inches wide, and, if the application is bound, it should be bound on the left side. All typewritten or printed matter (including deficits in financial statements) should be set forth in black so as to permit photocopying.

(c) *Authorization respecting applications.* (1) Every application for an order under any provision of the Act, for which a form with instructions is not specifically prescribed and which is executed by a corporation, partnership, or other company and filed with the Commission, shall contain a concise statement of the applicable provisions of the articles of incorporation, bylaws, or similar documents, relating to the right of the person signing and filing such application to take such action on behalf of the applicant, and a statement that all such requirements have been complied with and that the person signing and filing the same is fully authorized to do so. If such authorization is dependent on resolutions of stockholders, directors, or other bodies, such resolutions shall be attached as an exhibit to, or the pertinent provisions thereof shall be quoted in, the application.

(2) If an amendment to any such application shall be filed, such amendment shall contain a similar statement or, in lieu thereof, shall state that the authorization described in the original application is applicable to the individual who signs such amendment and that such authorization still remains in effect.

(3) When any such application or amendment is signed by an agent or attorney, the power of attorney evidencing his authority to sign shall contain similar statements and shall be filed with the Commission.

(d) *Verification of applications and statements of fact.* Every application for an order under any provision of the Act, for which a form with instructions is not specifically prescribed and every amendment to such application, and every statement of fact formally filed in support of, or in opposition to, any application or declaration shall be verified by the person executing the same. An instrument executed on behalf of a corporation shall be verified in substantially the following form, but suitable changes may be made in such form for other kinds of companies and for individuals:

State of _____
County of _____, ss:
The undersigned being duly sworn deposes and says that he has duly executed the attached _____ dated _____, 19____, for and on behalf of _____;

(Name of company)
that he is the _____ of such company; and that all action by stockholders, directors, and other bodies necessary to authorize deponent to execute and file such instrument has been taken. Deponent further says that he is familiar with such instrument, and the contents thereof, and that the facts therein set forth are true

to the best of his knowledge, information and belief.

(Signature)

(Type or print name beneath)

Subscribed and sworn to before me a

this _____

(Title of officer)

day of _____, 19____

[OFFICIAL SEAL]

My commission expires _____

(e) *Statement of grounds for application.* Each application should contain a brief statement of the reasons why the applicant is deemed to be entitled to the action requested with a reference to the provisions of the Act and of the rules and regulations under which application is made.

(f) *Name and address.* Every application shall contain the name and address of each applicant and the name and address of any person to whom any applicant wishes any question regarding the application to be directed.

(g) *Proposed notice.* A proposed notice of the proceeding initiated by the filing of the application shall accompany each application as an exhibit thereto and, if necessary, shall be modified to reflect any amendments to such application.

(h) *Definition of application.* For purposes of this rule, an "application" means any application for an order of the Commission under the Act other than an application for registration as an investment adviser.

§ 275.0-5 Procedure with respect to applications and other matters.

The procedure hereinbelow set forth will be followed with respect to any proceeding initiated by the filing of an application, or upon the Commission's own motion, pursuant to any section of the Act or any rule or regulation thereunder, unless in the particular case a different procedure is provided:

(a) Notice of the initiation of the proceeding will be published in the FEDERAL REGISTER and will indicate the earliest date upon which an order disposing of the matter may be entered. The notice will also provide that any interested person may, within the period of time specified therein, submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, stating his reasons therefor and the nature of his interest in the matter.

(b) An order disposing of the matter will be issued as of course following the expiration of the period of time referred to in paragraph (a), unless the Commission thereafter orders a hearing on the matter.

(c) The Commission will order a hearing on the matter, if it appears that a hearing is necessary or appropriate in the public interest or for the protection of investors, (1) upon the request of any interested person or (2) upon its own motion.

(d) At the time of filing an application under the Act, the applicant or applicants shall pay to the Commission, in

the manner specified in paragraph (b) of Rule 203-3 [17 CFR 275.203-3(b)] under the Act, a total fee of \$150, no part of which shall be refunded. This fee shall not be required where a single application is filed under both the Act and the Investment Company Act of 1940 [15 U.S.C. 80a-1 et seq.]

(e) *Definition of application.* For purposes of this rule, an "application" means any application for an order of the Commission under the Act other than an application for registration as an investment adviser.

§ 275.0-6 Incorporation by reference in applications.

(a) A person filing an application may, subject to the limitations of § 201.24 of this chapter, incorporate by reference as an exhibit to such application any document or part thereof, including any financial statement or part thereof, previously or concurrently filed with the Commission pursuant to any act administered by the Commission. The incorporation may be made whether the matter incorporated was filed by such applicant or any other person. If any modification has occurred in the text of any such document since the filing thereof, the applicant shall file with the reference a statement containing the text of any such modification and the date thereof. If the number of copies of any document previously or concurrently filed with the Commission is less than the number required to be filed with the application which incorporates such document, the applicant shall file therewith as many additional copies of the document as may be necessary to meet the requirements of the application.

(b) Notwithstanding paragraph (a) of this rule, a certificate of an independent public accountant or accountants previously or concurrently filed may not be incorporated by reference in any application unless the written consent of the accountant or accountants to such incorporation is filed with the application.

(c) In each case of incorporation by reference, the matter incorporated shall be clearly identified in the reference. An express statement shall be made to the effect that the specified matter is incorporated in the application at the particular place where the information is required.

(d) Notwithstanding paragraph (a) of this rule, no application shall incorporate by reference any exhibit or financial statement which (1) has been withdrawn, or (2) was filed under any act administered by the Commission in connection with a registration which has ceased to be effective, or (3) is contained in an application for registration, registration statement, or report subject, at the time of the incorporation by reference, to pending proceedings under section 8(b) [15 U.S.C. 77a-8(b)] or 8(d) [15 U.S.C. 77a-8(d)] of the Securities Act of 1933 [15 U.S.C. 77a-1 et seq.], section 8(e) [15 U.S.C. 80a-8(e)] of the Investment Company Act of 1940, section 15(b)(4)(A) [15 U.S.C. 78a-15(b)(4)]

(A) of the Securities Exchange Act of 1934 [15 U.S.C. 78a-1 et seq.], section 203(e) (1) [15 U.S.C. 80b-3(e) (1)] of the Investment Advisers Act of 1940 or to an order entered under any of those sections.

(e) Notwithstanding paragraph (a) of this rule, the Commission may refuse to permit incorporation by reference in any case in which in its judgment such incorporation would render an application incomplete, unclear, or confusing.

(f) *Definition of Application.* For purposes of this rule, an "application" means any application for an order of the Commission under the Act other than an application for registration as an investment adviser.

NOTE.—Prior to incorporating by reference any document as an exhibit to an application, applicants are advised to review § 201.24 of this chapter as in effect at the time the application is filed to determine whether such incorporation by reference would be permissible under that rule.

Section 275.204-1 under the Investment Advisers Act of 1940 is presently entitled, *Amendments to application*. In order to make it clear that that rule relates only to amendments to applications for registration, the Commission has amended its title, effective October 21, 1976, to read as follows:

§ 275.204-1 Amendments to applications for registration.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 3, 1976.

[FR Doc.76-26832 Filed 9-13-76;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 76-260]

PART 6—AIR COMMERCE REGULATIONS

List of Designated International Airports, Amended

Section 6.13 of the Customs Regulations (19 CFR 6.13) sets forth a list of international airports designated by the Secretary of the Treasury pursuant to 49 U.S.C. 1509(b) as ports of entry for civil aircraft arriving in the United States. Since this list was prepared, a number of these airports have changed their official names. This amendment to § 6.13 merely furnishes an up-to-date list of the location and name of each designated airport.

Accordingly, § 6.13 of the Customs Regulations (19 CFR 6.13) is amended by substituting the following list of international airports of entry for the present list contained in that section:

§ 6.13 List of international airports.

Location	Name
Akron, Ohio	Akron Municipal Airport
Albany, N.Y.	Albany County Airport
Baudette, Minn.	Baudette International Airport

Location	Name
Bellingham, Wash.	Bellingham International Airport
Brownsville, Tex.	Brownsville International Airport
Burlington, Vt.	Burlington International Airport
Calexico, Calif.	Calexico International Airport
Caribou, Maine	Caribou Municipal Airport
Chicago, Ill.	Midway Airport
Cleveland, Ohio	Cleveland Hopkins International Airport
Cut Bank, Mont.	Cut Bank Airport
Del Rio, Tex.	Del Rio International Airport
Detroit, Mich.	Detroit City Airport Detroit Metropolitan Wayne County Airport
Douglas, Ariz.	Bisbee-Douglas International Airport
Duluth, Minn.	Duluth International Airport
Do.	Sky Harbor Airport
Eagle Pass, Tex.	Eagle Pass Municipal Airport
El Paso, Tex.	El Paso International Airport
Fort Lauderdale, Fla.	Fort Lauderdale-Hollywood International Airport
Friday Harbor, Wash.	Friday Harbor Seaplane Base
Grand Forks, N. Dak.	Grand Forks International Airport
Great Falls, Mont.	Great Falls International Airport
Havre, Mont.	Havre City-County Airport
Houlton, Maine	Houlton International Airport
International Falls, Minn.	Falls International Airport
Juneau, Alaska	Juneau Municipal Airport
Do.	Juneau Harbor Seaplane Base
Ketchikan, Alaska	Ketchikan Harbor Seaplane Base
Key West, Fla.	Key West International Airport
Laredo, Tex.	Laredo International Airport
Massena, N.Y.	Richards Field
McAllen, Tex.	Miller International Airport
Miami, Fla.	Chalk Seaplane Base Miami International Airport
Do.	
Minot, N. Dak.	Minot International Airport
Nogales, Ariz.	Nogales International Airport
Ogdensburg, N.Y.	Ogdensburg Harbor Ogdensburg International Airport
Do.	
Oroville, Wash.	Dorothy Scott Airport Dorothy Scott Seaplane Base
Do.	
Pembina, N. Dak.	Pembina Municipal Airport
Portal, N. Dak.	Portal Municipal Airport
Port Huron, Mich.	St. Clair County International Airport
Port Townsend, Wash.	Jefferson County International Airport
Ranier, Minn.	Ranier International Seaplane Base
Rochester, N.Y.	Rochester-Monroe County Airport
Rouses Point, N.Y.	Rouses Point Seaplane Base
San Diego, Calif.	San Diego International Airport (Lindbergh Field)

Location	Name
Sandusky, Ohio	Griffing-Sandusky Airport
Sault Ste. Marie, Mich.	Sault Ste. Marie City-County Airport
Seattle, Wash.	King County International Airport
Do.	Lake Union Air Service (Seaplanes)
Spokane, Wash.	Felts Field
Tampa, Fla.	Tampa International Airport
Tucson, Ariz.	Tucson International Airport
Watertown, N.Y.	Watertown New York International Airport
West Palm Beach, Fla.	Palm Beach International Airport
Williston, N. Dak.	Sloulin Field International Airport
Wrangell, Alaska	Wrangell Seaplane Base
Yuma, Ariz.	Yuma International Airport

(R.S. 251, as amended, sec. 624, 46 Stat. 759, sec. 1109, 72 Stat. 799, as amended (19 U.S.C. 66, 1624, 49 U.S.C. 1509))

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

Effective date: This amendment shall become effective on September 14, 1976.

VERNON D. ACREE,
Commissioner of Customs.

Approved: September 7, 1976.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.76-26840 Filed 9-13-76;8:45 am]

[T.D. 76-261]

PART 12—SPECIAL CLASSES OF MERCHANDISE

Seizure and Disposition of Articles or Matter Prohibited Entry, Amended

Section 12.40(b) of the Customs Regulations (19 CFR 12.40(b)) provides, in part, that upon the seizure of articles or matter prohibited entry by section 305, Tariff Act of 1930, as amended, a notice of the seizure of such articles or matter shall be sent to the consignee or addressee. Paragraph (c) of this section, (19 CFR 12.40(c)) provides that when such articles and matter are of small value and no criminal intent is apparent, a blank assent to forfeiture, Customs Form 4609, shall be sent with the notice of seizure. Upon receipt of the assent to forfeiture duly executed, the articles shall be destroyed if not needed for official use and the case closed.

It has come to the attention of the United States Customs Service that the reference in § 12.40(c) to "a blank assent to forfeiture" as Customs Form 4609 is incorrect. Customs Form 4609 is the Petition for Remission or Mitigation of Forfeitures and Penalties Incurred. The correct reference to the assent to forfeiture is Customs Form 4607, Notice of Abandonment and Assent to Forfeiture of Prohibited or Seized Merchandise and

Certificate of Destruction. Therefore, it is necessary to amend § 12.40(c) to reflect the correct Customs Form number.

§ 12.40 [Amended]

Accordingly, the first sentence of § 12.40(c) of the Customs Regulations (19 CFR 12.40(c)) is amended by substituting "Customs Form 4607" for "Customs Form 4609."

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

Inasmuch as this amendment merely conforms the Customs Regulations with an existing administrative practice and requires no public initiative, notice and public procedure thereon is found to be unnecessary, and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

Effective date: This amendment shall become effective September 14, 1976.

G. R. DICKERSON,
Acting Commissioner of Customs.

Approved: September 7, 1976.

DAVID R. MACDONALD,
Assistant Secretary
of the Treasury.

[FR Doc.76-26841 Filed 9-13-76; 8:45 am]

Title 21—Food and Drugs

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

PART 510—NEW ANIMAL DRUGS

PART 520—ORAL DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Dichlorophene and Toluene Capsules

The Food and Drug Administration approves new animal drug applications 102-673V filed by Tutag Pharmaceuticals, Inc., 2599 W. Midway Blvd., Broomfield, CO 80020 and 102-942V filed by Burroughs Wellcome Co., 3030 Cornwallis Rd., Research Triangle Park, NC 27709, proposing the safe and effective use of dichlorophene and toluene capsules for treatment of dogs and cats for certain helminth infections. These approvals are effective September 14, 1976.

The Commissioner of Food and Drugs is amending §§ 510.600 and 520.580 (21 CFR 510.600 and 520.580) to reflect these approvals.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under authority delegated to the Commissioner (21 CFR 5.1) (recodification published in the FEDERAL REGISTER of June 15, 1976

(41 FR 24262)), Parts 510 and 520 are amended as follows:

1. In Part 510, § 510.600 is amended by adding a new sponsor alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2) to read as follows:

§ 510.600 Names, addresses, and code numbers of sponsors of approved applications.

(c) * * *
(1) * * *

Firm name and address:

Drug listing No.

Tutag Pharmaceuticals, Inc., 2599
W. Midway Blvd., Broomfield, CO
80020 ----- 000124

(2) * * *
Drug listing
No.:

Firm name and address

Tutag Pharmaceuticals, Inc.,
2599 W. Midway Blvd.,
Broomfield, CO 80020.

2. In Part 520, § 520.580 is amended in paragraph (c)(1) to read as follows:

§ 520.580 Dichlorophene and toluene capsules.

(c)(1) Sponsor. Nos. 000010, 000081, 000856, 010290, 011519, 011536, 011614, and 000124 in § 510.600(c) of this chapter.

Effective date. This amendment shall be effective September 14, 1976.

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

Dated: September 7, 1976.

C. D. VAN HOUWELING,
Director, Bureau of
Veterinary Medicine.

[FR Doc.76-26759 Filed 9-13-76; 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-2268]

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Revision of Part

The purpose of this part is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128).

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at § 1912.5, 24 CFR Part 1912).

The Flood Disaster Protection Act of 1973 (Pub. L. 93-234) requires the pur-

chase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified for at least one year by the Secretary of Housing and Urban Development. The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction except as authorized by Section 202(b) of the Act, as amended, unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary because the revision merely reflects statutory language or intent or provides guidance to procedures of the Federal Insurance Administrator.

Present Section 1914 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is redesignated as Section 1914.6, and certain new entries are added in alphabetical sequence entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance program. Accordingly, Part 1914 of Chapter X of Title 24 of the Code of Federal Regulations is revised as follows:

1. The heading and text of Part 1914 is revised to read as follows:

PART 1914—COMMUNITIES ELIGIBLE FOR THE SALE OF INSURANCE

Sec. 1914.1	Purpose of part.
1914.2	Definitions.
1914.3	Flood insurance maps.
1914.4	Effect on community's eligibility resulting from boundary changes, governmental reorganizations, etc.
1914.5	Relationship of rates to zone designations.
1914.6	List of eligible communities.

AUTHORITY: Sec. 7(b), 79 Stat. 670; (42 U.S.C. 3535(d)); Sec. 1360, 82 Stat. 587; (42 U.S.C. 4101).

§ 1914.1 Purpose of part.

(a) 42 U.S.C. Sections 4101 and 4014 require that flood insurance in the maximum limits of coverage under the regular program shall be offered in communities only after the Administrator has:

- (1) Identified the areas of special flood, mudslide (i.e., mudflow) or flood-related erosion hazards within the community under Part 1915 of this subchapter; and
- (2) Completed a risk study for the applicant community. A period of 15 years ending July 31, 1983, was allotted for this purpose. The priorities for conducting such risk studies are set forth in

§§ 1909.23 and 1910.25 of this subchapter. A purpose of this part is periodically to list those communities in which the sale of insurance under the regular program has been authorized.

(b) 42 U.S.C. section 4056 authorizes an emergency implementation of the National Flood Insurance Program whereby, for a period ending on September 30, 1977, the Administrator may make subsidized coverage available to eligible communities prior to the completion of detailed risk studies for such areas. This part also describes procedures under the emergency program and lists communities which become eligible under that program.

§ 1914.2 Definitions.

The definitions set forth in Part 1909 of this subchapter are applicable to this part.

§ 1914.3 Flood insurance maps.

(a) The following maps may be prepared by the Administrator for use in connection with the sale of flood insurance:

(1) *Flood Insurance Rate Map (FIRM)*. This map is prepared after the risk study for the community has been completed and the risk premium rates have been established. It indicates the risk premium rate zones applicable in the community and when those rates are effective. The symbols used to designate those zones are as follows:

Zone symbol:

- A----- Area of special flood hazard without water surface elevations determined.
- A1-99---- Area of special flood hazard with water surface elevations determined.
- A0----- Area of special flood hazards having shallow water depths and/or unpredictable flow paths between 1 and 3 ft.
- VI-30--- Area of special flood hazards, with velocity, that is inundated by tidal floods (coastal high hazard area).
- V0----- Area of special flood hazards having shallow water depths and/or unpredictable flow paths between 1 and 3 ft. and with velocity.
- B----- Area of moderate flood hazards.
- C----- Area of minimal hazards.
- D----- Area of undetermined, but possible, flood hazards.
- M----- Area of special mudslide (i.e., mudflow) hazards.
- N----- Area of moderate mudslide (i.e., mudflow) hazards.
- P----- Area of undetermined, but possible, mudslide hazards.
- E----- Area of special flood-related erosion hazards.

Areas identified as subject to more than one hazard (flood, mudslide (i.e., mudflow), flood-related erosion) will be designated by use of the proper symbols in combination.

(2) *Flood Hazard Boundary Map (FHBM)*. This map is issued by the Administrator delineating Zones A, M, and E within a community.

(b) Notice of the issuance of new or revised FHBMs or FIRMs is given in

Part 1915 of this subchapter. The mandatory purchase of insurance is required within designated Zones A, A1-99, A0, V1-30, V0, M, and E.

(c) The FHBM or FIRM shall be maintained for public inspection at the following locations:

(1) The Information Office of the State agency or agencies designated by statute or the respective Governors to cooperate with the Administrator in implementing the Program whenever a community becomes eligible for Program participation and the sale of insurance pursuant to this section or is identified as flood-prone pursuant to Part 1915;

(2) One or more official locations within the community in which flood insurance is offered, which shall be specified in § 1914.6 at the time eligibility of the community is announced by publication in the FEDERAL REGISTER;

(3) The NFIA servicing company for the State or area (additional copies may be obtained from the appropriate servicing company) (See § 1912.5);

(4) The official record copy of each official map shall be maintained in FIA files in Washington, D.C.

§ 1914.4 Effect on community eligibility resulting from boundary changes, governmental reorganization, etc.

(a) When a community not participating in the Program acquires by means of annexation, incorporation, or otherwise, an area within another community participating in the Program, no new flood insurance shall be made available as of the effective date of annexation until the newly acquiring community participates in the Program. Until the effective date of participation, existing flood insurance policies remain in effect until the policy's date of expiration, but shall not be renewed.

(b) When a community participating in the Program acquires by means of annexation, incorporation, or otherwise another area which was previously located in a community either participating or not participating in the Program, the community shall have six months from the date of acquisition to formally amend its flood plain management regulations in order to include all flood-prone areas within the newly acquired area. The amended regulations shall satisfy the applicable requirements in Section 1910.3 of this subchapter based on the data previously provided by the Administrator. In the event that the newly acquired area was previously located in a community participating in the Program, the provisions of this section shall only apply if the community, upon acquisition, and pending formal adoption of the amendment to its flood plain management regulations, certifies in writing over the signature of a community official that within the newly acquired area the flood plain management requirements previously applicable in the area remain in force. In the event that the newly-acquired area was previously located in a community not participating in the Program, the provisions of the section shall only apply if the community, upon ac-

quisition, and pending formal adoption of the amendments to its flood plain management regulations, certifies in writing over the signature of a community official that it shall enforce within the newly-acquired area the requirements of § 1910.3(b) of this section. During the six month period, existing flood insurance policies shall remain in effect until their date of expiration, may be renewed, and new policies may be issued. Failure to satisfy the applicable requirements in § 1910.3 shall result in the community's suspension from Program participation pursuant to § 1909.24 of this subchapter.

(c) When an area previously a part of a community participating in the Program becomes autonomous or becomes a portion of a newly autonomous community resulting from boundary changes, governmental reorganization, changes in state statutes or constitution, or otherwise, such new community shall be given six months from the date of its independence to adopt flood plain management regulations within the special hazard areas subject to its jurisdiction and to submit its application for participation as a separate community in order to retain eligibility for the sale of flood insurance. The regulations adopted by such new community shall satisfy the applicable requirements in § 1910.3 of this subchapter based on the data previously provided by the Administrator. The provisions of this section shall only apply where the new community upon the date of its independence certifies in writing over the signature of a community official that, pending formal adoption of flood plain management regulations, the flood plain management requirements previously applicable in that area remain in effect. During the six month period, existing flood insurance policies shall remain in effect until their dates of expiration, may be renewed, and new policies may be issued. Failure to satisfy the applicable requirements in § 1910.3 shall result in the community's suspension from Program participation pursuant to § 1909.24 of this subchapter.

(d) Where any community or any area within a community had in effect a FHBM or FIRM, but all or a portion of that community has been acquired by another community, or becomes autonomous, that map shall remain in effect until it is superseded by the Administrator, whether by republication as part of the map of the acquiring community, or otherwise.

(e) When a community described in paragraph (a), (b), (c) or (d) of this section has flood elevations in effect, no new appeal period under Parts 1916, 1917, and 1918 of this subchapter will begin except as new scientific and technical data are available.

§ 1914.5 Relationship of rates to zone designations.

(a) In order to expedite a community's qualification for flood insurance under the emergency program, the Administrator may authorize the sale of such insurance without designating any Zones

A, M, or E within a community, provided the community has previously adopted flood plain management regulations meeting the requirements of S. 1910.3(a), S. 1910.4(a) or S. 1910.5(a) of this subchapter. When the Administrator has obtained sufficient technical information to delineate Zones A, M, or E, he shall delineate the tentative boundaries on a FIA map.

(b) Upon the effective date of the FIRM, flood insurance will continue to be available throughout the entire community at chargeable rates (i.e., subsidi-

dized) for first layer coverage of existing structures, but will be only available at risk premium rates for all new construction and substantial improvements. Upon the effective date of a FIRM, second layer coverage is available only at risk premium rates for all structures.

(c) Detailed insurance information may be obtained from the servicing companies.

§ 1914.6 List of eligible communities.

The sale of flood insurance pursuant to the National Flood Insurance Pro-

gram (42 U.S.C. Sections 4001-4128) is authorized for the communities set forth under this section. Previous listings under this Part continue in effect until revised.

NOTE.—(For references to FR pages showing lists of eligible communities see the List of CFR Sections Affected.)

2. New entries are added to the table in 1914.6 as follows:

§ 1914.6 List of eligible communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	Community No.
Georgia	Habersham	Cornelia, city of	Aug. 30, 1976, emergency	Apr. 11, 1975	130329
New York	Otsego	Maryland, town of	do	Oct. 18, 1974	361272A
Wyoming	Big Horn	Lovell, town of	do	June 25, 1976	
Do	Niobrara	Lusk, town of	do	Aug. 8, 1975	560073A
Alabama	Etowah	Hokes Bluff, town of	Sept. 1, 1976, emergency	do	610254
Georgia	Barrow	Winder, city of	do	May 21, 1976	130234
Illinois	Pike	Pearl, village of	do	Dec. 28, 1973	175556A
New York	Herkimer	Fairfield, town of	do	Mar. 26, 1976	
Pennsylvania	Potter	Roulette, township of	do	Mar. 29, 1974	360392
Washington	Snohomish	Darrington, town of	do	Dec. 20, 1974	421986
West Virginia	Ritchie	Unincorporated areas	do	July 11, 1975	530233
Wisconsin	Douglas	Poplar, village of	do	Apr. 25, 1975	540224
Iowa	Wapello	Agency, city of	Sept. 2, 1976, emergency	Dec. 28, 1973	550114A
Michigan	Genesee	Atlas, township of	do	May 14, 1976	
Missouri	Holt	Bigelow, village of	do	Sept. 5, 1975	195539
New York	Tioga	Newark Valley, village of	do	July 18, 1975	268393
Do	do	Nichols, village of	do	June 7, 1974	290158
Oklahoma	Sequoyah	Moffett, town of	do	Apr. 30, 1976	363838A
Texas	Eastland	Rising Star, city of	do	June 7, 1974	480196
Wisconsin	Bayfield	Bayfield, city of	do	Apr. 30, 1976	480795
Alabama	Conecuh	Evergreen, city of	Sept. 3, 1976, emergency	June 7, 1974	550017
Iowa	Carroll	Arcadia, town of	do	Aug. 8, 1975	010051
Do	do	Templeton, city of	do	Sept. 26, 1975	190694
Kansas	Harvey	Burton, city of	do	Mar. 19, 1976	190811
Do	Elk	Longton, city of	do	Mar. 15, 1974	200130A
Do	Osborne	Portis, city of	do	Oct. 24, 1975	
Michigan	Ionia	Saranac, village of	do	Sept. 19, 1975	200432
Do	Wayne	Sumpter, township of	do	Dec. 27, 1974	200256
				July 11, 1975	260421
				June 28, 1974	260243

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, (42 U.S.C. 4001-4128); and

Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.)

Issued: August 26, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-26667 Filed 9-13-76; 8:45 am]

[Docket No. FI-988]

PART 1916—CONSULTATION WITH LOCAL OFFICIALS

Final Flood Elevation Determinations for Needham, Massachusetts

On March 26, 1976, at 41 FR 12683, the Federal Insurance Administrator published a notification of modification of the base (100-year) flood elevations in the Town of Needham. Ninety days have elapsed since that date, and the Administrator has received an appeal from Needham, requesting changes in the proposed flood elevation determinations.

The Federal Insurance Administrator, after consultation with the Chief Executive Officer of the community, has determined that it is appropriate to modify the base flood elevations proposed on March 26, 1976, as a result of requests for changes in the determination. These modified elevations are in effect as of August 20, 1976, and amend the Flood

Insurance Rate Map, which was in effect prior to this date.

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

For rating purposes, the new community number is 255215B and must be used for all new policies and renewals.

Under the above mentioned Acts of 1968 and 1973, the Administrator must develop criteria for flood plain management. In order for the community to continue participation in the National Flood Insurance Program, the community must use the modified elevations to carry out the flood plain management measures of the Program. These modified elevations will also be used to calculate the appropriate flood insurance

premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and contents.

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

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

Issued: August 24, 1976.

H. B. CLARK,
Acting Federal Insurance
Administrator.

[FR Doc.76-26715 Filed 9-13-76; 8:45 am]

[Docket No. FI-1061]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Perryville, Cecil County, Maryland

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 his final determinations of flood elevations for the Town of Perryville, Cecil County, Maryland 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 Town 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 the Town Hall, 515 Broad Street, Perryville, Maryland.

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 in feet from shoreline to 100-yr flood boundary
Susquehanna River	Penn Central RR	7.5	200
	Route 40	7.5	140
	Baltimore & Ohio RR	7.5	170

(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 25, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-26716 Filed 9-13-76;8:45 am]

[Docket No. FI-1005]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation for Town of Atlantic Beach, North Carolina

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 Town of Atlantic Beach, North Carolina 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

Town 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 Section 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 Town Hall, Atlantic Beach, North Carolina 28512.

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

RULES AND REGULATIONS

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
Bogue Sound	Morehead Ave	7.0	3,925	(1)
	Bogue Sound Dr	7.0	(2)	(2)
	Bay Bogue Sound Dr. East	7.0	(2)	(2)
	Bay View Blvd	7.0	(2)	(2)
	Davis Blvd. West	7.0	(2)	(2)
	Fort Macon Blvd. West	7.0	(2)	(2)
	Durham Ave	7.0	790	(3)
	Raleigh Ave	7.0	0	(2)
	Kinston Ave	7.0	65	(2)
	Beaufort Ave	7.0	120	(2)
Atlantic Ocean	Wilson Ave	7.0	60	(2)
	Unnamed street south of Atlantic Blvd. West	10.0	(2)	(2)

¹ Approximate distance in feet from bridge over Bogue Sound along Morehead Ave. covered by water at 7.0 m.s.l.

² Entire road.

³ Approximate distance in feet south of intersection with Fort Macon Blvd. West covered by 100-yr flood.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17304, November 28, 1968), as amended; (42 U.S.C. 4001-4123); and Secretary's delegation of authority to Federal Insurance Administrator 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: August 25, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-26717 Filed 9-13-76; 8:45 am]

[Docket No. FI-1062]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Township of Thornbury, Chester County, Pennsylvania

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 (P.L. 90-448), 42 U.S.C. 4001-4123, and 24 CFR Part 1917 (§ 1917.10)), hereby gives notice of his final determinations of flood elevations for the Township of Thornbury, Chester County, Pennsylvania under § 1917.9 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

Township 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 § 1917.9(a), the Administrator has resolved the appeals presented by 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 the Post Office, Westown, Pennsylvania and the Motor Court, Routes 926 and 202, Westown, Pennsylvania.

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 in feet from bank of stream to 100-yr flood boundary facing downstream	
			Left	Right
Waln Run	Near unnamed tributary (end of detailed study)	276	180	50
	Zone break (A1/A3)	257	100	230
Street Rd	Route 926 (north corporate limits)	276	90	60
	Creek Rd	257	140	190
West Fork of east branch Chester Creek	Route 926 (north corporate limits)	258	60	360
	Westown Rd	255	550	130
East branch Chester Creek	Penn Central RR	255	550	80
	Route 926 (north corporate limits)	255	30	700
Cheyney Woods Rd	Cheyney Woods Rd	254	300	210
	Southeast corporate limits	251	140	390

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17304, November 28, 1968), as amended; (42 U.S.C. 4001-4123); and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, February 27, 1969, as amended by 39 F.R. 2787, January 24, 1974.)

Issued: August 24, 1976.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.76-26718 Filed 9-13-76; 8:45 am]

[Docket No. FI-1049]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Chincoteague, Accomack County, Virginia

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 his final determinations of flood elevations for the Town of Chincoteague, Accomack County, Virginia 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 Town 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 the Council Room, Town Hall, 224 North Main Street, Chincoteague.

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, feet above mean sea level	Area flooded
Chincoteague Bay	Chincoteague	9	All of town.

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

Issued: August 25, 1976.

J. ROBERT HUNTER,

Acting Federal Insurance Administrator.

[FR Doc. 76-26719 Filed 9-13-76; 8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Iowa; Certification of Completion of Developmental Steps

1. *Background.* Subpart D of Part 1902 of Title 29, Code of Federal Regulations (40 FR 54780) sets out procedures and criteria under which the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary) will make a determination of whether, on the basis of actual operations under a State plan, to grant final approval to State plans in accordance with the provisions of section 18(e) of the Occupational Safety and Health Act of 1970 (hereinafter referred to as the Act). The Assistant Secretary must determine whether a State whose plan has been approved under section 18(c) of the Act is applying the criteria of that section in such a manner as to warrant termination of discretionary Federal enforcement authority in that State with respect to any occupational safety or health issue covered under the plan. Such a determination may not be made until at least three years after the date of plan approval under section 18

(c) (or date of initial grant award under section 23(g)), and, in the case of a developmental plan, until the State has satisfactorily completed all developmental steps specified in its plan and the Assistant Secretary has had at least one additional year to evaluate the plan on the basis of actual operations. Upon making a determination under 18(e) that the 18(c) requirements are being applied, Federal enforcement of standards and Federal standards (except with regard to ongoing cases) cease to apply in the State with respect to any occupational safety and health issue covered under the determination.

29 CFR 1902.34 provides that the evaluation of a State's fully operational program preparatory to an 18(e) determination shall commence upon publication in the FEDERAL REGISTER of a certification that all developmental steps have been completed. The certification, in addition to listing all completed developmental steps and the date approval was published in the FEDERAL REGISTER, must also specify any substantive changes in the State plan with date of approval; include documentation that the State's merit system has been accepted by the U.S. Civil Service Commission and that actual operation of the merit system has been found acceptable by both the Occupational Safety and Health Administration and the U.S. Civil Service Com-

mission; and include a description of the occupational safety and health issues excluded from the plan at the time of certification.

On July 20, 1973, notice was published in the FEDERAL REGISTER (38 FR 19368) of the approval of the Iowa plan as a developmental plan and adoption of Subpart J of Part 1952 containing the decision and describing the plan. On or before July 20, 1976 (three years from the date of the State's first Section 23(g) grant award) Jerry L. Addy, Commissioner, Iowa Department of Labor, submitted documentation attesting to the completion of all State developmental commitments for review and approval as provided in 29 CFR Part 1953. Following this review, opportunity for public comment, and subsequent modification of the State's submissions, as deemed appropriate, the Assistant Secretary has approved the completion of all individual Iowa developmental steps.

2. *Notice of certification of completion of developmental steps under the Iowa plan.* In accordance with the provisions of 29 CFR 1902.34, notice is given that Iowa is certified as having completed all the developmental steps specified in the State's occupational safety and health plan (see Subpart J of 29 CFR Part 1952). The State has met the following conditions for certification of completion of its developmental period:

a. All developmental steps specified in the plan and amendments thereto have been completed:

(1) The Iowa occupational safety and health enabling legislation (Chapter 88 of the Iowa Code) was conditionally approved by the Assistant Secretary, pending passage and approval of certain amendments (38 FR 19368, July 20, 1973).

(2) The required amendments to the Iowa occupational safety and health enabling legislation, including authorization of first instance sanctions for non-serious violations, became effective on July 1, 1975, and were approved by the Secretary of Labor on September 2, 1975 (40 FR 40157).

(3) Iowa adopted interim State standards identical to OSHA standards, effective July 1, 1972. Notice of this adoption appeared in the FEDERAL REGISTER in the original plan approval notice on July 20, 1973 (38 FR 19368) and on June 11, 1976 (41 FR 23670).

(4) Permanent State standards were adopted on August 16, 1973, approved by the Regional Administrator for Occupational Safety and Health (hereinafter referred to as the Regional Administrator) and published in the FEDERAL REGISTER on June 11, 1976 (41 FR 23670). Notice of updating of State standards to conform with Federal changes occurred on August 30, 1974 (38 FR 31711); April 7, 1975 (40 FR 15468); July 1, 1975 (40 FR 27746); and June 25, 1976 (41 FR 26294).

(5) In conjunction with local Iowa community colleges, the State has developed a program of education and training of employers and employees as of October 1974. This program was approved by the Assistant Secretary on June 11, 1976 (41 FR 23670).

(6) As of April 24, 1974, the State had employed a sufficient number of qualified safety and health personnel under the approved Iowa Merit Employment Department system. This developmental step was approved by the Assistant Secretary on June 11, 1976 (41 FR 23670).

(7) Basic training of all Iowa compliance personnel at the Occupational Safety and Health Institute, Rosemont, Illinois, was completed May 9, 1975. Acknowledgment of completion of this developmental step appeared in the FEDERAL REGISTER on June 11, 1976 (41 FR 23670).

(8) A manual Management Information System, operational as of July 1972, was approved on June 11, 1976 (41 FR 23670).

(9) Compliance activities began in July 1973. Completion of this developmental step was acknowledged by the Assistant Secretary on June 11, 1976 (41 FR 23670).

(10) Enforcement activities in the agriculture, mercantile, and services issues were initiated by the Iowa Bureau of Labor by July 1975, and approved by the Assistant Secretary on June 11, 1976 (41 FR 23670).

(11) The State's on-site consultation program commenced in September 1975, and was approved by the Assistant Secretary on June 11, 1976 (41 FR 23670).

(12) The Iowa occupational safety and health poster, which informs both private and public employees of their rights and obligations under the Iowa plan and which is to be displayed in all workplaces in the State, was approved by the Assistant Secretary on September 2, 1975 (40 FR 40156).

(13) The Rules of Procedure for the Iowa Occupational Safety and Health Review Commission, promulgated in April 1973, were approved by the Assistant Secretary on September 7, 1976 (41 FR 37683).

(14) Regulations regarding compliance activities, recordkeeping, and variances (Chapters 3, 4, and 5, Iowa Regulations) were approved by the Assistant Secretary on September 7, 1976 (41 FR 37683).

b. The Iowa merit system was approved by the United States Civil Service Commission on February 13, 1976, and operations under this system have been found acceptable by the Federal Occupational Safety and Health Administration.

c. This certification covers all occupational safety and health issues except those found in 29 CFR Parts 1915, 1916, 1917, and 1918 (ship repairing, shipbuilding, shipbreaking, and longshoring).

3. *Location of the plan and its approved supplements for inspection and copying.* A copy of the supplements, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, OSHA, Room N-3608, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Technical Data Center, OSHA, Room N-3620, 200 Constitution Avenue, N.W., Washington,

D.C. 20210; Office of the Regional Administrator, OSHA, Room 3000 Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106; and Iowa Bureau of Labor, East Seventh and Court Avenue, Fourth Floor, Des Moines, Iowa 50319.

4. *Effect of Certification.* As a result of this certification the operation of the Iowa occupational safety and health program will be carefully evaluated and monitored for at least one year to determine whether the State program in operation is at least as effective as operations under the Federal program. The purpose of this evaluation period is to determine whether discretionary Federal enforcement authority should be relinquished under section 18(e) of the Act.

In accordance with 29 CFR 1902.35, Federal enforcement authority under sections 5(a)(2), 8, 9, 10, 13 and 17 of the Act (29 U.S.C. 654(a)(2), 657, 658, 659, 662, and 666), and Federal standards authority under section 6 (29 U.S.C. 655) of the Act will not be relinquished during this evaluation period. However, in recognition of the operational status achieved by Iowa on August 1, 1975 (40 FR 50716, October 11, 1975), the exercise of this authority by the U.S. Department of Labor will continue to be limited to, among other things: Complaints filed with the U.S. Department of Labor about violations of the discrimination provisions of section 11(c) of the Act; enforcement of new Federal standards where necessary to protect employees, such as emergency temporary standards, promulgated under section 6 of the Act, until such time as the State shall have promulgated equivalent standards; enforcement of Federal standards in the maritime and longshoring issues of 29 CFR Parts 1915, 1916, 1917 and 1918, which issues have been specifically excluded from coverage under the Iowa plan; and investigations and inspections for the purpose of the evaluation of the Iowa plan under sections 18(e) and (f) of the Act. In accordance with this certification, 29 CFR 1952.164 is hereby amended to reflect successful completion of the developmental period by changing the title of the section and by adding a paragraph (m).

§ 1952.164 Completion of developmental steps and certification.

(m) In accordance with 1902.34 of this chapter, the Iowa safety and health plan program was certified on September 14, 1976 as having completed all developmental steps in its plan with regard to those occupational safety and health issues specified in the plan on or before July 20, 1976.

(Sec. 18, Pub. L. 91-598 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Washington, D.C., this 7th day of September 1976.

B. M. CONCKLIN,
Deputy Assistant Secretary
of Labor.

[FR Doc.76-26894 Filed 9-13-76; 8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Chautauqua National Wildlife Refuge, Illinois

The following special regulations are issued and are effective on September 14, 1976.

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

ILLINOIS

CHAUTAUQUA NATIONAL WILDLIFE REFUGE

Public hunting of blue-winged, and cinnamon teal on the Chautauqua National Wildlife Refuge, Illinois, is permitted from September 11, 1976, through September 19, 1976, but only on the area designated by signs as open to hunting. This open area comprising 745 acres is delineated on a map available at refuge headquarters, and from the Regional Director, United States Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State and Federal Regulations subject to the following special conditions:

(1) Blinds—Temporary blinds of wood or brush may be constructed. Blinds do not become the property of those constructing them and will be available on a daily basis.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuges generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 19, 1976.

JACK E. HEMPHILL,
Regional Director.

[FR Doc.76-26754 Filed 9-13-76; 8:45 am]

PART 32—HUNTING

Seney National Wildlife Refuge, Michigan

The following special regulation is issued and is effective on September 14, 1976.

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

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Public hunting of Woodcock and Wilson's Snipe (Jacksnipe) on the Seney National Wildlife Refuge is permitted only on the area designated as open to hunting. This open area, comprising 33,525 acres, is delineated on maps available at refuge headquarters, Seney, Michigan and from the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Hunting shall be in accordance with all applicable State regulations covering the hunting of Woodcock and Wilson's Snipe

(Jacksnipe) subject to the following special conditions:

(1) All motorized conveyances are prohibited from traveling on dikes or off established roads and trails. Motorized Bikes, All-Terrain Vehicles and Snowmobiles are not permitted on the refuge.

The provisions of this special regulation supplements the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through November 13, 1976.

JACK E. HEMPHILL,
Regional Director.

[FR Doc.76-26808 Filed 9-13-76; 8:45 am]

proposed rules

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

DEPARTMENT OF THE TREASURY

Customs Service
[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Proposed Changes in Customs Region IX

In order to provide better Customs service to carriers, importers, and the public, it is considered desirable to extend the port limits of Erie, Pennsylvania, in the Cleveland, Ohio, Customs district (Region IX).

Accordingly, notice is hereby given that, 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 (3 CFR, 1949-1953 Comp., Ch. II), and pursuant to the authority provided by Treasury Department Order No. 190, Rev. 11 (41 FR 20198), it is proposed to extend the port limits of Erie, Pennsylvania, in the Cleveland, Ohio, Customs district (Region IX). As extended, the geographical limits of the port of Erie, Pennsylvania, would include all the territory within the corporate limits of the City of Erie and all of Mill Creek Township in Erie County, Pennsylvania.

Prior to the adoption of the foregoing proposal, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229, and received not later than October 14, 1976.

Written material and suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C. 20229, during regular business hours.

Dated: September 7, 1976.

DAVID R. MACDONALD,
Assistant Secretary
of the Treasury.

[FR Doc. 76-26844 Filed 9-13-76; 8:45 am]

[19 CFR Part 153] ANTIDUMPING

Advance Notice of Proposed Rulemaking

The United States Customs Service is considering amending § 153.10 of the Customs Regulations (19 CFR 153.10). That provision relates to making adjustments for differences in circumstances of sales when comparing the purchase price or exporter's sales price with the

sales, or other criteria applicable, upon which a determination of fair value is based under section 201(a) of the Anti-dumping Act of 1921, as amended (19 U.S.C. 160(a)).

In the preamble to the notice of proposed rulemaking published in the FEDERAL REGISTER of July 23, 1975 (40 FR 30825), relating to a proposed revision of Parts 153 and 175 of the Customs Regulations, it was noted that no amendments were being proposed at that time with respect to the provisions set forth in § 153.10 of the proposal (those provisions being contained in § 153.8 of the regulations then in effect), but that those provisions were under study. Subsequently, in T.D. 76-176, which was published in the FEDERAL REGISTER of June 25, 1976 (41 FR 26203), and set forth the revised Part 153, several amendments to § 153.10 were included. These changes, however, were intended to reflect long-existing Department of the Treasury practice.

The present notice is being issued to solicit the views of the interested public as to whether current practices, as set forth in revised § 153.10, should be continued or further revised in any way.

Section 153.10 presently provides as follows:

§ 153.10 Fair value; circumstances of sale.

(a) *General.* In comparing the purchase price or exporter's sales price, as the case may be, with the sales, or other criteria applicable, on which a determination of fair value is to be based, reasonable allowances will be made for bona fide differences in circumstances of sale if it is established to the satisfaction of the Secretary that the amount of any price differential is wholly or partly due to such differences. Differences in circumstances of sale for which such allowances will be made are limited, in general, to those circumstances which bear a direct relationship to the sales which are under consideration.

(b) *Examples.* Examples of differences in circumstances of sale for which reasonable allowances generally will be made are those involving differences in credit terms, guarantees, warranties, technical assistance, servicing, and assumption by a seller of a purchaser's advertising or other selling costs. Reasonable allowances also will generally be made for differences in commissions. Except in those instances where it is clearly established that the differences in circumstances of sale bear a direct relationship to the sales which are under consideration, allowances generally will not be made for differences in advertising and other selling costs of a seller unless such costs are attributable to a later sale of merchandise by a purchaser; provided that reasonable allowances for selling expenses generally will be made in cases where a reasonable allowance is made for commissions in one of the markets under

consideration and no commission is paid in the other market under consideration, the amount of such allowance being limited to the actual selling expense incurred in the one market or the total amount of the commission allowed in such other market, whichever is less. In making comparisons using exporter's sales price, reasonable allowance will be made for actual selling expenses incurred in the home market up to the amount of the selling expenses incurred in the United States market.

(c) *Determination of allowances.* In determining the amount of the reasonable allowances for any differences in circumstances of sale, the Secretary will be guided primarily by the cost of such differences to the seller but, where appropriate, may also consider the effect of such differences upon the market value of the merchandise.

Interested persons are invited to participate in the formulation of the practices to be followed under § 153.10 of the Customs Regulations by submitting such written data, views, or arguments as they may desire. Each suggested amendment should be accompanied by specific language for its implementation. Such views should be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To ensure consideration of such communications, they should be received not later October 14, 1976.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

After consideration of the data and comments received in response to this notice, and if it is decided to amend section 153.10 of the Customs Regulations, a notice of proposed rulemaking will be issued.

VERNON D. ACREE,
Commissioner of Customs.

Approved: September 7, 1976.

DAVID R. MACDONALD,
Assistant Secretary
of the Treasury.

[FR Doc. 76-26844 Filed 9-13-76; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Parts 191-201 and 221]

IRRIGATION PROJECTS

Operation and Maintenance

SEPTEMBER 2, 1976.

This notice is published in exercise of authority delegated by the Secretary of

the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Notice is hereby given that it is proposed to revise Part 191, Subchapter R; delete Parts 192-201, Subchapter R; and delete Part 221, Subchapter T, of Chapter I, Title 25 of the Code of Federal Regulations. This revision and deletion are proposed pursuant to the authority contained in Sections 1 and 3 of the Act of April 4, 1910 (36 Stat. 270, 272; 25 U.S.C. 385); the Act of March 1, 1907 (34 Stat. 1024); the Act of August 1, 1914 (38 Stat. 583; U.S.C. 385); the Act of August 31, 1954 (68 Stat. 1026); and section 11 of the Act of May 18, 1916 (39 Stat. 142).

The purpose of this revision and deletion is to update existing regulations and provide the officer in charge with flexibility in the day-to-day operation of the irrigation project. Presently, each of the Parts 191-201 in Subchapter R contains regulations on a specific irrigation project or district. Most of these regulations are the same for every project and district. This revision consolidates the regulations in a new Part 191. The revision also provides that the Area Director announce the operation and maintenance rates and related information by public notice in the FEDERAL REGISTER. Such information will no longer be codified as Part 221, Subchapter T.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, all persons who desire to submit comments, views, or arguments in connection with the proposed revisions and deletion shall file the same with the Director, Office of Trust Responsibilities, Bureau of Indian Affairs, 1951 Constitution Avenue, N.W., Washington, D.C. 20245, no later than November 15, 1976.

1. It is proposed to revise Part 191 of Subchapter R, Chapter I, Title 25 of the Code of Federal Regulations to read as follows:

PART 191—OPERATION AND MAINTENANCE

Sec.	
191.1	Administration.
191.2	Irrigation season.
191.3	Domestic and stock water.
191.4	Farm units.
191.5	Delivery points.
191.6	Distribution and apportionment of water.
191.7	Application for and record of deliveries of irrigation water.
191.8	Surface drainage.
191.9	Structures.
191.10	Fencing.
191.11	Obstructions.
191.12	Rights-of-way.
191.13	Crops and statistical reports.
191.14	Carriage agreements and water right applications.
191.15	Leaching water.
191.16	Excess water.
191.17	Delivery of water.
191.18	Default in payments.
191.19	Operation and maintenance assessments.
191.20	Water users' ledgers.
191.21	Health and sanitation.
191.22	Complaints.
191.23	Disputes.

AUTHORITY: Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U.S.C. 385. § 191.4(b) also issued under 34 Stat. 1024, 38 Stat. 583, and 68 Stat. 1026. §§ 191.4(a), 191.4(c), 191.16(b), and 191.17(f) also issued under sec. 11, 39 Stat. 142.

§ 191.1 Administration.

(a) The Agency Superintendent, Project Engineer or such official as authorized by the Area Director is the officer in charge of those Indian irrigation projects or units operated or subject to administration by the Bureau of Indian Affairs, whether or not each project or unit is specifically mentioned in this part. The officer in charge is fully authorized to administer, carry out, and enforce these regulations either directly or through employees designated by him. Such enforcement includes the refusal to deliver water.

(b) The officer in charge is authorized to apply to irrigation subsistence units or garden tracts only those regulations in this part which in his judgment would be applicable in view of the size of the units and the circumstances under which they are operated.

(c) The officer in charge is responsible for performing such work and taking any action which in his judgment is necessary for the proper operation, maintenance and administration of the irrigation project or unit. In making such judgments, the officer in charge will be guided by the basic requirement that the operation will be so administered as to provide the maximum possible benefits from the project's or unit's constructed facilities. The operations will insure safe, economical, beneficial and equitable use of the water supply and optimum water conservation.

(d) The Secretary of the Interior reserves the right to exercise at any time all rights, powers, and privileges given him by law and contracts with irrigation districts within Indian Irrigation projects. Close cooperation between the Indian tribal councils, the project water users and the officer in charge is necessary and will be to the advantage of the entire project.

(e) The Area Director is authorized to fix as well as to announce, by proposed and final public notice published in the FEDERAL REGISTER, the annual operation and maintenance assessment rates for the irrigation projects or units within his area of responsibility. In addition to the rates, the notices will include such information as is pertinent to the assessment, payment, and collections of the charges including penalties and duty of water.

(f) The rates will be based on a carefully prepared estimate of the cost of the normal operation and maintenance of the project. Normal operation and maintenance of the project. Normal operation and maintenance is defined for this purpose as the average per acre cost of all activities involved in delivering irrigation water and maintaining the facilities.

(g) *San Carlos Irrigation Project, Arizona.* The administration, rights obligations and responsibilities for the operation and maintenance of this project are set forth in the Repayment Contract

dated June 8, 1931 as supplemented or amended, between the San Carlos Irrigation and Drainage District and the United States as authorized by the Act of June 7, 1924 (43 Stat. 475-476) and the Secretarial Order of June 15, 1938, titled "Order Defining Joint, District and Indian Works of the San Carlos Federal Irrigation Project: Turning over Operation and Maintenance of District Works to the San Carlos Irrigation and Drainage District." The regulations appearing in this subchapter apply only to the Indian lands and works in the San Carlos Irrigation Project unless specified otherwise and should not be interpreted or construed as amending or modifying the District Contract or the Secretarial Order.

§ 191.2 Irrigation season.

The irrigation season, when water shall be available for irrigation, will be established by the officer in charge. Sufficient advance notice as to the opening and closing of the season will be given in order that the water users can plan their operations accordingly.

§ 191.3 Domestic and stock water.

Domestic or stock water will not be carried in the project's or unit's irrigation system when in the judgment of the officer in charge such practice will:

(a) Interfere with the operation and maintenance of the system.

(b) Be detrimental to or endanger the canal, lateral system and/or related structures.

§ 191.4 Farm units.

For the purpose of delivery of water and the administration of the project or unit, a farm unit is defined as follows:

(a) For the Blackfeet, Crow, Fort Belknap, and Fort Peck Irrigation Projects, Montana, and the Colville Irrigation Project, Washington:

(1) Forty (40) or more contiguous acres of land in single ownership with the exception that those original Indian allotments containing less than 40 irrigable acres of the same subdivision of the public land survey shall also be considered farm units.

(2) Forty (40) or more contiguous acres of Indian owned land under lease to one party.

(3) Forty (40) contiguous acres in multiple ownership within the same forty (40) acre subdivision of the public land survey.

(b) For the Fort Hall Irrigation Project, Idaho:

(1) Twenty (20) or more contiguous acres of land in single ownership covered by one or more water rights contracts.

(2) Twenty (20) or more contiguous acres of Indian owned land under lease to one party or being farmed by one Indian.

(3) Ten (10) or more contiguous acres of subdivided land in multiple ownership.

(c) For the Flathead Irrigation Project, Montana: A contiguous area of land in single ownership containing not less than one forty (40) acre subdivision of the public land survey, or the original al-

lotment as established by the Secretary of the Interior and as recorded or amended in the records of the Bureau of Land Management. In the case of leased land, it is defined as a contiguous area under a single lease. For Bureau of Land Management regulations pertaining to Flathead Project, see 43 CFR 2211.8, Flathead Irrigation District, Montana.

(d) For the Wapato Irrigation Project (all units), Washington:

(1) Eighty (80) or more contiguous acres in single ownership at the time of the establishment of the delivery system, or when subsequent changes of ownership result in larger tracts under single ownership and the owner requests that this land be treated as a farm unit, whether covered by one or more water right contracts.

(2) Eighty (80) or more contiguous acres of Indian-owned land under lease to one person or being farmed by one Indian.

(3) Eighty (80) contiguous acres in multiple ownership, provided that such acreage shall be within the same eighty (80) acre subdivision of the U.S. public land survey.

(4) In all cases where an original Indian allotment consisted of less than eighty (80) contiguous acres, such original Indian allotment, or fraction thereof, whether (i) under single or multiple ownership and/or covered by one or more water right contracts, (ii) under lease to the same or different lessees, or (iii) farmed by one or more Indians, shall be treated as a farm unit.

(e) For all other projects or units: An original allotment, homestead, an assignment of unallotted tribal lands, or a contiguous development lease area.

§ 191.5 Delivery points.

(a) Project operators will deliver irrigation water to one point on the boundary of each farm unit within the irrigation project. The officer in charge may establish additional delivery points when in his judgment it is impractical for the landowner to irrigate his farm unit from the one delivery point for such reasons as topography, isolation, or cost. When irrigation water is supplied from wells, the delivery point may be established at the well head.

(b) If a farm unit for which a project delivery point has been established is subsequently subdivided into smaller units by the owner or owners of the farm unit, the following provisions apply:

(1) A plat or map of the subdivision must be recorded in the County records in which County the subdivision is situated, and a copy filed with the officer in charge. The plat or map must show how the irrigation water is to be delivered to the irrigable acres in the subdivision.

(2) No further extensions in the project's system will be provided by project officials to serve the subdivided units.

(3) Any additional construction necessary to deliver irrigation water to these units must be mutually worked out between the original owner of the farm

units and the new owners of the subdivided unit at their expense.

(4) The project will not bear any responsibility for the operation or maintenance of such internal systems, or the division of irrigation water after it is delivered to the original established project delivery point.

(c) Where project points of delivery have been established for farm units which are to be combined under lease or ownership into a singular farm unit to be irrigated by means of a sprinkler or more efficient system, the officer in charge may approve the removal or relocation of project delivery facilities. Such reorganization shall be at the expense of the landowners or lessees in conformance with established project standards and a time schedule which will not disrupt water delivery service to others on the system.

(d) Where a reorganization has been approved and established as in § 191.5 (c), any reversion requiring reestablishment of removed or relocated project delivery facilities must be approved by the officer in charge and conform to established project standards and time schedules which will not disrupt water delivery service to other water users on the system. All expenses incurred shall be the responsibility of the landowners or lessees.

(e) Where a point of delivery has been established for a farm unit of Indian-owned land, under lease to the same party or being farmed by an Indian, and a homesite, which will require a separate or special delivery point or system to be served by the project, is reserved from the farm unit, the officer in charge may approve an additional delivery point. All expenses for the installation and maintenance of the special delivery facility shall be assumed by the owner or resident at the homesite location requesting or benefiting from the installation.

§ 191.6 Distribution and apportionment of water.

(a) The officer in charge will establish the method of and procedures for the delivery and distribution of the available irrigation water supply. He will endeavor to apportion the water at all times on a fair and equitable basis between all project water users entitled to the receipt of irrigation water.

(b) Any person who interferes with the flow of water in or from the project's storage, carriage or lateral systems or opens or closes or in any other way changes the position of a headgate or any other water control structure without specific authority from the officer in charge or his designated representative will be subject to prosecution. Cutting a canal or lateral bank for the purpose of diverting water or placing an obstruction in such facilities in order to change the flow of water through a headgate will be considered a violation of this section.

(c) *San Carlos Irrigation Project, Arizona.* (1) The portion of the project's common water supply available for the Indian lands will be distributed subject

to beneficial use in equal per acre amounts to each acre under irrigation and cultivation, insofar as possible.

(2) All water users (Indian and non-Indian) will be notified at the beginning of the irrigation season of the amount of stored and pumped water available. An apportionment of this water will be recommended by the officer in charge of the irrigation project subject to the approval of the Area Director. Subsequent apportionments may be made if and when additional water is available.

(3) If it is determined by the officer in charge that there is water in excess of demands and available storage facilities, he will promptly notify all water users that such water is available. This water shall not be charged against the water apportionment of the land on which it is used.

(d) *Uintah Irrigation Project, Utah.*

(1) Water will be delivered to all lands under the Lakefork, Uintah and White-rocks Rivers in accordance with the provisions of the decree of the Federal Court in the cases of the *United States v. Dry Gulch Irrigation Company, et al.*, and the *United States v. Cedarview Irrigation Company, et al.*, which decrees fix the maximum duty of three (3) acre-feet per acre for the period from March 1 to November 1 of each year. The rate of delivery will be substantially in accordance with the following schedule except that it may be modified by the officer in charge at such times as changed climatic conditions and the water supply indicate that such modification would be beneficial to the project:

Period	Acres per second-foot	Acre feet per acre
Mar. 1-18	None	None
Mar. 19-31	1,000	0.023
Apr. 1-10	800	.025
Apr. 11-20	400	.050
Apr. 21-30	200	.099
May 1-10	180	.110
May 10-11	135	.147
May 21-31	95	.229
June 1-20	70	.566
June 21-31	85	.233
July 1-10	90	.220
July 11-20	95	.208
July 21-31	100	.218
Aug. 1-10	133	.147
Aug. 11-20	155	.128
Aug. 21-31	175	.124
Sept. 1-10	195	.101
Sept. 11-30	220	.180
Oct. 1-10	220	.090
Oct. 11-20	300	.066
Oct. 21-31	600	.036
Total		3.000

(2) The rotation method will be used in distributing the water diverted from the Lakefork, Uintah and White-rocks Rivers. Rotation schedules will be prepared under direction of the officer in charge and will be put into effect each season as soon as it is determined what acreage is to be irrigated. A written copy of the water schedule will be delivered to each water user showing the time that his turn starts on each tract and the duration of each turn.

(3) In the event a rotation system is adopted for lands receiving water from the Duchesne River, the same procedure

will be used as for the lands under the Lakefork, Uintah and Whiterocks Rivers. The officer in charge will advise all water users sufficiently in advance of the time the rotation schedule will go into effect.

(e) Wapato Indian Irrigation Project, Washington. (1) To protect adjoining lands against seepage and erosion by excess use of water on the bench lands of the Wapato-Satus Unit, the maximum delivery of water to the bench lands shall not exceed 4.5 acre-feet per acre per season.

(2) The rate of delivery to lands of the Satus Three Unit shall not exceed one (1) cubic foot per second for each 50 irrigation acres.

(3) The measurement and distribution of water for the lands on the Ahtanum Unit shall take place at the mutually advantageous points on the Ahtanum Main or Lower distribution to the irrigable acres of the farm units shall be entirely by and at the expense of the individual operators of the farms. However, when several such users join together to use one single channel for the conveyance of their water to the points of final diversion, they shall be jointly responsible for the channel of conveyance and the apportionment of the water to their respective farm units.

§ 191.7 Application for and record of deliveries of irrigation water.

(a) Except when rotation schedules have been established and are being followed, water users in requesting the delivery of water will so notify the officer in charge or his designated representative by submitting a signed request at least 48 hours in advance of the time the water is to be delivered. The request shall indicate the time the water is to be delivered, the period of time it will be used, the rate of flow desired, and where the water will be used.

(b) It is the responsibility of the ditch-riders during the irrigation season to maintain records showing the beginning and ending time of each water delivery, the amount of such delivery, and the estimated acreage irrigated. Such records are to be filed at the irrigation project office at the end of the season.

(c) Water users on the Indian portion of the San Carlos Indian Irrigation Project will submit their requests for water to the Superintendent, Pima Agency.

§ 191.8 Surface drainage.

(a) The water users will be responsible for all waste water resulting from their irrigation practices and for its conveyance to project drains or natural drainage channels. Any expenses involved in doing this will be borne by the water user. Waste water may be emptied into project constructed drain ditches only at points designated by and in a manner approved by the officer in charge. In those situations involving two or more landowners and/or water users, it is their responsibility to work out a satisfactory arrangement among themselves for the conveyance of their waste water to project drains or natural drainage channels.

(b) Waste water shall not be permitted to flow upon or collect in road or project rights-of-way. Failure to comply with this requirement could result in the officer in charge refusing the further delivery of water.

§ 191.9 Structures.

(a) All structures, including bridges or other crossings, which are necessary as a part of the project's irrigation and drainage system will be installed and maintained by the project.

(b) During the construction of a new irrigation project or the extension of an existing project, bridges, crossings or other structures may be built by the officer in charge for private use where justified by severance agreements or other practical considerations. Title to these structures may or may not be vested in the United States depending upon the agreement with the landowner. Structures built partially or wholly in lieu of severance damages may be required to be maintained by the landowner even though title remains with the United States.

(c) After a project is completed, additional structures crossing or encroaching on project canal, lateral or drain rights-of-way which are needed for private use may be constructed privately in accordance with plans approved by the officer in charge or by the project. In either case the cost of installing such structures will not be at the project's expense. Such structures will be constructed and maintained under revocable permits on proper forms issued by the officer in charge of the irrigation project to the party or parties desiring such structures.

(d) If it is determined that a crossing constructed for and by the project is no longer needed for operation and maintenance of the system, it should be removed. However, if a private party, corporation, State, or other Federal entity desires to use the crossing, it may be transferred to such entity by the officer in charge under a permit which relieves the United States from any further liability or responsibility for the crossing, including its maintenance. The following provisions pertain:

(1) Permits issued in such situations shall stipulate what is granted, and accepted by the permittee on the condition that the repair and maintenance of the structure shall be the duty of the permittee or his successors without cost to the irrigation project.

(2) The permit shall further provide that if any such structure is not regularly used for a period of one year or is not properly maintained, the officer in charge may notify the person responsible for the structure's maintenance either to remove it or to correct any unsafe conditions within a period of 90 days.

(3) If the structure is not removed or the unsafe condition corrected within the time allowed, it may be removed by the officer in charge, the cost of such removal to be paid by the party responsible for the maintenance of the structure.

§ 191.10 Fencing.

Fences across project rights-of-way will not be constructed without a permit as provided in § 191.9. The granting of such permit shall be dependent upon proper installation so as not to interfere with the flow of water or the passage of project operators and equipment. In case an unauthorized fence is installed, the landowner shall be notified to remove it. If it is not removed within a reasonable period of time or satisfactory arrangements made with the officer in charge, it may be removed by project personnel at the landowner's expense.

§ 191.11 Obstructions.

No obstructions of any kind will be permitted upon project rights-of-way. If such a situation arises, due notice will be given to the operator or landowner to remove the obstruction. If not removed within a reasonable period of time after notice is given, it will be removed by project forces at the expense of the operator or landowner.

§ 191.12 Rights-of-way.

(a) Rights-of-way reserved for the project's irrigation system are limited to the control necessary to prevent interference with construction and proper operation and maintenance of the project's canals, laterals, and other irrigation works.

(b) In the construction of new irrigation projects or extension of existing projects, rights-of-way which have not been reserved across Indian lands will be obtained in accordance with Part 161 of this chapter.

§ 191.13 Crops and statistical reports.

An annual project crops and statistical report shall be prepared by the officer in charge. The landowner or farm unit operator shall cooperate in furnishing such information as requested.

§ 191.14 Carriage agreements and water right applications.

(a) Pine River Indian Irrigation Project, Colorado. If the Area Director determines that there is sufficient capacity in the project's carriage and/or distribution system in excess of that required by the project, he is authorized to enter into carriage agreements with non-project water users to convey non-project water through project facilities for delivery to non-project lands.

(b) Uintah Indian Irrigation Project, Utah. If the Superintendent determines that there is sufficient capacity in the irrigation project's carriage and/or distribution system in excess of that required by the project, he is authorized to enter into carriage agreements with non-project water users to convey non-project water through project facilities for delivery to non-project lands. The Superintendent is also authorized to enter into carriage agreements with private irrigation or ditch companies for the conveyance of project water through non-project facilities for delivery to isolated Indian lands that cannot be served from project facilities.

(c) Wapato Indian Irrigation Project, Washington. The Project Engineer is authorized to execute water right applications submitted by landowners in the project on behalf of the Secretary of the Interior. Such applications should be submitted on the approved Departmental form.

§ 191.15 Leaching water.

(a) The officer in charge is authorized to furnish irrigation water for leaching purposes without the payment of operation and maintenance charges to any Indian trust land or patent in fee land covered by a repayment contract as an aid to improve land within the project that is impregnated by alkali or in the development of new project land.

(b) Delivery of such water will depend upon the availability of water and the preparation of a definite plan of operation by the land operator satisfactory to the officer in charge. In addition, the operator shall agree to meet such reasonable leaching and cropping activities as shall be prescribed by the officer in charge.

(c) If prompt and beneficial use of the leaching water is not made by or before July 1 of the season for which it is granted, the officer in charge may declare the leaching permit forfeited. The normal water charges will be considered as assessed and any delinquency enforced as though no leaching privilege had been granted.

(d) In the case of patent in fee lands no water will be delivered for leaching purposes until the annual construction costs, when assessed, are paid.

§ 191.16 Excess water.

(a) *General.* On those irrigation projects where a water duty or water quota has been established, each water user will be notified when his quota of water, as covered by the basic assessment and as announced in the public notice, has been delivered. In such cases additional irrigation water, if available, may be delivered providing the water user so requests it and agrees to pay for the excess water in accordance with the excess water provisions as set forth in the public notice.

(b) *Flathead Indian Irrigation Project, Montana.* (1) After an agreement has been reached by the Commissioners of the irrigation district and the officer in charge as to the duty of water on individual tracts where water users claim excess requirements above the duty of water established for the project on account of porous or gravelly soils, the officer in charge is authorized to increase the quantity of water to be delivered to such tracts.

(2) The amount of water delivered in such cases will not exceed four (4) acre feet per assessable acre except in the Moiese Division where the amount shall not exceed six (6) acre feet providing there is sufficient water available in Lower Crow Reservoir without having to draw on the water supply for the Mission Valley Division.

(3) The charge for such water shall be at the same general rate as established for project land not having such a porous or gravelly condition.

§ 191.17 Delivery of water.

(a) Irrigation water will not be delivered until the annual operation and maintenance assessments are paid in accordance with the established annual rate schedule as set forth in the public notice issued by the Area Director. Under the following special circumstances, this rule may be waived and water delivered to:

(1) Trust and restricted lands farmed by the Indian owner when the Superintendent has certified that the operator is financially unable to pay the assessment and he has made arrangements to pay such assessments from the proceeds received from the sale of crops or from any other source of income. In such cases the unpaid charges will stand as a first lien against the land until paid but without penalty on account of delinquency.

(2) Non-Indian lands on which there is an approved deferred payment contract executed under the provisions of the Act of June 22, 1936 (49 Stat. 1803).

(3) Land on which an adjustment or cancellation of unpaid assessments has been recommended and final action is pending.

(b) Water will not be delivered to Indian trust or restricted lands that are under lease approved by the Secretary of the Interior or his authorized representative acting under delegated authority until the Superintendent has advised the officer in charge that the lessee has paid the annual assessed operation and maintenance charges and is complying with the terms of the lease.

(c) No water will be delivered to Indian trust land under a lease that has been negotiated by an Indian owner until the owner has paid the annual assessed operation and maintenance charges or has made satisfactory arrangements for their payment with the Superintendent who has so notified the officer in charge.

(d) Water will not be delivered to any lands within an irrigation district which has executed a repayment contract with the United States until all irrigation charges, as assessed, are paid in accordance with the terms and conditions of the contracts and the public notice as issued by the Area Director.

(e) All irrigation districts may make such rules and regulations as they may find necessary in regard to the delivery of the water to water users within the district who are delinquent in their payments to the district of assessed irrigation charges. Such rules and regulations will be adhered to by the officer in charge when it appears to be in the best interests of the United States and the district to do so.

(f) Water will not be delivered to lands that are subject to construction assessments not paid in accordance with Part 211 of this chapter.

(g) *Flathead Indian Irrigation Project, Montana*—(1) *Secretarial Water Right Holders.*

(1) For all acres recognized by the Secretary of the Interior as entitled to a "Secretarial Water Right", the officer in charge is authorized to carry such water in the project's carriage and distribution system and deliver it, providing the landowner holding such a right requests it and his land is so located that the water can be delivered without undue expense to the project. Before this service is provided, the landowner must also agree to pay fifty (50) percent of the annual operation and maintenance charges as assessed against project lands in the same general area as his. Under such agreement the project will not be obligated to deliver more than that allowed for each acre of land under the Secretary's private water right findings less a proportionate share of the project's normal losses in transporting the water from the point of entry into the project's system to the point of delivery.

(ii) "Secretarial Water Rights" are defined as those rights allocated to Indian allotments by the Assistant Secretary of the Interior by his approval on November 25, 1921, of the findings of the Commission appointed by him to investigate the "private rights" on the Flathead Indian Reservation, Authority: Sec. 9, Act of May 29, 1908 (35 Stat. 449).

(2) *Pump Lands—Flathead Irrigation Project.* (i) The officer in charge is authorized to deliver irrigation water to lands (pump lands) within a project farm unit that are too high to be served from the project's gravity flow system providing the holder of legal title to the lands so requests it in writing and agrees to have such land designated by the Secretary of the Interior or his authorized representative as a part of the irrigation project. Land so designated shall be subject to the assessment and payment of the pro rata per acre share of the project's construction, operation and maintenance costs the same as all other lands within the irrigation project in the same general area. In addition, such "pump lands" shall be obligated to pay an additional assessment on an annual basis as determined by the officer in charge to defray the cost of pumping the water from the Flathead River for those lands in the Mission Valley Division, and from the Little Bitterroot Lake for lands in the Camas Division.

(ii) At the time he submits the request, the landowner must also agree in writing to include the "pump lands" in an existing irrigation district or a district that may be subsequently formed pursuant to the laws of the State of Montana. This will not apply to Indian trust or restricted lands as such lands cannot be included within an irrigation district.

(iii) A request for the inclusion of "pump lands" into the project will not be considered until the officer in charge determines that there is sufficient project water available to serve these lands without adversely affecting in any way

the water entitlement of the designated project lands for which the project was designed and constructed.

(iv) All costs incidental to the pumping and distribution of the delivered water from the project farm unit delivery point to the "pump lands" shall be borne by the landowner.

§ 191.18 Default in payments.

The United States reserves the right to refuse to deliver irrigation water to an irrigation district or landowner in the event of default for more than one year in any payment of irrigation assessments due the United States.

§ 191.19 Operation and maintenance assessments.

(a) Operation and maintenance assessments will be levied against the acreage within each allotment, farm unit or tribal unit that is designated as assessable and to which irrigation water can be delivered by the project operators from the constructed works whether water is requested or not, unless specified otherwise in this section.

(1) Colville Indian Irrigation Project, Washington. Operation and maintenance assessments will be levied against all patent in fee and Indian trust lands to which water can be delivered for irrigation and for which an application for water has been made by the water user and approved by the Superintendent.

(2) Wapato Indian Irrigation Project-Topenish-Simcoe Unit, Washington. Operation and maintenance assessments will be levied against all lands which can be irrigated from the constructed works for which application for water is made and approved by the Project Engineer.

(b) *Subdivided farm units.* (1) General.—(i) Where farm units, as defined in section 191.4, have been subdivided into smaller units, the Area Director or such official as he may so delegate may, at his discretion, fix a higher operation and maintenance rate for such subdivided acreage than the rate fixed for the acreage in the original farm unit. In such cases the higher rate will also be announced in the annual public notice.

(ii) In the event higher rates are fixed for a subdivided farm unit, the individual owners thereof may obtain for their lands the same rate as fixed for acreages within farm units not so divided by joining in a written contract with the other owners within the subdivided unit. Under such a contract, the various owners will appoint an agent in whom shall be vested full power and authority to enter into a contract with the Area Director, hereafter referred to as the contracting officer, or such official as he may so authorize, covering the water rights for the entire area of the several small acreages: *Provided, however,* Such contract must not represent less acreage than that included in the original farm unit unless a smaller unit has been established by project regulation as eligible for a subdivision contract; and *Provided further,* That whether the contract involves acreages in one or more

farm units, it must represent contiguous acreages.

(iii) The contract between the agent of the owners of the small tracts and the contracting officer shall be executed on or before February 1 of the year preceding the next irrigation season. The agent shall at the time of the execution of this contract, on a form approved by the Secretary of the Interior, furnish a certified copy of the contract executed by the several landowners of the subdivided tract appointing the agent to act in their behalf.

(iv) Any owner of a tract within a subdivided unit, with the written consent of the owners of a majority of the acreage, under a contract as set forth in paragraph (b)(1)(iii) of this section, may voluntarily withdraw from the contract by filing a written notice of his intent to withdraw with the contracting officer on or before February 1 of the year such withdrawal is to be effective, together with the consent of the owners of the majority of the acreage endorsed thereon: *Provided* That the remaining acreage is contiguous; such withdrawal does not reduce the remaining acreage under the contract to less than the acreage included in the original farm unit before it was subdivided or less than the minimum acreage established on a project as eligible for a subdivision contract; and all irrigation charges due under said contract have been paid. Upon the receipt of said notice, the contracting officer, if the notice meets the requirements as herein provided, shall note his approval thereon and send a copy thereof to the agent of the landowners. Thereafter the land of the withdrawing owner shall no longer be subject to the contract.

(v) If one or more owners under a contract desire to withdraw, and if, by so doing, it would reduce the total remaining contiguous acreage under the contract to less than the total acreage included in the original farm unit, or the minimum eligible acreage established on the project, the contract can be terminated. However, before such a termination can be approved, a written notice from the owners of the majority of the acreage must be filed with the contracting officer indicating their consent to and requesting his approval of the termination. The notice must be filed on or before February 1 of the year the termination is to become effective and must include the payment of any irrigation charges then due under the existing contract. Upon the receipt of the written notice, the contracting officer shall note his approval thereon provided that the requirements set forth herein are satisfied. A copy of the approved notice will be given to the agent of the landowners concerned.

(2) Fort Hall Indian Irrigation Project. The Superintendent, Fort Hall Agency, is authorized to approve contracts as set forth in this section as well as withdrawals or termination of such contracts. However, no contracts will be entered into if the total contiguous acreage is less than 10 acres.

(3) Wapato Indian Irrigation Project. The Project Engineer is authorized to approve contracts as set forth in paragraph (b) of this section as well as withdrawals or termination of such contracts. However, no contracts will be entered into if the total contiguous acreage is less than 40 acres.

§ 191.20 Water users' ledgers.

(a) Water users' ledgers will be maintained by the officer in charge on all irrigation projects or units where irrigation assessments are levied and collected. Separate entries shall be made in the ledger for each farm tract and bills issued to the owner or owners of record. When payment is received, it will be credited to the proper ledger account.

(b) When Indian trust or restricted land is leased and the officer in charge has been so advised by the Superintendent, irrigation bills will be submitted to the lessee and a copy sent to the Indian owner or owners of record. Upon receipt of payment, it will be credited to the Indian owner or owners of record in the ledger account.

(c) On those projects where irrigation districts have been formed and have executed repayment contracts, irrigation bills will be rendered to the district. When payment is received, it will be credited to the proper ledger accounts of the owners of record of the lands within the district.

§ 191.21 Health and sanitation.

(a) The officer in charge shall, by public notices or other formal means, warn the citizens of a project area against the use for domestic purposes of untreated storage, canal or river water and that they should have any water used for domestic purposes tested for purity by health authorities. In addition, if water is diverted from a stream which is known to be polluted, warning signs should be placed at strategic points along the irrigation system.

(b) Use of Government storage reservoirs, canals or laterals for disposal of sewage and trash shall not be permitted under any circumstances. If such conditions occur and project forces are unable to correct them, the officer in charge shall request the Area Director to arrange for the necessary legal action.

§ 191.22 Complaints.

All complaints must be made in writing to the Project Engineer or the officer in charge of the project.

§ 191.23 Disputes.

In case of a dispute between a water user and the Project Engineer or officer in charge of the project concerning the application of the regulations of this part or a decision rendered by such official, the water user within 30 days may appeal to the Area Director. Further appeals may be made to the Commissioner of Indian Affairs pursuant to Part 2 of this chapter.

Parts 192-201 [Removed]

2. It is proposed to delete Parts 192-201 of Subchapter R, Chapter I, Title 25 of the Code of Federal Regulations.

Part 221 [Removed]

3. It is proposed to delete Part 221 of Subchapter T, Chapter I, Title 25 of the Code of Federal Regulations.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.76-26807 Filed 9-13-76;8:45 am]

Geological Survey

[30 CFR Part 211]

COAL MINING OPERATING REGULATIONS

Adoption of Requirements of Montana's Reclamation Laws and Requirements

On May 17, 1976, the Department of the Interior adopted new regulations to govern the management of federally owned coal resources (41 FR 20252 (1976)). Those regulations established a procedure under which the Secretary of the Interior may decide, through rulemaking, that the Department will approve mining plans in a particular state only if the mining plans would comply with the requirements of state reclamation laws which are as stringent as the reclamation requirements of 30 CFR Part 211. In an advance notice of proposed rulemaking, the Department explained what steps it would take to determine whether it would adopt the requirements of a state's reclamation law (41 FR 27993 (1976)). On August 4, 1976, 41 FR 35716 (1976), the Department proposed to adopt the requirements of Wyoming's reclamation laws and regulations.

The Department has now completed its review of the requirements of the reclamation laws of the State of Montana using the procedures explained in the advance notice of proposed rulemaking. The Department has begun, but has not finished reviewing the requirements of other states. This rulemaking proceeding proposes that the requirements of the State of Montana's reclamation laws be applied as a condition upon the approval of any proposed federal exploration or mining plan. The proposed rulemaking lists the provisions of Montana's law which are laws relating to reclamation, and lists the federal regulations that are superseded by the Montana requirements.

Title 30 CFR 211.75(a) says:

§ 211.75 Applicability of State law.

(a) On the effective date of this Part, and from time to time thereafter, the Secretary shall direct a prompt review of State laws and regulations in effect, relating to reclamation of lands disturbed by surface mining of coal in each State in which Federal coal has been leased, permitted, or licensed. If, after such review, the Secretary determines that the requirements of the laws and regulations of any such State afford general protection of environmental quality and values at least as stringent as would occur under exclusive application of this Part, he shall, by rulemaking, direct that the requirements of such State laws and regulations thereafter

be applied as conditions upon the approval of any proposed exploration of mining plan, unless:

(i) The Secretary determines that such application of the requirements of such laws and regulations would unreasonably and substantially prevent the mining of Federal coal in such State, and

(ii) The Secretary determines that it is in the overriding national interest that such coal be produced without such application of such requirements. In any such determination of overriding national interest, the Secretary will consult in advance of such determination with the Governor of the State involved.

Table I summarized the comparison that was made. (The Analytical Criteria used in the Table are illustrative of the requirements of federal law; their use is not intended to change the effect of the regulations). Table II sets out, verbatim, the requirements of Montana's law and regulations that will be adopted. The proposed § 211.77(b), and the column of Table I captioned "Federal Citation (30 CFR 211)", list those sections of 30 CFR Part 211 that the Department has concluded are regulations relating to the reclamation of lands disturbed by surface mining of coal. The requirements included in the list are substantive not procedural requirements. Federal officials will use federal procedures to decide whether to approve a plan. Those aspects of procedure which relate to the administration and enforcement of reclamation operations are not a part of this rulemaking, but may be covered as part of agreements made under 30 CFR 211.75(b). The list consists of 30 CFR 211.40(a), minus the paragraphs of that section that are directed toward health and safety concerns or purely procedural requirements, rather than reclamation concerns. The omitted paragraphs are 30 CFR 211.40 (a) (9), (10), (13) (iii), (14) (ii) (A), (15), (16), (17). The Department determined that the provisions of Part 211 not in § 211.40(a) were not regulations relating to the reclamation of lands disturbed by coal mining either because they: (1) Were purely procedural requirements; (2) Were requirements unrelated to reclamation; or (3) Were requirements already included in § 211.40. For example, § 211.10 prescribes what information must be submitted in a mining plan. This assists the Mining Supervisor in determining whether an operator would comply with the substantive reclamation requirements. The section adds no "on-the-ground" requirements, however, and it is primarily a procedural requirement. Similarly, § 211.41(c) Permanent Abandonment, which states what steps must be taken to properly abandon a mining operation, and which requires backfilling, regrading and revegetating, merely repeats requirements that are also found in the performance standards in § 211.40(a). Omitting § 211.41(c), does not lessen the operator's reclamation duties.

The Department has also decided that the procedures in 30 CFR § 211.74, Variances are not regulations relating to reclamation of lands disturbed by sur-

face mining of coal, and they will not be superseded by this rulemaking. Both Montana's rules and regulations and the Department's regulations have procedures that allow an operator to vary from a reclamation requirement if the variation is essential to achieve the desired post-mining use of the reclaimed lands. If the Department adopts the reclamation requirements of Montana's laws and regulations, as proposed by this rulemaking, it will grant variances from the reclamation requirements only after consideration of the requirements of Montana law, but will use the procedures in 30 CFR 211.74 to process the request for a variance. The Department will consult with Montana in deciding whether to grant a variance.

The comparison in Table I shows that the requirements of Montana's laws and regulations are equal to or greater than those in 30 CFR Part 211 in every instance except one; Roads, Pipelines, Powerlines, etc. Montana's regulations, which covered roads and railroad haulageways very well, did not explicitly cover other ancillary facilities. This omission is mitigated by other provisions which require revegetation and protection of water resources, which will, in large part, provide the necessary environmental protection. In addition, the area disturbed by these other facilities will normally involve relatively small areas, and will probably be reclaimed as part of the overall reclamation process. Despite the omission, Montana's regulations afford general protection of environmental quality and values at least as stringent as would occur under the exclusive application of Federal regulations.

The comparison of one analytic criteria, Timing and Objectives of Reclamation, requires special discussion. The Federal requirement for this criteria is: (1) To reclaim as contemporaneously as possible (timing) and (2) To return to a condition capable of supporting all practicable prior uses (objectives). The State standards on timing of reclamation provide more protection than the Federal standard. The State standard also provides protection essentially equal to the Federal requirement on objectives of reclamation. Both, the Federal and State standards seek to return the land to its pre-mining capability. The Federal standard assures return to pre-mining productivity through a reference to all prior uses (to a condition capable of supporting all prior uses). The State standard assures a return to pre-mining productivity through a reference to grazing, the predominant land use of Montana (establishment of diverse vegetative cover to withstand grazing pressure at least comparable to pre-mining capability). The Montana standard is not based on actual use prior to mining, but on potential use. The Montana standards require returning the land to its prior productivity to the same extent as required by Federal regulations. While the standard may be somewhat difficult to administer, where for example both the pre-

and post-mining uses are agricultural, it does provide the desired degree of protection. Overall, the State and Federal objectives for this criteria are equal.

The Task Force also concluded that the requirements in Mont. Stat. 50-1042 are requirements that relate to the land-use planning decisions rather than reclamation requirements. That section of the statute prohibits mining in certain areas. The requirements are generally covered by non-reclamation aspects of Interior's coal leasing process, such as the Energy Minerals Activity Recommendation System, or by other statutes, such as the Endangered Species Act. The requirements do not relate to the process of returning land to a stable condition and form consistent with their pre-mining use. Consequently they were not included in the analysis and do not affect the Task Force's determination in any manner.

After reviewing this comparison, the Chairman of the Task Force: (1) Made a preliminary recommendation that the requirements of Montana's reclamation laws provided general environmental protection at least as stringent as would occur under 30 CFR Part 211, and (2) Determined that application of these laws and regulations as a condition to federal approval of mining and exploration plans would not unreasonably and substantially prevent the mining of federal coal in Montana.

The Secretary reviewed the Task Force's conclusions and directed that this Notice of Proposed Rulemaking be published. The proposed rulemaking adds a new section, § 211.77 to 30 CFR Part 211. Paragraph (a) of the new section lists the requirements of Montana's reclamation laws and regulations that will be made a condition to federal approval of a mining or exploration plan under 30 CFR Part 211. Paragraph (b) lists the sections of Part 211 that are replaced by the requirements of Montana's laws and regulations. (The numbering of 30 CFR Part 211 includes amendments proposed in 41 FR 35716.) Paragraph (c) says that the Department may, through rulemaking, terminate the application of the requirements in § 211.77(a) if changes in the requirements of either Federal or State law make that application inconsistent with 30 CFR 211.75(a). Before the regulations are finally adopted, the Department, and the State of Montana will have to execute a memorandum of understanding to cover how they will act on changes in

Federal or state laws or regulations. This agreement will be published along with the final rulemaking.

Although the proposed rulemaking doesn't attempt to amend 43 CFR Subpart 3041, the Department would like to clarify that the reclamation requirements of that section will be administered consistently with the changes made in Part 211 as the result of this rulemaking. If necessary, this will include making appropriate changes in the language of Subpart 3041.

The environmental impacts of this proposed action are discussed in the final Environmental Impact Statement, Surface Management of Coal Resources (43 CFR 3041) and Coal Mining Operating Regulations (30 CFR 211) (1976). NEPA does not require, and the Department will not prepare, a separate impact statement for this action.

The Department will conduct a public meeting on this proposed rulemaking during the week of October 21, 1976, in Billings, Montana at 9:00 a.m. at the Library Building, Eastern Montana University. Any person who wishes to testify at the hearing should notify the Chief, Office of Public Affairs, Bureau of Land Management, Billings, Montana, 59107 (Tel. No. 406/245-6711). The meeting will be open to the public, and will be conducted by an Administrative Law Judge. Depending upon the number of people desiring to be heard, the Administrative Law Judge may limit the amount of time available for each statement. Accordingly, those wishing to make an oral statement should plan to limit their remarks to 10 minutes. Additionally, such remarks should be reduced to writing and at least two copies filed with the Administrative Law Judge at the meeting. Individuals desiring to present extended remarks or written comments only for the record may do so at the meeting through the filing of at least two copies.

In addition, the Department will accept written comments on the proposed rulemaking until November 19, 1976. As the advance notice of proposed rulemaking stated, the comment period will not be extended. Please send your comments to Deputy Under Secretary Lyons, Chairman, Task Force on the Adoption of Requirements of State Reclamation

Laws, Department of the Interior, Washington, D.C. 20240.

Dated: September 7, 1976.

THOMAS S. KLEPPE,
Secretary of the Interior.

The Department of the Interior proposes to amend Title 30 CFR Part 211, by adding a new § 211.77:

§ 211.77 Applicability of the requirements of Montana's Reclamation Laws and Regulations.

(a) Pursuant to § 211.75(a) of this part, the Secretary has determined that federal approval of a mining or exploration plan in Montana required by 30 CFR Part 211 will be granted only if the plan would comply with the requirements of Montana's reclamation laws and regulations that are listed in paragraphs (a) (1)-(9) of this section:

- (1) Mont. Stat. 50-1043.
- (2) Mont. Stat. 50-1044(1)-(4).
- (3) Mont. Stat. 50-1045.
- (4) Mont. Stat. 50-1046.
- (5) Mont. Admin. Code 26-2.10(10)-S10310.
- (6) Mont. Admin. Code 26-2.10(10)-S-10330.
- (7) Mont. Admin. Code 26-2.10(10)-S10340.
- (8) Mont. Admin. Code 26-2.10(10)-S10350.
- (9) Mont. Admin. Code 26-2.10(18)-S10400 G 1 (a-k).

(b) Paragraph (a) of this section supersedes the requirements of the following sections in Part 211:

- (1) 211.40(a) (1)-(8).
- (2) 211.40(a) (11)-(13) (ii).
- (3) 211.40(a) 14(ii) (b).

(c) This section remains in effect until the Secretary determines, through rulemaking, and in accordance with a memorandum of understanding with the State of Montana that:

(1) The requirements of Montana's reclamation laws and regulations fail to provide general protection of environmental quality and values at least as stringent as would occur under the exclusive application of this part; or

(2) The requirements of Montana's reclamation laws and regulations unreasonably prevent the mining of federal coal and it is in the overriding national interest that the coal be produced without application of the requirements listed in paragraph (a) of this section.

PROPOSED RULES

MONTANA

TABLE 1.—Comparison of requirements of Federal-State reclamation laws and regulations

Analytical criteria	Federal citation (80 CFR pt. 211)	State citation	Comments	Stringency of protection, overall
A. Timing and objectives of reclamation	211.40(a)(1)			Equal
1. Contemporaneously as practicable with operations.		50-1046, 50-1043, (10)-S10310 (1, g, 1-iv).	State requires as rapidly, completely, and effectively as technology will allow; backfill and grade within 90 d.	
2. To a condition capable of supporting prior uses.		50-1044(3), 50-1045(1)(a)	State requires a return to a condition comparable to prior capability.	
B. Restoration of approximate original contour	211.40(a)(2)			Do.
1. Replace overburden in the mined area by backfilling, grading, or other means.		50-1044		
2. Eliminate highwalls.		50-1044	Less than reduce to 20°	
3. Eliminate spoil piles.		50-1044		
4. Restore the approximate original contour.		50-1044		
C. Stabilize and protect surface areas affected by coal mining and reclamation.	211.40(a)(3)			Do.
1. Control slides, erosion, subsidence, and attendant air and water pollution.		50-1043 (1) and (3), 50-1044(1), (10)-S10310(4)(h).	State coverage is adequate.	
D. Topsoil handling, replacement.	211.40(a)(4)			Do.
1. Remove topsoil separately.		50-1044, (10)-S10340(1)		
2. Stockpile topsoil if not used immediately.		26-2.10(10)-S10340(1), (2)		
3. If topsoil is stockpiled for lengthy period, use vegetative cover to protect from wind and water erosion.		50-1044, (10)-S10340(2)		
4. If topsoil is poor in quantity or quality, use best suitable material available for revegetation.		50-1044		
5. Replace topsoil on backfilled area.		50-1044		
E. Revegetation	211.40(a)(13)			Do.
1. Establish diverse vegetative cover, native to the area on regraded areas and all other affected lands which is capable of regeneration and plant succession.		50-1045, (10)-S10350(1), (2), (18)-S10400(G5a, b).		
2. Establish vegetative cover at least equal in density and permanence to the native vegetation.		(10)-S10350(2, 3, 4, 5, 8, 9), (18)-S10400(G5a, b, l, l), 50-1045(1).		
3. Use of approved mixtures of introduced or native species where preferable.		(10)-S10350(3), (18)-S10400(G5c, f, l).		
F. Hydrologic management of water impoundments, retention facilities, dams and settling ponds.	211.40(a)(5)			Do.
1. Assure that water facilities are adequate for intended purpose and that water quality and quantity is adequate.		50-1043(2c); (10)-S10330(1a); (10)-S10330(b), (bvi), (bvii) and (c); (10)-S10400G3b.	State generally bans permanent impoundments but provides no standards where allowed.	
2. Assure that water facilities are designed according to sound engineering standards and practices.		(10)-S10330(1 b iii), (18)-S10400(G3b4, iii).		
3. Assure that grading of water facilities provides adequate access for proposed water users.		50-1043, (10)-S10330(1)(b)	State requires protection of rights of landowners but does not assure access.	
4. Assure that mine and process wastes are not used in construction of water facilities.		50-1043, (10)-S10330(1)(b), (18)-S10400(G1)(a).	Burial of all hazardous wastes is required.	
5. Minimize disturbances to prevailing quality, quantity, and flow of water in surface and ground systems.	See also 211.40(a)(7)	50-1043(e); (10)-S10330(b) (i-iii), (vii); (10)-S10330(c) (i), (ii), (iv); (18)-S10400(G1 1a-c; 18)-S10400 G 1 k 2 f; (18)-S10400 G 1 k 3; see also 69-4802 (8), (5), (9); 69-4806; 50-1055(4).	Requirement to protect quantity of water is implicit in regulations, and enforced by statutory right to sue for diminution.	
G. Minimize disturbances to prevailing quality, quantity and flow of water in surface and ground systems at minesite and offsite:	211.40(a)(7)			Do.
1. Control acid or toxic drainage.		50-1043; (10)-S10330; (1a, 1b1-viii, 1c1-iii).		
2. Minimize contributions of suspended solids to streamflow or runoff.		50-1043(c), (10)-S10330 (1c1-iii), (18)-S10400 (11c, (10)-S20310(d).		
3. Unless authorized do not deepen or enlarge stream channels.		(10)-S10330 (1c1), 26-1511, 26-1513.	Covered by Natural Streambed and Land Preservation Act of 1975.	
4. Remove or modify siltation structures after disturbed areas are revegetated and stabilized.		(10)-S10330 (1b1-iii)	Reclamation of structures is to be part of plan	
5. Protect the quality, quantity, and flow of both upstream and downstream surface and ground water resources of valley floors with significant vegetation.		(10)-S10330, 50-1055(3), (10)-S20310 (d), (e), (18)-S10400(j), (18)-S10400 G1k3.	Governed by nondegradation and other water quality standards, although no specific reference to valley floors.	
H. Handling of toxic materials.	211.40(a)(2), (5), (6), (8)			Do.
1. Cover or plug auger holes drainage.		50-1043(2)(h)	State does not require plugging but not generally a problem in Montana.	
2. Minimize air and water pollution by treating or disposing of rubbish and noxious substances.		50-1043, (18)-S10400 (G)(1)(a)-(f).		
3. Cover acid-forming or toxic materials.		50-1043, (18)-S10400 (G 1a)	State requires burial to prevent ground water contact.	
4. Control acid or toxic drainage to protect water quality.		50-1043, (18)-S10400 (G 1c, b).		
I. Roads, pipelines, powerlines, etc.	211.40 a (11), (12)			Federal.
1. Roads, etc., shall be designed to applicable standards.		(10)-S20310 (4)	Non-road ancillary facilities have no standards	
2. Roads, etc., shall be removed in an environmentally acceptable manner when no longer necessary.		(10)-S20310 (4i)		
3. Roads shall not be surfaced with acid or toxic substances.		(10)-S20310 (4g), (18)-S10400 (G 1i)		
4. Roads shall not be constructed in a stream nor shall a stream bed be used as a road.		(10)-S20310 (4d), (18)-S10400 (G 1b, e).		
J. Limit access to protect reclaimed areas.	211.40(a)14			Equal.
1. Protect revegetated areas from unplanned and uncontrolled grazing by providing fencing, barricades, and other protective measures.		(10)-S10350 (8)(12)		

TABLE II

APPLICABLE PROVISIONS OF MONTANA'S LAWS AND REGULATIONS

MONTANA STATUTES

(1) § 50-1043. Reclamation operations—submission and action on plan.

(1) As rapidly, completely, and effectively as the most modern technology and the most advanced state of the art will allow, each operator granted a permit under this act, shall reclaim and revegetate the land affected by his operation. Under the provisions of this act and rules adopted by the board, an operator shall prepare and carry out a method of operation, plan of grading, backfilling, highwall reduction, topsoiling and a reclamation plan for the area of land affected by his operation. In developing a method of operation, and plans of backfilling, grading, highwall reduction, topsoiling and reclamation, all measures shall be taken to eliminate damages to landowners and members of the public, their real and personal property, public roads, streams and all other public property from soil erosion, landslides, water pollution, and hazards dangerous to life and property. The reclamation plan shall set forth in detail the manner in which the applicant intends to comply with this section and section 11, 12 and 13 [50-1044, 50-1045 and 50-1046] of this act. The plan shall be submitted to the department and the department shall notify the applicant by registered mail within one hundred twenty (120) days after receipt of the plan and complete application if it is or is not acceptable. The department may extend the one hundred twenty (120) days an additional one hundred twenty (120) days upon notification of the operator in writing. If the plan is not acceptable, the department shall set forth the reasons why the plan is not acceptable and it may propose modifications, delete areas, or reject the entire plan. A landowner, operator, or any person aggrieved by the decision of the department may, by written notice, request a hearing by the board. The board shall notify the person by registered mail within twenty (20) days after the hearing of its decision. Every reclamation plan shall be subject to annual review and modification.

(2) In addition to the method of operation, grading, backfilling, highwall reduction, topsoiling and reclamation requirements of this act and rules adopted under this act, the operator, consistent with the directives of paragraph (1) of this section shall:

(a) Bury under adequate fill all toxic materials, shale, mineral, or any other material determined by the department to be acid producing, toxic, undesirable, or creating a hazard;

(b) Seal off, as directed by rules, any breakthrough of water creating a hazard;

(c) Impound, drain, or treat all runoff water so as to reduce soil erosion, damage to grazing and agricultural lands, and pollution of surface and subsurface waters;

(d) Remove or bury all metal, lumber, and other refuse resulting from the operation;

(e) Use explosives in connection with the operation only in accordance with department regulations designed to minimize noise, surface damage to adjacent lands and water pollution, ensure public safety, and for other purposes.

(3) An operator may not throw, dump, pile or permit the dumping, piling, or throwing or otherwise placing any overburden, stones, rocks, mineral, earth, soil, dirt, debris, trees, wood, logs or any other materials or substances of any kind or nature beyond or outside of the area of land which is under permit and for which a bond has been posted

under section 6[50-1039], or place the materials described in this section in such a way that normal erosion or slides brought about by natural physical causes will permit the materials to go beyond or outside of the area of land which is under permit and for which a bond has been posted under section 6[50-1039].

(2) § 50-1044. Area mining required—grading and revegetation—release of bond—alternative plan.

(1) Area strip mining, a method of operation which does not produce a bench or fill bench, is required. All highwalls must be reduced and the steepest slope of the reduced highwall shall be no greater than twenty (20) degrees from the horizontal. Highwall reduction shall be commenced at or beyond the top of the highwall and sloped to the graded spoil bank. Reduction, backfilling, and grading shall eliminate all highwalls and spoil peaks. The area of land affected shall be restored to the approximate original contour of the land. When directed by the department, the operator shall construct in the final grading, such diversion ditches, depressions, or terraces as will accumulate or control the water runoff. Additional restoration work may be required by the department according to the rules adopted by the board.

(2) In addition to the backfilling and grading requirements, the operator's method of operation on steep slopes may be regulated and controlled according to rules adopted by the board. These rules may require any measure whatsoever to accomplish the purpose of this act.

(3) All available topsoil shall be removed in a separate layer, guarded from erosion and pollution, kept in such a condition that it can sustain vegetation of at least the quality and variety it sustained prior to removal, and returned as the top layer after the operation has been backfilled and graded; provided that the operator shall accord substantially the same treatment to any subsurface deposit of material that is capable, as determined by the department, of supporting surface vegetation virtually as well as the present topsoil.

(4) As determined by rules of the board, time limits shall be established requiring backfilling, grading, highwall reduction, topsoiling, planting and revegetation to be kept current. All backfilling, grading, and topsoiling shall be completed before necessary equipment is moved from the operation.

(3) § 50-1045. Planting of vegetation following filling of stripped area.

After the operation has been backfilled, graded, top-soiled, and approved by the department, the operator shall prepare the soil and plant such legumes, grasses, shrubs, and trees upon the area of land affected as are necessary to provide a suitable permanent diverse vegetative cover capable of:

(a) Feeding and withstanding grazing pressure from a quantity and mixture of wildlife and livestock at least comparable to that which the land could have sustained prior to the operation.

(b) Regenerating under the natural conditions prevailing at the site, including occasional drought, heavy snowfalls, and strong winds; and

(c) Preventing soil erosion to the extent achieved prior to the operation. The seed or plant mixtures, quantities, method of planting, type and amount of lime or fertilizer, mulching, irrigation, fencing, and any other measures necessary to provide a suitable permanent diverse vegetative cover shall be defined by rules of the board.

(4) § 50-1046. Time of commencement of reclamation.

The operator shall commence the reclamation of the area of land affected by his operation as soon as possible after the be-

ginning of strip mining of that area in accordance with plans previously approved by the department. Those grading, backfilling, topsoiling, and water management practices that are approved in the plans shall be kept current with the operation as defined by rules of the board and a permit or supplement to a permit may not be issued, if in the discretion of the department, these practices are not current.

MONTANA ADMINISTRATIVE CODE

(1) § 26-2.10(10)-S10310. Mining and Reclamation Plan.

(1) Backfilling and Grading.

(a) Backfilling and grading of the disturbed area shall be completed prior to removal of necessary reclamation equipment from the area of operation. If the operator for good cause shown cannot complete backfilling and grading requirements within the time limits set for current backfilling and grading, the Department may approve a revised timetable. Additional bonding may be required.

(b) An operator shall show where the overburden and parting strata materials are to be placed in the backfill. Materials which are not conducive to revegetation techniques, establishment, and growth shall not be left on the top or within eight (8) feet of the top of regraded spoils or at the surface of any other affected areas. The Department may require that problem materials be placed at a greater depth.

(c) The operator shall bury under adequate fill all materials set forth in Section 20(2)(a) of Chapter 325, Session Laws of Montana, 1973, only after approval of the method and site by the Department. In the event that the operator plans to use fly-ash for fill material, it must be shown by adequate testing and analysis that the fly-ash material will not have any adverse or detrimental effect. Plans for placement of fly-ash or any other foreign material or processes in the backfill must be approved by the Department.

(d) Box cut spoils or portions thereof, shall be hauled to the final cut if:

(i) Excessively large areas of the mine perimeter will be disturbed by proposed methods for highway reduction or regrading of box cut spoils or

(ii) Material shortages in the area of the final highwall or spoil excesses in the area of the box cut are likely to preclude effective recontouring.

(e) All final grading on the area of land affected shall be to the approximate original contour of the land. The final surface of the restored area need not necessarily have the exact elevations of the original ground surface. Where a flat surface or a surface with less slope than the original ground surface is desired, such surface shall be deemed to comply with backfilling and grading to the approximate original contour. With the exception of highwalls, railroad loops and access road cuts and fills through unmined lands, no final graded slopes shall be steeper than five horizontal to one vertical (5:1) unless otherwise approved in writing by the Department.

(f) The Department may require terracing to conserve moisture and control water erosion on all graded slopes during the process of current grading. Terraces shall be installed in such a way so as not to prohibit vehicular access or revegetative procedures. Terraces shall be installed at varying intervals as determined by climatic conditions, spoil and topsoil composition and texture, slope steepness, and slope length. Suggested terrace installation intervals shall be submitted in the reclamation plan. Additional surface manipulation procedures shall be installed as required by the Department.

(g) Final grading shall be kept current with mining operations. In order to be considered current, grading and backfilling shall meet the following requirements unless exceptions are granted by the Department.

(1) On lands affected by area strip mining, the grading and backfilling shall not be more than two spoil ridges behind the pit being worked; the spoil from the pit being considered the first ridge. The Department may allow delayed grading of box cut spoils if better recontouring will result.

(ii) If the operation involves stripping and augering, the augering shall follow the stripping by not more than sixty (60) days and final grading and backfilling shall follow the augering by not more than fifteen (15) days, but in no instance shall an area be left ungraded more than 1,500 feet behind the augering.

(iii) All backfilling and grading shall be completed within ninety (90) days after the department has determined that the operation is completed or that a prolonged suspension of work in the area will occur. Final pit reclamation shall proceed as close behind the coal loading operation as the frequency and location of ramp roads, the use of overburden stripping equipment in highwall reclamation, and other factors may allow.

(iv) Grading and backfilling of other types of subject excavations shall be kept current as departmental directives dictate for each set of field circumstances.

(h) Reclamation equipment to be used in grading and highwall reduction shall be listed in the application for a permit.

(2) Highwall Reduction.

(a) All highwalls shall be reduced and the steep slope of the reduced highwall shall be no greater than twenty (20) degrees from the horizontal. Highwall reduction shall be commenced at or beyond the top of the highwall and sloped to the graded spoil bank. In all cases the final pit shall be backfilled so as to cover all exposed coal seams with at least 4 feet of non-toxic fill material.

(b) The company shall show by a narrative and cross-sections the plan of highwall reduction including the limits of buffer zones.

(3) Buffer Zones.

(a) All mining activities, including highwall reduction and related reclamation, shall cease at least one hundred (100) feet from a property line, permanent structure, unminable, steep or precipitous terrain, or any area determined by the Department to be of unique scenic, historical, cultural, or other unique value. If special values or problems are encountered the Department may modify buffer zone requirements.

(b) The transition from undisturbed ground shall be blended with cut or fill to provide a smooth transition in topography.

(4) Roads and Railroad Loops.

(a) Haulage roads through permitted areas shall be allowed providing that their presence does not delay or prevent recontouring and revegetation on immediately adjacent spoils.

(b) Ramp roads will be allowed under the following criteria:

(i) No more than two (2) ramp roads per mile of active pit being mined shall be allowed. Fractional portions of ramp roads resulting from active pit lengths of uneven mileage will be counted as an additional ramp road allowable. (Example: 2.1 (active pit mile length) x 2 (ramp roads/mile) equals 4.2 (ramp roads) or 5 ramp roads allowable.) The Department may authorize an additional ramp road.

(ii) Ramp roads, beginning from the spoil edge of the pit being worked, shall be engineered so as to exhibit an overall 7% grade, or steeper, until topping on graded spoils.

As each new pit is excavated, the ramp roads shall be regraded, as soon as possible, so as to remain at an overall 7% or steeper grade from the spoil side of the new pit. In all cases, ramp road renovation grading shall allow for topsoiling and revegetative activities to proceed during prime revegetative seasons. Lesser slopes may be allowed if the Department makes a written determination that 7% slopes would cause safety problems or hamper successful reclamation.

(c) The Department may require that access roads constructed after the effective date of the Act be graded, constructed, and maintained in accordance with the following requirements:

(i) No sustained grade shall exceed 8 percent (8%).

(ii) The maximum pitch grade shall not exceed twelve percent (12%) for three hundred (300) feet.

(iii) There shall not be more than three hundred (300) feet of maximum pitch grade for each one thousand (1000) feet.

(iv) The grade on switchback curves shall be reduced to less than the approach grade and shall not be greater than ten percent (10%).

(v) Cut slopes shall not be more than 2:1 in soils or 1/2:1 in rock.

(vi) All grades referred to shall be subject to a tolerance of two percent of measurement. Linear measurements shall be subject to a tolerance of ten percent (10%) of measurement.

(vii) Additional requirements may be imposed by the Department if special drainage or steep terrain problems are likely to be encountered.

(d) The location of a proposed road or railroad loop shall be identified on the site by visible markings at the time the reclamation and mining plan is preinspected and prior to the commencement of construction. No such construction shall proceed along dry coulees and intermittent drainageways unless the operator assures that no off-site sedimentation will result.

(e) Drainage ditches shall be constructed on both sides of the through-cut, and the inside shoulder of a cut-fill section, with ditch relief cross-drains being spaced according to grade. Water shall be intercepted before reaching a switchback or large fill, and shall be drained off or released below the fill. Drainage structures shall be constructed in order to cross a stream channel, and shall not affect the flow or sediment load of the stream.

(f) All cut and fill slopes resulting from construction of access road, railroad loop or haulage road outside of the area to be mined shall be stabilized, and revegetated the first seasonal opportunity.

(g) No roads or railroad loops shall be surfaced with refuse coal, acid producing or toxic material or with any material which will produce a concentration of suspended solids in surface drainage.

(h) All appropriate methods shall be employed by the operator to prevent loss of haulage or access road surface material in the form of dust.

(i) Upon abandonment of any road or railroad loop, the area shall be conditioned and seeded and adequate measures taken to prevent erosion by means of culverts, water bars, or other devices. Such areas shall be abandoned in accordance with all provisions of Chapter 325, Session Laws of Montana, 1973, and MAC 26-2.10(10)-S10330 and MAC 26-2.10(10)-S10340 of the Rules and Regulations adopted pursuant thereto. Upon completion of mining and reclamation activities all roads shall be closed and reclaimed unless the landowner requests in writing and the Department concurs that certain roads or

specified portions thereof are to be left open for further use.

(2) § 26-2.10(10)-S10330. Water Quality: Impoundment, Drainage, and Treatment.

(1) All operators shall comply with the following requirements and with all applicable water quality standards established under Montana law and the rules adopted pursuant thereto.

(a) Non-degradation of waters. Waters within the public domain of the state that possess a higher quality than that established on the effective date of established standards shall be maintained at their present high quality consistent with the powers granted to the board. Such high quality waters shall not be lowered in quality unless and until it is affirmatively demonstrated to the board through public hearing, that such a change is justifiable as a result of necessary economic or social development and that the change will not adversely affect the present and future uses of such waters. In implementing this policy as it relates to interstate streams, the Administrator of the Environmental Protection Agency shall be provided with such information as will enable the Administrator to discharge his responsibilities under the Federal Water Pollution Control Act.

(b) Impoundment and Treatment. (i) Treatment facilities in sufficient size and number consisting of but not limited to collection basins, water retarding structures and siltation dams shall be constructed with prior approval of the Department. All such facilities shall be constructed at or above the points of discharge into receiving streams for the purpose of treating acid or toxic water and for the settling of sediment prior to discharge into the receiving stream. As part of an application for permit, an operator shall submit the design specifications, drawings, method of operation and control, and quality of discharge of the treatment facilities. The operator shall indicate on the maps submitted as part of an application for permit the proposed location of all treatment facilities. Proposed reclamation of treatment facilities shall be included in the reclamation plan.

(ii) Additional treatment facilities may be required by the Department after commencement of the operation if conditions arise that could not be anticipated at the time of the permit application.

(iii) All approved and constructed treatment facilities shall be maintained in proper working order by the operator and operated so that they will perform as proposed in the application for permit. All treatment facilities constructed and approved pursuant to the provisions of this rule shall be monitored by the operator to assure continuous satisfactory performance until approved reclamation has been accomplished.

(iv) Permanent water impoundments shall not be allowed unless approved by the Department. If the Department determines at any time that a permanent impoundment area will not fill to expected levels, meet acceptable water quality standards or any other relevant criteria, the impoundment area shall be regraded and surface drainage facilitated.

(v) No water quality treatment of approved lakes or ponds shall be permitted without Department approval.

(vi) Monthly monitoring reports, where applicable, shall be submitted to the Department including the number of operating days, the gallons of drainage treated, a log of the tests made in accordance with Subsection (c) of this Rule, and a description of any operating problems and the corrective action taken.

(vii) The operator shall by the treatment of all runoff prevent the drainage into the

waters of the state drainage from any source, the pH of which is less than 6.0 or greater than 9.0, or which contains a concentration of iron in excess of seven (7) milligrams per liter (mg/l). The discharge must register positive net alkalinity (total alkalinity must exceed the total acidity) and the turbidity shall not exceed 100 J.C.U. The Department may modify above requirements if special problems occur.

(viii) The maximum total allowable increase to naturally occurring stream turbidity is ten (10) Jackson Candle Units except that four (4) hours following a major precipitation event, the discharge shall not contain suspended sediments in excess of five hundred (500) Jackson Candle Units above normal and not over one hundred (100) Jackson Candle Units above normal twenty-four (24) hours thereafter. All analyses are to be defined and performed according to the *Standard Methods for the Examination of Water and Wastewater*, unless otherwise specified in writing by the Department. If the above standards in (vii) and (viii) are in conflict with Federal and/or other Montana state agencies the more stringent regulation will apply.

(c) Drainage. (i) All surface water which might damage regraded slopes or drain into the stripping pit shall be intercepted on the uphill side of the highwall or other mine perimeters by diversion ditches and conveyed by stable channels or other means to natural or prepared watercourses outside the operation unless it is determined by the Department that such ditches and channels are unnecessary or would create a more serious pollution problem. Such conveyances shall be of sufficient size and grade to prevent overflow into the mine area. If the ditches are likely to carry surface water only intermittently, they will be retopsoiled and revegetated with grasses, forbs and/or legumes. All constructed diversion ditches shall be included in the permit acreage and shown on the map.

(ii) Water accumulating in the course of the operation shall meet the water quality specifications enumerated herein or shall be pumped or siphoned to a treatment or settling facility prior to discharge into a natural drainway. Under no circumstances shall water be discharged onto highly erodible soil or spoil banks.

(iii) No surface mine drainage shall be discharged through or permitted to infiltrate into existing deep mine workings. Location of all known existing deep mines within the permit area and plans for remedial measures shall be included in the application for a permit.

(iv) All drainage from the active mine area shall exit through impoundment or treatment facilities in accordance with Subsection (b) (1) of this Rule.

(3) § 26-2.10(10)-S10340. Topsoiling.

(1) All available topsoil shall be removed from the area of land affected before further disturbance occurs. Topsoil removal shall precede each step of the mining operation. The operator shall indicate in the reclamation plan the equipment and method used in topsoil salvage and redistribution.

(2) Stockpiles of salvaged topsoil shall be located in an area where they will not be disturbed by ongoing mining operations and will not be lost to wind erosion or surface runoff. All unnecessary compaction and contamination of the stockpiles shall be eliminated and once stockpiled the topsoil shall not be rehandled until replaced on regraded disturbances. The Department may require immediate planting of an annual and/or perennial crop on topsoil stockpiles for the purposes of stabilization. Proposed stockpile locations shall be indicated on the map

submitted as part of an application for a permit.

(3) Stockpiled topsoil shall be replaced on all areas to be seeded within a ninety (90) day period prior to revegetative seeding or planting. Extreme care shall be exercised to guard against erosion during application and thereafter. In the case of abandoned roads, the roadbeds shall be ripped, disced, or otherwise conditioned before topsoil is replaced. The Department may prescribe additional alternate conditioning methods for the reclamation of abandoned roadbeds.

(4) If necessary, redistributed topsoil shall be reconditioned by discing, ripping, or other appropriate methods. Gypsum, lime, fertilizer, or other amendments may be added in accordance with MAC 26-2.10 (10) S-10350, and/or as stated in the approved reclamation plan.

(5) Spoil surfaces shall be left roughened in final contour grading to eliminate slippage zones that may develop between deposited topsoil and heavy textured spoil surfaces. The operator shall take all measures necessary to assure the stability of topsoil on graded spoil slopes.

(6) Any application for permit or accompanying reclamation plan which for any reason proposes to use materials other than or along with topsoil for final surfacing of spoil or other disturbances shall document problems of topsoil quantity or quality. The application or plan must also show that the topsoil substitute(s) proposed: (a) Will not contribute to or cause pollution of surface or underground waters; (b) Will support a diverse cover of predominantly native perennial species equivalent to that existent on the site prior to any mining related disturbances.

(4) § 26-2.10(10)-S10350. Planting and Revegetation.

(1) A suitable permanent diverse vegetative cover capable of meeting the criteria set forth in Section 12 of Chapter 325, Session Laws of Montana, 1973, shall be established on all areas of land affected except traveled portions of railroad loop and roadways or areas of authorized water confinement. Areas shall be planted or seeded during the first appropriate season following completion of grading, topsoil redistribution and remedial soil treatments.

(2) An operator shall establish a permanent diverse vegetative cover of predominantly native species by drill seeding or planting, by seedling transplants, by establishing sod plugs, and/or by other methods. All methods must have prior approval by the Department.

(3) The operator shall utilize locally grown genotypical seed and seedlings when available in sufficient quality and quantity.

(4) An operator shall plant seed of a pure and viable nature. Unless otherwise approved by the Department seed shall be at least 90 percent pure. Seeding rates shall reflect germination percentages.

(5) The operator shall consider soil, climate, and other relevant factors when planting and/or seeding to provide for the best seed germination and plant survival.

(6) All drill seeding shall be done on the contour. When grasses, shrubs and/or forbs are seeded as a mixture they may be drill seeded in separate rows at intervals specified in the standard Soil Conservation Service (SCS) planting guidelines. Such mixed seedings shall be done in this manner wherever necessary to avoid deleterious competition of different vegetal types or to avoid seed distribution problems due to different seed sizes.

(7) Soil amendments shall be used as necessary to supplement the soil and to aid in the establishment of a permanent vege-

tative cover as specified in the approved reclamation plan or as may be deemed necessary by the Department.

(8) An operator shall use any other means necessary to insure the establishment of a diverse and permanent vegetative cover, including but not limited to irrigation, and fencing or other protective measures.

(9) The Department may require the seeding of annual grasses and/or legumes on such areas as it deems necessary.

(10) Mulch shall be immediately applied to all areas that do not have permanent or temporary cover established when, in the opinion of the Department, the grade or length of any slope presents a likelihood of substantial erosion or substantial deposition of sediment into any waters of the state.

(11) The Department will annually inspect seeded areas at the end of the growing season to determine species diversity, germination, and seedling take. If the Department determines that seedings are unsuccessful in terms of good germination and/or seedling take, immediate investigative action shall be taken by the operator at the request of the Department to determine the cause so that alternatives can be employed to establish the desired permanent vegetative cover at the very next seasonal opportunity. The investigative report shall be submitted along with prescribed course of corrective action prior to the next growing season.

(12) If the area affected is to be primarily utilized by domestic stock, the Department may require incorporation of a grazing system after vegetative establishment to gauge stand tolerance to grazing pressure.

(5) § 26-2.10(18)-S10400. Application for a Mine Site Location Permit Shall Encompass

1. Mining plan:

G. Mine Site Location Information.

1.

In addition the operator shall agree to:

a. Bury under adequate fill all toxic materials, shale, mineral, or other material determined by the department to be acid producing, toxic, undesirable or creating a hazard. Burial depth should be selected to prevent contact with groundwater or infiltrating waters that will subsequently pollute the groundwater in the area;

b. Seal off, as directed by the department, any breakthrough of water creating a hazard;

c. Impound, drain or treat all runoff water so as to reduce soil erosion, damage to grazing and agricultural lands, and pollution of surface and subsurface waters;

d. Remove and bury all metal, lumber, and other refuse resulting from the operation;

e. Use explosives in connection with the operation only in accordance with department specifications as found in § 26-2.10 (10)-S10320 of the rules and regulations pursuant to Title 50, Chapter 10, R.C.M. 1947, designed to minimize noise, surface damage to adjacent lands and water pollution, ensure public safety, and for other purposes;

f. Not throw, dump, pile or permit the dumping, piling, or throwing or otherwise placing of any stones, rocks, earth, soil, dirt, debris, trees, wood, logs or any other materials or substances of any kind or nature beyond or outside of the area of land which is under permit and for which a bond has been posted under 50-1607, or place the materials described in this section in such a way that normal erosion or slides brought about by natural physical causes will permit the materials to go beyond or outside of the area of land which is under permit and for which a bond has been posted under 50-1607.

g. Identify the location of a proposed road(s) and/or railroad loop(s), spur(s) or

extension(s) on the site by prominent markings prior to the time the proposed preparatory work is inspected and prior to the commencement of construction. No such construction shall proceed along dry coulees and intermittent drainageways unless the operator takes necessary precautions to insure that no off-site sedimentation will result;

h. Construct drainage ditches on both sides of the through-cut, and the inside shoulder of a cut-fill section, with ditch relief cross-drains being spaced according to grade. Water shall be intercepted before reaching a switchback or large fill, and shall be drained off or released below the fill. Drainage structures shall be constructed in order to cross a stream channel, and shall not affect the flow or sediment load of the stream;

i. Stabilize and revegetate at the first seasonal opportunity all cut and fill slopes resulting from construction of an access road, a railroad loop or haulageway road outside of the area to be mined;

j. Not surface roads, railroad loops, spurs or extensions with refuse coal, acid producing or toxic material or with any material which will produce a concentration of suspended solids in surface drainage;

k. Employ all appropriate methods to prevent loss of haulage or access road surface material in the form of dust;

1. Condition and seed and take adequate measures to prevent erosion by means of culverts, water bars, or other devices upon the abandonment of any road, railroad loop, spur or extension. Such areas shall be abandoned in accordance with all provisions of Chapter 10, Title 50, R.C.M. 1947, and MAC 26-2.10 (10-S10330 and MAC 26-2.10(10)-S10340 of the Rules and Regulations adopted pursuant thereto.

2. The applicant shall submit construction and reclamation plans for all intended preparatory work. Such plans shall be capable of meeting all applicable requirements which would be included in an application for permit under Title 50, Chapter 10, R.C.M. 1947. Such plans shall include:

a. Map showing proposed locations of railroad loops, spurs or extensions, waste and refuse areas, coal handling facilities, office and maintenance buildings, all roads, dragline erection sites and other related disturbances.

b. The estimated depths of all cuts or excavations and fills needed for on-site construction.

c. Overall dimensions for coal handling facilities, office or maintenance buildings and railroad loops insofar as disturbance is concerned.

d. Photographic transects of the proposed mine facility area. Photographic points and direction shall be located on an accompanying map. Estimated depths of proposed cuts and fills shall be identified on each photograph containing areas where cuts and/or fills are anticipated.

e. An operator shall submit to the department a detailed plan, including timetables, showing the method and manner of reclaiming all disturbances related to preparatory work. Such plans shall include a description of the method and manner of reclaiming land affected by construction of railroad loops, office and maintenance areas, coal handling facilities and other disturbances associated with such preparatory work.

f. The applicant shall provide to the department an estimate of water usage expected to result from preparatory work activities, as well as a detailed narrative of planned procurement for such water. This narrative shall document that the water rights of other landowners will not be adversely affected.

g. Further information as the department may require. The department will notify the applicant in writing as to what additional information is required.

3. Water Quality: Impoundment, Drainage and Treatment. All operators shall comply with the following requirements and with all applicable water quality standards established under Montana law and the rules adopted pursuant thereto.

a. Non-degradation of waters. Waters within the public domain of the state that possess a quality higher than established standards shall be maintained at their present higher quality consistent with the powers granted to the board.

b. Impoundment and treatment.

i. Treatment facilities in sufficient size and number consisting of but not limited to collection basins, water retarding structures and siltation dams shall be constructed with prior approval of the department. All such facilities shall be constructed at or above the points of discharge into receiving streams for the purpose of treating acid or toxic water and for the settling of sediment prior to discharge into the receiving stream. As part of an application for permit, an operator shall submit the design specifications, drawings, method of operation and control, and quality of discharge of the treatment facilities. The operator shall indicate on the maps submitted as part of an application for permit the proposed location of all treatment facilities. Proposed reclamation of treatment facilities shall be included in the reclamation plan. Additional treatment facilities may be required by the department after commencement of the operation if conditions so indicate a need.

ii. All approved and constructed treatment facilities shall be maintained in proper working order by the operator and operated so that they will perform as proposed in the application for permit. All treatment facilities constructed and approved pursuant to the provisions of this rule shall be monitored by the operator to assure continuous satisfactory performance until approved reclamation has been accomplished.

iii. Permanent water impoundments shall not be allowed unless approved by the department. If the department determines at any time that the proposed impoundment area will not fill to expected levels, meet acceptable water quality standards or any other relevant criteria, the impoundment area shall be regraded and surface drainage facilitated.

iv. No water quality treatment of approved lakes or ponds shall be permitted without department approval.

v. Monthly monitoring reports, where applicable, shall be submitted to the department including the number of operating days, the gallons of drainage treated, a log of the tests made in accordance with Subsection (c) of this Rule, and a description of any operating problems and the corrective action taken.

vi. The operator shall by the treatment of all water leaving the mine site location prevent the drainage into the waters of the state drainage from any source, the pH of which is less than 6.0 or greater than 9.0, or which contains a concentration of iron in excess of seven (7) milligrams per liter (mg/l). The discharge must register positive net alkalinity (total alkalinity must exceed the total acidity) and the turbidity shall not exceed 100 J.C.U. The department may modify above requirements if special problems occur.

vii. The maximum total allowable increase to naturally occurring stream turbidity is ten (10) Jackson Candle Units except that four (4) hours following a major precipita-

tion event, the discharge shall not contain suspended sediments in excess of five hundred (500) Jackson Candle Units above normal and not over one hundred (100) Jackson Candle Units above normal twenty-four (24) hours thereafter. All analyses are to be defined and performed according to the Standard Methods for the Examination of Water and Wastewater, unless otherwise specified in writing by the department. If the above standards in (vi) and (vii) are in conflict with Federal and/or other Montana State agencies the more stringent regulations will apply.

c. Drainage.

i. All surface water which might damage regraded slopes shall be intercepted on the uphill side of the slope or other mine site perimeters by diversion ditches and conveyed by stable channels or other means to natural or prepared watercourses outside the operation and it is determined by the department that such ditches and channels are unnecessary or would create a more serious pollution problem. Such conveyances shall be of sufficient size and grade to prevent overflow into the operations area. If the ditches are likely to carry surface water only intermittently, they will be retrenched and revegetated with recommended grasses, forbs and/or legumes. All constructed diversion ditches shall be included in the permit acreage and shown on the map.

ii. Water accumulating in the course of the operation shall meet the water quality specifications enumerated herein or shall be pumped or siphoned to a treatment or settling facility prior to discharge into a natural drainway. Under no circumstances shall water be discharged onto highly erodible soil banks.

iii. No surface drainage shall be discharged through or permitted to infiltrate into existing deep mine workings. Location of all known existing deep mines within the permit area and plans for remedial measures shall be included in the application for a permit.

iv. All drainage from the active construction area shall exit through impoundment or treatment facilities in accordance with Subsection (H) (1) of this Rule.

4. Topsoiling.

a. All suitable topsoiling materials, as approved by the department, shall be removed from the mine site location area before significant disturbance occurs. Removal shall precede each step of the construction operation. The operator shall indicate in the reclamation plan the equipment and method used in salvage and distribution.

b. Stockpiles of salvaged topsoiling material shall be located in an area where they will not be disturbed by ongoing construction operations and will not be lost to wind erosion or surface runoff. All unnecessary compaction and contamination of the stockpiles shall be eliminated. Once stockpiled it shall not be rehandled until replaced on regraded disturbances. The department may require immediate planting of an annual and/or perennial crop on stockpiles for the purposes of stabilization. Proposed stockpile locations shall be indicated on the map submitted as part of an application for a permit.

c. Stockpiled topsoiling materials shall be replaced on all areas to be seeded within a ninety (90) day period prior to revegetative seeding or planting. Extreme care shall be exercised to guard against erosion during application and thereafter. In the case of abandoned roads, the roadbeds shall be ripped, disced, or otherwise conditioned before topsoil is replaced. The department may prescribe additional alternate conditioning methods for the reclamation of abandoned roadbeds.

d. If necessary, redistributed topsoiling materials shall be reconditioned by discing, ripping, or other appropriate methods. Gypsum, lime, fertilizer, or other amendments may be added in accordance with MAC 26-2.10(10)-S10350, and/or as stated in the approved reclamation plan.

e. Regraded surface shall be left roughened in final contour grading to eliminate slippage zones that may develop between deposited topsoiling materials and heavy textured surfaces. The operator shall take all measures necessary to assure the stability of topsoil on graded slopes.

5. Planting and revegetation.

a. A suitable permanent diverse primarily native vegetative cover capable of meeting the criteria set forth in Section 12 of Chapter 10, R.C.M. 1947, shall be established on all areas of lands affected except traveled portions of railroad loops and roadways, areas of authorized water confinements, or areas where disturbance levels will preclude vegetation establishment. Areas shall be planted or seeded during the first seasonal opportunity following completion of grading topsoil redistribution and remedial soil treatments.

b. An operator shall establish a permanent diverse vegetative cover of predominantly native species by drill seeding or planting, by seedling transplants, by establishing sod plugs, and/or by other methods. All methods must have prior approval by the department.

c. The operator shall utilize certified seed of named varieties that have successfully demonstrated regional long range viability. Locally collected seed and locally grown seedlings shall be utilized when available in sufficient quality and quantity.

d. An operator shall plant seed of a pure and viable nature. Unless otherwise approved by the department, seed shall be at least ninety percent (90%) pure. Seeding rates shall reflect germination percentages.

e. The operator shall consider soil, climate, and other relevant factors when planting and/or seeding to provide for the best seed germination and plant survival.

f. All drill seeding shall be done on the contour. When grasses, shrubs and/or forbs are seeded as a mixture they may be drill seeded in separate rows at intervals specified in the standard Soil Conservation Service (SCS) planting guidelines. Such mixed seedings shall be done in this manner wherever necessary to avoid deleterious competition of different vegetal types or to avoid seed distribution problems due to different seed sizes.

g. Soil amendments shall be used as necessary to supplement the soil and to aid in the establishment of a permanent vegetative cover as specified in the approved reclamation plan or as later deemed necessary by the department.

h. An operator shall use any other means necessary to insure the establishment of a diverse and permanent vegetative cover, including but not limited to irrigation, and fencing or other protective measures.

i. The department may require the seeding of annual grasses and/or legumes on such areas as it deems necessary.

j. Mulch shall be immediately applied to all areas that do not have permanent or temporary cover established when, in the opinion of the department, the grade or length of any slope presents a likelihood of substantial erosion or substantial deposition of sediment into any waters of the state.

k. The department will annually inspect seeded areas at the end of the growing season to determine species diversity, germination and seedling take. If the department determines that seedings are unsuccessful in

terms of good germination and/or seedling take, immediate investigative action shall be taken by the operator at the request of the department to determine the cause so that alternatives can be employed to establish the desired permanent vegetative cover at the very next seasonal opportunity. The investigative report shall be submitted along with prescribed course of corrective action prior to the next growing season.

l. If the area affected is to be primarily utilized by domestic stock, the department may require incorporation of a grazing system after vegetative establishment to gauge stand tolerance to grazing pressure.

[FR Doc.76-26439 Filed 9-13-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 931]

HANDLING OF FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

Proposed Rulemaking With Respect to Expenses and Fixing of Rate of Assessment for the 1976-77 Fiscal Period and Carry-over of Unexpended Funds

This notice invites written comments relative to the proposed expenses of \$25,-930 and rate of assessment of \$0.01 per standard western pear box to support the activities of the Northwest Fresh Bartlett Pear Marketing Committee for the 1976-77 fiscal period under marketing Order No. 931. It also proposes to carry over, as a committee reserve, unexpended assessment income from fiscal 1975-76.

Consideration is being given to the following proposals submitted by the Northwest Fresh Bartlett Pear Marketing Committee, established pursuant to the marketing agreement and Order No. 931 (7 CFR Part 931), regulating the handling of fresh Bartlett pears grown in Oregon and Washington, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by the Northwest Fresh Bartlett Pear Marketing Committee, during the period July 1, 1976, through June 30, 1977, will amount to \$25,930.

(2) That the rate of assessment for such period, payable by each handler in accordance with § 931.41 be fixed at \$0.01 per standard western pear box of pears, or an equivalent quantity of pears in other containers or in bulk.

(3) That assessments in excess of expenses incurred during the fiscal period ended June 30, 1976, be carried over as a reserve in accordance with the applicable provisions of § 931.42.

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

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington,

D.C. 20250, not later than September 30, 1976. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: September 9, 1976.

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

[FR Doc.76-26884 Filed 9-13-76;8:45 am]

Agricultural Stabilization and Conservation Service

[7 CFR Part 725]

FLUE-CURED TOBACCO

Proclamation of Marketing Quotas for the 1977-78, 1978-79, and 1979-80 Marketing Years

Pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq., hereinafter referred to as the "Act"), the Secretary is preparing, with respect to flue-cured tobacco, to (1) proclaim quotas for the 1977-78, 1978-79, and 1979-80 marketing years, (2) determine and announce the amount of the national marketing quota, the national average yield goal, and the national acreage allotment for the 1977-78 marketing year, and (3) conduct a referendum of farmers engaged in the 1976 production of flue-cured tobacco to determine whether they favor or oppose quotas for the 1977-78, 1978-79 and 1979-80 marketing years.

The Act (7 U.S.C. 1314c(d)) provides that the proclamation of quotas for the 1977-78, 1978-79 and the 1979-80 marketing years and the determination and announcement of the national quota, national average yield goal and national acreage allotment for the 1977-78 marketing year shall be made on or before December 1, 1976. The referendum shall be conducted within 30 days after the proclamation.

The Act (7 U.S.C. 1301(b)) defines "Reserve supply level" as normal supply plus 5 percent. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic consumption and 65 percent of a normal year's exports as an allowance for a normal carry-over. A "Normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "Normal year's exports" is defined as the yearly average quantity produced in the United States that was exported from the United States during the ten marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports. The reserve supply level for the 1976-77 marketing year was de-

terminated to be 2,983 million pounds, calculated from a normal year's domestic consumption of 685 million pounds and a normal year's exports of 580 million pounds (40 FR 55656). The proposed reserve supply level for the 1977-78 marketing year is 2,874 million pounds, calculated from a normal year's domestic consumption of 672 million pounds and a normal year's exports of 539 million pounds.

The Act (7 U.S.C. 1301(b)) defines "Total supply" as the carryover at the beginning of the marketing year (July 1) plus the estimated production in the United States during the calendar year in which the marketing year begins. The total supply for the 1976-77 marketing year is 3,150 million pounds, composed of carryover of 1,832 million pounds and estimated production of 1,318 million pounds.

The Act (7 U.S.C. 1314c(a)) defines the "National marketing quota" as the amount of the kind of tobacco produced in the United States which the Secretary estimates will be utilized in the United States and will be exported during the marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 15 percent of such estimated utilization and exports.

The amount of flue-cured tobacco produced in the United States and estimated to have been utilized in the United States during the 1975-76 marketing year was 705 million pounds, and the amount exported was 530 million pounds, farm-sales weight basis. The amount of the national marketing quota for the 1976-77 marketing year is 1,268 million pounds based upon estimated utilization in the United States of 745 million and estimated exports of 550 million pounds, with a downward adjustment of 27 million pounds for the purpose of reducing supplies to the reserve supply level (40 FR 55656). For the 1977-78 marketing year, utilization in the United States is estimated to be about 760 million pounds and exports are estimated to be about 500 million pounds. The total supply for the 1976-77 marketing year is 276 million pounds more than the proposed reserve supply level, but the amount of the adjustment desirable for maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level is still being considered.

The Act (7 U.S.C. 1314c(a)) defines the "National average yield goal" as the yield per acre which on a national average basis the Secretary determines will improve or insure the usability of the tobacco and increase the net return per pound to the growers. In making this determination the Secretary shall give consideration to such Federal-State production research data as he deems relevant. The national average yield goal for the

1965-66 and each subsequent marketing year was determined to be 1,854 pounds, and no change is proposed for the 1977-78 marketing year.

The Act (7 U.S.C. 1314c(a)) defines the "National acreage allotment" as the acreage determined by dividing the national marketing quota by the national average yield goal. The national acreage allotment for the 1976-77 marketing year was determined to be 684,034.52 acres (40 FR 55656).

A national acreage factor for apportioning the national acreage allotment to old farms will be determined by dividing the national acreage allotment, less the reserve for new farms and old farms corrections and adjustments, by the sum of the 1976 allotments for 1977 old farms prior to adjustments for overmarketings or undermarketings and reductions required for violations. The national acreage factor for the 1976-77 marketing year was .85 (40 FR 55656).

A national yield factor will be obtained by dividing the national average yield goal by the national average yield. The national average yield is computed by multiplying the preliminary farm yield for each farm by the acreage allotment determined for the farm prior to adjustments for overmarketings, undermarketings, or reductions required for violations, adding the products, and dividing the sum of the products by the national acreage allotment. The national yield factor for the 1976-77 marketing year was .9312 (40 FR 55656).

The Act (7 U.S.C. 1314c(e)) provides that for each marketing year for which acreage-poundage quotas are in effect a reserve may be established from the national acreage allotment in an amount equivalent to not more than one percent of the national acreage allotment to be available for making corrections of errors in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms, which are farms on which no tobacco was produced or considered produced during the immediately preceding five years. A reserve of 350 acres was established for the 1976-77 marketing year (40 FR 55656). A similar reserve is proposed for the 1977-78 marketing year.

The Act (7 U.S.C. 1314c(g)) provides that if the Secretary, in his discretion, determines it is desirable to encourage the marketing of grade N2 tobacco, or any grade of tobacco not eligible for price support, in order to meet the normal demands of export and domestic markets, he may authorize the marketing of such tobacco without the payment of penalty or deduction from subsequent quotas to the extent of 5 percent of the marketing quota for the farm on which the tobacco was produced. This has never been authorized under the acreage-poundage program and is not proposed for the 1977-78 marketing year.

The subject and issues involved in the proposed determination are:

(1) The amount of the reserve supply level.

(2) The amount of the national marketing quota for the 1977-78 marketing year.

(3) The amount of the national average yield goal.

(4) The amount of acreage to be reserved from the national acreage allotment for making corrections in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms.

(5) Whether the Secretary should implement the provision relating to N2 or other grades of tobacco not eligible for price support.

(6) The date or period of the referendum on quotas for the 1977-78, 1978-79 and 1979-80 marketing years for flue-cured tobacco, and whether the referendum should be conducted at polling places rather than by mail ballot (31 FR 12011).

The amount of the national acreage allotment, the national acreage factor and the national yield factor are not considered issues in these determinations because they result from mathematical computations based on the determinations outlined in issues (1) through (4) in the preceding paragraph.

The community average yields as computed in 1965 (30 FR 6207, 9875, 14487), will be used for the 1977-78 marketing year.

Consideration will be given to data, views, and recommendations pertaining to the proposed determinations, rules, and regulations covered by this notice which are submitted in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday, in Room 5754, South Building, 14th and Independence Avenue, S.W., Washington, D.C. All submissions must, in order to be sure of consideration, be received not later than October 29, 1976.

Signed at Washington, D.C., on September 8, 1976.

SEELEY G. LODWICK,
Acting Administrator, Agricultural
Stabilization and Conservation
Service.

[FR Doc. 76-26838 Filed 9-13-76; 8:45 am]

Animal and Plant Health Inspection Service
[9 CFR Parts 307, 318 and 320]
MANDATORY MEAT INSPECTION

Proposal for Handling Returned Meat Products at Federally Inspected Establishments. Intent To Take No Further Action

● *Purpose:* The purpose of this document is to notify the public that the Department will cancel the proposed amendments on returned meat products and will, therefore, take no further action on the proposal. ●

On December 9, 1971, there was published in the FEDERAL REGISTER (36 FR 23393-23394), a proposal concerning handling of meat products returned to federally inspected establishments from marketing points outside the establishment, commonly referred to as returned products or goods. The purpose of the proposal was to provide uniform reinspection procedures for such products and provide adequate safeguards for handling, reworking, or destroying meat products that may have been abused.

Since the revised guidelines necessary for uniform reinspection of such returned products will not involve any substantive changes in the existing regulations, they can be established administratively within existing regulations. Therefore, the Department has decided to cancel the proposal.

Done at Washington, D.C., on September 9, 1976.

HARRY C. MUSSMAN,
Acting Administrator, Animal
and Plant Health Inspection
Service.

[FR Doc. 76-26978 Filed 9-13-76; 8:45 am]

Office of the Secretary

[7 CFR Part 16]

LIMITATION ON IMPORTS OF MEAT

Proposed Regulations With Respect to Meat Processed in Foreign-Trade Zones; Extension of Comments Period

On August 17, 1976, a notice was published in the FEDERAL REGISTER (41 FR 34777) that the United States Department of Agriculture was considering the issuance of a regulation to provide that meat which is processed in a Foreign-Trade Zone from foreign meat which, if it were entered into the customs territory of the United States in the form in which it was brought into the Foreign-Trade Zone, would be classifiable as TSUS item 106.10, shall be treated for the purposes of the Meat Import Law, Pub. L. 88-482 (19 U.S.C. 1202 note), and the trade agreements entered into by the United States with the supplying countries of such meat pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), as being classifiable under TSUS item 106.10 when entered, or withdrawn from warehouse, into the customs territory of the United States. It was stated that comments with respect thereto which were received on or before September 16, 1976, would be considered.

Interested parties have requested additional time for the submission of comments. The time for the submission of comments is hereby extended to September 24, 1976.

Dated this tenth day of September, 1976.

RICHARD E. BELL,
Assistant Secretary.

[FR Doc. 76-27038 Filed 9-13-76; 8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 288]

[Docket No. 29759]

EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Amendment of Fuel Surcharge Procedures

Notice is hereby given that the Civil Aeronautics Board intends to change its procedure and methodology for developing the fuel-surcharge amendments applicable to the minimum rates established in Part 288 of the Economic Regulations (14 CFR Part 288) for air transportation services performed by air carriers for the Department of Defense and procured by the Military Airlift Command (MAC).¹ The Board intends to issue fuel-surcharge amendments on an ad hoc basis only when fuel price changes, either upward or downward, require a 0.75 percent, or more, adjustment to the current minimum rates. This is in lieu of the current practice of issuing fuel-surcharge amendments quarterly.² In addition we also intend to use the fuel-cost and consumption data, provided in Schedule P-12(a)³ of the Form 41 reports (14 CFR Part 241) for military charter services performed, in monitoring the change in fuel costs incurred by air carriers performing MAC services. This will eliminate the special monthly station fuel-price and quarterly fuel-consumption and costs reports which are currently submitted to the Bureau of Economics by participating MAC carriers.⁴

By EDR-263, January 22, 1974 and ER-839, March 8, 1974, the Board established a procedure for adjusting monthly the minimum MAC rates to reflect changes in fuel costs incurred by participating MAC carriers. Fuel prices by stations served were then fluctuating precipitously from month to month. In order to expeditiously evaluate the impact of changing fuel prices on the costs of performing MAC services, the carriers were required to submit special monthly station fuel prices and quarterly fuel-consumption and cost reports to the Bureau of Economics. This placed a burden on the carriers for reporting the required data as well as on the Board's staff for compiling and analyzing the voluminous data reported. However, this was justified by the significant impact fuel price changes had on the earnings for MAC services.

The procedure has been modified over the past two and one-half years to reflect

¹ The current minimum rates were established by ER-959, adopted July 15, 1976, for Logair and Quicktrans services and ER-962, adopted July 27, 1976, for foreign and overseas services.

² ER-920, adopted July 1, 1975. Prior to this, fuel surcharge amendments were issued on a monthly basis.

³ Established by ER-882, adopted October 15, 1974.

⁴ These informal reports were instituted by letter dated January 4, 1974, from the Director, Bureau of Economics.

changing conditions. Effective with the adoption of ER-920, July 1, 1975, the Board moved to a quarterly adjustment interval. This revision reflected a general stabilization of commercial fuel prices and a corresponding minimal differential in many of the monthly fuel-surcharge amendments. For example, during the first half of 1975, the absolute impact of changes in the monthly fuel surcharges averaged only \$242,000 in annualized revenues (Appendix A).⁵

The quarterly adjustment procedure reduced the frequency of fuel-surcharge amendments while maintaining the adequacy of the minimum rates in terms of changes in fuel costs.⁶ Since the adoption of the quarterly adjustment procedure, the absolute impact of changes in the fuel surcharges has averaged about \$1.5 million in annualized revenues (Appendix A).⁷ Excluding the temporary changes in military supplied fuel,⁸ the average absolute change has been \$856,000 (Appendix B).⁹

These revisions are intended to maintain the system for monitoring fuel-price changes and implementing appropriate rate adjustments while reducing the burden on the carriers and the Board's staff for processing the required fuel data, and clarifying the minimum degree of fuel-price changes necessary to trigger the issuance of a fuel-surcharge amendment. In the Board's judgment, future fuel-surcharge amendments are warranted for fuel-price changes which will have an annualized rate impact of at least 0.75 percent, approximately \$1.1 million in foreign and overseas services. As set out in Appendix C, such a condition would be met, for the long-range international MAC carriers based on operating results for the twelve-months ended March 31, 1976, by a 2.75 percent change in the average fuel price (including both commercial and military supplied fuel). The benchmark of a 0.75 percent adjustment of the current minimum rates closely approximates the minimum impact of fuel surcharges over the past twelve months and will maintain viable minimum rates responsive to fluctuations in fuel costs.

The adequacy of the minimum rates for Logair and Quicktrans services had been maintained in terms of fluctuations in fuel costs through an automatic adjustment clause for military supplied fuel.¹⁰ This reflected the fact that approximately 95 percent of total fuel consumed in these services is purchased from the military. By ER-959, the Board eliminated the automatic military fuel-

⁵ Appendices filed as part of original.

⁶ Monthly surveillance of fuel costs continued and the Board effected interim fuel-surcharge adjustments in the event of significant price changes.

⁷ We have been informally advised that the temporary increase in the price of military supplied fuel of approximately 5 cents a gallon from July 1 through December 31, 1975, was due to an accounting adjustment by the Defense Supply Agency.

⁸ ER-845, adopted May 1, 1974.

price adjustment provision and indicated that prospective adjustments of the minimum rates for fuel-price changes would be in the same manner as for international services.⁷ As set out in Appendix D,⁸ the benchmark of 0.75 percent as the minimum impact fuel-price changes for issuance of a fuel-surcharge amendment equates to a 2.25 percent change in the average fuel price, or an annualized impact of approximately \$375,000 for domestic services.

Appendix E,⁹ illustrates several hypothetical cases of fuel-price changes and the technique for determining when a fuel-surcharge amendment will be issued for long-range international MAC services. This methodology will be similarly employed for domestic MAC operations.

As mentioned above, the monthly fuel prices by station and quarterly fuel-cost and consumption reports by station and source of purchase (commercial or military) were instituted at the beginning of 1974 in response to the need for continuing rate adjustments and at a time when the Board received no other periodic reports which identified fuel costs associated with MAC operations. However, since November 1, 1974, carriers have been submitting, as part of the Form 41 reports, Schedule P-12(a) which, among other things, breaks out fuel data—both cost and gallons—for MAC operations.

Appendix F¹⁰ sets forth a comparison of the average monthly fuel prices for the international MAC carriers based on data from the Schedule P-12(a) and the reports to the Bureau of Economics. Over the past sixteen months, the average monthly fuel prices have closely paralleled each other. Variations of 1.5-2.0 cents per gallon in some months are attributable to extraordinary MAC service requirements, such as the airlift of Angolan refugees from September to December, 1975, or the timing differences between the two reporting procedures.⁵ Absent such differences, as evident during the past eight months, the variations in the average fuel prices have become relatively insignificant. In light of the burden placed on the participating MAC carriers to submit monthly and quarterly fuel-cost and consumption reports to the Board and the administrative burden placed on the Board's staff in compiling and analyzing this data, the Board has determined that the fuel data for MAC operations provided by Schedule P-12(a) of the Form 41 reports, coupled with the advance notice of changes in military fuel prices, reasonably meet our requirements for timely evaluation of fuel-price changes for MAC services. Accordingly, the carriers should no longer be required to submit the prescribed reports to the Bureau of Economics.

The Board intends to take the action discussed herein in the absence of any persuasive comments to the contrary. Comments submitted to the Docket Section, Civil Aeronautics Board, Wash-

ington, D.C. 20428, on or before September 20, 1976, will be considered by the Board before taking final action. Copies of such communication will be available for inspection and copying by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., upon receipt thereof.

Dated at Washington, D.C., September 8, 1976.

[SEAL] PHYLLIS T. KAYLOR,
Secretary.
[FR Doc.76-26880 Filed 9-13-76;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1202]
MATCHBOOKS

Extension of Time for Issuance of Safety Standard or Withdrawal of Notice of Proceeding and Advance Notice of Other Commission Action Thereon

The purpose of this notice is to extend from July 31, 1976, until May 1, 1977 the period in which the Consumer Product Safety Commission must publish in the FEDERAL REGISTER a final consumer product safety standard for matchbooks or a notice withdrawing the notice of proceeding for the development of a standard.

In the FEDERAL REGISTER of September 4, 1974 (39 FR 32050), the Commission commenced a proceeding under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) for the development of a consumer product safety standard applicable to bookmatches. On October 24, 1974, the Commission accepted the offer of the American Society for Testing and Materials (ASTM) to develop a recommended standard, and formalized that agreement on December 30, 1974. A notice was published in the January 7, 1975 FEDERAL REGISTER (40 FR 1298) announcing the Commission's acceptance of the ASTM offer. On January 31, 1975, ASTM submitted a recommended standard and supporting data to the Commission.

After some modification to the recommended standard, the Commission published for comment in the FEDERAL REGISTER of April 1, 1976 (41 FR 14112) a proposed standard for matchbooks. A more detailed history of the development of this proposed standard appears in the April 1, 1976 proposal.

The Commission has as of this date received approximately 226 written comments on the proposed standard and, additionally, oral presentations concerning the proposal were made by interested parties.

In view of the complexity and variety of the technical and legal issues raised in the whole of the public record on this proposal, the Commission has determined that it is necessary to extend the period in which it must review and analyze the record and either issue a final standard or withdraw the Notice of Proceeding until May 1, 1977. Although

not presently contemplated, this period may be further extended for good cause by a notice published in the FEDERAL REGISTER.

Additionally, the Commission announces that in the event it ultimately determines to issue a final standard on matchbooks, it has decided to remove from inclusion those provisions of the proposed standard requiring a child-resistant matchbook cover and identification of the manufacturer by use of a zip code and those restricting the use of coupon advertising. It has further been decided to keep under consideration an extended effective date on the issue of burn time/distance. The basis for these decisions will be provided at that time. All other provisions remain, subject to a full and complete review by the staff and the Commission.

Dated: September 9, 1976.

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

[FR Doc.76-26888 Filed 9-13-76;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket No. RM76-37]

REGULATORY INFORMATION SYSTEM (RIS) DATA BASES

General Policy Statement on Access

SEPTEMBER 3, 1976.

Notice is hereby given pursuant to the Administrative Procedures Act, 5 U.S.C. & 553 Section 309 of the Federal Power Act as amended (49 Stat 858-859; 16 U.S.C. §25 h), and Section 16 of the Natural Gas Act, as amended (52 Stat 830; 15 U.S.C. 7170), that the Federal Power Commission proposes to issue a statement of general policy concerning access by other than FPC personnel to the Regulatory Information System (RIS) data bases, standard reports on microform, and data on magnetic tape.

The purpose of this policy statement is: (a) to establish the identity of those who will be granted computer terminal access to the RIS data bases; (b) to establish general standards as to the use of computer resources, the installation and payment for communications devices, including terminals, and responsibility for training; and (c) to encourage State regulatory commissions and other Federal agencies through the free use of public information available through electronic media, microform, or magnetic tape, so as to encourage use of the system and its data thereby possibly eliminating the collection of similar data by those agencies.

To achieve these goals it is essential to establish guidelines for all computer terminal users and to provide a framework for allowing maximum use of the public information available.

All computer terminal users of the RIS data bases who are authorized access to the RIS data bases will find that even though security locks are built into the system, they will be required to provide

⁷ ER-959 at 5.

⁸ See Appendix F, note 3.

a statement that no attempt will be made to invade the privacy of others and to abide by the security guidelines set up by the Office of Regulatory Information Systems (ORIS) and by the FPC rules and regulations issued pursuant to the Freedom of Information Act, as amended 5 U.S.C. 552, and the Privacy Act of 1974, 5 U.S.C. 552A.

Computer terminal access to information will be limited to data which are obtainable from the public use forms and available through the FPC's Office of Public Information.

Access to the data bases via compatible computer terminals will be readily provided to: 1) other Federal agencies; 2) State regulatory commissions; and to 3) industry, consumer, other associations and individuals for a limited time period and specific file(s).

Computer terminals must be compatible with the FPC/RIS system which utilizes both Federal and national standards. Access to the RIS system will not necessarily be interactive but turnaround will, in most cases, be accomplished within a 24 hour period, within both time and volume constraints to be established at a later date, and subject to operational standards extant at the FPC/RIS facility.

Retrieval of data will be limited to the use of strings and functions (pre-structured queries). A request for development of a new structured query will be evaluated by ORIS. The cost for development and usage will be then conveyed to the requestor for his approval before any development work commences. All structured queries will become the property of FPC and added to the users library. The facility to create new data bases will not be available to non-FPC personnel.

The organization to whom computer terminal access is granted will be responsible for: 1) installing and paying for compatible terminal equipment, 2) providing their own training in terminal use, use of the data management system and use of the FPC data structure, 3) installing and paying for all communication devices, and line costs from the user terminal to the telecommunications interface at the FPC, and 4) determining and solving run problems regarding their own system usage. State regulatory commissions and other Federal agencies will not be charged for access to the RIS data bases, standard reports on microform or data on magnetic tape, so as to encourage use of the system and its data thereby possibly eliminating the collection of similar data by those agencies. All other users will be charged a flat usage rate based on total connect time and an established charge for usage of structured queries. The rate will be determined quarterly by ORIS and is subject to fluctuation depending on the costs incurred by FPC in providing this service and billable on a quarterly basis. Cost changes will be announced at least 30 days prior to their being put into effect. The Federal Power Commission (FPC) will provide com-

plete hardware and software, the data management software, the necessary communications equipment at the FPC computer site, and the RIS data bases.

All data, whether available via the data base, standard reports on microform, or magnetic tape, will first be subjected to rigorous edit and auditing. The FPC thus will attempt to ensure that data contained in its data bases, reports and magnetic tapes are accurate; that the latest copies of the data standards, data base charts, and strings and functions (pre-structured queries) will be made available to those granted access.

All interested person may submit to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, not later than November 2, 1976, data, views, and comments or suggestions in writing concerning the proposed rulemaking. Written submittals will be placed on the Commission's public files and be available for public inspection at the Commission's Office of Public Information, 825 North Capitol Street, NE., Washington, D.C., 20426 during regular business hours. The Commission will consider all written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, and mailing address of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposal. The staff, in its discretion, may grant or deny requests for conference.

The proposed amendments to Part 2 of the Commission's General Rules would be issued pursuant to the authority granted the Federal Power Commission by the Federal Power Act, as amended, particularly Section 309 (49 Stat. 858-859; 16 U.S.C. 8325h) and by the Natural Gas Act, as amended, particularly Section 16 (52 Stat. 830; 15 U.S.C. 7170).

Accordingly, the Commission proposes to amend Part 2, General Policy and Interpretations in Subchapter A—General Rules, Chapter I, Title 18 of the Code of Federal Regulations by adding a new § 2.91 (d) (3) and new paragraphs (e) through (g) as follows:

§ 2.91 Automated computer regulatory information system.

(d) * * *

(3) This subsection deals with outside access to the Regulatory Information System (RIS) Data Bases and will do the following:

(i) Establish the identity of those who will be granted computer terminal access to the RIS data bases;

(ii) Establish general standards as to the use of computer resources, the installation and payment for communications devices including terminals and responsibility for training, and

(iii) Encourage the use of public information available through electronic media.

To achieve these goals it is essential to establish guidelines for all computer terminal users and to provide a framework for allowing maximum use of the public information available.

(e) All computer terminal users of the RIS data bases who are authorized access to the RIS data bases will find that even though security locks are built into the system, they will be required to provide a statement that no attempt will be made to invade the privacy of others and to abide by the security guidelines set up by the Office of Regulatory Information Systems (ORIS), and by the FPC rules and regulations issued pursuant to the Freedom of Information Act, as amended 5 U.S.C. 552, and the Privacy Act of 1974, 5 U.S.C. 552A.

(f) Computer terminal access to information will be limited to data which are obtainable from the public use forms and available through the FPC's Office of Public Information.

(i) Access to the data bases via compatible computer terminals will be readily provided to: 1) other Federal agencies; 2) state regulatory commissions; and to 3) industry, consumer, other associations and individuals for a limited time period and specific file(s).

(ii) Computer terminals must be compatible with the FPC/RIS system which utilizes both Federal and national standards. Access to the RIS system will not necessarily be inter-active but turnaround will in most cases be accomplished within a 24 hour period, within both time and volume constraints to be established at a later date, and subject to operational standards extant at the FPC/RIS facility.

(iii) Retrieval of data will be limited to the use of strings and functions (pre-structured queries). A request for development of a new structured query will be evaluated by ORIS. The cost for development and usage will be then conveyed to the requestor for his approval before any development work commences. All structured queries will become the property of FPC and added to the users library. The facility to create new data bases will not be available to non-FPC personnel.

(iv) The organization to whom computer terminal access is granted will be responsible for: 1) installing and paying for compatible terminal equipment, 2) providing their own training in terminal use, use of the data management system and use of the FPC data structure, 3) installing and paying for all communication devices, and line costs from the user terminal to the telecommunications interface at the FPC, and 4) determining and solving run problems regarding their own system usage. State Regulatory Commissions and other Federal Agencies will not be charged for access to the RIS data bases, standard reports on microform or data on magnetic tape, so as to encourage use of the system and its data thereby possibly

eliminating the collection of similar data by those agencies. All other users will be charged a flat usage rate based on total connect time and established charge for usage of structured queries. The rate will be determined quarterly by ORIS and is subject to fluctuation depending on the costs incurred by FPC in providing this service and billable on a quarterly basis. Cost changes will be announced at least 30 days prior to their being put into effect. The Federal Power Commission (FPC) will provide complete hardware and software, the data management software, the necessary communications equipment at the FPC computer site, and the RIS data bases.

(g) All data, whether available via the data bases, standard reports on microform, or magnetic tape, will first be subjected to rigorous edit and auditing. The FPC thus will attempt to ensure that data contained in its data bases, reports and magnetic tapes are accurate; that the latest copies of the data standards, data base charts, and strings and functions (pre-structured queries) will be made available to those granted access.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26765 Filed 9-13-76; 8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 241]

[Release No. 34-12767; File Nos. S7-609, 616]

UNIFORM NET CAPITAL RULE

Withdrawal of Proposed Amendment and Proposed Interpretation

In Securities Exchange Act Release No. 11969 (Jan. 2, 1976) [41 FR 5299 (Feb. 5, 1976)] ("Release No. 11969"), the Commission announced certain proposals to amend Rule 15c3-1 [17 CFR 240.15c3-1] ("§ 240.15c3-1") under the Securities Exchange Act of 1934, the Commission's uniform net capital rule applicable to substantially all brokers and dealers. One of these proposals would have amended § 240.15c3-1(c)(13), the uniform net capital rule's definition of the term "equity," to clarify that for purposes of computing equity, all securities positions in the accounts of a broker or dealer must be subjected to the securities haircuts prescribed elsewhere in § 240.15c3-1. However, in Securities Exchange Act Release No. 12766 (Sept. 2, 1976) [41 FR 39014 (Sept. 14, 1976)], the Commission adopted other proposed amendments to § 240.15c3-1 dealing with the treatment of transactions by market makers in listed options, which, inter alia, deleted § 240.15c3-1(c)(13). Accordingly, the Commission hereby withdraws the proposed amendment to § 240.15c3-1(c)(13) announced in Release No. 11969.

In Securities Exchange Act Release No. 12148 (Feb. 26, 1976) [41 FR 12306 (March 25, 1976)] ("Release No. 12148"),

the Commission announced certain proposed amendments to section 240.15c3-1 and proposed interpretations thereof, pertaining to the treatment of transactions by market makers in listed options. One of the proposals, an interpretation of § 240.15c3-1(c)(1), the uniform net capital rule's definition of the term "aggregate indebtedness," would have stipulated that equity in individual options specialists' market maker accounts is includable in the aggregate indebtedness of the broker or dealer guaranteeing, endorsing or carrying such accounts. However, in Securities Exchange Act Release No. 12766 (Sept. 2, 1976) [41 FR 39014 (Sept. 14, 1976)], wherein the Commission adopted, in modified form, the other amendments to § 240.15c3-1 and interpretations thereof proposed in Release No. 12148, the Commission indicated that the proposed interpretation of § 240.15c3-1(c)(1) was no longer necessary in light of certain of the amendments to section 240.15c3-1 adopted therein. Accordingly, the Commission hereby withdraws the interpretation to § 240.15c3-1(c)(1) proposed in Release No. 12148.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 2, 1976.

[FR Doc.76-26835 Filed 9-13-76; 8:45 am]

[17 CFR Parts 240, 249]

[Release No. 34-12769; File No. S7-653]

RULES RELATING TO REPORTING BY CERTAIN ISSUERS THAT FILE REPORTS WITH OTHER FEDERAL AGENCIES

Proposed Amendments and Revocations

The Commission today invited public comments on proposed amendments to Rules 13a-13 [17 CFR 240.13a-13], 14a-3 [17 CFR 240.14a-3], 14c-3 [17 CFR 240.14c-3] and 15d-13 [17 CFR 240.15d-13] and the proposed revocation of Rule 13b-1 [17 CFR 240.13b-1] and annual report Form 12-K [17 CFR 240.13b-1] under the Securities Exchange Act of 1934 (the "Act") [15 U.S.C. 78a et seq., as amended by Pub. L. No. 94-29 (June 4, 1975)]. If adopted these amendments would require that those registrants who currently file copies of their reports submitted to the Interstate Commerce Commission ("ICC"), Federal Power Commission ("FPC"), Federal Communications Commission ("FCC"), and Civil Aeronautics Board ("CAB") as exhibits to annual report Form 12-K and in lieu of the information specified in quarterly report Form 10-Q [17 CFR 249.308a] instead file reports in full compliance with annual report Form 10-K [17 CFR 249.310] and quarterly report Form 10-Q and the regulations governing such reports.

BACKGROUND

STATUTORY AND OTHER PROVISIONS FOR SUBSTITUTE REPORTS

Section 13(b) of the Act authorizes the Commission to prescribe the form or forms in which the information required

pursuant to the continuous disclosure provisions of the Act shall be set forth.¹ In addition, section 13(b) authorizes the Commission to determine the items or details to be shown in the balance sheet and the earnings statement, and the methods to be followed in the preparation of reports, in the determination of depreciation and depletion, in differentiating between recurring and nonrecurring income and also between investment and operating income, and in the preparation of separate and/or consolidated balance sheets or income accounts of any person in a control relationship with the issuer.

Prior to the amendment of the Act pursuant to the Railroad Revitalization and Regulatory Reform Act of 1976 (the "Railroad Act") [45 U.S.C. 801 (February 5, 1976)], as discussed infra, this broad grant of authority to prescribe accounting methods pursuant to section 13(b) contained two qualifications:

1. * * * in the case of the reports of any person whose methods of accounting are prescribed under the provisions of any law of the United States, or any rule or regulation thereunder, the rules and regulations of the Commission with respect to reports shall not be inconsistent with the requirements imposed by such law or regulation in respect of the same subject matter.

2. [* * * the rules and regulations of the Commission with respect to reports] * * *, in the case of carriers subject to the provisions of Section 20 of the Interstate Commerce Act, as amended, or carriers required pursuant to any other Act of Congress to make reports of the same general character as those required under such Section 20, shall permit such carriers to file with the Commission and the exchange duplicate copies of the reports and other documents filed with the Interstate Commerce Commission, or with the governmental authority administering such other Act of Congress, in lieu of the reports, information and documents required under this section and section 12 in respect of the same subject matter. These qualifications, in essence, limited the Commission's authority to prescribe methods of accounting to be

¹ Section 13(a) of the Act requires every issuer subject to the registration requirements of Section 12 of the Act to file with the Commission, in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate for the proper protection of investors and to insure fair dealing in the security, (1) such information and documents as the Commission shall require to keep reasonably current the information and documents filed under Section 12 of the Act, and (2) such annual reports certified if required by the rules and regulations of the Commission by independent public accountants, and such quarterly reports as the Commission may prescribe. Each issuer which has filed a registration statement which has become effective pursuant to the Securities Act of 1933, as amended, is required to file such supplementary and periodic information, documents and reports as may be required pursuant to Section 13 of the Act in respect of a security registered pursuant to Section 12.

used in reports filed with the Commission under the Act when the registrants concerned are also under the jurisdiction of other federal laws or regulations which prescribe their accounting methods.² These provisions also mandated that the Commission allow ICC regulated companies to file copies of reports submitted to the ICC in lieu of the reports otherwise required pursuant to section 13(b).

The current continuous reporting requirements applicable to certain issuers who file reports with the ICC, FPC, FCC and CAB were effectuated as a consequence of the above statutory limitations. Specifically, the present reporting procedures under the Act state that any registrant may use annual report Form 12-K in lieu of complying with the requirements of Form 10-K if such registrant files annual reports with (1) the FPC on FPC Forms 1 or 2 and if the registrant's annual report to stockholders contains financial statements prepared and certified substantially in accordance with SEC requirements; (2) the ICC pursuant to section 20, 220 or 313 of the Interstate Commerce Act (49 U.S.C. 20, 220 and 313); or (3) the FCC pursuant to section 219 of the Communications Act of 1934 (47 U.S.C. 219). Form 12-K calls for certain information concerning the number of equity security holders of the registrant and any increases or decreases in the company's outstanding equity securities; it also requires a copy of the annual report filed with the appropriate federal agency to be attached as an exhibit.

With respect to quarterly reports, Rules 13a-13(c) and 15d-13(c) provide that public utilities, common carriers and pipeline carriers which submit financial reports to ICC, FPC, FCC and CAB may, at their option, file such quarterly or monthly reports as exhibits to Form 10-Q, together with copies of their quarterly reports, if any, for such periods sent to stockholders, in lieu of the information called for by Form 10-Q itself.

INFORMATION REQUIRED IN SUBSTITUTE REPORTS

The information filed by certain registrants in substitution of that required by Forms 10-K and 10-Q does not conform to that required by other issuers in several important respects. For example, the ICC annual reports (i.e., Form R-1 for Class I Railroad and M-1 for Class I Truck Companies) calls for a "Comparative General Balance Sheet" (beginning and close of year); "Income Account"

² In the banking industry, the recent statutory trend under the Act also appears to be toward conforming the requirements applicable to banks with those applicable to other registrants. Pub. L. 93-495 (October 28, 1974) amended Section 12(1) of the Act to require that the Board of Governors of the Federal Reserve Board, the Comptroller of the Currency, the Federal Deposit Insurance Corporation and the Federal Home Loan Bank Board shall issue rules and regulations under certain Sections of the Act, including Section 13, substantially similar to those of the SEC.

(current and preceding year); and a considerable amount of detailed information respecting (1) subaccount balances that make up various balance sheet and income account items and (2) road and equipment operating statistics. The ICC Forms do not require audited financial statements and non-transportation subsidiaries are not consolidated. The disclosure forms for FPC and FCC annual reports are similarly structured, and a considerable amount of detail respecting sub-account balances and operating statistics is required. Only the FPC annual report form requires a report of an independent accountant. This report states, however, that the financial statements are in accord with FPC's Uniform System of Accounts rather than Generally Accepted Accounting Principles.

Unlike Form 10-K, none of the forms of the other agencies requires a five year summary of operations or a management analysis section.³ Also, even though the other agencies' forms require more "Account Schedule" information than is called for by the schedules specified by the SEC's Regulation S-X, certain other Commission financial statement footnote information is not included. In this connection particular reference is made to such SEC standard footnote disclosure as (1) summary of significant accounting policies, (2) leases and (3) reconciliation to tax rates that differ from normal corporate tax rates. Also, it should be noted that although the companies in these regulated industries are all capital intensive, it does not appear that the Commission's present reporting requirements for replacement cost footnote information, as applicable to certain large corporations, would be applicable to future annual reports of the other agencies.⁴

The ICC, FPC and FCC annual reports also do not require certain non-financial information required by Form 10-K. For example, none of those reports requires five year background information for officers and directors, including disclosure of certain material events neces-

³ Guide 1 of the Commission's Guides For Preparation and Filing of Reports and Registration Statements Under the Securities Exchange Act of 1934 provides that a separately captioned section (entitled "Management's Discussion and Analysis of the Summary of Operations") immediately following the summary of operations in Form 10-K should include a statement explaining (1) material changes from period to period in the amounts of the items of revenues and expenses, and (2) changes in accounting principles or practices or in the method of their application that have a material effect on net income as reported.

⁴ Rule 3-17 of Regulation S-X [17 CFR 210.3-17] requires registrants who have inventories and gross property, plant and equipment which aggregate more than \$100 million and comprise more than 10% of total assets to disclose the estimated current replacement cost of inventory and productive capacity at the end of each fiscal year for which a balance sheet is provided and the approximate amount of cost of sales and depreciation based on replacement costs for the two most recent fiscal years.

sary to an informed evaluation of management. In addition, none of those forms contains a general narrative description of the business conducted. Further, ICC and FCC annual reports do not require disclosure of pending legal proceedings and detailed information concerning the remuneration of executive officers and directors with respect to retirement benefits, stock options and other forms of remuneration.

The forms of the other agencies do require, in varying degrees, other information comparable to that required by Form 10-K. However, to the extent this information is included, it is often presented in numerous detailed schedules which do not provide any analysis by the company as required in certain circumstances by Form 10-K. These schedules, which are prepared primarily for the regulatory and statistical needs of other agencies, do not readily provide information to investors in a clear understandable format comparable to that followed by other registrants.

The form and content of the quarterly or monthly reports filed in lieu of Form 10-Q are also significantly different from the requirements of that form.⁵ The FCC monthly report is filed in a punch card format. In addition, except for the ICC Form R-1 and CAB Form 41, these reports do not require a balance sheet. Further, none of these interim reports requires a statement of application of funds (except for the CAB report which requires one for the quarter only, and not period to date) nor a management analysis of the income statements.

RAILROAD ACT AMENDMENTS

Section 308(b) of the Railroad Act, as enacted on February 5, 1976, significantly amended and expanded the Commission's authority pursuant to section 13(b). As amended, section 13(b) no longer specifically requires that the Commission allow ICC regulated carriers to file reports submitted to the ICC in lieu of the information specified by other Commission forms. In addition, section 13(b) now provides that Commission rules applicable to registrants whose methods of accounting are prescribed by other laws or regulations may be inconsistent with the disclosure requirements of the other agencies to the extent that the Commission determines that the public interest or the protection of investors so requires.⁶

⁵ The provisions of Form 10-Q were substantially expanded pursuant to Securities Exchange Act Release No. 11641, 7 SEC Docket 816 (September 23, 1975), 40 FR 46107 (October 6, 1975), to require condensed financial statements, a narrative analysis of results of operations, a statement regarding the preferability of any accounting change by the registrant's independent public accountant, and a signature by the registrant's chief financial officer.

⁶ Section 307 of the Railroad Act also amends paragraph (3) of § 20 of the Interstate Commerce Act to require that the ICC's uniform cost and revenue accounting system for railroads be revised to call for information disclosed under Generally Accepted Accounting Principles or under SEC regulations.

BASIS FOR COMMISSION ACTION

Pursuant to these amendments to the Act the Commission now proposes to exercise its authority to prescribe the methods of accounting to be followed in reports filed with it by persons who heretofore filed annual reports on Form 12-K and quarterly reports pursuant to Rules 13a-13(c) and 15d-13(c).⁷

In proposing these amendments the Commission has concluded that the significant differences in form and content between Forms 10-K and 10-Q and the documents filed in lieu thereof suggest that the public interest and the protection of investors require that the current reporting scheme applicable to those issuers who file reports with other federal agencies be amended so as to require them to file reports with the Commission in full compliance with Forms 10-K and 10-Q.⁸ As the Commission previously has stated, comparability among registrants of the information reported under the Act is of great importance to investors since investment decisions essentially involve a choice between competing investment alternatives.⁹

⁷ The Commission has received numerous requests for clarification as to the effective date of the amendments to section 13(b). The Railroad Act is unclear on this point since the amendments to the Act are included in section 308(b) and the effective date provisions in section 308(d) do not specifically refer to section 308(b). In resolving this ambiguity the Commission has construed that the amendments to section 13(b) of the Act will apply only with respect to an issuer's fiscal year which began after April 5, 1976, the effective date of the Railroad Act.

⁸ Pursuant to the provisions of Rules 14a-3(b)(3)(i) and 14c-3(a)(3)(i), registrants which file annual reports to the Commission on Form 12-K are required to provide financial statements in their annual reports to stockholders, however, unlike other registrants such financial statements need not be certified when the corresponding statements included in the issuer's annual report filed with the Commission are not required to be certified. The general instructions as to the availability of Form 12-K provide, however, that Form 12-K may be used by any issuer which files annual reports with the FCC in such issuer's annual report to stockholders contains financial statements prepared and certified substantially in accordance with SEC requirements.

⁹ Securities Act Release No. 5627, 8 SEC Docket 41 (Oct. 29, 1975, 40 FR 51656 (Nov. 6, 1975)).

The staff study for the Special Subcommittee on Investigations Inquiring into the collapse of the Penn Central Railroad states:

Uniformity of reports is especially useful for making comparative analyses of individual companies within an industry and of one industry against another. The question comes to mind whether the low income of railroads as compared with other industries is really only a reflection of the differences in accounting and other reporting procedures. The answer to this will not be forthcoming until the railroads are required to keep the facts by which meaningful comparisons can be made.

Inadequacies of Protections for Investors in Penn Central and other ICC Regulated Companies, Special Subcommittee on Investigations of the House Committee on Interstate and Foreign Commerce, 92d Cong., 2d Sess., at 26 (1971).

SYNOPSIS OF PROPOSALS

Based on the above, and in view of the recent amendments brought about by the Railroad Act, the Commission proposes to amend Rules 13a-13 and 15d-13 to delete those portions of such rules which now provide that issuers who file quarterly or monthly reports with the ICC, FPC, FCC or CAB may file such reports with the SEC in lieu of Form 10-Q. In addition, the Commission proposes that Rules 13b-1 and annual report Form 12-K be withdrawn. If adopted, the proposed withdrawal of Form 12-K would require those issuers who currently file annual reports with ICC, FPC, and FCC and utilize Form 12-K to file annual reports with the Commission on Form 10-K. The proposed amendments to Rules 14a-3 and 14c-3 would merely delete the references to Form 12-K contained therein.¹⁰

OPERATION OF PROPOSALS

Registrants now entitled to report on Form 12-K, and to use the special procedures for reports on Form 10-Q pursuant to Rules 13a-13 and 15d-3, may continue to do so pending the adoption of the amendments proposed herein.¹¹ If these amendments are adopted, the Commission anticipates that sufficient lead time will be allowed prior to their implementation for registrants and others to revise their procedures and requirements.

The Commission is mindful of the cost to registrants and others of its proposals and recognizes its responsibilities to weigh with care the costs and benefits which result from its rules. Accordingly, the Commission specifically invites comments on the cost to registrants and others of the adoption of the proposals published in this release.

Pursuant to section 23(a)(2) of the Act, the Commission has considered the impact that these proposals would have on competition and is not aware, at this time, of any burden that such rules, if adopted, would impose on competition not necessary or appropriate in furtherance of the purposes of that Act. However, the Commission specifically invites comment as to the competitive impact of these proposals, if adopted.

The Commission hereby proposes for comment proposed amendments to Rules 13a-13, 14a-3, 14c-5 and 15d-13 and the withdrawal of Rule 13b-1 and Form 12-K pursuant to sections 12, 13, 14, 15(d) and 23(a) of the Act.

All interested persons are invited to submit their written views and comments on the foregoing proposals in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission,

¹⁰ In proposing these amendments the Commission is mindful of its commitment to reduce, where appropriate, any dual reporting burdens on registrants subject to the jurisdiction of this Commission and a particular regulatory agency. Although the total displacement of SEC reports is not acceptable, the Commission will continue to consider the appropriateness of report formats designed to meet the requirements of the SEC and the concerned regulatory agency.

¹¹ See note 7, supra.

Washington, D.C. 20549 on or before October 15, 1976. Such communications should refer to File S7-653 and will be available for public inspection. The text of the proposed amendments is set forth below.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 3, 1976.

ATTENTION

The text of the following proposed amendments use ►◄ arrows to indicate additions and [] brackets to indicate deletions.

TEXT OF PROPOSED AMENDMENTS

I. Securities Exchange Act Rule 13a-13 (Section 240.13a-13) is proposed to be amended to read as follows:

§ 240.13a-13 Quarterly reports on Form 10-Q (§ 249.308a of this chapter).

(a) Except as provided in paragraph (b) of this section, every issuer which has securities registered pursuant to section 12 of the Act and which is required to file annual reports pursuant to section 13 of the Act on Form 10-K (§ 249.310 of this chapter) [12-K (§ 249.312 of this chapter)] or U5S (§ 249.450 of this chapter) shall file a quarterly report on Form 10-Q (§ 249.308a of this chapter), within a period specified in General Instruction A to that form, for each of the first three fiscal quarters of each fiscal year of the issuer, commencing with the first such fiscal quarter which ends after securities of the issuer become so registered.

[(c) Public utilities, common carriers, and pipelines carriers which submit financial reports to the Civil Aeronautics Board, the Federal Communications Commission, the Federal Power Commission or the Interstate Commerce Commission may, at their option, in lieu of furnishing the information called for by Form 10-Q, file as exhibits to reports on this form copies of their reports submitted to such Board or Commission for the preceding fiscal quarter or for each month of such quarter, as the case may be, together with copies of their quarterly reports, if any, for such periods sent to their stockholders.]

[(d) ►◄ Notwithstanding the foregoing provisions of this section, reports on Form 10-Q [or reports submitted in lieu thereof pursuant to paragraph (c) of this section,] shall not be deemed to be "filed" for the purpose of section 18 of the Act or otherwise subject to the liabilities of that section of the Act, but shall be subject to all other provisions of the Act.

II. Securities Exchange Act Rule 14a-3 (§ 240.14a-3) is proposed to be amended to read as follows:

§ 240.14a-3 Information to be furnished to security holders.

(b) * * *

(9) Management's proxy statement, or the report, shall contain an undertaking in bold face or otherwise reasonably prominent type to provide without charge to each person solicited, on the written request of any such person, a copy of the issuer's annual report on Form 10-K [(§ 249.308a)] ▶ (§ 249.310) ◀ [or 12-K, (§ 249.312)] including the financial statements and the schedules thereto, required to be filed with the Commission pursuant to Rule 13a-1 (§ 240.13a-1) under the Act for the issuer's most recent fiscal year, and shall indicate the name and address of the person to whom such a written request is to be directed. In the discretion of management, an issuer need not undertake to furnish without charge copies of all exhibits to its Form 10-K [(§ 249.308a)] ▶ (§ 249.310) ◀ [or 12-K (§ 249.312)] provided that the copy of the annual report on Form 10-K (§ 249.308a) ▶ (§ 249.310) ◀ [or 12-K (§ 249.312)] furnished without charge to requesting security holders is accompanied by a list briefly describing all the exhibits not contained therein and indicating that the issuer will furnish any exhibit upon the payment of a specified reasonable fee which fee shall be limited to the issuer's reasonable expenses in furnishing such exhibit.

NOTE.—Pursuant to the undertaking required by the above subparagraph, an issuer shall furnish a copy of its annual report on Form 10-K [(§ 249.308a)] ▶ (§ 249.310) ◀ [or 12-K (§ 249.312)] to a beneficial owner of its securities upon receipt of a written request from such person. Each request must set forth a good faith representation that, as of the record date for the annual meeting of the issuer's security holders, the person making the request was a beneficial owner of securities entitled to vote at such meeting.

III. Securities Exchange Act Rule 14c-3 (§ 240.14c-3) is proposed to be amended to read as follows:

§ 240.14c-3 Annual report to be furnished to security holders.

(a) * * *

(9) The information statement, or the report, shall contain an undertaking in bold face or otherwise reasonably prominent type to provide without charge to each person furnished a copy of the information statement, on the written request of any such person, a copy of the issuer's annual report on Form 10-K [(§ 249.308a)] ▶ (§ 249.310) ◀ [or 12-K (§ 249.312)] including the financial statements and the schedules thereto, required to be filed with the Commission pursuant to Rule 13a-1 (§ 240.13a-1) under the Act for the issuer's most recent fiscal year, and shall indicate the name and address of the person to whom such a written request is to be directed. In the discretion of management, an issuer need not undertake to furnish without charge copies of all exhibits to its Form 10-K [(§ 249.308a)] ▶ (§ 249.310) ◀ [or 12-K (§ 249.312)] provided that the copy of the annual report on Form 10-K [(§ 249.308a)] ▶ (§ 249.310) ◀ [or 12-K (§ 249.312)] furnished without charge to requesting

security holders is accompanied by a list briefly describing all the exhibits not contained therein and indicating that the issuer will furnish any exhibit upon the payment of a specified reasonable fee which fee shall be limited to the issuer's reasonable expense in furnishing such exhibit.

NOTE.—Pursuant to the undertaking required by the above subparagraph, an issuer shall furnish a copy of its annual report on Form 10-K [(§ 249.308a)] ▶ (§ 249.310) ◀ [or 12-K (§ 249.312)] to a beneficial owner of its securities upon receipt of a written request from such person. Each request must set forth a good faith representation that, as of the record date for the annual meeting of the issuer's security holders, the person making the request was a beneficial owner of securities entitled to vote at such meeting.

IV. Rule 15d-13 (§ 240.15d-13) is proposed to be amended to read as follows:

§ 240.15d-13 Quarterly reports on Form 10-Q (§ 249.308a of this chapter).

(a) Except as provided in paragraph (b) of this section, every issuer which has securities registered pursuant to the Securities Act of 1933 and which is required to file annual reports pursuant to section 15(d) of the Securities Exchange Act of 1934 on Form 10-K (§ 249.310 of this chapter) [12-K (§ 249.312 of this chapter)] or U5S (§ 249.450 of this chapter), within a period specified in General Instruction A to that form, for each of the first three fiscal quarters of each fiscal year of the issuer, commencing with the first such fiscal quarter which ends after securities of the issuer become so registered.

[(c) Public utilities, common carriers, and pipelines carriers which submit financial reports to the Civil Aeronautics Board, the Federal Communications Commission, the Federal Power Commission or the Interstate Commerce Commission may, at their option, in lieu of furnishing the information called for by Form 10-Q, file as exhibits to reports on this form copies of their reports submitted to such Board or Commission for the preceding fiscal quarter or for each month of such quarter, as the case may be, together with copies of their quarterly reports, if any, for such periods sent to their stockholders.]

[d] ▶ ◀ Notwithstanding the foregoing provisions of this section, reports on Form 10-Q [or reports submitted in lieu thereof pursuant to paragraph (c) of this section.] shall not be deemed to be "filed" for the purpose of section 18 of the Act or otherwise subject to the liabilities of that section of the Act, but shall be subject to all other provisions of the Act.

(Secs. 12, 13, 15(d), 23(a), 48 Stat. 892, 894, 895, 901; sec. 203(a), 49 Stat. 704; secs. 1, 3, 8, 49 Stat. 1375, 1377; 1379; sec. 202, 68 Stat. 686; secs. 3, 4, 6, 78 Stat. 565-568, 569, 570-574; secs. 1, 2, 82 Stat. 454; secs. 1, 2, 28(c), 84 Stat. 1435, 1497; sec. 105(b), 88 Stat. 1503; secs. 8, 9, 10, 18, 89 Stat. 117, 118, 119, 155; 15 U.S.C. 78f, 78m, 78o(d), 78w(a))

[FR Doc.76-26831 Filed 9-13-76;8:45 am]

VETERANS ADMINISTRATION

[41 CFR Part 8-4]

MORTUARY SERVICES

Proposed Regulatory Development

It is the policy of the Veterans Administration, in cases where burial is left to the discretion of the Veterans Administration, that burial of entitled beneficiaries will be made in the nearest National Cemetery. Section 8-4.5102 is revised to specifically mandate burial in National Cemeteries for unclaimed remains of veterans who die while under direct Veterans Administration care. A new paragraph (a) is added to § 8-4.5103 to guide Veterans Administration personnel in the disposal of unclaimed remains of persons who are not entitled to Veterans Administration care or burial benefit. Organizational titles and cross references have been updated.

Interested persons are invited to submit written comments, suggestions, or objections regarding these proposals to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420. All relevant material received before October 14, 1976, will be considered. All comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm, Monday through Friday (except holidays) during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

In Subpart 8-4.51, Title 41, Code of Federal Regulations, §§ 8-4.5102, 8-4.5103 and 8-4.5104 are revised to read as follows:

§ 8-4.5102 Funeral authorization.

(a) When a veteran dies while receiving care in a Veterans Administration health care facility or in a non-Veterans Administration institution at Veterans Administration expense, and the decedent's remains are unclaimed, the Chief, Medical Administration Service, will forward to the Chief, Supply Service, a properly executed VA Form 10-2065, Funeral Arrangements, requesting that funeral and burial services for the deceased be procured. Burial will be made in the nearest National Cemetery.

(b) The contracting officer will enter into negotiations with local funeral directors to procure a complete funeral and burial service within the statutory allowance of \$250. This service will consist of:

- (1) Preparation of the body, embalming.
- (2) Clothing.
- (3) Casket.
- (4) Outside box.¹
- (5) Securing all necessary permits.
- (6) Transportation to place of local burial (or to common carrier).

(c) In other than local burial, an additional allowance for transportation of the body to the place of burial is provided in 38 U.S.C. 903(a)(2). This allowance will cover the transportation cost of shipment of the body by common carrier or by hearse to the place of burial, any charges for an outside (shipment) box,¹ and the charges for securing all necessary permits for removal or shipment of the body. These costs are not chargeable against the \$250 allowance.

§ 8-4.5103 Administrative necessity.

(a) When persons die under Veterans Administration care who are not legally

¹ A wooden shipping box will be provided and chargeable against the \$250 allowance specified in paragraph (b) of this section when the National Cemetery in which the remains are to be interred does not provide a grave liner. When a shipping box is required for transportation purposes only, it will be chargeable against the transportation allowance specified in paragraph (c) of this section.

entitled to such care at Veterans Administration expense, and no relatives or friends will claim the remains, and the municipal, county or State officials refuse to provide for final disposition, arrangements will be made and expenses assumed for burial locally under separate contractual agreement.

(b) When a full and complete funeral and burial service cannot be obtained by the contracting officer within the statutory allowance, he/she will, prior to taking any further action, secure from the head of the station a written determination that the disposition of the remains must be accomplished by the Veterans Administration as an administrative necessity. The head of the station will also authorize in writing the expenditure of such additional funds as may be necessary for this purpose. The amount of these additional funds will be held to the minimum, keeping in mind, however, that the deceased must be given a proper and fitting interment.

(c) The determination and authorization by the head of the station will be made a part of the contract file.

§ 8-4.5104 Unclaimed remains—all other cases.

Requests for information on the disposition of the unclaimed remains of a veteran whose death occurs while not under the direct care or treatment of the Veterans Administration will be referred to the Veterans Services Officer for processing in accordance with Manual M27-1, Part-II. This manual is available at any Veterans Administration regional office, hospital or VA office.

Approved: September 8, 1976.

By direction of the Administrator.

ODELL W. VAUGHN,
Deputy Administrator.

[FR Doc.76-26850 Filed 9-13-76;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Meeting

Pursuant to Executive Order 11769 and the provisions of section 10(a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the first meeting of the Board for International Food and Agricultural Development on October 19 and 20, 1976. The purpose of the meeting is to recommend to the Administrator of the Agency for International Development policies and programs in the field of food and nutrition, focussing especially on improving the participation, in planning and implementing U.S. foreign assistance programs, of the U.S. colleges or universities commonly known as "land-grant" universities, of colleges and universities commonly known as "sea-grant" universities and of other qualified colleges and universities, as provided in Title XII of the "International Development and Food Assistance Act of 1975." The meeting will begin at 9:00 a.m. and adjourn at 5:30 p.m. each day, and will meet in Room 1105, U.S. Department of State, 21st and Virginia Avenue. The meeting is open to the public. Dr. Erven J. Long, Associate Assistant Administrator is designated as the Federal Officer at the meeting. It is suggested that those desiring more specific information contact him at 21st and Virginia Avenue NW., Washington, D.C. 20523 or call area code 202-632-3800.

Dated: September 7, 1976.

ERVEN J. LONG,
Federal Officer, Board for International Food and Agricultural Development.

[FR Doc.76-26811 Filed 9-13-76; 8:45 am]

[Public Notice CM-6/96]

STUDY GROUP 7 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Meeting

The Department of State announces that Study Group 7 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on October 5, 1976 at the U.S. Naval Observatory, 34th Street and Massachusetts Avenue, N.W., Washington, D.C., Building 52, Room 300. The meeting will begin at 9:30 a.m.

Study Group 7 deals with time-signal services by means of radio-communication.

tions. The purpose of the meeting will be a review of the international work programs and the organization and assignment of tasks for U.S. Study Group 7.

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. Members of the general public who plan to attend the meeting are requested to so inform Mr. Hugh Fosque, Chairman of U.S. Study Group 7, prior to October 4. Mr. Fosque can be contacted at NASA Headquarters, telephone number (202) 755-2434.

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

SEPTEMBER 10, 1976.

[FR Doc.76-26969 Filed 9-13-76; 8:45 am]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES FOR THE NINTH NATIONAL BANK REGION

Meeting

A meeting of the Regional Advisory Committee on Banking Policies and Practices for the Ninth National Bank Region will be held September 24, 1976 at the Holiday Inn, Second Street at Second Avenue, Superior, Wisconsin. The meeting will begin at 9:00 a.m. and will be open to the public.

Topics to be discussed include agricultural financing, consumer financing, branching policy, legislative activity and other topics of interest to the Region.

Persons or groups planning to make statements please submit three copies to Mr. Kenneth W. Leaf, Regional Administrator of National Banks, 822 Marquette Avenue, Room 300, Minneapolis, Minnesota 55402, prior to September 15, 1976.

Dated: September 7, 1976.

ROBERT BLOOM,
Acting Comptroller
of the Currency.

[FR Doc.76-26890 Filed 9-13-76; 8:45 am]

Customs Service

COTTON YARN FROM BRAZIL Preliminary Countervailing Duty Determination

On June 1, 1976, a "Notice of Receipt of Countervailing Duty Petition and Initiation of Investigation" was published in the FEDERAL REGISTER (41 FR 22114-5). The notice stated that a petition in

proper form was received on March 9, 1976, alleging that payments or bestowals conferred by the Government of Brazil upon the manufacture, production or exportation of cotton yarn Brazil constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303) (referred to in this notice as "the Act").

The cotton yarn is provided for in the Tariff Schedules of the United States under item numbers 300.60 through 302.98.

On the basis of an investigation conducted pursuant to § 159.47(c), Customs Regulations (19 CFR 159.47(c)), it tentatively has been determined that benefits have been received by the Brazilian manufacturers/exporters of cotton yarn which may constitute bounties or grants within the meaning of the Act. These benefits include the granting to manufacturers and exporters of tax credits upon export, income tax reductions, and preferential financing. One other program concerning alleged regional incentives for the cotton yarn exporters is being investigated and could constitute a bounty or grant within the meaning of the law. Programs tentatively determined not to be bounties or grants within the meaning of the Act include the exemption from certain indirect taxes upon exportation of the cotton yarn under consideration and the exemption from import duties and certain indirect taxes upon the importation of raw materials used in the production of cotton yarn to be exported. A final decision in this case is required on or before March 9, 1977.

Before a final determination is made, consideration will be given to any relevant data, views or arguments submitted in writing with respect to this preliminary determination. Submissions should be addressed to the Commissioner of Customs, 1301 Constitution Avenue, NW., Washington, D.C. 20229, in time to be received by his office on or before October 14, 1976.

This preliminary determination is published pursuant to section 303(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)).

Approved: September 9, 1976.

G. R. DICKERSON,
Acting Commissioner of Customs.

DAVID R. MACDONALD,
Assistant Secretary
of the Treasury.

[FR Doc.76-26803 Filed 9-13-76; 8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy
JANNAF COMBUSTION ADVISORY
COMMITTEE

Cancellation of Meeting

The below described meeting which appeared on page 37137 in the FEDERAL REGISTER of September 2, 1976, is hereby cancelled.

Name: JANNAF Combustion Advisory Committee, Date: 13-17 September 1976, Place: Ingersol and Spanagel Halls, Naval Post-graduate School, Monterey, California.

R. L. DERR,
Head, Aerothermochemistry Division.
[FR Doc.76-26804 Filed 9-13-76;8:45 am]

Office of the Secretary of Defense
DEFENSE INTELLIGENCE AGENCY
SCIENTIFIC ADVISORY COMMITTEE

Closed Meeting

Pursuant to the provisions of Section 10 of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that a closed meeting of a Panel of the DIA Scientific Advisory Committee will be held as follows:

Monday, 11 October 1976—Pomponio Plaza, Rosslyn, Va.

The entire meeting commencing at 0900 hrs. is devoted to the discussion of classified information as defined in Section 552(b)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter is to work on a study of specialized intelligence assessments regarding the capabilities and use of emerging weapons systems.

MAURICE W. ROCHE,
Director, Correspondence and
Directives OASD (Comptroller).

SEPTEMBER 3, 1976.

[FR Doc.76-26763 Filed 9-13-76;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

NATIONAL REGISTER OF HISTORIC
PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before Sept. 3, 1976. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by (10 days after publication).

JERRY L. ROGERS,
Acting Director, Office of Archaeology and Historic Preservation.

NOTICES

ALABAMA

Clay County

Ashland, Clay County Courthouse, Courthouse Square.

Mobile County

Mobile, Pincus Building, 1 S. Royal St.
Mobile vicinity, Ft. Gaines, S of Mobile on Dauphin Island.
Mt. Vernon vicinity, Ft. Stoddart Site, E of Mt. Vernon at Mobile River.

CALIFORNIA

Amador County

Sutter Creek, Sutter Creek Grammar School, between Broad and Cole Sts.

Fresno County

Fresno, Santa Fe Passenger Depot, 2650 Tulare St.

Los Angeles County

Glendale, San Rafael Rancho, 2211 Bonita Dr.
Pasadena, La Miniatura, 645 Prospect Crescent.

Orange County

Fullerton, Clark, Dr. George C., House, California State University campus.

Placer County

Roseville, Haman House, 424 Oak St.

Sacramento County

Carmichael vicinity, Nisenan Village Site, SE of Carmichael at Oak and California Sts.

Solano County

Vallejo, Vallejo City Hall and County Building Branch, 734 Marin St.

Tehama County

Red Bluff, Odd Fellows Building, 342 Oat St.

COLORADO

Denver County

Denver, Smith's Ditch (City Ditch), Washington Park.

IOWA

Jefferson County

Fairfield vicinity, New Sweden Chapel, E of Fairfield off U.S. 34.

Scott County

Davenport, Barrows, Edward S., House, 224 E. 6th St.

NEBRASKA

Sarpy County

Bellevue vicinity, Ft. Crook Historic District, SW of Bellevue on Offutt Air Force Base.

NEW MEXICO

Luna County

Deming, Luna County Courthouse and Park, 700 S. Silver Ave.

Rio Arriba County

Abiquiu vicinity, Santa Rosa de Lima de Abiquiu, E of Abiquiu on U.S. 84.

NEW YORK

Jefferson County

Stone Mills, Stone Mills Union Church, NY 180.

Livingston County

Livonia, Livonia Baptist Church, 9 High St.

Saratoga County

Hadley, Hadley Parabolic Bridge, Corinth Rd., spans Hudson River.

Westchester County

North White Plains, Miller House, Virginia Rd.

NORTH CAROLINA

Ashe County

Grassy Creek, Grassy Creek Historic District, SR 1535 and SR1573.

TENNESSEE

Dickson County

Cumberland Furnace, St. James Episcopal Church, off TN 48.

Hawkins County

Surgolinsville vicinity, New Providence Presbyterian Church, Academy, and Cemetery, NE of Surgolinsville off U.S. 11.

Maury County

Columbia vicinity, Pillow-Bethel House, SW of Columbia off U.S. 43.

Columbia vicinity, Pleasant Mount Presbyterian Church, SE of Columbia off TN 50.
Spring Hill, Cheairs, Martin, House, US 31.
Spring Hill, Ritter-Morton House, McLemore Ave.

Williamson County

Thompsons Station vicinity, Homestead Manor, N of Thompsons Station on U.S. 31.

TEXAS

Mills County

Regency vicinity, Regency Suspension Bridge, 0.75 mi. S of Regency at Colorado River.

San Augustine County

San Augustine vicinity, Garrett, William, Plantation House, 1 mi. W of San Augustine on TX 21.

WEST VIRGINIA

Kanawha County

St. Albans, Chilton House, 439 B St.

[FR Doc.76-26631 Filed 9-13-76;8:45 am]

MID-ATLANTIC REGIONAL ADVISORY
COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a combined public meeting and field trip of the Mid-Atlantic Regional Advisory Committee will be held on October 13, 14, 1976 at Assateague Island National Seashore, Berlin, Maryland. The public meetings will be held at the Seashore Headquarters, Berlin, Maryland at 9 a.m. to 3 p.m., on October 13, and at the Chincoteague Wildlife Refuge, Chincoteague, Virginia, 2 p.m. to 4:30 p.m., October 14. The field trip will begin at the Seashore Headquarters at 3 p.m., October 13 and on October 14, 8 a.m., continue to the Wildlife Refuge Headquarters. The public meeting will resume there, 2 p.m. to 4:30 p.m.

The Committee was established pursuant to Public Law 91-383 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on programs and problems pertinent to the Mid-Atlantic Region of the National Park Service.

The members of the Committee are as follows:

Mr. Hyman J. Cohen (Chairman)
Mrs. Dorothy W. Haas (Secretary)
Mrs. Beverly B. Fluty
Dr. M. Graham Netting
Mr. Meade Palmer
Mr. Henry G. Parks, Jr.
Mr. John O. Simonds
Mr. John A. H. Sweeney
Mrs. St. Clair Wright

The matters to be discussed at this meeting include:

1. Delaware Water Gap National Recreation Area—a proposal on regional roads; environmental assessment, alternatives.
2. Assateague Island National Seashore—its natural history; management plan.
3. Discussion of and comments on the Seashore and management as seen on the field trip.

The meetings at the Seashore Headquarters on October 13, and at Chincoteague National Wildlife Refuge Headquarters on October 14, will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any member of the public may file with the Committee a written statement concerning the matters to be discussed.

The field trip will begin at 3 p.m., October 13 at the Seashore Headquarters and cover the areas from the Ocean City Point to the State Park; it will resume at 8 a.m., October 14, and cover the Seashore from North Beach south to Tom's Cove, ending at the Wildlife Refuge Headquarters at 2 p.m.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact George A. Palmer, Special Assistant to the Regional Director, Mid-Atlantic Regional Office, at Area Code 215-597-7015. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Mid-Atlantic Region, 143 South Third Street, Philadelphia, Pennsylvania, 19106.

Dated: September 2, 1976.

CHESTER L. BROOKS,
Regional Director, Mid-Atlantic
Region, National Park Service.

[FR Doc.76-26756 Filed 9-13-76;8:45 am]

OZARK NATIONAL SCENIC RIVERWAYS ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with Pub. L. 99-463 that a meeting of the Ozark National Scenic Riverways Advisory Commission will be held on Wednesday, October 6, 1976, at 10 a.m. (CDT) at the Manor Hotel, I-44 and 63 Highway, Rolla, Missouri.

The Commission was established by Pub. L. 88-492 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Ozark National Scenic Riverways.

The members of the Commission are:

Mr. William C. Schock, St. Louis, Missouri
Mr. Kirby Hart, Houston, Missouri
Mr. Robert G. Kelley, Ellsinore, Missouri
Mr. Carlton E. Bay, Salem, Missouri
Mr. Edward Hodge, Eminence, Missouri
Lt. Col. William Moore, USAF Ret., Ellington, Missouri
Mr. James Grassham, Van Buren, Missouri

Matters to be discussed at this meeting include:

1. Status of planning requirements including Master Plan, Statement for Management, and Environmental Impact Statement.
2. Progress report covering current problems and major activities.
3. Agency plans for obtaining public input on river use management.

The meeting will be open to the public. It is expected that 35 persons in addition to the members of the Commission will be able to attend this meeting. Interested persons may file written statements with the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from Arthur I. Sullivan, Superintendent, Ozark National Scenic Riverways, P.O. Box 448, Van Buren, Missouri 63965, telephone (314) 323-4236. Minutes of the meeting will be available four weeks after the meeting at Ozark National Scenic Riverways headquarters located in Van Buren, Missouri.

Dated: September 1, 1976.

JOHN KAWAMOTO,
Acting Regional Director,
Midwest Region.

[FR Doc.76-26757 Filed 9-13-76;8:45 am]

Office of the Assistant Secretary Land and Water Resources TETON DAM FAILURE GROUP Meetings

Notice is hereby given that the Teton Dam Failure Review Group will meet from 9 a.m. to 5 p.m. September 15 and 16, 1976 at the Ramada Inn, in Idaho Falls, Idaho. The meetings are open to the public.

The Review Group is a six-member interagency committee appointed by the Secretary of the Interior to investigate the causes of the Teton Dam Failure, to review policies and procedures for dam construction, and to recommend, if appropriate, measures to prevent failure of existing dams, those under construction, and those to be built in the future.

In the September 15 and 16 meetings, the Review Group will hear reports from its several subgroups, discuss findings to date, and plan further investigative activities.

CHRIS FARRAND,

Deputy Assistant Secretary.

SEPTEMBER 9, 1976.

[FR Doc.76-26883 Filed 9-13-76;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A371]

MISSOURI

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Missouri Counties as a result of frost and freezing temperatures April 26 and May 3, 1976, in Barton County; hard freeze March 5 and March 6, 1976; and heavy frosts April 26, May 3, and May 8, 1976, in Dade County; unseasonably cool and wet weather April 20 to May 20, 1976; and torrential rains July 2 and July 3, 1976, in Dunklin County; hard freeze March 5 and March 6, 1976; heavy frosts April 26, May 3, and May 8, 1976; and severe flooding July 2 and July 3, 1976, in Lawrence County.

Barton	Dunklin
Dade	Lawrence

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Christopher S. Bond that such designation be made.

Applications for emergency loans must be received by this Department no later than October 29, 1976, for physical losses and June 1, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 3d day of September 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.76-26815 Filed 9-13-76;8:45 am]

[Notice of Designation Number A373]

VIRGINIA

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in the following Virginia Counties as a result of a series of freezes April 1 through April 30, 1976.

Carroll	Nelson
Franklin	Patrick
Frederick	Rappahannock

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Develop-

ment Act, as amended by Pub. L. 94-68, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Mills E. Godwin, Jr. that such designation be made.

Applications for emergency loans must be received by this Department no later than October 29, 1976, for physical losses and June 1, 1977, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, DC, this 3d day of September 1976.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc. 76-26816 Filed 9-13-76; 8:45 am]

Office of the Secretary

FEED GRAIN DONATIONS FOR THE ROSEBUD INDIAN LANDS IN SOUTH DAKOTA

Pursuant to the authority set forth in Section 407 of the Agricultural Act of 1949 as amended (7 U.S.C. 1427) and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Rosebud Indian Lands in South Dakota has been materially increased and become acute because of severe and prolonged drought creating a serious shortage of livestock feeds. This reservation is designated for Indian use and is utilized by members of the Indian tribe for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribe will not displace or interfere with normal marketing of agricultural commodities.

3. Based on the above determinations, I hereby declare the reservation and grazing lands of this tribe to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestockmen who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribe utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available through the duration of the existing emergency or to such other time as may be stated in a notice issued by the Department of Agriculture.

Signed at Washington, D.C. on September 9, 1976.

EARL L. BUTZ,
Secretary.

[FR Doc. 76-26881 Filed 9-13-76; 8:45 am]

Rural Electrification Administration GOLDEN VALLEY ELECTRIC ASSOCIATION, INC.

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Impact Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a proposed financing application from the Rural Electrification Administration for Golden Valley Electric Association, Inc., Box 1249, Fairbanks, Alaska 99701, to finance the construction of two 60 MW combustion turbines at North Pole and associated transmission lines and substations all in the State of Alaska.

Additional information may be secured on request, submitted to Mr. Richard F. Richter, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Impact Statement have been sent to various Federal, State, and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, S.W., Washington, D.C., Room 4310, or at the borrower's address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Richter at the address given above. Comments must be received on or before November 12, 1976 to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 1st day of September 1976.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc. 76-26713 Filed 9-13-76; 8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards FEDERAL STANDARD COBOL (FIPS PUB 21 AND 21-1)

Approved Interpretation

Under the provisions of Pub. L. 89-306 and Executive Order 11717, the Secretary

of Commerce is authorized to establish uniform Federal ADP Standards. FIPS PUB 21-1 specifies Federal Standard COBOL. The Standard defines the elements of the COBOL Programming Language and the rules for their use. During the use of the standard, questions arise as to the meaning of certain language specifications. FIPS PUB 29 defines the procedures to be followed in providing solutions to these questions. The procedures allow for the solutions to be used uniformly throughout the Federal Government and by all implementors of compilers acquired by the Federal Government. Accordingly, in the January 15, 1976 issue of the FEDERAL REGISTER (FR Doc. 76-1184, page 2270), the National Bureau of Standards published a notice of proposed interpretation of Federal Standard COBOL as pertains to the evaluation of arithmetic expressions in the COMPUTE statements. All comments submitted about the proposed interpretation have been duly considered.

The following approved interpretation contains a definition of the problem, discussion of the issues, approved language interpretation, necessary clarifications to Federal Standard COBOL, and the effective date of the interpretation. The approved interpretation, as of the effective date, becomes an integral part of Federal Standard COBOL and, as such, is considered to be included whenever reference is made to Federal Standard COBOL.

Interested parties may, in accordance with FIPS PUB 29—Interpretation Procedures for Federal Standard COBOL, dated June 30, 1974, submit comments concerning interpretations of Federal Standard COBOL to the Chairman, Federal COBOL Interpretations Committee, c/o Associate Director for ADP Standards, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234.

Dated: September 3, 1976.

ERNEST AMBLER,
Acting Director.

FEDERAL STANDARD COBOL INTERPRETATION No. 1—THE COMPUTE STATEMENT

Problem. There is no standard interpretation of the accuracy of the arithmetic operations and the timing and scope of the ROUNDED phrase among implementations of the COMPUTE statement. Both of these problems involve intermediate results. This situation not only adversely impacts the portability of COBOL programs, but also creates a major problem in the development of test programs in this area.

Issue. The variations in the implementation of the COMPUTE statement are due in part to the lack of specifications which address the following issues in the Federal COBOL Standard:

- The number of decimal digits to be provided for intermediate result fields.
- The behavior of the decimal point, if specified, in an intermediate result field.
- The scope of applicability of the ROUNDED phrase in the COMPUTE statement.
- Whether rounding or truncation will be applied to an intermediate result field.

Interpretation. This interpretation applies to both American National Standard COBOL X3.23-1968 and X3.23-1974 as they have been

adopted as Federal Standard COBOL, FIPS PUBS 21 and 21-1, respectively. The interpretation is in four parts. Each part addresses one of the four issues related above.

a. The size of the intermediate result field is implementor-defined.

b. Decimal point alignment is required throughout the evaluation of the arithmetic expression.

c. The **ROUNDED** phrase in the **COMPUTE** statement applies only to the assignment of the intermediate result field to the identifier to the left of the equal sign. If the **ROUNDED** phrase is not specified, truncation, if required, will apply to the assignment of the intermediate result field to the identifier to the left of the equal sign.

d. The implementor will define whether truncation or rounding will occur on the intermediate result when it exceeds the size of the intermediate results field.

Discussion. The following discusses the rationale supporting each of the four points in the interpretation.

a. ANS X3.23-1968 (page 2-71, paragraph 5.1.3(5)) and ANS X3.23-1974 (page II-40, paragraph 5.1.3(5)) specify that "each implementor will indicate the technique used in handling arithmetic expressions". This specification is interpreted to mean the techniques defined by the implementor include determination of the size of the intermediate result field.

b. ANS X3.23-1968 (page 2-78, paragraph 5.4.4(1)) and ANS X3.23-1974 (page II-51, paragraph 5.3.4(1)) specify that " * * * decimal point alignment is supplied throughout the calculation". Decimal point alignment is therefore required throughout the development of the final result in the intermediate result field dependent only on the operands involved in an arithmetic expression.

c. ANS X3.23-1968 (page 2-76, paragraph 5.4.1) and ANS X3.23-1974 (page II-50, paragraph 5.3.1) specify that when rounding is requested (the presence of the **ROUNDED** phrase), the absolute value of the resultant-identifier is increased. Truncation will take place, as necessary, when the **ROUNDED** phrase is not specified. The standard does not specify or imply that the presence or absence of the **ROUNDED** phrase in the **COMPUTE** statement has any effect on the intermediate result field prior to the assignment of that field to the resultant-identifier.

d. The techniques defined by the implementor to be used in the handling of arithmetic expressions is interpreted to include the application of rounding or truncation to the intermediate result field.

Clarification to the Federal COBOL Standard. None.

Effective Date of the Interpretation. This interpretation is effective on or before October 14, 1976.

[FR Doc.76-26812 Filed 9-13-76;8:45 am]

National Oceanic and Atmospheric Administration

ATLANTIC TUNA FISHERIES

Large Bluefin Tuna Season Closure

On September 13, 1976, the Director, National Marine Fisheries Service, determined that the 1976 annual quota of 1,850 individual Atlantic bluefin tuna weighing in excess of 300 pounds each and taken by other than purse seining, north and east of a line drawn from a point on the southern coast of Massachusetts extending south through Gay Head Light, Massachusetts, into the Atlantic Ocean, as established in 50 CFR 285.12(b)(1), will be reached on Sep-

tember 17, 1976. The quota includes individual tuna taken in a directed fishery and those taken incidentally as prescribed in 50 CFR 285.13(c).

As authorized by 50 CFR 285.11, notice is hereby given that the 1976 season for Atlantic bluefin tuna taken by other than purse seining, which weigh in excess of 300 pounds each, will terminate at 0001 hours, local time, in the regulatory area, September 17, 1976. This closure does not affect the incidental take by traps as authorized by § 285.13(c).

The 1976 season for taking Atlantic bluefin tuna between 14 pounds and 115 pounds by purse seining was closed on June 29, 1976. The closure was effected by publication in the **FEDERAL REGISTER**, Volume 41, Number 126, dated June 29, 1976.

Issued at Washington, D.C., and dated September 13, 1976.

JACK W. GEHRINGER,
Deputy Director,

National Marine Fisheries Service.

[FR Doc.76-27048 Filed 9-13-76;9:48 am]

NEW ENGLAND REGIONAL FISHERY MANAGEMENT COUNCIL

Meeting

Correction

In FR Doc. 76-26137 appearing at page 37827, in the issue for Wednesday, September 8, 1976, change the day and date of the meeting from "Tuesday, Wednesday and Thursday, October 5-7, 1976" to read "Friday, October 1, 1976".

Office of the Secretary

SECRETARY'S ADVISORY COUNCIL

Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following meeting.

The Secretary's Advisory Council will meet from 2:00 p.m. to 5:00 p.m. on October 6, 1976 at the Department of Commerce, Room 4830, 14th and Constitution Avenue, NW., Washington, D.C. 20230.

The recently established Secretary's Advisory Council, which is made up of a cross-section of distinguished leaders of industry, services, labor, consumers, and the academic community, is to advise the Secretary of Commerce on the broad policy objectives and goals of the Department. The Council may identify and make recommendations concerning current and proposed policies and programs in all areas of the Department's responsibilities. The issue to be addressed at this Council meeting is that of "Regulatory Reasonableness."

The agenda for the meeting is:

- (1) Introduction by the Secretary of Commerce.
- (2) Discussion on the issue of "Regulatory Reasonableness."

(3) Discussion of other topics, as introduced by the Council members.

The meeting will be open to the public and press. The public will be permitted to file written statements with the Council before or after the meeting. To the extent time is available, the presentation of oral statements will be allowed.

Copies of the minutes will be available upon written request 60 days after the meeting.

Inquiries may be addressed to the White House Fellow, Room 5896, Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230 (telephone 202/377-5555).

Dated: September 8, 1976.

MARY LYNN MYERS,
White House Fellow,
Department of Commerce.

[FR Doc.76-26845 Filed 9-13-76;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

DRAFT REGULATION ON CERTIFICATION OF PERSONAL NOISE DOSIMETER SETS

Availability

Notice is hereby given that pursuant to the directives issued by the Secretary of Health, Education, and Welfare on July 25, 1976, regarding regulatory policies and the promotion of a spirit of openness in the development of regulations, the National Institute for Occupational Safety and Health (NIOSH), Center for Disease Control, is making available to interested groups and individuals copies of a draft regulation entitled "Certification of Personal Noise Dosimeter Sets" which proposes to amend 42 CFR by adding a new Part 81.

The 45-page draft, dated August 11, 1976, details a voluntary program providing for the testing and certification of personal noise dosimeter sets designed to record an individual's exposure to noise in the working environment. Interested parties desiring a copy of this draft should forward their requests to: Chief, Testing and Certification Branch, Appalachian Laboratory for Occupational Safety and Health, 944 Chestnut Ridge Road, Morgantown, WV. 26505.

The draft proposal is subject to further revision and its release at this time should not be construed as Secretarial approval of its content.

Dated: September 7, 1976.

JOHN F. FINKLEA,
Director, National Institute for
Occupational Safety and
Health.

[FR Doc.76-26805 Filed 9-13-76;8:45 am]

Office of the Secretary

OFFICE OF EDUCATION

Statement of Organization, Functions, and Delegations of Authority; Correction

A notice published at 41 FR 31931 (July 30, 1976) changed the name and orga-

nization of the Office of Education's Bureau of School Systems. The name of the Bureau is now the Bureau of Elementary and Secondary Education. However, the notice was incomplete. The notice should have indicated that the Division of State Assistance was being deleted as well as the Division of Supplementary Centers and Services and the Division of Drug Education—Nutrition and Health Services. Therefore, the last seven lines of paragraph two of the notice published on July 30 is corrected to read as follows: The statements immediately following the headings "Bureau of School Systems, Division of State Assistance," "Division of Supplementary Centers and Services," and "Division of Drug Education—Nutrition and Health Services," and the three headings themselves are deleted in their entirety.

All other parts contained in 41 FR 31931 stand as published.

Dated: September 3, 1976.

BRYAN MITCHELL,
Acting Deputy Assistant Secretary
for Management Planning
and Technology.

[FR Doc.76-26852 Filed 9-13-76; 8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

New Communities Administration

[Docket No. N-76-631]

GANANDA NEW COMMUNITY PROJECT

Intent To Supplement Environmental Impact Statement

The U.S. Department of Housing and Urban Development, New Communities Administration, Washington, D.C., intends to issue a supplement to the Final Environmental Impact Statement for the Gananda New Community Project. The final EIS was issued on February 8, 1972, and copies are available at the address set forth below.

Gananda is located approximately 12 miles east of downtown Rochester, in the Townships of Macedon and Walworth in southwestern Wayne County, New York.

The Supplement will evaluate the impact of certain actions HUD is contemplating with respect to Gananda. These actions include termination of the Title project; acquisition and resale of certain "core acreage" which has undergone some site and infrastructure development; and of the remaining project land to purchase money mortgagees or other persons.

The new community project as heretofore planned consists of 9,600 acres, (5,800 acres for development and 3,800 acres for "land bank land") and had been planned to include about 13,500 dwelling units, and about 50,000 population over 20 years. The "core acreage" development alternative now being considered consists of a development of 500-1000 acres for a potential of about 1,250 dwelling units over 10-15 years.

Copies of the Supplement will be available in early October 1976. Pur-

suant to an approval of the Council on Environmental Quality the comment period on the Supplement will be 30 calendar days.

Comments concerning this Notice are invited from all affected and interested parties. Please send comments by October 1, 1976, to:

Earl DeMaris, Acting Deputy Administrator for Project Support and Development, U.S. Department of Housing and Urban Development, New Communities Administration, 451 7th Street, SW, Room 7134, Washington, D.C. 20410.

Issued at Washington, D.C., September 9, 1976.

JAMES F. DAUSCH,
Deputy General Manager and
Administrator, New Commu-
nities Administration.

[FR Doc.76-26980 Filed 9-13-76; 8:45 am]

CIVIL AERONAUTICS BOARD

[Order 76-9-13; Docket 27573]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

North/Central Pacific Cargo Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 2nd day of September, 1976.

Agreements adopted by the Joint Traffic Conferences of the International Air Transport Association relating to cargo rates (Docket 27573; Agreement C.A.B. 25719, R-1 through R-11; Agreement C.A.B. 25791, R-2; Agreement C.A.B. 25809, R-2 and R-3; Agreement C.A.B. 25813, R-3 and R-4; Agreement C.A.B. 25465, R-4 and R-6; Agreement C.A.B. 25569).

By Order 76-3-103, March 16, 1976, the Board established procedural dates for the submission of carrier justifications, comments, and replies regarding an agreement among the carrier members of the International Air Transport Association (IATA). The agreement, adopted at San Diego on February 2-4, 1976, would establish North/Central Pacific cargo rates through September 30, 1977. The agreement supersedes Agreements C.A.B. 25203, C.A.B. 25207, and C.A.B. 25281, adopted at Nice during May-June, 1975, which were disapproved in major part by Order 75-12-146, December 30, 1975, as well as earlier Agreements C.A.B. 24488 and C.A.B. 24569.¹

¹The agreement also supersedes Agreement C.A.B. 25465, R-6, which proposed a general three-percent fuel-related increase in all North/Central Pacific rates and which will be disapproved herein. The subject agreement would maintain North/Central Pacific minimum charges at *status quo*. General cargo rates at the under—45 kg., 45 kg., and 500 kg. weightbreaks would remain unchanged, while the 100 kg. and 300 kg. weightbreak rates would be reduced five percent, and a new 1,500 kg. weightbreak would be added at a rate 8 cents below the 500 kg. rates. The 200 kg. and 400 kg. general cargo rate weightbreaks would be canceled. Most specific commodity rates would be increased 10 to 12 percent. Rates for

Justification and supporting data has been submitted by Pan American World Airways, Inc. (Pan American) and The Flying Tiger Line Inc. (Tiger). Similar data has been submitted by Northwest Airlines, Inc. (Northwest), a non-IATA carrier which in its response to the IATA carriers' justifications, however, generally opposes the agreement. Comments in support of the agreement have been filed by Japan Air Lines Company, Ltd. (JAL), while comments in opposition have been filed by the Western Electronics Manufacturers Association (WEMA) representing a group of interested shippers, by Airborne Freight Corporation (Airborne), and by the Puget Sound Traffic Association (PSTA).

CARRIER JUSTIFICATIONS

Pan American and Tiger generally assert that the agreement represents a balance between the needs of the carriers for additional revenue due to cost escalation, and the Board's concerns expressed in Order 75-12-146 disapproving the Nice agreement. The carriers point out that general cargo rates (GCR's) would be maintained at *status quo* or reduced while the bulk of the proposed increase would come from specific commodity rates (SCR's) in line with expressed Board policy; and that the potential impact on shippers of electronic commodities would be modified by implementing increases in those rates, which the Board has already approved, in two phases. Tiger additionally alleges that the proposed increase in over-pivot-weight container rates, coupled with the introduction of a new 1,500 kg. GCR weightbreak, is necessary to discourage the misuse of containers in Asian markets, and that container discounts under the agreement would approximate those advocated by the Bureau of Economics in Docket 22859, *Domestic Air Freight*

electronic commodity Item Nos. 4416, 4417, 4435, 4506, 9902, and 9903 would be increased by the same amounts adopted in Agreement C.A.B. 24488 and approved by the Board by Order 75-1-46, January 13, 1975, but which never became effective. The increases in electronic commodity rates are now proposed to be implemented in two phases, on May 1, 1976 and January 1, 1977, respectively. Minimum charges for containers would remain unchanged, but pivot weights would be reduced approximately 10 percent and over-pivot rates would be increased approximately 16 percent.

²Signetics Corporation; Litronix, Inc.; Hewlett-Packard Co.; Inter Corporation; National Semiconductor; Electronic Memories & Magnetics Corporation; Fairchild Camera & Instrument Corp.; Intersil, Inc.; American Microsystems Inc.; Data General Corporation; Rockwell International; RCA; and General Instrument Corporation. WEMA has also submitted a petition for reconsideration of Orders 75-12-146 and 75-12-145, the latter of which denied WEMA's earlier petition for reconsideration of Order 75-1-46. Inasmuch as the agreements covered by those orders were disapproved, or never became effective and have since been superseded, WEMA's petition will be dismissed herein as moot.

Rate Investigation.¹ The carrier proponents have provided statements of financial results in North Pacific scheduled cargo service for the year ended December 31, 1975, as well as for the

¹ Tiger contends that shipper-loaded containers are, practically speaking, nonexistent in the Far East due to narrow congested

forecast year ending March 31, 1977, un-

roads, inadequate facilities on shippers' premises, lack of necessary ground-transport equipment, and local customs regulations; and accordingly, that containers are often loaded at the airport, at carrier expense, even though the shipper receives the benefit of the container rate discount.

der both present and proposed rates. Northwest, which generally opposes the agreement, has provided a statement of historical results and a forecast under present rates, but no forecast under proposed rates. The following table summarizes the financial data submitted by the U.S. carriers:

North/Central Pacific cargo operations—return on investment (ROI)

[In percent]

Carrier	Historical year ended Dec. 31, 1975			Forecast year ended Mar. 31, 1977— present rates			Forecast year ended Mar. 31, 1977— proposed rates		
	Belly	Freighter	Total	Belly	Freighter	Total	Belly	Freighter	Total
Pan American.....	26.18	(16.64)	8.82	12.82	(22.33)	(1.44)	14.83	(17.28)	1.81
Tiger.....		10.49	10.49		10.06	10.06		14.53	14.53
Northwest.....			4.52			(2.72)			

Tiger challenges the Board's use of Tiger's historical 64.9 percent load factor as an industry standard in evaluating the agreements dealt with in Order 75-12-146. Specifically, Tiger states that the Board's calculation of a 16.75 composite industry ROI under the Nice package omitted Northwest's investment, thus inflating ROI over two points; that establishing a load-factor standard based on the one-year experience of the industry's most efficient operator is unprecedented, illogical, and adverse to the public interest; that no consideration was given to differences in design density among various aircraft, certain of which would "cube out" at a weight load factor of 72 percent; that there is a severe directional traffic imbalance in the North/Central Pacific market; that requiring the industry to operate at a 64.9 percent load factor would condemn international shippers to a quality of service that would never be tolerated domestically; and that the Board cannot establish a load-factor standard based on the experience of the most efficient operator unless it is prepared to sustain a judgment that other carriers' operations are uneconomical or inefficient.

Northwest opposes the introduction of the new 1,500 kg. GCR weightbreak and the proposed changes in container rates, contending that these revisions will reduce the discount available on container rates and thus undermine any incentive for the shipper to containerize, directly contrary to the Board's comments in Order 75-12-146. Both the container rates at the pivot weight and those over the pivot weight are being increased by 11-16 percent, Northwest asserts, which would penalize high-density shipments and provide no new benefit for low-density shipments. Northwest contends that rates at the pivot weight should go up and over-pivot rates down, not the reverse as IATA proposes. Additionally, Northwest criticizes Tiger's allegations of illegal container practices. Regarding SCR's, Northwest alleges that the 10-12 percent increase, which would be undermined by the exceptions proposed for some commodity classifications, is not great enough to reduce reliance on SCR's and produce profitable operations but

that, nevertheless, Northwest is prepared to match any increase/cancellation in bulk SCR's.

JAL submits that the subject agreement reflects a responsiveness on the part of the IATA carriers to the Board's objectives stated in its disapproval of the Nice agreement and that, while the new agreement would not establish rates sufficient to cover carrier needs, it nevertheless represents a significant improvement over present rates. JAL indicates an operating loss on its North/Central Pacific freighter operations of \$13.0 million during the year ended September 30, 1975, a loss which is forecast to increase to \$15.5 million during the year ending April 30, 1977 under existing rates, and which would decline to \$11.2 million under proposed rates.

COMMENTS

Airborne objects to the proposed container rates, and alleges that by increasing the container rates relative to the GCR's and thus reducing the incentive to containerize, the agreement runs counter to the Board's policy statement issued prior to the Nice Conference, which stated that the economics of containerization should be recognized and reflected in the carriers' ratemaking policies.

WEMA alleges that the agreement would impose increases averaging over 45 percent on the electronic shippers' traffic between the United States and Korea, Taiwan, and Hong Kong, and that the proposed elimination of certain electronic commodity container rates would have an additional severe impact on the shippers; that the proposed May 1 rates would produce an arbitrary, irrational, and illegal rate structure which would be far more irrational than the existing structure of electronic commodity rates, and would contain anomalies such as directional imbalances, higher rates for lesser distances, and common-rating of domestic points; and that transpacific flights are basically space rather than weight limited, so that the high density of electronics parts justifies a lower rate

⁴ This figure reflects correction of a mathematical error in Northwest's submission. Northwest had forecast -1.32 percent.

and these rates should not be judged on the basis of fully allocated costs.⁵ WEMA asserts further that the carriers' historical data and forecasts show there is no need for a rate increase to produce a reasonable rate of return on investment in North/Central Pacific operations since Tiger, which WEMA alleges should be viewed as the ratemaking carrier in this market, had a 10.5 percent ROI during calendar 1975, and projects a return of over 10 percent during the forecast period even under present rates and a return of over 14 percent under proposed rates.⁶ WEMA also alleges that Tiger has understated its forecast earnings by inflating promotion and sales expenses and general and administrative expenses which are defined as fixed percentages of revenues and other expenses, respectively; by overstating its DC-8 depreciation expense and the investment allocated to DC-8 equipment;⁷ by including cost in-

⁵ WEMA contends that Tiger's data conclusively show that transpacific flights are space limited since Tiger could not have achieved eastbound weight load factors averaging over 90 percent if its aircraft were weight limited, and Tiger's allegation of weight limitation of westbound flights is irrelevant due to low load factors in that direction (41.8 percent during 1975). WEMA also cites excerpts from Tiger's 1975 Annual Report which allegedly demonstrate that its aircraft are space limited.

⁶ WEMA also refers to Tiger's favorable earnings over the period 1971 through 1975, and cites the "no keyhole" approach employed by the Board in several cases such as the *Suspended Passenger Fare Increase Case*, 25 C.A.B., 511, 516-517 (1957), and Order 76-3-102, March 16, 1976, denying TWA subsidy for its domestic operations.

⁷ WEMA asserts that Tiger's justification is inconsistent in that it indicates a 22 percent decrease in DC-8 wheel hours during the forecast year as compared to the historical period while at the same time forecasting a 15 percent increase in DC-8 aircraft days assigned; and that this results in an unjustified increase in the rate of depreciation per DC-8 wheel hour. WEMA contends that Tiger should be held to its historical utilization and depreciation rate, and alleges additionally that since Tiger has recently sold DC-8 aircraft at greater than book value, even the historical depreciation rates are too high and in any event the Board should recognize profits from aircraft sales as part of the ratemaking base.

creases which may be anticipatory; and by omitting any adjustment for the financial improvement which will allegedly result from the elimination of inflated commissions, rebates, and other illegal activities pursuant to the recent injunction issued by the U.S. District Court for the Northern District of California. Regarding the other carriers' operations and financial statements, WEMA submits that the load-factor adjustment in Order 75-12-146 holding Pan American and Northwest to Tiger's historical 64.9 percent load factor was entirely reasonable since Tiger's results during 1971-1975 show such a factor to be achievable in North/Central Pacific freighter service; and that Pan American's historical and forecast returns on investment in freighter operations, in the range of -16.64 to -17.28 percent as well as its forecast costs per available ton-mile (atm) of 19.1 cents compared to costs per atm for other carriers in the range of 12.6-16.2 cents, present a *prima facie* case that Pan American's operations do not meet the standard of economical and efficient management as prescribed by Section 1002(e) (5) of the Act.⁹ Finally, WEMA alleges that the carriers' justifications are deficient in the information they supply. In this connection WEMA has filed a separate Motion for More Definite Statement and Other Relief, requesting the Board to require the carriers to indicate the source of each figure in their justification and complete details as to how it was derived. WEMA specifically requests complete details and justification for revenue increases in the forecast year under both present and proposed rates; for cost increases; for the increased revenues and decreased expenses alleged to result from the termination of rebating and other illegal activities; and for Tiger's investment base. WEMA also requests that Northwest be directed to provide all the data required by Order 76-3-103.

PSTA opposes the proposed continuance of common-rating Seattle with other U.S. West Coast gateways for cargo rates to/from the Far East, and submits that common-rating Seattle with the other gateways, despite its geographically closer position to the Orient, results in rates per mile significantly higher than at Los Angeles or San Francisco;¹⁰ that although the Board stated in Order 75-12-146 acting on the Nice agreement that PSTA had raised significant questions of possible preference and prejudice, and deferred action on PSTA's comments at that time, the carriers have made no effort to eliminate the alleged discrimination; that the Board's decision in Docket 20522, *Agreements Adopted By IATA*

Relating to North Atlantic Cargo Rates, requires the elimination of common-rating the west coast cities' respective North/Central Pacific cargo rates; that recent Board decisions on North Atlantic passenger fares and cargo rates require the carriers to remove similar preference and prejudice against Seattle; and that the Bureau of Economics has taken positions against common-rating in Docket 27330, *Domestic Common Fares Investigation*, and Docket 26487, *Transatlantic, Transpacific and Latin American Mail Rates*.

REPLIES

Pan American has submitted a consolidated answer to the comments of WEMA and PSTA, as well as WEMA's Motion for More Definite Statement and Other Relief. Tiger has submitted a consolidated answer to the comments of WEMA, PSTA, and Northwest.

In response to WEMA, Pan American submits that the electronic shippers' comments merely represent additional pleadings in their protracted efforts to maintain uneconomically low transpacific freight rates for their goods; that WEMA's allegation of a 45.3 percent increase in electronic SCR's is misleading because it omits Japan-U.S. traffic which accounts for 64 percent of total Pacific electronic SCR revenue, and that if all the relevant markets are included, the increase is only 21 percent; that the carriers' justifications clearly show existing electronic SCR's to be below cost; and that the shippers are incorrect in arguing that the present low rates are justified by this traffic's alleged high density, since there has been no showing that electronics items differ significantly from other traffic in this regard, and in any event transpacific flights are weight rather than space limited.¹¹ Pan American opposes WEMA's suggestions that Pan American's costs should not be considered because they are higher per available ton-mile (atm) than other carriers', contending that WEMA has ignored the fact that Pan American's North/Central Pacific freighters are all B-707 aircraft while other carriers operate primarily the much more efficient B-747F or DC-8-63F equipment.¹² Regarding the alleged directional imbalances and anomalies in the proposed rates, Pan American asserts that while some imbalances may remain under the

first phase of the agreement, during the final phase such imbalances will be eliminated entirely; and that in the specific case of Far East-Indianapolis vs. Far East-New York rates, which would be common-rated, there is no justification for lower rates at Indianapolis since all freighter service to that point from the Far East is via New York, and on combination flights connecting over the west coast the international carriers must absorb a substantial prorate.¹³

In response to PSTA's arguments, Pan American alleges that PSTA's rate-per-mile comparisons are misleading because they assume routings not operated by Pan American or the majority of transpacific carriers who are required to operate via Honolulu.

Tiger, in response to WEMA, alleges that the shippers have misrepresented the degree of increase proposed in electronic SCR's considering the fact that U.S. Department of Commerce data show that the value per pound of electronic parts moving over the Pacific has more than doubled since 1973, and is considerably higher than the average value of other commodities; and that the proposed freight rates for these items represent only 0.6 to 2.1 percent of their value. Tiger contends further that under the first phase of the proposed rates, which are being proposed in two phases to ease the impact on shippers, directional imbalances and anomalies would be much less severe than under existing rates;¹⁴ that Tiger's justification clearly shows its aircraft to be weight limited at any density over 8 lbs./cu.ft. and thus any incentive to increase density is illogical; and that while WEMA opposes a "keyhole" approach in evaluating Tiger's return on investment and revenue requirements, WEMA's aversion to "keyholes" does not extend to widening their consideration of carrier earnings to include other carriers whose returns have been disastrously low. Regarding WEMA's comments on Tiger's DC-8 utilization and depreciation, Tiger submits that because of increasing reliance on the B-747F in major Pacific long-haul markets, the DC-8 is used increasingly in a "feeder" role in short-haul markets, requiring more aircraft even though wheel hours and utilization in such

⁹ Pan American alleges that the maximum load on its B-707 freighters over the Tokyo-San Francisco segment is 53,000-54,000 lbs., well below the available space, and this is consistent with the testimony presented by both Pan American and Tiger in Docket 26487, *Transatlantic, Transpacific and Latin American Mail Rates*.

¹¹ In response to WEMA's argument that Tiger should be the ratemaking carrier on the Pacific and does not require a rate increase, Pan American states that while Tiger has forecast a 10 percent ROJ under the proposed rates, there is no basis to suggest that a 10 percent return is adequate, and that the Board in acting on the recent IATA North Atlantic passenger-fare agreement found a 9.1 percent return to be inadequate.

¹² Pan American alleges that WEMA's separate Motion for More Definite Statement and Other Relief borders on the frivolous and demonstrates that WEMA's entire effort is designated to achieve delay. Pan American contends specifically that its justification already includes all the information necessary for the shippers to make the analysis which they state is the basis for their request; and that insofar as the request for information on the impact of "termination of rebating and other illegal activities" is concerned, Pan American does not and has not been engaged in such activities.

¹³ Tiger states that while the shippers allege that the Taipei-Indianapolis 1,000 kg. rate is 5 cents higher than the Taipei-New York rate, this reflects a clerical error which is being corrected.

⁸ WEMA also claims that even the low historical and forecast load factors of Pan American are inflated since Pan American's reported atm figures are "phony" and understate the actual carrying capacity of its aircraft.

⁹ PSTA's examples show differences in rates per mile ranging from 7.4 to 33.6 percent.

short-haul markets are less favorable;¹⁴ that depreciation is a fixed expense independent of aircraft utilization, and on a proper allocation basis per aircraft day assigned, DC-8 depreciation is forecast to drop from \$1,482/day to \$1,369/day; and that, moreover, depreciation methods are well established by the Board and are not affected by fluctuations above or below the book value of assets.¹⁵ Finally, Tiger alleges that WEMA, in its comments, has confirmed the misuse of container tariffs by stating that only "in certain cases, such as Taiwan, [does] the shipper bears the cost of loading the containers," whereas the whole rationale for container discounts is carrier cost-savings through tender by the shipper of containers already loaded and ready for carriage; and that while transpacific cargo carriers have joined ranks to eliminate the illegal practices which WEMA contends are responsible for poor carrier earnings, the fact remains that many of the abuses involved shippers' misclassifying general traffic as electronics in order to take advantage of the unconscionable discounts available to the electronics industry.

In response to Northwest's allegation that the agreement would do little to reduce reliance on specific commodity rates, Tiger points out that SCR's would be increased 10-12 percent while GCR's would remain at *status quo* or lower, thus reducing the disparity between the rates. Tiger also contends that the proposed container rates, which increase the charges for high-density shipments, reflect the realities of the marketplace and the weight-limited characteristics of transpacific freighter flights. In reply to PSTA, Tiger asserts that the San Diego Conference dealing only with North/Central Pacific rates was not the proper forum for consideration of the common-rating issue, since although the rates per mile from Seattle over the North/Central Pacific are higher than from other west coast points, the reverse is true in the case of South Pacific rates; and thus the question should be addressed in the context of a single IATA conference covering both North/Central and South Pacific rates; and that de-common-rating would have serious implications for the competitive positions of transpacific carriers depending on their route authority.

FINDINGS

Upon full consideration of the agreement and the justifications, as well as

¹⁴ Moreover, Tiger claims that during 1975 its international DC-8 utilization was unusually good due to the availability of considerable off-route charter mileage as well as demand for extra sections in some markets, conditions not expected to continue in the forecast period.

¹⁵ Regarding the sale of aircraft at greater than book value, Tiger states that such non-operating income, unless distributed, would be included as retained earnings within the carrier's investment base thereby increasing ROI requirements. Tiger also denies any overstatement of its other expenses, and states that by the fourth quarter 1975, its fuel costs had already reached the level forecast for the year ending March 31, 1977.

the comments and answers thereto, the Board has determined to approve the agreement with certain exceptions and conditions as outlined below.¹⁶ In Order 75-12-146 disapproving the Nice agreement, the Board noted that the carriers' earnings positions, even after Board adjustments, clearly indicated that a revenue increase was required. However, the Board disapproved the Nice package on the basis that approval of those rates would have placed the carriers, on a composite basis, in an excess-earnings position.

We also expressed dissatisfaction with certain structural aspects of the agreement.¹⁷ The more recent data submitted by the carriers in their justification for the new San Diego agreement continue to indicate that earnings are still deficient and that revenue improvement is warranted. As noted in the Appendix hereto,¹⁸ Tiger and Pan American's composite ROI during calendar year 1975 was 8.44 percent, which would decline to 7.23 percent during the forecast year ending March 31, 1977 with no rate increase. Under the proposed rates their composite ROI would be 11.54 percent.¹⁹ We have not included Northwest's results in the computation of composite return since that carrier has stated that it does not intend to fully match the IATA agreement even if approved. Moreover Northwest did not submit a forecast of future-year results with the proposed rates. In any event, Northwest's ROI during calendar 1975 for North/Central Pacific cargo operations was only 4.52 percent, and it forecasts a decline to -2.72 percent during the forecast year under present rates. Thus, Northwest, which indicates it will implement only the SCR increases and whose scale of operations is smaller than either Tiger or Pan American, will not achieve earnings which would move the composite ROI over the 12 percent benchmark.

The figures presented in the Appendix reflect several adjustments by the Board to the data presented by the carriers. First, we have substituted the fuel prices reported by Tiger and Pan American for March 1976 for the unsubstantiated prices forecast by the carriers. This results in an adjustment of \$1,572,000

¹⁶ We will also approve agreements proposing similar increases for U.S. points within Traffic Conference 3 (Far East/Australasia).

¹⁷ A mathematical error in the Appendix of Order 75-12-146 inadvertently omitted Northwest's investment figure from the computation of composite ROI under the Nice agreement. Including this figure, however, would still result in a composite ROI of 14.61 percent which would not have affected the Board's disposition of the Nice agreement.

¹⁸ See appendix filed with original document.

¹⁹ In Order 75-12-146 the Board considered only the carriers' all-cargo operations, with appropriate adjustments, due to the lack of reliable combination aircraft cost allocations between cargo and passenger service in that case. In its present justification Pan American has allocated combination aircraft costs between passenger and cargo service utilizing a modified space method.

(\$795,000 in freighters and \$777,000 in belly service) for Pan American, and \$72,000 for Tiger.²⁰ Second, Tiger's investment in leased equipment in excess of the industry average has been reduced to reflect the Board's policy that carriers be allowed a six, rather than 12, percent return on such investment.²¹

Finally, we have adjusted Pan American's load factor in all-cargo operations to reflect Tiger's experienced load factor during calendar 1975. Pan American itself forecasts an improvement in freighter load factor from its experienced 52.6 percent during 1975 to 59.3 percent during the forecast year due to the introduction of B-747SP combination aircraft which Pan American alleges have less below-deck cargo-carrying capability than conventional B-747 combination equipment, and which will thus induce a shift of freight traffic from combination aircraft bellies to freighter aircraft. Pan American's past relatively low load factors in all-cargo service resulted primarily from carrying a significant amount of total cargo in bellies rather than in freighters, a situation which it now claims will change. Accordingly, without necessarily establishing Tiger's load factor as a general standard by which the performance of all other carriers must be judged, we have, for purposes of testing the reasonableness of the instant agreement, adjusted Pan American's historical and forecast traffic by shifting sufficient freight revenue ton-miles (rtm's) from combination to all-cargo service to produce a 64.08 percent freighter load factor consistent with Tiger's calendar 1975 experience. Traffic-related expenses have been increased in all-cargo operations, and decreased in belly operations, by the same percentages as rtm's.

Turning to WEMA's comments, the material presented is not sufficient to warrant disapproval of the agreement. In the first instance, the Board is not convinced that the impact of the proposed increases upon electronic shippers will be as severe as WEMA suggests. WEMA criticizes Tiger's estimate of an overall increase of 21 percent because the U.S. electronic shippers allegedly do not ship to or from Japan. If that market is excluded, the overall increase would allegedly be 45.3 percent. Whether the rate increase the shippers will actually experience is 21 or 45.3 percent—or somewhere between the two estimates—is largely irrelevant. The proposed rate increase is warranted if, *inter alia*, the resultant rate levels do not result in unjust discrimination and do not produce excessive earnings. The agreement would bring electronic SCR's into line with rates charged for other, similar goods in contrast to the existing rates which

²⁰ Although the adjustment in Tiger's fuel-cost escalation is minimal, Pan American's is substantial due to the fact that it utilized an unsubstantiated forecast average price of 40.05 cents/gal. compared to the average calendar 1975 price of 38.95 cents/gal., while its experienced price during March 1976 in Pacific operations averaged 37.06 cents/gal.

²¹ 14 CFR 399.43.

give the electronics shipments special consideration not warranted by any demonstrated savings in costs to the carriers. As indicated above, even after Board adjustments, the carriers would not experience excess earnings on a composite basis under the proposed rates. As to the impact on the shippers, the material submitted by Tiger from U.S. Department of Commerce statistics, which show the proposed rates to be only 0.6-2.1 percent of the per pound value of the goods transported, has not been rebutted by WEMA and is ample demonstration that the effect on the shippers would be minimal.

Although the agreement would merely bring the electronic SCR's into line with carrier costs and other specific commodity rates in this market which have already been increased significantly, WEMA argues that rates for electronic parts should not be judged on an average-cost basis. WEMA's arguments rest primarily on the contentions that transpacific flights are generally space rather than weight limited and that electronics shipments are high density in nature and have favorable handling characteristics. WEMA has presented no evidence whatsoever to support its position.²²

Regarding WEMA's argument that Tiger has experienced excess earnings over the last several years in the Pacific and therefore no increase in the North/Central Pacific area is warranted, the so-called "no keyhole" approach looks only to the earnings of the most profitable carrier in the market over an extended period of time, and fails to recognize the needs of the industry as a whole. There is no doubt that the carriers' composite-earnings experience in the North/Central Pacific has been substandard, and will decline further in the absence of rate relief. We cannot agree that Pan American does not meet the standard of economical and efficient management under section 1002(e)(5) of the Act because its freighter operating costs are considerably

higher per atm than Tiger's, or that it should therefore be excluded from consideration of the carriers' revenue needs in the Pacific. As Pan American points out, its North/Central Pacific freighter operations are conducted exclusively with B-707 equipment which incurs considerably higher unit costs than the newer B-747F and DC-8-63F equipment operated by Tiger. Each carrier cannot be expected to operate the most efficient equipment at every point in time, and there has been no showing that Pan American's acquisition and continued operation of B-707 equipment in this market represents inefficient management. Further, Pan American's introduction of the B-747SP in combination service should result in a much more profitable B-707 freighter operation due to the anticipated shift in traffic from bellies to all-cargo service.²³

WEMA's criticisms of Tiger's financial forecast do not, in the Board's opinion, raise any significant questions as to the validity of Tiger's forecast. In particular, we find no fault with Tiger's forecast DC-8 depreciation and investment. The carriers' allocation for aircraft days assigned is a completely acceptable method, and WEMA has presented no reason why it should be rejected. In a more general sense, depreciation and investment in flight equipment represent fixed dollar amounts reflecting the cost of acquisition and improvements, and bear no relation to market value.²⁴ The Board has established standards for regulatory depreciation and investment which Tiger has followed in its subject justification. Regarding WEMA's allegations of anticipatory cost escalations, as noted above, the Board has excluded from the carriers' forecasts all cost increases which appear to be anticipatory (i.e., fuel); the remaining cost increases, which result from contractual obligations or productivity changes, appear to be quite valid and WEMA has presented no legitimate reason to challenge them.²⁵

²² The question of weight vs. space limitation is at issue in Docket 26487, *Transatlantic, Transpacific and Latin American Mail Rates*, and need not be reached here. Regarding density, while WEMA generally alleges that electronic parts are unusually dense, it has presented no data whatsoever to support its contentions, and there is nothing before us which suggests that the density of electronics traffic is greater than the average for all freight in this market (or that it is easier to handle) and that electronics traffic, therefore, should absorb less than average costs. We also reject WEMA's contention that Pan American's reported Form 41 weight load factors are overstated because the carrier has understated the capacity of its equipment on its AP-12 Forms. The computation of available ton-miles and load factor in the Form 41 reflects the space limited payload per aircraft reported on the AP-12 (61,794 pounds on Pan American's standard B-707 freighter, for example), and defining the capacity per aircraft as the maximum weight-lifting capacity (97,800 pounds), as WEMA suggests, would contradict WEMA's own contention that aircraft are space limited. Additionally, Pan American's average-density figures are not out of line with those reported by the other carriers in this market.

²³ Moreover, the Board has adjusted Pan American's earnings to reflect the load factor attained by Flying Tiger, one which can hardly be termed modest. As shown in the Appendix, the result still leaves Pan American with a return on investment fare below the Board's 12 percent guideline.

²⁴ By the same token, we reject the notion that sale of excess equipment for more than book value should be considered to lower the carrier's return requirements, just as the sale of excess equipment at a loss would not be considered to increase them. Such gains and losses are individual transactions which occurred at a given past point in time, on an irregular basis, and there is no basis for forecasting them into the future. In any event, except for subsidy purposes the Board's long-standing practice has been to ignore such capital gains and losses for evaluating rates and fares, and WEMA has presented no reason to reverse this policy.

²⁵ We will not, as WEMA suggests, exclude the forecast increases in Promotion and Sales Expense, or General and Administrative Expense. The former are defined as a percentage of revenue and reflect primarily commission payments which vary directly with revenue. The latter are defined as a percentage of other cash costs consistent with Board policy.

WEMA also opposes the agreement based on the improved earnings to be expected, WEMA alleges, from termination of rebating and other illegal activities in the area due to the recent federal court injunction. Even at the conclusion of the extensive grand jury proceedings, it was unclear to what extent the resultant injunction would actually affect Pan American's and Tiger's profitability in North/Central Pacific cargo operations. It is doubtful that such information could be developed even in the context of another protracted investigation, and to defer approval of the subject agreement on this basis, as WEMA suggests, would only delay the needed rate relief without any assurance that carrier revenues have in fact been significantly understated. In any event, any significant improvement in carrier earnings due to the termination of malpractices will be reflected in the carriers' regular earnings reports which are closely monitored by the Board.

The Board also rejects WEMA's contention that the agreement should be disapproved because the interim electronic SCR rates would be more irrational in application than the existing rates, and that the proposed rates would create unlawful preference and prejudice. As Tiger shows in its answer, the existing rates reflect yield variances among various city-pairs ranging up to 12.91 cents, whereas the "Phase I" rates would cut this variance to 10.48 cents and the final rates would reduce the variance to 4.67 cents. The interim rates still include some directional differentials and admittedly are not perfect, but there is no doubt that they represent a substantial improvement over the existing rate pattern. Also, the carriers' decision to implement the rate increases in two phases represents a concession to ease the impact on the electronics shippers. The shippers particularly object to the common-rating of Indianapolis and New York, citing the Board's decision in Docket 20522, *Agreements Adopted by IATA Relating to North Atlantic Cargo Rates*. That decision, however, was directed to the relationships between New York-Europe rates and transatlantic rates to/from other U.S.-gateway points, none of which were common-rated with New York. We note further that for electronic SCR's Indianapolis is common-rated with both New York and Chicago so that if one accepts, *arguendo*, WEMA's contention that Indianapolis shippers are prejudiced *vis-a-vis* New York, then they are also preferred *vis-a-vis* Chicago which is closer to the Far East than Indianapolis. In any event, WEMA has made no showing that any of its members would suffer undue preference or prejudice.

We will also deny WEMA's Motion for More Definite Statement and Other Relief which requests the Board to require the carriers "to indicate the source of each figure in their justifications for rate increases and give complete details as to how they were derived." The carriers' justifications are largely self-explanatory and those exhibits which were somewhat unclear have been clarified by sup-

plemental submissions available to all parties.²⁴

Turning to PSTA's request that the agreement be disapproved or conditioned to remove the common-rating of Seattle with Los Angeles and San Francisco, for the same reasons stated in Order 76-5-158, May 28, 1976, we do not believe the instant agreement presents an appropriate time for resolution of this issue. We note that Administrative Law Judge Henry Whitehouse, in his June 22, 1976 initial decision in Docket 27330, *Domestic Common Fares Investigation*, recommended the institution of an investigation of west coast common-faring with respect to both Hawaiian and Far East points. The initial decision in that case, however, has yet to be reviewed by the Board, and need not affect our determination expressed in Order 76-5-158 that the issues raised by PSTA be addressed by the carriers and resolved coincident with the next round of North/Central Pacific fare and rate agreements. In the event the Board sets down an investigation along the lines recommended by the administrative law judge, of course, the investigation would necessarily involve a close review of the same points raised by PSTA and the carriers in their comments and replies herein.

For the reasons stated, the Board has determined that the agreement before us should be approved. It is clear that a rate increase is warranted, and as indicated the proposed rates will not place the carriers, on a composite basis, in an excess-earnings posture.²⁷ While the

structural aspects of the agreement approved herein still fall short of completely satisfying the Board's position enunciated in its policy statement issued prior to the Nice Conference, on balance the agreement does represent significant progress in line with the Board's long-standing objectives. Minimum charges and general commodity rates are being retained at *status quo* or reduced, while specific commodity rates would be increased 10-12 percent. Electronic SCR's, which the Board has previously found are substantially below cost, would be increased in amounts to bring them in line with other SCR's consistent with costs. These structural revisions should lessen the present dependence on SCR's to move so large a proportion of the total traffic, an objective long sought by the Board.

We have some reservations concerning the proposed container rates which appear to offer little incentive for containerization and are mindful of the comments of Northwest, Airborne, and WEMA concerning the need for cost-related container rates which has also been a Board objective of long standing. At the same time, we believe that Tiger's comments regarding the limitations on containerization in the Far East due to deficiencies in the local infrastructures,²⁸

Pacific operations during the year ended March 31, 1976, and accordingly no rate increase is warranted. WEMA has obviously misread the *Report*. The figures cited are not percentage ROI figures, but rather net income plus interest expense in millions of dollars. The correct ROI figures for Tiger, Pan American, and Northwest are 11.71, 4.21, and 6.66 percent, respectively.

²⁸ See footnote 3. *supra*.

and the consequent malpractices alleged to result, may have considerable merit, although similar considerations clearly do not apply to U.S.-originating traffic. It appears that substantially different sets of circumstances apply to the container issue on each side of the Pacific, and we believe the carriers should address this question in detail at the next conference dealing with North/Central Pacific rates.

While the agreement will, in general, be approved, the Board is unable to accept new Resolution 501a, "Small Package Service (North and Central Pacific)" in the form proposed. The resolution sets forth a maximum weight for such shipments of 15 kgs., a maximum total value of \$250, and a maximum size of 56 inches (total of the three dimensions). It is evident that the maximum value per kg. of such shipments under these limitations would be \$16.67/kg., which falls short of the established carrier liability for loss and damage under the Warsaw Convention of \$20.00/kg. (9.07/lb.) To alleviate this anomaly we will herein condition our approval of the new resolution to require that the maximum value of such shipments shall not be less than \$300, which will insure compliance with the established limits of liability under Warsaw.

The Board, acting pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204(a), and 412 thereof, makes the following findings:

1. It is not found that the following resolutions, incorporated in Agreement C.A.B. 25719 as indicated, are adverse to the public interest or in violation of the Act, provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
R-1	001c	Cargo Tie-in Resolution—North and Central Pacific	3/1; 1/2/3.
R-2	014x	Special JT31 and JT123 Cargo Construction Rule	3/1; 1/2/3
R-3	016b	North and Central Pacific Cargo Policy Study Group	3/1.
R-4	022pp	JT31 (North and Central Pacific) Special Rules for Sales of Cargo	3/1.
R-5	022p	Air Transportation. JT31 (North and Central Pacific) Special Rules for Sales of Cargo	3/1; 1/2/3.
R-6	501	Air Transportation. Minimum Charges for Cargo (North and Central Pacific)	3/1; 1/2/3.
R-8	536a	Charges for Bulk Unitization—North and Central Pacific	3/1.
R-9	556a	JT31/123 General Cargo Rates—North and Central Pacific	3/1; 1/2/3.
R-11	002w	Special Amending Resolution	3/1.

2. It is not found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act to the extent they would establish rates to/from U.S. points, except American Samoa, provided that approval is subject, where applicable, to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
25791:			
R-2	555	Expedited JT23 and JT123 General Cargo Rates (Amending)	2/3; 1/2/3.
25809:			
R-2	501	Minimum Charges for Cargo (Amending)	3.
R-3	005dd	General Increase in Cargo Rates (NEW)	3.
25813:			
R-3	501	Minimum Charges for Cargo (Amending)	2/3; 1/2/3.
R-4	005hh	General Increase in Cargo Rates (NEW)	2/3; 1/2/3.

3. It is not found that the following resolutions, incorporated in Agreement C.A.B. 25719 as indicated, are adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter stated:

²⁴ On May 20, 1976 WEMA submitted a Motion for Leave to File an Unauthorized Document in reply to the carriers' replies, claiming that it had discovered "important new information bearing on this case." WEMA's motion will be granted herein and its "Reply to the Replies" of the carriers will be accepted. The only new information in WEMA's latest document, however, related to Tiger's first-quarter 1976 international freight traffic which increased 23 percent over 1975. WEMA alleges that Tiger's forecast of only a 12 percent revenue increase under existing rates is understated in light of these first-quarter results and accordingly its revenue need is overstated. The Board disagrees. In the first place, Tiger's forecast is for the year ending March 31, 1977, and thus first-quarter 1976 traffic will not have any direct effect on Tiger's forecast results under either presented or proposed rates. Second, Tiger's first-quarter 1975 traffic was depressed, having declined 4.4 percent from 1974 while total 1975 traffic increased 16.5 percent over 1974. In these circumstances the improvement in this year's first-quarter traffic merely represents a return to normal growth, and there is no reason to believe Tiger's forecast is unreasonable.

²⁷ We would note that the carriers' forecast costs, even as adjusted, are conservative and do not reflect cost escalations which are likely to occur but which cannot be accurately forecast. On July 7, 1976, WEMA filed another Motion to file an Unauthorized Document, alleging that the Board's recently published *Quarterly Interim Financial Report* shows that Tiger, Pan American, and Northwest experienced ROI's of 13.4, 15.7, and 12.4 percent, respectively, in their overall

Agreement CAB	IATA No.	Title	Application
R-7.....	501a	Small Package Service (North and Central Pacific) (New)—Provided that the maximum value of such shipments shall not be less than \$300.	3/1; 1/2/3.
R-10.....	500	Specific Commodity Rates Board—Provided that notwithstanding any provisions of Resolution 590 or any other resolution, specific commodity rates established pursuant thereto with respect to any U.S. point as an origin or destination, shall be available to and/or from any other U.S. city having an intermediate position based on shortest operated mileage, at levels no greater than those established for the more distant point.	3/1; 1/2/3.

4. It is found that the following resolutions, incorporated in Agreement C.A.B. 25465 as indicated, is adverse to the public interest and in violation of the Act:

Agreement CAB	IATA resolution	Application
25465: R-6.....	JT31 (Mail 297) 003dd.	3/1 N/C Pacific.

5. It is found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest and in violation of the Act insofar as they would apply in air transportation to/from Guam:

Agreement CAB	IATA Resolution	Application	Manufacturers Association for Leave to File Unauthorized Documents in Docket 27573 be and hereby are granted.
25465: R-1.....	300 (Mail 461) 003dd.	3.	This order will be published in the FEDERAL REGISTER. By the Civil Aeronautics Board. PHYLLIS T. KAYLOR, Secretary. [FR Doc.76-26698 Filed 9-13-76;8:45 am]
25569.....	JT23 (Mail 372) 003dd.	2/3; 1/2/3.	
	JT123 (Mail 767) 003dd		

Accordingly, It is ordered, That:

1. Those portions of Agreements C.A.B. 25719, C.A.B. 25791, C.A.B. 25809, and C.A.B. 25813 set forth in finding paragraphs 1 and 2 above be and hereby are approved subject, where applicable, to conditions previously imposed by the Board;

2. Those portions of Agreement C.A.B. 25719 set forth in finding paragraph 3 above be and hereby are approved subject to the conditions stated therein;

3. Those portions of Agreements C.A.B. 25465 and C.A.B. 25569 set forth in finding paragraphs 4 and 5 above be and hereby are disapproved;

4. Tariffs implementing the agreements approved herein in air transportation as defined by the Act shall be marked to expire not later than September 30, 1977;

5. The petition of the Western Electronics Manufacturers Association for reconsideration of Orders 75-12-145 and 75-12-146 be and hereby is dismissed;

6. The Motion for More Definite Statement and Other Relief filed by the Western Electronics Manufacturers Association in Docket 27573 be and hereby is denied; and

7. The motions of Pan American World Airways, Inc. and the Western Electronics

Manufacturers Association for Leave to File Unauthorized Documents in Docket 27573 be and hereby are granted.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-26698 Filed 9-13-76;8:45 am]

[Order 76-9-16; Docket 27573; Agreement C.A.B. 26082]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

Issued under delegated authority September 3, 1976.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names additional specific commodity rates as set forth below, reflecting reductions from general cargo rates, and was adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated August 23, 1976.

Agreement CAB	Specific commodity item No.	Description and rate
26082: R-1.....	2818	Blankets, 265 cents per kg., minimum weight 300 kgs. 243 cents per kg., minimum weight 500 kgs. From Johannesburg to New York City.
R-2.....	4427	Electronic tubes, 298 cents per kg., minimum weight 250 kgs. From Bombay to New York City.
R-3.....	1400	Floral and nursery stock, 231 cents per kg., minimum weight 45 kgs. From Nandi to Los Angeles.

* See applicable tariffs for complete commodity description.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That:

Agreement C.A.B. 26082 is approved, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-26696 Filed 9-13-76;8:45 am]

[Order 76-9-35; Docket 29010]

REEVE ALEUTIAN AIRWAYS, INC.

Service Mail Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 7th day of September, 1976.

In the Matter of the Petition of Reeve Aleutian Airways, Inc. for the setting of a fair and reasonable mail rate pursuant to Section 406 of the Federal Aviation Act of 1958, as amended.

By this order the Board proposes to establish new final service mail rates for the transportation of mail over the intra-Alaskan routes of Reeve Aleutian Airways, Inc. (Reeve) for the period on and after March 27, 1976.

By petition filed March 18, 1976, Reeve requests that the Civil Aeronautics Board fix a fair and reasonable rate of compensation for the transportation of mail by aircraft on its certificated routes consisting of a linchaul rate of \$1.00 per ton-mile and a terminal charge of 15 cents per pound. In support thereof, Reeve states that its current rate of 73.03 cents per great-circle ton-mile was established pursuant to Order 75-4-115, April 24, 1975, effective on and after October 1, 1974, by adding a fuel surcharge to its existing mail rate of 68 cents per ton-mile which was established by Order 71-7-111, July 20, 1971, and was based on fiscal year 1969 economic data. Reeve asserts that since 1969, operating costs have increased substantially, and, except for the relief granted by way of the fuel surcharge, there has been no corresponding increase in its

service mail rate to compensate for those cost increases. However, the carrier failed to comply with § 302.303(a) of the Board's Procedural Regulations which requires that the petition set forth a detailed economic justification sufficient to establish the reasonableness of the rates proposed. On March 23, 1976, Reeve filed an amendment to its petition by submitting supportive economic justification based on reported operating results for the year ended September 30, 1975.

On March 30, 1976, by letter to the Chief Administrative Law Judge, the United States Postal Service (Postal Service) requested that the date for submission of its answer be extended until July 12, 1976. The delay was requested due to impending traffic density tests scheduled to be conducted by Reeve and the Postal Service during the latter part of April 1976. By notice to all parties, dated April 1, 1976, the due date for the filing of answers to Reeve's petition, as amended, was postponed to July 12, 1976.

On July 2, 1976, the Postal Service filed an answer to Reeve's petition setting forth the results of the density tests, objecting to the rates proposed by Reeve, and proposing a multielement rate consisting of a linehaul rate of 96 cents per great-circle ton-mile and a terminal charge of 12 cents per originating pound to be made effective on and after March 27, 1976, the first day of the Postal Service accounting period next after the filing date of Reeve's petition. In substance, the Postal Service objects to certain of Reeve's methods of cost assignments, cargo densities, service factors, and the inclusion of deferred Federal income taxes and allowance for State income taxes in the investment and tax computations.

Subsequently, on July 9, 1976, Reeve filed a motion for leave to file an otherwise unauthorized document in reply to the Postal Service's answer stating therein that the rates and effective date proposed by the Postal Service are acceptable to Reeve. We shall grant the motion.

The Board, in compliance with its statutory responsibility, has reviewed the rates proposed by Reeve and the Postal Service. While we are not in full accord with all the methodologies employed by the Postal Service in arriving at its proposed rate, it is our opinion that after taking into consideration the carrier's petition and the Postal Service cost determination as summarized in Appendix I,¹ the rates proposed by the Postal Service and agreed to by Reeve appear to fall within the zone of reasonableness for Reeve's intra-Alaskan mail services. As shown in Appendix II,² the rates that obtain from our application of recognized Board policies and methodologies³

¹ See Appendices filed with original document.

² A linehaul rate of 96.27 cents per great-circle ton-mile and a terminal charge of 10.16 cents per pound originated.

do not vary significantly from those proposed by the Postal Service, being only 2.8 percent lower. Moreover, in view of the nearly six months that elapsed from the end of the base period, the year ended September 30, 1975, to the effective date of the rates proposed herein, March 27, 1976, it is not unreasonable to assume that cost escalation alone would eliminate most if not all of this difference. Therefore, the Board believes that the service mail rates mutually agreed to by the parties are not unreasonable.

On the basis of the pleadings and other relevant matters, the Board tentatively finds and concludes that the fair and reasonable rate of compensation to be paid to Reeve Aleutian Airways, Inc. by the Postmaster General, pursuant to Section 406 of the Federal Aviation Act of 1958, as amended, for the transportation of mail by aircraft over its routes, the facilities used and useful therefor, and the services connected therewith is a multielement rate consisting of a linehaul rate of 96 cents per great-circle ton-mile and a terminal charge of 12 cents per pound originated.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly Sections 204(a) and 406 thereof, and the Board's Procedural Regulations, 14 CFR Part 302,

It is ordered, That:

1. All interested persons, and particularly Reeve Aleutian Airways, Inc. and the Postmaster General, are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rates specified above to be effective on and after March 27, 1976;

2. Further procedures shall be in accordance with the Rules of Practice, 14 CFR, Part 302, and if there is any objection to the rates or to the related findings and conclusions proposed herein, notice thereof shall be filed within 10 days after the date of service of this order, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days after service of this order, or if an answer timely filed raises no material issue of fact, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of an order fixing final service mail rates and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the rates herein specified;

4. If notice of objection and answer are timely filed presenting issues for hearing, issues going to the establishment of the fair and reasonable rates herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR 302.307; and

5. This order shall be served upon Reeve Aleutian Airways, Inc. and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-26697 Filed 9-13-76;8:45 am]

[Order 76-9-36; Docket 29481]

EASTERN AIR LINES, INC.

Temporary Suspension Authority at
Augusta, Georgia

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 8th day of September, 1976.

On July 6, 1976, Eastern Air Lines filed an application, pursuant to section 401 (j) of the Federal Aviation Act of 1958, as amended, and Part 205 of the Board's Economic Regulations, for authority to temporarily suspend service at Augusta, Georgia. The carrier requests that the authority be effective from September 8, 1976 through September 8, 1981.

In support of its application, Eastern states, *inter alia*, that: because of its weakened financial state,¹ including its heavy debt load and interest payments, Eastern must attempt to identify and eliminate unprofitable routes and strengthen or start up service in markets with the greatest profit potential when such actions will not result in any hardship to the public; despite the single-plane and on-line connecting service offered by Eastern at Augusta,² the carrier's Augusta experience shows a history of very low load factors,³ declining traffic levels, and a consistently low percentage of total Augusta passengers utilizing Eastern's services as opposed to the services of the other carriers serving the city;⁴ suspension of Eastern's services at Augusta will result in a net financial benefit to the carrier of \$855,000 in 1977; and Augusta is well served by Delta Air Lines and Piedmont Aviation, and the traveling public will therefore not be inconvenienced by Eastern's suspension at that point.⁵

¹ The carrier indicates that it had a 1975 loss of \$53.1 million. We note, however, that Eastern enjoyed retained earnings of approximately \$30.1 million in fiscal year 1976, which is in sharp contrast to the negative retained earnings of approximately \$23.2 million it showed in calendar year 1975.

² Presently Eastern operates three daily round trips between Charlotte and Augusta. The northbound flights provide single-plane service from Augusta to Boston, Washington, and New York; the southbound flights operate from Pittsburgh, Philadelphia, and Boston to Augusta.

³ The carrier presents data showing that its load factors between Augusta and Charlotte have declined from 29% in 1969 to 24% in 1975.

⁴ Approximately 20%.

⁵ Eastern states that Delta's superior authority between Atlanta and Augusta permits that carrier to take advantage of the on-line connecting possibilities at Atlanta and places Eastern in a very difficult competitive position at Augusta.

An answer to Eastern's suspension application was filed by the Augusta parties,⁶ wherein they state that they will not actively oppose the request because (1) experience has shown that a reluctant carrier can reduce service to such an extent as to be able to establish the need for suspension, and (2) the city is not prepared to litigate a formal proceeding which may ultimately be decided in favor of the carrier. Augusta further states that if the Board is disposed to approve Eastern's application, it should make clear that Eastern should not assume the market will always be there for Eastern to reenter whenever it chooses. Finally, Augusta urges that if the city is presented with an opportunity for improved air service to be provided by a carrier other than Eastern; the Board grant such relief despite the dormant authority to be retained by Eastern.

Eastern filed a reply to Augusta's answer, urging prompt action on its application.

Upon consideration of the pleadings and all the relevant facts, we have decided to (a) authorize Eastern to suspend its services temporarily at Augusta, and (b) issue an order to show cause which proposes to delete Augusta from Eastern's certificate for Route 6.

We find that the proposed suspension of Eastern's services at Augusta is in the public interest. The carrier has experienced substantial losses which are not justified in terms of the relatively limited public benefits derived from its services. Eastern's three daily round trips enplane only 74 passengers per day, or 25 passengers per departure. This amounts to a load factor of 25 percent on stretch DC-9 and B-727 aircraft. Such low load factors cannot economically support certificated trunkline services. Eastern estimates that continued services at Augusta would result in an operating loss of \$323,000 in 1977 while a suspension would bring an economic saving to the carrier of \$855,000. Under the circumstances, we believe that the economic cost of Eastern's service to Augusta is excessive when considered in light of the alternative services available at the city. We note in this connection that there are 21 nonstop one-way flights provided daily by Delta and Piedmont between Augusta and Atlanta where multiple connecting opportunities are available to major points throughout the country, in addition to through service to Washington, New York, Savannah, Newport News, Norfolk, and other points. Finally, Augusta has decided not to actively oppose Eastern's suspension or to seek a hearing on the matter. Under all of these circumstances, we find that the suspension of Eastern's services at Augusta should be granted for the temporary period pending finalization of the show-cause order we are issuing herein.

In addition, we tentatively find and conclude that the public convenience and

⁶ The City and Chamber of Commerce of Augusta, Georgia, and the Augusta Aviation Department.

necessity require the amendment of Eastern's certificate for Route 6 so as to delete Augusta, Georgia.⁷ In support of our ultimate conclusion, we make the following tentative findings and conclusions. Eastern has never been a significant factor in the carriage of Augusta traffic; for the year ended September 30, 1975, Eastern's traffic amounted to only 17 per cent of the single-carrier Augusta passengers transported by certificated carriers during that period. Furthermore, Delta and Piedmont, with nonstop authority between Augusta and Atlanta, provide 10 and one-half nonstop round trips daily between Augusta and Atlanta, providing convenient connections to and from points throughout the country. By contrast, Eastern, with no usable authority to Atlanta from Augusta, routes its Augusta flights through Charlotte for connections to other points on its system. Although Charlotte is a medium hub and does present some connecting opportunities, it does not offer the wide range or frequency of service available at Atlanta. Thus, Eastern's service through Charlotte has not proved economically feasible. The carrier has experienced load factors of 25 per cent, with resulting losses and the waste of fuel and other resources. Termination of Eastern's services at Augusta will eliminate operating losses in excess of \$300,000 in 1977 and result in a net financial benefit to the carrier of nearly \$900,000. There is little prospect for improvement in traffic or financial results for Eastern's Augusta service, especially in view of the ample and convenient air transportation alternatives available to Augusta passengers. Delta and Piedmont can accommodate the traffic now carried by Eastern, with resulting revenue increases for both carriers and the prospect of subsidy need improvement for Piedmont. In addition, deletion of Eastern's services at Augusta may encourage improved services by both Delta and Piedmont at the point, with resulting benefits to the public. Finally, the view of the civic parties that Eastern should not be able to reenter the Augusta markets at will and that dormant authority retained by Eastern should not foreclose a new carrier from serving Augusta leads us to believe that Augusta would rather have Eastern deleted entirely than suspended.

Eastern has requested a waiver from the provisions of Part 312 of the Board's Procedural Regulations insofar as they would otherwise require it to file an environmental evaluation regarding the proposed suspension. In view of our tentative findings and conclusions herein, we will not grant the carrier's request for a waiver, and we will require Eastern to file the information set forth in Part 312 within 30 days of the date of adoption of this order.

⁷ We also tentatively find that Eastern is fit, willing, and able properly to perform the air transportation authorized by the certificate proposed to be issued herein and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

Interested persons will be given 30 days following the date of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail what he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered that:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending the certificate of public convenience and necessity of Eastern Air Lines, Inc., for Route 6 so as to delete Augusta, Georgia, therefrom;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 30 days after the date of this order, file with the Board and serve upon all persons listed in paragraph 7 below a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; and answers to such objections may be filed 10 days thereafter;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein;

5. Eastern Air Lines, Inc., be and it hereby is authorized to suspend service temporarily at Augusta, Georgia, until 60 days after final Board decision on the issue of the possible deletion of Augusta from Eastern's certificate;

6. Eastern Air Lines, Inc., shall file an environmental evaluation pursuant to § 312.12 of the Board's Procedural Regulations within 30 days of this order;

7. A copy of this order shall be served upon Eastern Air Lines, Inc.; Delta Air Lines, Inc.; Piedmont Aviation, Inc.; Mayor, City of Augusta; the Augusta Chamber of Commerce; the Augusta Aviation Department; Manager, Bush Field Airport; State of Georgia Trans-

⁸ All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections, and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

portation Department; and the Postmaster General; and

8. The suspension authorized herein may be amended or revoked at any time in the discretion of the Board without hearing.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-26877 Filed 9-13-76;8:45 am]

[Order 76-9-43; Docket 27813; Agreement C.A.B. 26065]

INTERNATIONAL A/R TRANSPORT ASSOCIATION

Order Relating to Proportional Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 9th day of September, 1976.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act)

Agreement CAB IATA No.

Title

Application

26065:			
R-1	015	North Atlantic proportional fares—North American (amending)	1/2
R-2	015a	South Pacific proportional fares—North American (amending)	3/1
R-3	017b	North and central Pacific proportional fares—North American (amending)	3/1

Accordingly, it is ordered that: Agreement C.A.B. 26065, R-1 through R-3, be and hereby is approved subject to conditions previously imposed by the Board.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-26876 Filed 9-13-76;8:45 am]

[Order 76-9-5; Docket 23080-2]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES—PHASE 2

Order Reclassifying Stations

Issued under delegated authority September 1, 1976.

Order 75-1-105, dated January 27, 1975, and effective February 1, 1975, classified the stations for the purposes of the multielement service mail rate formulas applicable to the transportation of sack mail and for standard and daylight container mail. Upon review of the revenue tons explained by stations for the year ended December 31, 1975, the Board finds that certain stations require reclassification.

The multielement service mail rate formulas,¹ which were designed to provide a uniform rate of pay for like mail

¹ Order 74-1-89, January 16, 1974, as amended, fixed temporary service mail rates for sack mail and for standard and daylight container mail, effective on and after March 28, 1973.

and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at a proportional-fares meeting held in New York, August 10-12, 1976, and is proposed for effectiveness October 1, 1976.

The agreement, insofar as it has direct application in air transportation as defined by the Act, would amend North Atlantic, North/Central Pacific, and South Pacific proportional fares used for construction of through international fares to/from U.S. interior points, to reflect recent changes in U.S. domestic fares.

Pursuant to the Federal Aviation Act of 1958 and particularly sections 102, 204 (a), and 412 thereof, the Board does not find that the following resolutions, incorporated in Agreement C.A.B. 26065, R-1 through R-3, are adverse to the public interest or in violation of the Act, provided that approval is subject to conditions previously imposed by the Board:

service, are comprised of a linehaul rate and a terminal charge which varies by class of station.² These are applicable to both sack and container mail.

The orders fixing the multielement service mail rates provide for the reclassification of stations, without disturbing the overall rate structure, when the revenue tons explained at the stations in question bring such stations within a different class.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.16(e); it is found that:

1. The present classification of stations should be amended, based on the volume of on-line revenue tons explained during the year ended December 31, 1975,³ to bring certain stations within the new classifications shown in the Appendix hereto.⁴

2. Such reclassifications should be made effective September 11, 1976, which date will be the first day of the next

² As set forth in Order 74-5-82, May 16, 1974, and incorporated by reference in Order 75-1-105, the standards for station classification are as follows:

Class of stations:	Total revenue tons explained per year
X	27,000 and over.
Y	5,400 to 26,000.
Z	5,399 or less.

³ Traffic data for the year ended December 31, 1975, cover the most recent 12-month period for which an official compilation is available.

⁴ Appendix filed as part of original document.

28-day U.S. Postal Service Accounting Period.

3. In view of the foregoing, the lists of stations included in the Appendix attached to Order 75-1-105 for the station classes should be amended to reflect the new classifications designated herein.

Accordingly, pursuant to the delegated authority referred to above,

It is ordered that:

1. Effective September 11, 1976, the stations included in each of the station classes should be as specified in the Appendix attached hereto, provided that any station not listed in the Appendix shall be classified as a Class Z station;

2. Effective September 11, 1976, the Appendix attached to Order 75-1-105 shall be superseded by the Appendix attached hereto; and

3. This order be served upon all parties in Docket 23080-2.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within seven days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order shall be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.76-26879 Filed 9-13-76;8:45 am]

[Order 76-9-40; Docket 29674]

TRANS WORLD AIRLINES, INC.

Exemption Pursuant to Section 416(b) of the Federal Aviation Act of 1958; Denial

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 8th day of September, 1976.

By application filed August 18, 1976, Trans World Airlines, Inc. (TWA) requests an emergency exemption from the provisions of section 403 of the Federal Aviation Act (the Act) to the extent necessary to permit it to apply an excess-baggage charge of one percent of the first-class fare per kilogram of excess baggage from various foreign countries to the United States.

In support of its application, TWA contends that, after the Board found the existing excess-baggage charges adopted by the member carriers of the International Air Transport Association (IATA) to be excessive and unlawful, and found that a charge of seven-tenths of one percent of the normal economy fare would more closely reflect industry costs, TWA did in fact file a new excess-baggage charge at the lower level.¹ However, TWA

¹ Baggage Allowance Tariff Rules in Overseas Foreign Air Transportation, Order 76-3-81, March 12, 1976, Docket 24869.

states that several foreign countries² have directed it to continue to apply the IATA-agreed charge of one percent of the first-class fare, placing it in the impossible position of choosing to follow either the Board's directives or those of foreign governments;³ and that these differences between governments should be resolved through intergovernmental consultations rather than through imposition of an impossible alternative on TWA and other carriers. In these circumstances, the present undue burden placed on TWA should, it alleges, be removed through an emergency exemption.

The Board has concluded to deny TWA's request. Order 76-3-81 stated that an excess-baggage charge of seven-tenths of one percent of the normal economy fare would bear a reasonable relationship to costs and indicated that carriers would be permitted to file such a charge without the burden of full economic justification. The filing of a higher charge, however, would need to be accompanied by complete and convincing economic justification. TWA has provided no such justification for its instant filing and the Board is not persuaded that the carrier's other arguments warrant grant of an exemption. After extensive investigation, the Board determined that the IATA charge, related to the first-class fare, is excessive and therefore unlawful, and we are not prepared to sanction its reestablishment in air transportation.

Governments and the IATA carriers are well acquainted with the Board's position on excess-baggage charges and rules and have been for some years. We see no impediment to the carriers' ability to reach a prompt and satisfactory solution to this problem. Finally, we would point out that there has been no showing of considerations which would warrant charging any international passenger more than the costs of the service received, and TWA has demonstrated no actual injury from implementation of the Board's decision.

Under these circumstances we are unable to conclude that enforcement of the provisions of the Act would be an undue burden on the carrier in this instance and would not be in the public interest.

Accordingly, it is ordered that:

The application of Trans World Airlines, Inc. in Docket 29674 be and hereby is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 76-26878 Filed 9-13-76; 8:45 am]

² Austria, France, Greece, Ireland, Italy, Spain, Switzerland, and the United Kingdom.

³ A TWA tariff filing to reinstate the IATA excess-baggage charges from the foreign countries involved was rejected by the Board on August 13, 1976.

CONSUMER PRODUCT SAFETY COMMISSION

[CP 76-12]

NATIONAL FOOTBALL LEAGUE PLAYERS ASSOCIATION

Denial of Petition Regarding Artificial Turf Covering

The purpose of this notice is to announce the denial of a second petition from the National Football League Players Association requesting that the Consumer Product Safety Commission commence a proceeding to issue a consumer product safety rule for synthetic turf used as a surface cover for athletic playing fields. The Commission has also denied a request from the Association that it convene a public hearing to receive testimony and other evidence from professional athletes, manufacturers, trainers, and others who are knowledgeable in the alleged safety hazards of the product.

Section 10 of the Consumer Product Safety (15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission to commence a proceeding for the issuance of a consumer product safety rule. Section 10 also provides that if the Commission denies a petition, it shall publish in the FEDERAL REGISTER the reasons for such denial.

PETITION

On May 3, 1976, the National Football League Players Association (NFLPA) petitioned the Commission to reexamine the alleged unreasonable risk presented by synthetic turf in light of the 1974 National Football League injury study which accompanied the petition. The 1974 injury study was compiled by the Stanford Research Institute (SRI) in June 1975 for the National Football League (NFL). The petition (CP 76-12) incorporates another letter from the NFLPA to the Commission dated February 26, 1976.

The NFLPA alleged in the petition that a consumer product safety rule is necessary on the basis of the 1974 injury study. The NFLPA also outlined a brief description of the substance of a consumer product safety standard to govern the composition of the product and its installation. The petitioner also suggested that a consumer product safety rule be concerned with the safe useful-life of the product and that there be limitations on the use of synthetic turf in certain climates and at certain temperatures.

PRIOR PETITION AND HEARING REQUEST

On May 28, 1973, the NFLPA requested the Commission to initiate a proceeding under section 7 of the act (15 U.S.C. 2056) to promulgate a consumer product safety standard for artificial turf covering used on athletic playing fields or to declare such product to be a banned hazardous product pursuant to section 8 of the act (15 U.S.C. 2057).

The NFLPA petition additionally requested the Commission to restrain further use of artificial turf pending promulgation of a consumer product safety standard or a banning order.

On October 9, 1973, the Commission denied the NFLPA petition and published a notice of denial in the FEDERAL REGISTER on December 13, 1973 (38 FR 34361). The Commission found after having considered the information and data submitted in support of the NFLPA petition and surveillance data reported by the National Electronic Injury Surveillance System (NEISS) that the evidence was insufficient to support the proposition that persons playing football on fields covered with artificial turf incur a significantly greater risk of sustaining more severe injuries than persons playing football on fields covered with natural turf. In conjunction with the NFLPA petition of May 28, 1973, the Commission also considered a separate document from the Monsanto Company requesting the Commission to deny the NFLPA petition.

The Commission also found as stated in its December 13, 1973 notice, that since football-related activities, equipment, and apparel were ranked seventh in the Commission's listing of hazardous consumer products—based upon the frequency and severity of injuries reported to hospital emergency rooms—any action taken by the Commission to reduce or eliminate unreasonable risks of injury to consumers associated with playing football should not be limited to the playing surface. Further, artificial turf has consumer uses other than as a football playing surface; consequently, the scope of any proceeding the Commission might undertake to reduce or eliminate any unreasonable risk of injury to consumers should include all known and possible consumer uses of artificial turf coverings.

By letters dated October 30 and November 14, 1973, the NFLPA requested the Commission to hold a public hearing to obtain further information regarding alleged hazards associated with artificial turf.

On November 29, 1973, the Commission found that the two letters of October 30 and November 14, 1973, presented insufficient information on which to base a decision to hold a public hearing. The Commission decided, however, to proceed to determine whether an informal meeting between the NFLPA and the Commissioners would be helpful in supplementing the Commission's present understanding of the NFLPA's request for a public hearing.

The Commission thereafter held on January 4, 1974, a publicly announced informal meeting in Washington, D.C., with NFLPA representatives and other interested parties.

On June 25, 1975, the Commission by letter denied the NFLPA requests of October 30 and November 14, 1973, that a

public hearing be convened to receive testimony on the safety hazards of synthetic turf. The Commission concluded that no new evidence had been presented which significantly differed from that considered by the Commission in response to the NFLPA petition dated May 28, 1973. The Commission also reserved the right to address possible hazards associated with synthetic turf insofar as such hazards could relate to other aspects of athletic activities.

DECISION

After considering the data submitted in support of the current NFLPA petition (CP 76-12), the Commission finds that the petition offers no new direct injury data or analysis that is significantly different from what was previously considered by the Commission before issuing its decision to deny the petitioner's prior petition and request for a public hearing.

The current NFLPA petition relies solely on the updated (1975) Stanford Research Institute (SRI) injury report on National Football League (NFL) injuries for 1974. The Commission finds that this report contains no significantly different data from that which was provided the Commission in the 1973 SRI injury report and the 1969-1972 SRI injury reports.

The principal addition to the SRI report for NFL injuries during 1974 is the discussion of circumstances defining minor injuries. When major injuries are reviewed without the addition of minor injuries, there is no higher rate of serious injury occurring on synthetic turf than on a natural surface.

In addition, the updated SRI report, like the previous SRI reports, solely concerns injuries to professional football players. The Commission's jurisdiction over synthetic turf is based on the use of such turf by consumers, and yet the Commission has no information on injuries to consumers that was not previously considered by the Commission and its staff.

On the basis of the Commission's review of the SRI report for NFL injuries during 1974 and the absence of new information concerning injuries to consumers, the Commission believes that there is no reason to alter its prior decision to deny the requests to initiate a consumer product safety rule for synthetic turf and to hold a public hearing on this matter.

CONCLUSION

After considering the petition, the information developed by the Commission staff in this matter, and other staff comments, the Commission concludes that the information is insufficient for supporting a finding that there is an unreasonable risk of injury associated with synthetic turf or that a consumer product safety standard is needed. In addition, the Commission determines that there is not a need to hold a public hearing on the question of synthetic turf at this time.

A copy of the petition may be seen during working hours, Monday through Friday, in the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C., 20207.

Accordingly, pursuant to section 10(d) of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1217; 15 U.S.C. 2509(d)), notice is hereby given of the Commission's denial of the petition.

Dated: September 9, 1976.

SADYE E. DUNN,
Secretary,

Consumer Product Safety Commission.

[FR Doc. 76-26889 Filed 9-13-76; 8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 615-7]

TEXAS OXIDANT CONTROL PLAN STAGE I VAPOR RECOVERY

Enforcement Policy

On November 6, 1973, the Administrator promulgated a number of regulations designed to reduce hydrocarbon emissions and thereby to assist in attainment and maintenance of the national ambient air quality standard for photochemical oxidants in several air quality control regions in Texas. One of these regulations required recovery of vapors emitted during the filling of storage vessels in the Houston-Galveston, Dallas-Fort Worth, and San Antonio Intrastate Air Quality Control Regions in Texas (Stage I vapor recovery). 40 CFR 52.2285 (38 FR 30643).

The regulation was challenged by the State of Texas and others, but was held "valid and enforceable" in the Houston-Galveston and San Antonio AQCR's by the U.S. Court of Appeals for the Fifth Circuit on August 7, 1974. *State of Texas et al. v. EPA*, 499 F. 2d 289.

As currently written, the regulation requires final compliance with the provisions of the regulation no later than May 31, 1976. On March 5, 1976, however, EPA suspended the final compliance date, as set forth at 40 CFR 52.2285(e) (4) until August 31, 1976 (41 FR 9547). On the same date EPA gave notice that the Agency is considering limiting the requirements of stage I vapor recovery to certain counties in the Houston-Galveston AQCR and the San Antonio AQCR. It is intended that these changes will be formally proposed in the FEDERAL REGISTER as amendments to the present Stage I vapor recovery requirement, with an opportunity for public comment.

At the time the final compliance schedule was suspended, EPA requested notice by June 1 from the owners or operators of those sources believed to be unable to meet the August 31 final compliance date. Although relatively few sources notified EPA in a timely manner of their respective inability to comply, it is now believed that a large number of relatively small sources will not have achieved final compliance by August 31,

and are thus subject to being cut off from further gasoline deliveries by suppliers.

EPA has flexibility and discretion in the manner in which it chooses to enforce the regulation. In an exercise of that discretion, the Agency has determined that compliance schedules may be approved for those sources not in compliance on August 31 if the source immediately gives notice to EPA of its inability to comply and submits an application for a compliance schedule.

Such application must: (1) Provide the applicant's name, a detailed description of the storage vessels, and the street address of the facility; (2) Establish a timetable for installation of the control equipment, with final compliance as expeditious as practicable but no later than January 1, 1977; (3) Include a copy of purchase orders or contracts which document a commitment to purchase or install vapor recovery equipment no later than January 1, 1977; and (4) Specify the reasons why the facility was unable to comply by August 31, 1976, including the reason why notification was not sent to EPA by June 1, 1976, as required by the March 5, 1976 Notice. Compliance schedules may be requested only for sources in operation on August 31, 1976. Any new source beginning operation after that date must be in compliance on the date operation begins.

Any request for an extended compliance schedule must show compliance in as expeditious a manner as possible. In no case will final compliance be approved later than January 1, 1977.

EPA has determined that it will exercise its enforcement discretion by not seeking penalties from the owner or operator of a storage vessel subject to 40 CFR 52.2285 provided that all of the following conditions are met:

1. The storage vessel was in operation, but not in compliance with 40 CFR 52.2285 on August 31, 1976.
2. The owner or operator of the storage vessel has submitted an application for a compliance schedule, specifying a final compliance date no later than January 1, 1977.
3. The final compliance date in the schedule has not been reached.
4. The application was postmarked no later than September 10, 1976. For applications postmarked after September 10, no penalties will be sought for the period commencing on the date of the application postmark.
5. The application contains all information required in the foregoing paragraph.
6. The application has not been disapproved.

In order to protect owners and operators of delivery vessels who deliver gasoline to storage vessels covered by extended compliance schedules, EPA has determined that it will exercise its enforcement discretion with respect to them. Penalties will not be sought from the owner or operator of a delivery vessel who delivers gasoline to a storage vessel covered by a compliance schedule provided that he submits to EPA, within

ten (10) days after each such delivery, the following information:

1. The name of the owner or operator of the storage vessel, and the street address of the vessel;

2. The date on which the delivery was made; and

3. The name of the person who supplied information to the supplier that an application for a compliance schedule had been submitted to EPA and had not been denied.

In addition, penalties will not be sought in any case against any owner or operator of a storage vessel or delivery vessel making delivery to a storage vessel located outside of Harris, Galveston, Brazoria, Fort Bend, Waller, Montgomery, Liberty, Chambers, and Matagorda Counties in the Houston-Galveston AQCR and Bexar, Comal, and Guadalupe Counties in the San Antonio AQCR.

Any questions and all applications and information described above should be directed to the Chief, Air Compliance Branch, Enforcement Division, Environmental Protection Agency, Region VI, 1201 Elm Street, Dallas, Texas 75270.

Dated: September 1, 1976.

ELOY R. LOZANO,
Acting Regional Administrator.

[FR Doc.76-26902 Filed 9-13-76; 8:45 am]

FEDERAL MARITIME COMMISSION

[General Order 29]

MILITARY SEALIFT PROCUREMENT SYSTEM: RFP-1100, SECOND CYCLE UNIFORM CAPACITY UTILIZATION FACTOR

General Order 29, Sec. 549.5(b)(1), states that "at least 30 days prior to the bidding date for any RFP Cycle * * * the Commission will establish a uniform capacity utilization factor for each MSC trade route. Carriers will determine cargo unit cost on the basis of such factor or of the actual number of cargo units carried, whichever is greater." The bidding date for RFP-1100, Second Cycle is October 14, 1976. The RFP-1100, Second Cycle bids will be effective from January 1, 1977, through June 30, 1977.

The UCUFs for RFP-1100, Second Cycle were computed from cargo statistics obtained from the carriers involved in the Military Sealift Procurement System. The data for each MSC route index¹ was based on voyages terminating between July 1, 1975, and June 30, 1976.

Separate utilization factors were computed for containerized and breakbulk cargo and have been rounded to the nearest five (5) percent. Container data was reported in 20-foot equivalent units (1,280 cu. ft.). Breakbulk utilization was requested in stowed measurement tons.

¹ Exclusive of interport routes (e.g., Hawaii to Japan).

Where only one RFP carrier had an active U.S. flag service on a particular trade route, the Commission believes that it is improper to issue a UCUF on that trade route as it would specifically reveal significant operating data to possible competitors. For these routes, the notation "Use actual utilization" will replace a UCUF number. There were also a number of trade routes where no RFP carriers offered active U.S. flag service and where no RFP cargo was carried. These trade routes are indicated as such in the Appendixes.

Future Section 21 Orders for UCUF statistics beginning with the next request for data from July 1, 1976, through December 31, 1976, will ask for statistics for each of five subzones within breakbulk Route Indexes 01-A, 08-A, and 14-A. Bids for these breakbulk subzones, A-1 through A-5, for each of the three breakbulk Route Indexes, 01-A, 08-A, and 14-A, have become effective for the first time beginning July 1, 1976. Once data for two cycles covering twelve months has been received, a separate UCUF will be computed and published for each of the five subzones within the three affected breakbulk Route Indexes. UCUFs have been computed and published for the five subzones in container Route Indexes 01-A, 08-A, and 14-A beginning with the factors issued for RFP-1100, First Cycle.

Also for RFP-1100, First Cycle, initial bids were accepted for container Route Index 07-A, U.S. East Coast to Aquaba/Red Sea/Arabian Gulf Range, container Route Index 13-A, U.S. Gulf Coast to Aquaba/Red Sea/Arabian Gulf Range, and container and breakbulk Route Indexes 33, U.S. East Coast to Azore Islands. These Route Indexes were not bid on in previous cycles. UCUF statistics will be included with the next Section 21 Order response. Once data for twelve months has been received, a UCUF will be computed and published for each of the above mentioned Route Indexes.

During RFP-1000, Second Cycle, service began on breakbulk Route Index 46-A, U.S. Great Lakes to Western Mediterranean, and breakbulk Route Index 46-B, U.S. Great Lakes to Eastern Mediterranean. These Route Indexes have not been included in previous UCUF reports. Since only one carrier served these Route Indexes, the notation "Use actual utilization" is being published for each with the current UCUFs.

Notice is hereby given that pursuant to 46 CFR 549.5(b)(1), the Commission has adopted for RFP-1100, Second Cycle the UCUFs contained in Appendixes A and B of this notice.

By the Commission September 2, 1976.

JOSEPH C. POLKING,
Assistant Secretary.

APPENDIX A.—Uniform capacity utilization factors RFP-1100, 2d cycle by MSC route index and zone container carriers

Trade route, index, and zone	Geographical description	UCUF percentage
01 A1	U.S. west coast to mid-Pacific Islands.	(1)
01 A2	U.S. west coast to Korea.	85
01 A3	U.S. west coast to Okinawa.	85
01 A4	U.S. west coast to Hong Kong and Taiwan.	85
01 A5	U.S. west coast to Philippines.	85
01 B	U.S. west coast to Republic of Vietnam.	(2)
01 C	U.S. west coast to Thailand.	90
01 D	U.S. west coast to Pacific Straits and Indonesia.	85
01 E	U.S. west coast to Japan.	80
04	U.S. east coast to United Kingdom and Eire.	70
05	U.S. east coast to Continental Europe.	70
06 A	U.S. east coast to Western Mediterranean.	70
06 B	U.S. east coast to Eastern Mediterranean.	60
08 A1	U.S. east coast to mid-Pacific Islands.	(1)
08 A2	U.S. east coast to Korea.	90
08 A3	U.S. east coast to Okinawa.	90
08 A4	U.S. east coast to Hong Kong and Taiwan.	85
08 A5	U.S. east coast to Philippines.	90
08 B	U.S. east coast to Republic of Vietnam.	(2)
08 C	U.S. east coast to Thailand.	(1)
08 D	U.S. east coast to Pacific Straits and Indonesia.	85
08 E	U.S. east coast to Japan.	85
10 A	U.S. gulf coast to United Kingdom and Eire.	75
11 A	U.S. gulf coast to Continental Europe.	75
12 A	U.S. gulf coast to Western Mediterranean.	85
12 B	U.S. gulf coast to Eastern Mediterranean.	(1)
14 A1	U.S. gulf coast to mid-Pacific Islands.	(2)
14 A2	U.S. gulf coast to Korea.	90
14 A3	U.S. gulf coast to Okinawa.	90
14 A4	U.S. gulf coast to Hong Kong and Taiwan.	90
14 A5	U.S. gulf coast to Philippines.	90
14 B	U.S. gulf coast to Republic of Vietnam.	(2)
14 C	U.S. gulf coast to Thailand.	90
14 D	U.S. gulf coast to Pacific Straits and Indonesia.	90
14 E	U.S. gulf coast to Japan.	90
23	U.S. west coast to Continental Europe.	75
24	U.S. west coast to United Kingdom and Eire.	(1)
25 A	U.S. west coast to Western Mediterranean.	(1)
25 B	U.S. west coast to Eastern Mediterranean.	(2)
28 A	U.S. west coast to Canal Zone.	80
37	U.S. east coast to Dominican Republic.	(1)
39 A	U.S. east coast to Balboa, Canal Zone.	90
39 B	U.S. east coast to Cristobal, Canal Zone.	(1)
42	U.S. gulf coast to Dominican Republic.	(2)
43 A	U.S. gulf coast to Balboa, Canal Zone.	85

¹ Use actual utilization.
² No active RFP service.

APPENDIX B.—Uniform capacity utilization factors RFP-1100, 2d cycle by MSC route index and zone breakbulk carriers

Trade route index and zone	Geographical description	UCUF percentage
01 A	U.S. west coast to Hong Kong, Korea, mid-Pacific Islands, Philippines, Okinawa, and Taiwan.	55
01 B	U.S. west coast to Republic of Vietnam.	(¹)
01 C	U.S. west coast to Thailand and Cambodia.	(¹)
01 D	U.S. west coast to Pacific Straits and Indonesia.	(¹)
01 E	U.S. west coast to Japan.	55
04	U.S. east coast to United Kingdom and Eire.	(²)
05	U.S. east coast to Continental Europe.	(¹)
06 A	U.S. east coast to Western Mediterranean.	55
06 B	U.S. east coast to Eastern Mediterranean.	55
07 A	U.S. east coast to Aqaba, Red Sea, Arabian Gulf Range.	65
07 B	U.S. east coast to Pakistan, India, Burma Range.	65
08 A	U.S. east coast to Hong Kong, Korea, mid-Pacific Islands, Philippines, Okinawa, and Taiwan.	75
08 B	U.S. east coast to Republic of Vietnam.	(²)
08 C	U.S. east coast to Thailand and Cambodia.	(¹)
08 D	U.S. east coast to Pacific Straits and Indonesia.	(¹)
08 E	U.S. east coast to Japan.	75
10 A	U.S. gulf coast to United Kingdom and Eire.	70
11 A	U.S. gulf coast to Continental Europe.	70
12	U.S. gulf coast to Western Mediterranean.	(¹)
12 B	U.S. gulf coast to Eastern Mediterranean.	(¹)
13 A	U.S. gulf coast to Aqaba, Red Sea, Arabian Gulf Range.	65
13 B	U.S. gulf coast to Pakistan, India, Burma Range.	65
14 A	U.S. gulf coast to Hong Kong, Korea, mid-Pacific Islands, Philippines, Okinawa, and Taiwan.	95
14 B	U.S. gulf coast to Republic of Vietnam.	(²)
14 C	U.S. gulf coast to Thailand and Cambodia.	85
14 D	U.S. gulf coast to Pacific Straits and Indonesia.	80
14 E	U.S. gulf coast to Japan.	90
28 A	U.S. west coast to Balboa, Canal Zone.	(¹)
37	U.S. east coast to Dominican Republic.	(¹)
39 A	U.S. east coast to Balboa, Canal Zone.	(¹)
39 B	U.S. east coast to Cristobal, Canal Zone.	(¹)
42	U.S. gulf coast to Dominican Republic.	(¹)
43 A	U.S. gulf coast to Balboa, Canal Zone.	(¹)
43 B	U.S. gulf coast to Cristobal, Canal Zone.	(¹)
46 A	U.S. Great Lakes to Western Mediterranean.	(¹)
46 B	U.S. Great Lakes to Eastern Mediterranean.	(¹)
47 A	U.S. west coast to Aqaba, Red Sea, Arabian Gulf Range.	(¹)
47 B	U.S. west coast to Pakistan, India, Burma Range.	(²)

¹ Use actual utilization.
² No active RFP service.

[FR Doc. 76-26705 Filed 9-10-76; 8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RM76-18]

PETITION FOR POLICY STATEMENT ON CERTIFICATION OF PIPELINE AGREEMENTS FOR THE TRANSPORTATION OF NATURAL GAS

Order Dismissing Petition

SEPTEMBER 8, 1976.

In the matter of Petition for a statement of policy with respect to certification of pipeline transportation agreements for the transportation of natural gas obtained from intrastate producers or intrastate pipeline companies to be used as boiler fuel for the purpose of abating air pollution episodes in critical air basins.

On June 21, 1976, the California State Air Resources Board (ARB), the People of the State of California, and the Public Utilities Commission of the State of California (California) jointly filed in Docket No. RM76-18 a petition requesting the Commission to grant extraordinary relief in the nature of a policy statement to permit the transportation of up to 400 million cubic feet per day of natural gas to be used as a boiler fuel to avoid or abate air pollution emergency episode conditions of sulfates in the South Coast and San Diego Air Basins during the summer months for the next several years. Specifically, Petitioners request that the Commission issue a general policy statement, which will allow the following:

(1) boiler fuel users in critical air basins in Southern California will be permitted to purchase nonjurisdictional natural gas for transportation via jurisdictional pipelines for storage and use to prevent or abate air pollution emergency conditions;

(2) Purchases will be made from intrastate producers and intrastate pipelines outside of California for daily delivery up to 120 days in the maximum amount of 400,000 Mcf/d during July, August, September, and October of 1976 and thereafter; and

(3) Said purchases of gas qualify in principle for certificates of public convenience and necessity for transportation by jurisdictional pipelines, pursuant to Section 7 of the Natural Gas Act.

Petitioners assert that portions of the population of Southern California will experience air pollution emergency episode conditions consisting of extreme concentrations of sulfate aerosol pollution occurring simultaneously with hazardous concentrations of oxidant air pollution. Due to the meteorological conditions existing in the South Coast and San Diego Air Basins during the summer and early fall, they assert such form of

air pollution exists "virtually exclusively in Southern California". Petitioners contend the only "practical method" to prevent such conditions is to reduce the emission of sulfur dioxide into the atmosphere by forbidding the burning of any fuel other than natural gas by power plants and other boiler fuel users in the affected air basins when such conditions are experienced or predicted to occur.

Petitioners maintain that both natural gas producers and non-jurisdictional pipelines are willing to sell to Southern California power plant operators and other boiler fuel users more than 300,000 Mcf per day during the summer of 1976. In order to facilitate such sales, Petitioners request that the Commission approve the necessary interstate pipeline transportation for movement of such gas for boiler fuel use. Petitioners allege Southern California Gas Company (SO-CAL) would store the gas for boiler fuel use on critical days and would have the capability of delivering as much as 650,000 Mcf per day on 26 days during this period. Pacific Gas and Electric (PG&E) has alleged in a supplemental filing that it has the capability of storing and delivering natural gas supplies at a rate of 250,000 Mcf per day.

We have thoroughly reviewed this petition and have concluded that it should be dismissed without prejudice at this time. Not only does the petition appear to be a premature filing in light of the status of the administrative hearings dealing with this environmental issue currently being conducted by the California Commission and this Commission, but it raises broad policy considerations with numerous potential social and economic consequences. The basic policy issue is whether supplies of natural gas should be allocated to boiler fuel use, a use for which to abate air pollution. The evaluation of this policy cannot be limited to the scope as framed by petitioners. An adequate analysis and evaluation of this policy involves the consideration of the technological ability to measure the adverse health effects and quantify the extent to which sulfate pollution must be controlled, establish an ambient sulfate standard, enforce the standard to eliminate the alleged adverse health effects. Moreover, it is necessary to project the potential effect on the gas supply and demand relationship in the intrastate and interstate markets, the potential economic costs to consumers if such an allocation were implemented, the potential effect on those consumers who would lose their current gas supply and the availability of alternate fuels. In order to review and assess these questions, coordination with various federal agencies to obtain the relevant data and information is necessary.

We have therefore concluded that this Commission should conduct an inter-agency review of this policy question in conjunction with the Federal Energy Administration and the Environmental Protection Agency and have already initiated such review. Our intent is not to delay the resolution of this issue but to ensure that our approach is thorough rather than haphazard. Upon completion of our review we shall take whatever action we find appropriate.

As previously mentioned, there are additional considerations which have influenced our decision to analyze the overall issue prior to focusing on the Southern California problem. In order Nos. 467, *et seq.*, the Commission has already provided a mechanism whereby supplies of natural gas may be reallocated to deal with environmental emergencies under curtailment plans. Order No. 467-A requires pipelines to file tariffs with the Commission which allow sufficient flexibility to respond to "environmental emergencies during periods of curtailment when supplemental deliveries are required to forestall irreparable injury to life or property". It is relevant to our consideration that there has not been an occasion where El Paso Natural Gas Pipeline, the pipeline supplying Southern California, received a request to respond to an environmental emergency, or where California filed such a direct request with the Commission. This alternate procedure for allocating natural gas to abate pollution has not been utilized.

In the emergency provision, we have created an exception to our general policy that the use of natural gas as boiler fuel constitutes an inferior use. To expand that exception to allow the use of intrastate supplies, an integral part of our analysis, would require our review of the current status of curtailment on El Paso' system and its effects. The dimensions of the environmental problems confronting Southern California have been fully developed in the ongoing El Paso curtailment proceeding, Docket No. CP 72-6. Briefs of these issues have been filed with the Administrative Law Judge. The granting of this petition now would appear to ignore the existence of this record evidence and require the duplication of the foregoing evidence.

The petition itself sets out a problem which is local in nature. Simultaneously with this filing, ARC filed a request for relief with the Public Utilities Commission for the State of California which has the jurisdiction to effectuate a state-wide reallocation of the State's gas supply. The administrative hearing on the petition is currently in progress. As the primary responsibility for dealing with Sulfate pollution lies with the state, any action by this Commission would appear premature, prior to the exhaustion of the available administrative remedies at the state level.

The Commission orders: The petition filed by the California State Air Resources Board, the People of the State of California, and the Public Utilities Commission of the State of California, in

Docket No. RM76-18, on June 21, 1976, is hereby dismissed without prejudice.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26854 Filed 9-13-76; 8:45 am]

[Docket No. RP73-77 (PGA76-5)]

ALABAMA-TENNESSEE NATURAL GAS CO.

Proposed PGA Rate Adjustment

SEPTEMBER 3, 1976.

Take notice that on August 9, 1976, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), P.O. Box 918, Florence, Alabama 35630, tendered for filing as part of its FPC Gas Tariff, Third Revised Volume No. 1, Eighteenth Revised Sheet No. 3-A, Superseding Seventeenth Revised Sheet No. 3-A. This revised tariff sheet is proposed to become effective as of September 1, 1976.

Alabama-Tennessee states that the sole purpose of such revised tariff sheet is to adjust its rates pursuant to the PGA provisions of Section 20 of the General Terms and Conditions of its tariff to reflect changed rates proposed to become effective September 1, 1976, by its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco Inc.

The revised tariff sheet provides for the following rates:

Rate schedule:	Rate
G-1:	
Demand	\$3.15
Commodity	81.73
SG-1:	
Commodity	1.0475
I-1:	
Commodity	92.09

Alabama-Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected State regulatory Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10).

All such petitions or protests should be filed on or before September 24, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26778 Filed 9-13-76; 8:45 am]

[Docket No. RP76-116, etc.]

**ALABAMA-TENNESSEE NATURAL GAS CO.,
ET AL.**

**Hearing Dates, Revising and Cancelling
Hearing Dates and of Commission Staff's
Presentation**

SEPTEMBER 1, 1976.

In the matter of: Alabama-Tennessee
Natural Gas Company, Arkansas-Louisiana

Gas Company, Cities Service Gas Company, Columbia Gas Transmission Corporation, East Tennessee Natural Gas Company, Eastern Shore Natural Gas Company, El Paso Natural Gas Company, Lawrenceburg Gas Transmission Corporation, Louisiana-Nevada Transit Company, Mid-Louisiana Gas Company, Northwest Pipeline Corporation, Panhandle Eastern Pipe Line Company, Tennessee Natural Gas Lines, Inc., Texas Gas Transmission Corporation, Transcontinental Gas Pipe Line Corporation, Transwestern Pipeline Company, Trunkline Gas Company, United Gas Pipe Line Company, Texas Eastern Transmission Corporation; Docket Nos. RP76-116, RP76-117, RP76-118, RP76-119, RP76-120, RP76-121, RP76-122, RP76-123, RP76-124, RP76-125, RP76-126, RP76-127, RP76-128, RP76-129, RP76-130, RP76-131, RP76-132, RP76-133, RP76-134.

By Notice of August 10, 1976, and pursuant to the directives prescribed in the Commission's order issued on July 20, 1976, in the above-styled proceedings we fixed certain hearing dates for the purpose of convening formal hearings with respect to particular interstate pipeline companies as provided for in the latter order.

After receipt of the data requested with respect to the proceeding relating to Cities Service Gas Company in Docket No. RP76-118, it was decided that no purpose would be served by convening a formal hearing with respect to that proceeding as provided in the Commission's July 20, 1976, order. The hearing scheduled in that proceeding in our August 10, 1976, Notice is therefore canceled.

The hearing presently scheduled for September 7, 1976, by the aforementioned August 10, 1976, Notice issued in these proceedings in Texas Eastern Transmission Corporation in Docket No. RP76-134 has been changed to September 16, 1976, to accommodate certain parties.

In the August 10, 1976, order we further indicated that formal hearings were not contemplated with respect to certain pipeline companies unless specified by Commission Notice issued on or before September 3, 1976. After receipt of the data submitted pursuant to the July 20, 1976, order we find that it will be necessary to convene a formal hearing with respect to Eastern Shore Natural Gas Company, in Docket No. RP76-121. Formal hearings with respect to this pipeline will be convened in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426 on September 16, 1976, at 10:00 a.m. (EDT).

At all of the formal hearings convened in the above-styled proceedings, the Commission Staff will present exhibits and reports that will incorporate data taken from Federal Energy Administration (FEA) Form Numbers G-101-Q-0 and G-101-P-1 in addition to data taken from FPC Form No. 69. Any person having any objection to the incorporation of this data into the exhibits and reports proposed to be introduced by the Commission Staff should come forward in these hearings and specifically make

known his objection to the presentation by the Commission Staff of this information in these proceedings.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26788 Filed 9-13-76; 8:45 am]

[Docket No. RP72-110, PGA 76-10a and
PGA 76-11a]

ALGONQUIN GAS TRANSMISSION CO.

Purchased Gas Cost Adjustment

SEPTEMBER 2, 1976.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas"), on August 25, 1976, tendered for filing Substitute Eighteenth Revised Sheet No. 10 and Substitute Nineteenth Revised Sheet No. 10 to its FPC Gas Tariff, First Revised Volume No. 1.

These sheets are being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provisions set forth in Section 17 of the General Terms and Conditions of its FPC Gas Tariff, First Revised Volume No. 1. The rate changes are being filed to reflect revised rates filed by its supplier, Texas Eastern Transmission Corporation, on August 16 1976.

The proposed effective dates of these tariff sheets are August 2, 1976, and September 1, 1976, respectively.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26792 Filed 9-13-76; 8:45 am]

[Docket No. ER76-21]

AMERICAN ELECTRIC POWER SERVICE CORP.

Electric Rates Settlement

SEPTEMBER 8, 1976.

Proceedings in the captioned docket were initiated on July 24, 1975, when American Electric Power Service Corporation (AEP) tendered for filing on behalf of its affiliate, Indiana & Michigan Electric Company (I&M), a proposed supplement to the November 27, 1961, Interconnection Agreement between I&M and Illinois Power Company (Illinois).¹

¹ AEP's July 24, 1975 submittal was found to be deficient, and AEP was so notified by the Commission Secretary. The deficiency was cured by AEP's filing of additional material on September 2, 1975.

The sole purpose of the proposed supplement was to increase the minimum energy charge for Emergency Service from 17.5 mills per kilowatt-hour to 35 mills per kilowatt-hour.

By order issued October 1, 1975, the Commission accepted the proposed supplement for filing, suspended its use until March 2, 1976, and established hearing procedures to determine the lawfulness of the increased rate proposed therein.

After service of prepared testimony by I&M and Staff, an informal conference was convened (pursuant to a May 4, 1976, notice of the Commission Secretary) on May 14, 1976, at the Commission's offices. Representatives of both I&M and Staff, the only parties to the proceeding, and Illinois, the only customer affected by the subject filing, were present. As a result of such conference, I&M agreed to amend the proposed supplement to the I&M-Illinois Interconnection Agreement to reduce the minimum energy charge for Emergency Service from 35 mills per kilowatt-hour to 30 mills per kilowatt-hour.

On June 22, 1976, I&M filed a letter agreement with Illinois dated June 10, 1976. That agreement amends the subject Interconnection Agreement to establish 30 mills as the minimum energy charge for Emergency Service. Concurrently with the filing of the letter agreement, I&M filed a motion with Presiding Administrative Law Judge Max L. Kane to certify the letter agreement to the Commission. I&M's motion further requested that the Commission accept and approve the letter agreement as a settlement of the instant docket and terminate proceedings herein.

On June 24, 1976, I&M's June 22 motion was granted by Judge Kane, and the subject letter agreement was certified to the Commission.

Public notice of Judge Kane's certification was issued on June 30, 1976, providing that any comments with respect thereto should be filed on or before July 16, 1976. Staff timely filed comments supporting the settlement and urging Commission approval of the June 10, 1976, letter agreement between I&M and Illinois.

The Commission's review of the settlement rate level indicates that it represents a reasonable resolution of the issues presented in this proceeding and is in the public interest. Accordingly, the June 10, 1976, letter agreement between I&M and Illinois which incorporates the settlement rate shall be accepted for filing, approved and made effective as of March 2, 1976. In conjunction with acceptance and approval of the letter agreement, the Commission shall require I&M to: (1) refund all amounts collected since March 2, 1976, in excess of the settlement rate level, together with interest calculated at nine percent per annum; and (2) file refund compliance reports.

The Commission finds: The June 10, 1976, letter agreement between I&M and Illinois, certified to the Commission by the Presiding Administrative Law Judge

on June 24, 1976, should be accepted for filing, approved and made effective as of March 2, 1976.

The Commission orders: (A) The June 10, 1976, letter agreement between I&M and Illinois, certified to the Commission by the Presiding Administrative Law Judge on June 24, 1976, is hereby accepted for filing, approved and made effective as of March 2, 1976.

(B) Within 30 days of issuance of this order, I&M shall refund to Illinois all amounts collected since March 2, 1976, in excess of the settlement rate level, together with interest calculated at nine percent per annum.

(C) I&M shall file with the Commission a report within 15 days after the refunds described in paragraph (B), supra, have been made. Such report shall show, for the entire refund period, monthly billing determinants and revenues under prior, present and settlement rates. The report shall also show the monthly interest computation, together with a summary of such information for the entire refund period.

(D) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, I&M or any other party or person affected by this order in any proceedings now pending or hereafter instituted by or against I&M or any other person or party.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26861 Filed 9-13-76; 8:45 am]

[Docket Nos. CP76-215; CP76-261]

ARKANSAS LOUISIANA GAS CO. AND TEXAS EASTERN TRANSMISSION CORP.

Exchange of Natural Gas

SEPTEMBER 1, 1976.

Take notice that on August 25, 1976, Arkansas Louisiana Gas Company (Arkla), P.O. Box 1734, Shreveport, Louisiana 71151, and Texas Eastern Transmission Corporation (Texas Eastern), P.O. Box 2521, Houston, Texas 77001, filed in Docket Nos. CP76-215 and CP76-261, respectively, a joint amendment to their applications filed in said dockets for certificates of public convenience and necessity pursuant to Section 7(c) of the Natural Gas Act authorizing the exchange of natural gas, by which amendment Applicants propose to exchange natural gas at a point in addition to those set forth in their certificate applications, all as more fully set forth in the amendment on file with the Commission and open to public inspection.

In addition to the authorization sought in their initial applications Applicants now seek authorization for Texas Eastern to deliver to Arkla up to 4,000 Mcf of

gas at a mutually agreeable point on Arkla's 4-inch pipeline in NW 1/4 Sec. 8, T. 16 N., R. 16 W., Caddo Parish, Louisiana, in return for gas to be delivered by Arkla to Texas Eastern at Arkla's Waskom Products Extraction Plant in East Texas. It is stated that Texas Eastern would construct and operate facilities at the Caddo Parish exchange point under budget-type certificate authorization granted in Docket No. CP76-123.

The amendment states that implementation of the proposed exchange would enable Texas Eastern to receive gas into its interstate system from properties which could not otherwise be feasibly connected directly to its system. Further, it is stated that Arkla has ample capacity on its system to render the contemplated service.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before September 30, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-26789 Filed 9-13-76; 8:45 am]

[Docket No. ER76-862]

CAROLINA POWER & LIGHT CO.

Filing of Revised Agreements

SEPTEMBER 2, 1976.

Take notice that Carolina Power & Light Company on August 16, 1976, tendered for filing with the Federal Power Commission changes outlined below in its agreements with certain electric membership corporations and municipalities.

1. *Carteret-Craven EMC*—A change in the location of the point of delivery and the delivery voltage for the Atlantic Point of Delivery.

2. *City of Lumberton*—A revised Exhibit A to incorporate in the Service Agreement delivery of metering pulse information to the City.

3. *City of New Bern*—The filing of a new Service Agreement for the establishment of a new point of delivery at 115 KV to be known as Glenburnie. The initial load to be served at this point of delivery will be transferred from an existing 23 KV point of delivery.

4. *Pee Dee EMC*—The termination and cancellation of Ellerbe 115 KV Point of Delivery. The load previously served at this point of delivery was transferred to South Ellerbe. A revised Exhibit A for South Ellerbe

Point of Delivery to change the name from Ellerbe South to South Ellerbe and to correctly define the location of the point of metering and the point of delivery.

5. *Town of Selma*—The establishment of a new point of delivery at 12 KV to be known as Ricks Road. The initial load to be served at this point of delivery will be transferred from an existing 4 KV point of delivery.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 15, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-26793 Filed 9-13-76; 8:45 am]

[Docket No. CP76-485]

CITIES SERVICE GAS CO.

Construction and Operation of Pipeline Facilities

SEPTEMBER 3, 1976.

Take notice that on August 17, 1976, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP76-485 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7(b) of the Regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1977, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers and other similar sellers thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally co-extensive with its pipeline system or the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant.

Applicant states that the total cost of the proposed facilities would not exceed \$6,000,000 and that no single project would exceed \$1,500,000. These costs would be financed with treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 28, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a

petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-26779 Filed 9-13-76; 8:45 am]

[Docket No. CP76-486]

CITIES SERVICE GAS CO.

Application To Abandon Service and Facilities

SEPTEMBER 3, 1976.

Take notice that on August 17, 1976, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP76-486 an application pursuant to Section 7(b) of the Natural Gas Act and Section 157.7(e) of the Regulations thereunder (18 CFR 157.7(e)) for permission and approval to abandon, during the calendar year 1977, direct sale service and facilities no longer required for deliveries of natural gas to Applicant's customers, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in abandoning service and removing direct sale measuring, regulating, and related facilities. Applicant states that it would abandon service and facilities only when deliveries to any one direct sale customer would not have exceeded 100,000 Mcf of natural gas during the last year of service.

The application states further that Applicant would not abandon any service unless it would have received a written request or written permission from the customer to terminate service. In the event such request or permission could not be obtained, a statement certifying that the customer has no further need for service would be filed with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 29, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26780 Filed 9-13-76; 8:45 am]

[Docket No. CP76-488]

CITIES SERVICE GAS CO.

Application

SEPTEMBER 3, 1976.

Take notice that on August 17, 1976, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP76-488 an application pursuant to Section 7(c) of the Natural Gas Act and Section 157.7 (c) of the Regulations thereunder for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1977, and operation of facilities to make miscellaneous rearrangements on its system, all as more

fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with dispatch in making miscellaneous rearrangements which would not result in any change in gas sales or transportation services presently rendered by Applicant. Applicant states that the proposed facilities would not exceed a total cost of \$300,000, which would be financed with treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 30, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26781 Filed 9-13-76; 8:45 am]

[Docket No. CP76-503]

COLORADO INTERSTATE GAS CO.

Application

SEPTEMBER 8, 1976.

Take notice that on August 30, 1976, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP76-503 an application pursuant to Section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)) for a certificate of public convenience and necessity author-

izing the construction, during the calendar year 1977, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which would be purchased from producers or other similar sellers thereof, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to enable Applicant to act with reasonable dispatch in connecting to its pipeline system supplies of natural gas which may become available from various producing areas generally co-extensive with its pipeline system or with the systems of other pipeline companies which may be authorized to transport gas for the account of or exchange gas with Applicant.

Applicant states that the total cost of the proposed facilities would not exceed \$6,000,000 and that no single project would exceed a cost of \$1,500,000. These costs would be financed with current working funds on hand, funds from operations, short-term borrowings, or long-term financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 5, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26863 Filed 9-13-76; 8:45 am]

[Docket No. CP76-504]

COLORADO INTERSTATE GAS CO.**Application**

SEPTEMBER 8, 1976.

Take notice that on August 30, 1976, Colorado Interstate Gas Company (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP76-504 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7(c) of the regulations thereunder (18 CFR 157.7(c)) for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1977, and operation of facilities to make miscellaneous rearrangements on its system, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in making miscellaneous rearrangements which would not result in any change in gas sales or transportation services presently rendered by Applicant. Applicant states that the proposed facilities would not exceed a total cost of \$300,000.

Any person desiring to be heard or to make any protests with reference to said application should on or before October 6, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-26862 Filed 9-13-76; 8:45 am]

[Docket No. CP76-484]

COLUMBIA GAS TRANSMISSION CORP.**Application**

SEPTEMBER 3, 1976.

Take notice that on August 17, 1976, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP76-484 an application pursuant to Section 7(c) of the Natural Gas Act and § 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas for Weirton Steel Division of National Steel Corporation (Weirton) from a point on Applicant's Line O-58 in Seneca Township, Noble County, Ohio, to existing points of delivery to Columbia Gas of West Virginia, Inc., a resale customer of Applicant and supplier of Weirton, in Hancock County, West Virginia, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport for two years up to 3,500 Mcf of gas per day purchased by Weirton from David S. Towner, d/b/a David S. Towner Enterprises (Towner). It is stated that Towner has agreed to sell an average daily firm volume of 2,000 Mcf per day from production in Guernsey and Noble Counties, Ohio, and on a best-efforts basis from November 1, 1976, through April 1, 1977, to make 2,700 Mcf of gas per day available to Weirton. The gas would be purchased by Weirton for \$1.95 per Mcf at 14.73 psia the first year and \$2.03 per Mcf at 14.73 psia the second year. The application indicates that the gas is not available to Applicant because the intrastate market is available and because marginal reserves such as these cannot be developed for the regulated interstate market because of the high cost of development.

Applicant proposes to charge for the transportation service 21.99 cents per Mcf at 14.73 psia. Applicant would retain for company-use and unaccounted-for gas 3.6 percent of the gas received for transportation.

The application states that Weirton would use the gas proposed to be transported in the production of steel products at its facilities in Weirton, West Virginia. In an affidavit included in the application Weirton states that the gas would be used in continuous annealing furnaces, galvanizing line annealing furnaces, and refractory heating units, all of which must use gaseous fuel to preclude deleterious effects on the steel being processed and the brick being heated.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 28, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with

the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-26782 Filed 9-13-76; 8:45 am]

[Docket No. E-8952]

CONNECTICUT LIGHT & POWER CO.**Electric Rates Settlement**

Issued: September 8, 1976.

On August 2, 1974, The Connecticut Light and Power Company (CL&P) tendered for filing the so-called R-2 rate increase which would increase revenues from six municipal customers¹ and Bozrah Light and Power Company (Bozrah) by \$1,084,000 based upon a calendar 1974 test year. By order issued August 30, 1974, the Commission, inter alia, suspended the proposed rate increase for one day, until September 2, 1974, when it went into effect subject to refund, and set the matter for hearing. After the service of evidence a settlement was reached among the parties. On July 21, 1976, the Presiding Administrative Law Judge certified the Settlement Agreement to the Commission. On July 27, 1976, the Secretary issued notice of the certification with comments due on or before August 16, 1976. Staff alone filed Comments on August 16, 1976, in which it supported the Settlement Agreement with the reduction in rates and refunds, and urged prompt Commission approval thereof.

The Settlement Agreement was entered into by CL&P and the municipalities and will be made available to Bozrah. The R-2 rate increase applies for the locked-in period from September 2, 1974, until March 2, 1976. The Settlement

¹ The City of Groton; Borough of Jewett City; Second Taxing District, City of Norwalk; Third Taxing District, City of Norwalk; City of Norwich; Town of Wallingford.

Agreement provides for total refunds of \$1,009,992 with interest for the locked-in period to be refunded among the customers on a Kwh basis based upon sales for the locked-in period. The Commission's review of the Settlement Agreement, including the record and the filings, documents, and pleadings submitted, indicates that it represents a just and reasonable resolution of the issues in this proceeding and accordingly the Settlement Agreement should be approved.

The Commission finds: The Settlement Agreement in this proceeding certified by the Presiding Administrative Law Judge on July 21, 1976, is reasonable and proper and in the public interest in carrying out the provisions of the Federal Power Act and should be approved, as hereinafter ordered and conditioned.

The Commission orders: (A) The Settlement Agreement in this proceeding certified by the Presiding Administrative Law Judge on July 21, 1976, is hereby accepted, incorporated herein by reference, and approved and permitted to become effective as of September 2, 1974, subject to the following conditions.

(B) Within thirty days of the issuance of this order, in accordance with Article II of the Settlement Agreement, CL&P shall make refunds according to the Settlement Agreement to its customers, with interest at the rate of 7% per annum for amounts collected subject to refund from September 2, 1974, to October 10, 1974, and at the rate of 9% per annum for the amounts collected subject to refund on or after October 10, 1974, to March 2, 1976. Further, the interest rate of 9% per annum shall be the applicable interest rate accruing on and after October 10, 1974, on excess rates and charges collected prior to October 10, 1974.

(C) CL&P is further directed, in accordance with Article II of the Settlement Agreement, to file a report of compliance, within ten days of making the refunds ordered in paragraph (C), showing monthly billing determinants and revenues under prior, present and settlement rates. Such report should also show for each schedule the monthly settlement rate increase, the monthly rate refund, and the monthly interest computation, together with a summary of such information for the total refund period. At the same time, CL&P shall file rate schedules appropriate to reflect the provisions of the Settlement Agreement.

(D) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, CL&P, the municipalities, Bozrah, or by any other party or person affected by this order in any proceeding now pending or hereinafter instituted by or against CL&P or any other person or party.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26864 Filed 9-13-76;8:45 am]

[Docket No. ER76-865]

DUKE POWER CO.

Tendered Contract Supplement

SEPTEMBER 2, 1976.

Take notice that on August 19, 1976, Duke Power Company tendered a supplement to its electric power contract with the City of Concord. Duke Power states that the supplement provides for an increase in contract demand from 40,000 KW to 50,000 KW made at the request of the customer.

The requested effective date is September 20, 1976. Duke Power states that a copy of the filing has been mailed to the customer.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26794 Filed 9-13-76;8:45 am]

[Docket Nos. E-9521, E-9522]

GEORGIA POWER CO.

Extension of Procedural Dates

SEPTEMBER 2, 1976.

Oglethorpe Electric Membership Corporation has filed a motion to extend the procedural dates fixed by order issued October 29, 1975, as most recently modified by notice issued July 27, 1976, in the above-designated proceeding.

Notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor Testimony, September 27, 1976.

Service of Company Rebuttal, October 29, 1976.

Hearing, November 18, 1976.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26795 Filed 9-13-76;8:45 am]

[Docket No. E-9446]

GREEN MOUNTAIN POWER CORP.

Electric Rates Settlement

Issued: September 8, 1976.

On June 8, 1976, Green Mountain Power Corporation (Green Mountain) filed a settlement agreement which, if approved, would resolve all issues in the above-captioned proceeding. The Commission finds the settlement is reasonable and should be approved.

This proceeding was initiated when on May 15, 1975, Green Mountain tendered for filing an application for an increase in rates to its nine wholesale customers: the Villages of Harwick, Jacksonville, Morrisville, Northfield, Readsboro and Stowe, Vermont, and the New Hampshire Electric Cooperative, the Vermont Electric Cooperative and the Washington Electric Cooperative. Based on the twelve months ending December 31, 1974, the rates proposed by Green Mountain would provide an increase in revenues from such customers of \$955,956. By order issued June 13, 1976, the Commission accepted Green Mountain's application for filing and suspended the proposed rates until September 16, 1975, at which time they became effective subject to refund. The Commission ordered that a hearing be held with respect to Green Mountain's application and rejected that portion of Green Mountain's proposed rates which was based on the inclusion of construction work in progress in rate base. The affected wholesale customers of Green Mountain were permitted to intervene.

Settlement conferences ensued which were attended by representatives of Green Mountain, the intervening customers, the staff and the Vermont Public Service Board. Those discussions resulted in a proposed settlement agreement which was filed on June 8, 1976, by Green Mountain with a motion requesting that the Commission approve the settlement without modification.

On June 16, 1976, public notice of the proposed settlement agreement was issued by the Commission, providing for comments by interested parties to be submitted on or before June 30, 1976. On June 17, 1976, the Staff filed comments in support of the proposed settlement. On July 30, 1976, Green Mountain tendered for filing modified copies of the proposed revised tariff sheets, notice of which was issued August 5, 1976, with comments by interested parties due on or before August 16, 1976. No additional comments were received.

Under the terms of the settlement, Green Mountain's proposed increase in rates would be reduced from \$955,956 to \$783,000 annually. Green Mountain agrees not to file for any increase in its rates to its wholesale customers which might become effective prior to March 1, 1977. Moreover, Green Mountain agrees to make refunds to its customers of all revenues collected since September 16, 1975, in excess of revenues which would

be collected under the settlement rates, together with interest at 9 percent per annum.

Based upon a review of the record in this proceeding, including the settlement agreement and the cost of service attached thereto, the Commission finds that the proposed settlement agreement represents a reasonable resolution of the issues in this proceeding in the public interest and that the settlement should accordingly be approved and adopted.

The Commission finds: The proposed settlement agreement should be approved and made effective as hereinafter ordered.

The Commission orders: (A) The settlement agreement filed by Green Mountain in this docket on June 8, 1976, is incorporated herein by reference and is approved, effective September 16, 1975.

(B) Within 15 days from the date of this order, Green Mountain shall file revised rate schedules in conformity with the terms of the settlement agreement.

(C) Within 30 days after Green Mountain's revised rate schedules are accepted for filing, Green Mountain shall make refunds to its customers based on the approved settlement rates, together with interest at the rate of nine percent per annum.

(D) Within 15 days after refunds are made, Green Mountain shall submit to the Commission a report of refunds showing the monthly billing determinants and revenues by customer under the prior, present, and settlement rates. The report should also show for each customer and for the total tariff group, the monthly settlement rate increase, the monthly rate refund, and the monthly interest computation, together with a summary of such information for the total refund period.

(E) This order is without prejudice to any findings or orders which have been made or which will hereafter be made by the Commission, and is without prejudice to any claim or contentions which may be made by the Commission, its Staff, or any party or person affected by this order, in any proceeding now pending or hereinafter instituted by or against Green Mountain or any person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission,

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26865 Filed 9-13-76;8:45 am]

[Docket No. CI64-26]

GULF OIL CORP.

Order Granting Late Intervention

Issued: September 2, 1976.

On November 7, 1976, the Commission issued an Order to Show Cause why Gulf was not in violation of its certificate obligations under the Natural Gas Act. Texas Eastern Transmission Company was also made respondent to these proceedings. On January 13 through 15, 1976, and March 2 and 3, 1976, hearings were held

in this matter. Briefing by all parties was completed by May 28. The Presiding Administrative Law Judge issued his initial decision on August 13, 1976.

A late petition to intervene was filed on July 12, 1976, by the customers of Philadelphia Gas Works, (PGW) which itself is a customer of Texas Eastern, and an intervenor in this proceeding. On July 21, 1976, Gulf Oil Corporation (Gulf) filed an answer opposing the Customers' petition which answer alleges that Petitioners have no interest requiring intervention under § 1.8 of the Commission's rules and that if such "interests" exist they are adequately represented by the other parties to this proceeding.

On July 22, 1976, PGW filed an answer opposing the petition which answer avers that the interests of PGW's customers have and are adequately being represented by PGW in the above-docketed proceeding.¹

Having reviewed the above petition to intervene we believe the customers have a separate and sufficient interest from PGW and the other parties to warrant their intervention in this docket.

The Commission finds: (1) The participation by the customers of Philadelphia Gas Works as intervenor in this proceeding may be in the public interest.

(2) Good cause exists to allow the late-filed petition to intervene upon the specific condition that the late filing shall not be the basis for any delay in the proceeding and that the petitioner to intervene take the record as it now stands.

The Commission orders: (A) The customers of Philadelphia Gas Works are permitted to intervene in these proceedings subject to the Rules and Regulations of the Commission; *Provided, however*, That the participation of such intervenor shall be limited to the matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided further*, That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The petitioner shall take the record in Docket No. CP75-347 as it now stands.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission,

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26795 Filed 9-13-76;8:45 am]

¹ PGW's additional allegation of a violation of professional ethics by counsel for PGW's customers, the answer thereto by PGW's customers filed on July 30, 1976, and the reply to such answer filed on August 9, 1976, have no bearing on our ruling with respect to the petition to intervene. Appearances and practice before this Commission are governed by Section 1.4 of the Rules of Practice and Procedure. Our action here in granting intervention is without prejudice to whatever future action, if any, we may take concerning PGW's allegation of unethical conduct.

[Docket No. E-7201]

INTERIOR DEPARTMENT AND SOUTHWESTERN POWER ADMINISTRATION

Confirmation and Approval of Rates

SEPTEMBER 2, 1976.

Pursuant to Section 5 of the Flood Control Act of 1944 (58 Stat. 887, 890), the Secretary of the Interior (Interior), on behalf of the Southwestern Power Administration (SWPA), filed a request on July 6, 1976, seeking Commission extension of its confirmation and approval of the current rate for the sale of Sam Rayburn Dam Project power and energy to the Sam Rayburn Dam Electric Cooperative, Inc. (Cooperative) for a period ending not later than September 30, 1976.

By order issued on March 5, 1971, the Commission confirmed and approved the rate for the sale of the entire output of the Sam Rayburn Dam Project to the Sam Rayburn Electric Cooperative, Inc. for a period ending not later than December 31, 1975. Payment for the project output amounts to \$1,030,000 per year under the current rates. By Order on Rehearing, issued April 29, 1971, the Commission denied a petition by the Cooperative for rehearing and stay of the Commission's Order of March 5, 1971. The Commission, by Order issued on March 8, 1976, approved a request by Interior to extend confirmation and approval of the rates through June 30, 1976.

The Sam Rayburn project, constructed and operated by the Corps of Engineers, is located on the Angelina River in eastern Texas. The project was constructed for purposes of flood control, hydroelectric power generation, and other purposes. The Hydroelectric plant contains 52,000 kilowatts of installed capacity equally divided between two units. Average annual generation from the project is about 118.4 million kilowatt-hours, all of which is sold to the Cooperative under the terms of SWPA's contract No. 14-02-0001-1124. The project is isolated from SWPA's interconnected system, but lies within the service area of Gulf States Utilities Company (Gulf States).

SWPA has contracted to sell the entire project output to the Cooperative for an annual payment of \$1,030,000. A companion contract between the Cooperative and Gulf States provides for the former to deliver the entire net output of the project to Gulf States for the same price that the Cooperative pays SWPA. Gulf States, in addition, agrees to sell each year amounts of energy to four municipalities, which are members of the Cooperative, equal in the aggregate to the average annual energy generated at the project, and to meet the total power requirements of two other members of the cooperative.

Interior's filing states that a rate and repayment study has been prepared by SWPA, and provided to the Cooperative, which indicates the need for an increase of about \$132,000 in the annual payment for the sale of the project output to meet the repayment obligation in accordance with Section 5 of the Flood Control Act of 1944. SWPA held a hearing on the rate

and repayment study on January 20, 1976, to present the justification for establishing a new increased rate and to answer questions and receive comments and suggestions. The Cooperative posed questions which were answered by SWPA at the hearing or soon thereafter. The Cooperative then presented additional questions which were answered, and lastly, on May 5, 1976, sent SWPA its final written comments. SWPA is now finishing its evaluation of the statements and proposals by interested parties and revising the repayment study. However, SWPA indicated that it was pressed for time to meet the June 30, 1976, expiration date for Commission approval of its current rates and, accordingly, requested a further extension through September 30, 1976.

A copy of the rate and repayment study was not included with the request for the three-month extension of the Commission's approval of the existing rates. Such a study and other supporting data will be part of the filing of the request for approval of a revised rate.

Public Notice: Public notice of Interior's filing of July 6, 1976, was issued on July 19, 1976, and published in the FEDERAL REGISTER on July 21, 1976. Comments or suggestions relative to the filing were requested to be submitted in writing on or before July 26, 1976. A protest was filed by the Cooperative. The protest, however, does not address the filing at hand which is a request to extend approval of the existing rates. Rather, the protest complains about the nature of the "Public Hearing" held by SWPA in connection with a proposed rate increase (yet to be filed with the Commission). The Cooperative requests the Commission to instruct SWPA that the dictates of Opinion No. 741, issued August 21, 1975, will be followed in the proceeding.

The Commission finds: The extension of its confirmation and approval of SWPA's current rate for the sale of Sam Rayburn Dam Project power and energy to the Sam Rayburn Dam Electric Cooperative, Inc. as hereinafter provided, will not be inconsistent with the provisions of the Flood Control Act of 1944.

The Commission orders: The extension of its confirmation and approval of SWPA's current rate for the sale of Sam Rayburn Dam Project power and energy to the Sam Rayburn Dam Electric Cooperative for the period ending not later than September 30, 1976.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26801 Filed 9-13-76;8:45 am]

[Docket No. ER76-878]

INTERSTATE POWER CO.

Filing of Cancellation

SEPTEMBER 3, 1976.

Take notice that on August 18, 1976, the Interstate Power Company (Interstate) tendered for filing a notice of cancellation of Transmission Utilization

Agreement between Interstate and the Cooperative Power Association (Cooperative), designated as Rate Schedule F.P.C. No. 88. Interstate states that inasmuch as the terms of its Agreement with Cooperative provide for a four-year notice of cancellation, it requests a waiver of the notice requirements of the Commission's Regulations to permit the instant filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 20, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26783 Filed 9-13-76;8:45 am]

[Docket No. CI75-277]

J. G. STONE

Order Denying Abandonment and Instituting Show Cause Proceeding

SEPTEMBER 3, 1976.

J. G. Stone has filed an application under section 7(b) of the Act for authority to abandon the sale of gas to United Gas Pipe Line from the Keeran Field in Victoria County, Texas. Stone has never sold to United, and the application points out that there have been no sales to United in 14 years. United takes no position on Stone's abandonment application, but has signed an agreement releasing Stone from any obligation to sell to United, subject to Commission approval.

In 1941, Sun Oil Company and United contracted for United to purchase gas produced by Sun from this acreage. Following *Phillips Petroleum Company v. Wisconsin*, 347 U.S. 672 (1954), Sun applied for a limited term certificate. The Commission granted a permanent certificate over Sun's objection. The Commission's authority to do this was upheld in *Sunray Mid-Continental Oil Company v. F.P.C.*, 364 U.S. 137 (1960). In 1961, when the original contract expired, Sun and United agreed to extend the contract for an additional 20 years. About seven months after this agreement, in May 1962, Sun stopped all sales to United. Sun advised United that it would use all of the gas produced to operate the leased premises, a right that was reserved to Sun in the contract.

The Commission was never notified that Sun had terminated all sales from the lease. United, at that time with an ample supply, accepted Sun's statement at face value and did not press the mat-

ter. Sun still has a rate schedule on file with the Commission reflecting Sun's obligation to produce and sell from the acreage. (Sun Oil Company, FPC Gas Rate Schedule No. 293.)

In April 1971, Sun assigned its lease to Stone. The Commission was apparently notified of the assignment and in September 1971, the Secretary wrote to Stone advising him of the steps he would have to take to obtain Commission approval to either succeed to the certificate, or abandon the sale. In October 1974, Stone filed an application to abandon the sale. A one-day hearing was held before Presiding Administrative Law Judge Raymond M. Zimmet on September 9, 1975. In his initial decision of November 25, 1975, Judge Zimmet dismisses Stone's application without prejudice to a joint application by Stone and Sun.

The initial decision finds that Sun should be made a party, otherwise a producer will be able to evade the Commission's jurisdiction and obtain abandonment by assigning its lease to another producer. Sun should be asked to explain why it ceased selling to United only seven months after renewing its contract and why it never notified the Commission of its abandonment.

Stone is a small independent producer who buys up leases and reworks the wells to find additional oil and gas. He has found gas on this acreage but has no idea as to the amount of gas or if it can be sold. Stone has shown no interest in seeking special rate relief as suggested by the Commission. If abandonment authority is denied, Stone hints that the well will be plugged and abandoned.

The Administrative Law Judge concludes that the "regulatory hodgepodge" is responsible for the confused state of this case. The Administrative Law Judge points out the shortcomings of all parties and dismisses the application. The basic thrust of the Administrative Law Judge's decision is that Sun must be made a party in order to reach a decision on the merits of this application.

Briefs on exceptions were filed by Staff and by United. United urges that Sun is not a necessary party to this proceeding and that the Administrative Law Judge erred by not ruling on the merits of Stone's application. United contends that any information Sun might provide would relate to the past and the question is, should abandonment be granted now.

Staff urges that the abandonment application be denied on the merits. There is gas available on acreage committed to the interstate market and United needs gas, therefore the application should be denied. Staff rebuts the Administrative Law Judge's statement that the Commission has inadequate means of monitoring deliveries by pointing out that in 1962, when delivery ceased, there was a surplus of gas and it was felt that self-policing within the industry was adequate.

Staff's brief states that to inquire into Sun's failure to seek abandonment authority would be beyond the scope of this

proceeding, and such an inquiry can only be initiated by the issuance of a show cause order against Sun. Staff also questions whether the Commission, if it denies abandonment has the authority to compel Stone to make the investments necessary to begin selling to United again.

United has filed a brief opposing exceptions. While reiterating its position that the application should be decided on the merits, United objects to Staff's discussion of whether United may be at fault for failure to seek performance by Sun of its contractual obligation. United points out that Staff concedes United was not culpable and that the question is beyond the scope of this proceeding.

The Administrative Law Judge correctly concludes that Stone's abandonment application must be dismissed. Stone freely admits that there may still be gas underlying this property. Despite United's willingness to relinquish its right to this gas, the reserves are dedicated to the interstate market and abandonment cannot be granted. Our denial of abandonment authority here does not preclude a joint application in the future by Stone and Sun, the certificate holder.

Stone is free to apply to the Commission for rate relief to produce from these wells. Although Stone has in the past refused special relief, that path remains open to him.

We believe it is necessary to institute a show cause proceeding against Sun and United. We will remand this proceeding to the Administrative Law Judge for a determination as to Sun's possible violation of the Natural Gas Act.

If a violation of the Act is found the initial decision should make the findings of fact necessary to support an action by the Commission under section 20 of the Act. If the facts indicate that section 21 affords the appropriate remedy the Presiding Administrative Law Judge shall make the findings necessary to support an action under that section of the Act.

The Commission finds: (1) The initial decision for denial of abandonment should be affirmed.

(2) This proceeding should be remanded to the Administrative Law Judge for a proceeding to permit Sun to show cause why it should not be held in violation of the Natural Gas Act.

The Commission orders: (A) Sun to show cause in a formal hearing why the Commission should not find and determine that Sun is in violation of its certificate obligations and why it should not be required to comply with such obligations.

(B) United to show cause why it should not be required to pursue all administrative and judicial remedies available to it with respect to Sun's failure to meet its delivery obligations and why it should not be held in violation of the Act.

(C) Pursuant to the authority of the Natural Gas Act, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas

Act (18 CFR Chapter 1) a prehearing conference shall be held at a date to be designated by the Presiding Administrative Law Judge, in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(D) The Presiding Administrative Law Judge shall preside at the initial conference in this proceeding, with authority to establish and change all procedural dates, and to rule on all motions (with the exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

By the Commission:

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-26866 Filed 9-13-76; 8:45 am]

[Docket No. ER76-67]

KANSAS CITY POWER & LIGHT CO.
Electric Rates Settlement

SEPTEMBER 8, 1976.

On August 11, 1975, Kansas City Power and Light Company (KCP&L) tendered for filing an initial rate schedule covering the sale of long-term interruptible capacity to Omaha Public Power District (OPPD) commencing on June 1, 1976. The tendered Service Schedule provides for the sale of 100 MW of long-term interruptible capacity during the period June 1, 1976, through May 31, 1977, with a capacity charge of \$31.50/kw/year and 200 MW of long-term interruptible capacity for the period June 1, 1977, through May 31, 1978, with a capacity charge of \$34.80/kw/year.

The Secretary issued a deficiency letter on September 11, 1975, which deficiency was subsequently cured by KCP&L. By order issued March 22, 1976, the Commission accepted the Service Schedule to become effective on June 1, 1976, and instituted a Section 206(a) investigation to determine the justness and reasonableness of the capacity charge, noting that it utilized a 14.50% rate of return on common equity.

Thereafter KCP&L and OPPD executed a Stipulation and Settlement Agreement and Revised Service Schedule with the capacity charge reduced to \$29.40/kw/year for the period June 1, 1976, through May 31, 1977, and to \$31.92/kw/year for the period June 1, 1977, through May 31, 1978. KCP&L filed the Stipulation and Settlement Agreement and Revised Service Schedule on May 10, 1976, and requested an effective date of June 1, 1976.

Notice of KCP&L's tender of the Stipulation and Settlement Agreement and Revised Service Schedule was issued by the Secretary on May 13, 1976, with comments due on May 28, 1976. Staff filed comments on May 18, 1976, urging that the Commission approve the Stipulation and Settlement Agreement and make the Revised Service Schedule effective June 1, 1976.

The Commission's review of the Stipulation and Settlement Agreement indicates that it represents a just and reasonable resolution of the issues in this proceeding. We shall therefore accept and approve the Stipulation and Settlement Agreement and allow the Revised Service Schedule to become effective on June 1, 1976.

The Commission finds: The stipulation and Settlement Agreement filed by KCP&L on May 10, 1976, is reasonable and proper and in the public interest in carrying out the provisions of the Federal Power Act and should be approved and good cause exists to make the Revised Service Schedule effective on June 1, 1976.

The Commission orders: (A) The Stipulation and Settlement Agreement and Revised Service Schedule filed by KCP&L in this proceeding on May 10, 1976, is hereby accepted, incorporated herein by reference, and approved and permitted to become effective on June 1, 1976.

(B) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, KCP&L, OPPD or by any other party or person affected by this order in any proceeding now pending or hereinafter instituted by or against KCP&L or any other person or party.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission:

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-26837 Filed 9-13-76; 8:45 am]

[Docket No. RI76-145]

MCCULLOCH OIL CORP.

Petition for Declaratory Order and Other Relief

SEPTEMBER 8, 1976.

Take notice that on August 18, 1976, McCulloch Oil Corporation (Petitioner), 10880 Wilshire Boulevard, Los Angeles, California 90024, filed in Docket No. RI76-145 a petition for declaratory order pursuant to Sections 1(b), 4, 5, 7, and 16 of the Natural Gas Act and Section 1.7 (a) and (c), of the Commission's rules of practice and procedure.

Petitioner requests that the Commission assert jurisdiction over the matter of certain royalty payments on gas produced from the No. 1-10 Harrell well located on acreage in Dewey County, Oklahoma sold for resale and transported in interstate commerce, which royalty payments currently are the subject of pending litigation involving the Petitioner and certain lessors.

Petitioner further requests that the Commission make a finding that the royalty payments demanded would adversely affect the public interest insofar as the interstate transportation of gas

produced from the No. 1-10 Harrell well is concerned and accordingly direct that the royalty payments made shall not exceed the applicable just and reasonable rate.

Petitioner states pursuant to Rate Schedule No. 21 in Docket No. CI71-87 it currently receives approximately 29 cents per Mcf for gas produced and delivered from the No. 1-10 Harrell well. In the foregoing litigation, said royalty owners allege that the market price to be paid for their one-eighth ($\frac{1}{8}$) share of production is \$2.00 per Mcf. Thus, under the royalty owners' demands, Petitioner would be required to pay a royalty of 75 cents per Mcf while collecting only 29 cents per Mcf.

Any persons desiring to be heard or to make any protest with reference to said petition should on or before Sept. 27, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-26868 Filed 9-13-76; 8:45 am]

[Docket No. CP76-255, etc.]

**MICHIGAN WISCONSIN PIPE LINE CO.,
ET AL.**

Consolidating Proceedings, Issuing Temporary Certificates, Granting Interventions, Scheduling Formal Hearing and Establishing Procedures

SEPTEMBER 8, 1976.

In the matter of: Michigan Wisconsin Pipe Line Company, Michigan Consolidated Gas Company, Northern Natural Gas Company, Natural Gas Pipeline Company of America, Natural Gas Pipeline Company of America; Docket Nos. CP76-255, CP76-254, CP76-271, CP76-325, CP76-353.

On February 10, 1976, Michigan Wisconsin Pipe Line Company (Mich-Wis) filed in Docket No. CP76-255 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a new delivery point for Northern Indiana Public Service Company (NIPSCO) near Fort Wayne, Indiana, and four sections of 42-inch loop line, and the transportation of gas for 15 years for NIPSCO, Northern Natural Gas Company (NNG), Natural Gas Pipeline Company of America (Natural) for delivery to Michigan Consolidated Gas Company (MCG) for injection into storage. Mich-Wis also re-

quests authorization to redeliver the gas volumes to NIPSCO, NNG and Natural and to exchange gas with MCG.

On February 10, 1976, MCG filed in Docket No. CP76-254 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction of a 2.4-mile, 24-inch pipeline from the Taggart Storage Field located in Montcalm and Mecosta Counties, Michigan, to Taggart Junction and a 7,500 horsepower compressor station at the existing Taggart compression station and the operation of these facilities and certain existing facilities to provide interstate storage service. On February 19, 1976, NNG filed in Docket No. CP76-271 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delivery of natural gas to Mich-Wis, for delivery to MCG for storage and redelivery.

On April 6, 1976, Natural filed in Docket No. CP76-325 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the delivery of natural gas to Mich-Wis for delivery to MCG for storage and redelivery. In addition, Natural requests authorization to allocate the storage volumes to its customers as hereinafter indicated. On April 29, 1976, Natural filed in Docket No. CP76-353 an additional application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation for the account of NIPSCO to Mich-Wis of 6,000,000 Mcf of gas at a daily rate of 30,000 Mcf during the period, March 1 through October 31, each year through 1990. Natural also proposes to transport an additional volume of gas to Mich-Wis for the account of NIPSCO for Mich-Wis compressor fuel.

DOCKET NO. CP76-255

Mich-Wis proposes to provide transportation service for NIPSCO, NNG and Natural on a long-term basis for a 15-year period from March 1, 1976, to April 1, 1991. Pursuant to two transportation agreements, the 50-day agreement and the off-peak agreement, both dated January 23, 1976, Mich-Wis would transport for NIPSCO during the period, March 1 through October 31 (Summer Period), of each year up to 5,000,000 Mcf of gas under the 50-day agreement and up to 1,000,000 Mcf of gas per day under the off-peak agreement to MCG for injection into storage, which storage service is the subject of MCG's application in Docket No. CP76-254. Mich-Wis proposes to transport up to 25,000 Mcf of gas per day under the 50-day agreement and up to 5,000 Mcf of gas per day under the off-peak agreement. In addition, NIPSCO would provide a volume equal to 5 percent of the volume transported for Mich-Wis compressor fuel. Natural would deliver the gas volumes to Mich-Wis for the account of NIPSCO at existing delivery points. Redelivery would be made to NIPSCO by Mich-Wis during

the period, November 1 through March 31 (Winter Period), at rates of up to 100,000 Mcf of gas per day under the 50-day agreement and up to 15,000 Mcf of gas per day under the off-peak agreement at either Michigan City, Indiana, or at the new proposed delivery point near Ft. Wayne, Indiana. NIPSCO would pay Mich-Wis \$212,844 per month and \$15,769 under the 50-day agreement and off-peak agreement, respectively. Mich-Wis would transport for NNG pursuant to the 50-day agreement and the off-peak agreement, both dated January 23, 1976, up to 2,800,000 Mcf of and up to 5,000,000 Mcf of gas during the summer period to MCG for injection into storage as set out by the two agreements.

Mich-Wis proposes to transport up to 14,000 Mcf per day under the 50-day agreement and up to 25,000 Mcf of gas per day under the off-peak agreement. NNG would provide a volume equal to 5 percent of the volume transported to Mich-Wis for compressor fuel. NNG would deliver these gas volumes to Mich-Wis at an existing delivery point of NNG near Janesville, Wisconsin. Mich-Wis proposes to redeliver during the winter period to NNG at rates up to 56,000 Mcf of gas per day under the 50-day agreement and up to 75,000 Mcf of gas per day under the off-peak agreement. This would be accomplished by causing Great Lakes Gas Transmission Company pursuant to existing exchange agreements to deliver these volumes to NNG for the account of Mich-Wis at existing interconnection points near Carlton and Grand Rapids, Michigan, and Wakefield, Michigan. NNG would pay to Mich-Wis \$119,192 per month under the 50-day agreement and \$78,847 per month under the off-peak agreement. Under the off-peak agreement dated January 23, 1976, Mich-Wis would transport for the account of Natural up to 5,800,000 Mcf of gas to MCG for storage. Mich-Wis would transport 29,000 Mcf of gas per day under the agreement. In addition, Natural would provide to Mich-Wis a volume equal to 5 percent of the volume transported for compressor fuel. Natural would deliver these volumes to Mich-Wis near the existing Woodstock, Illinois interconnection. Mich-Wis proposes to redeliver to Natural during the winter period up to 87,000 Mcf of gas per day at the existing interconnection point near Joliet, Illinois. Natural would pay Mich-Wis \$91,463 per month for this transportation service. On January 23, 1976, Mich-Wis and MCG entered into exchange agreements to implement the above-mentioned transfer of gas. The volumes to be transported by Mich-Wis would be delivered to MCG at existing delivery points and would be redelivered by MCG at Mich-Wis' Woolfolk Compressor Station near Big Rapids, or by displacement at existing delivery points. The facilities which Mich-Wis proposes to construct and operate, the new delivery point near Ft. Wayne, Indiana, and four sections of 42-inch loop line totaling 28.7 miles would be primarily utilized for the proposed winter redelivery schedules. The estimated cost of

the facilities by Mich-Wis is \$20,175,210 exclusive of filing fee. These facilities Mich-Wis proposes to finance with treasury funds, retained earnings and other internally generated funds, together with borrowings from banks under short-term lines of credit, as required.

Docket No. CP76-254

MCG proposes to provide storage service in the Taggart storage field for NIPSCO, NNG and Natural for the 15-year period from March 1, 1976, to April 1, 1991, and has entered into five storage agreements. MCG proposes to store the volumes proposed to be transported by Mich-Wis in Docket No. CP76-255. In addition, MCG proposes to exchange gas with Mich-Wis in order to receive and redeliver the storage volumes of NIPSCO, NNG and Natural.

Under a January 23, 1976, 50-day agreement with NIPSCO, MCG would accept up to 5,000,000 Mcf of gas at a daily rate of up to 25,000 Mcf during the summer period and would redeliver during the winter period up to 100,000 Mcf of gas per day until 85 percent of NIPSCO's stored gas would be returned and 30,000 Mcf of gas per day thereafter. NIPSCO would pay \$236,125 per month for the storage service. Under a January 23, 1976, off-peak agreement with NIPSCO, MCG would accept up to 1,000,000 Mcf of gas at a daily rate of up to 5,000 Mcf during the summer period and would redeliver during the winter period up to the following daily volumes when MCG and Mich-Wis would have sufficient available capacity:

November, 12,500 Mcf.
December, 15,000 Mcf.
January, 12,500 Mcf.
February, 8,333 Mcf.
March, 2,500 Mcf.

NIPSCO would pay \$34,141.66 per month for the storage service.

Under a January 23, 1976, 50-day agreement with NNG, MCG would accept up to 2,800,000 Mcf of gas at a daily rate of up to 14,000 Mcf during the summer period and would redeliver during the winter period up to 56,000 Mcf of gas per day until 85 percent of NNG's stored gas would be returned and 17,000 Mcf of gas per day thereafter. NNG would pay \$132,230 per month for the storage service. Under a January 23, 1976, off-peak agreement with NNG, MCG would accept up to 5,000,000 Mcf of gas at a daily rate of up to 25,000 Mcf during the summer period and would redeliver during the winter period up to the following daily volumes when MCG and Mich-Wis would have sufficient available capacity:

November, 62,500 Mcf.
December, 75,000 Mcf.
January, 62,500 Mcf.
February, 41,866 Mcf.
March, 12,500 Mcf.

NNG would pay \$170,708.33 per month for the storage service.

Under a January 23, 1976, off-peak agreement with Natural, MCG would accept up to 5,800,000 Mcf of gas at a daily rate of up to 29,000 Mcf during the sum-

mer period and would redeliver during the winter period up to the following daily volumes when MCG and Mich-Wis would have sufficient available capacity:

November, 72,500 Mcf.
December, 87,000 Mcf.
January, 72,500 Mcf.
February, 48,333 Mcf.
March, 14,500 Mcf.

Natural would pay \$198,021.66 per month for the storage service.

MCG also proposes to establish an Interstate Storage Division within its corporate structure with separate books to render interstate storage service. The remainder of its operations according to MCG would be exclusively intrastate in nature and would become its Distribution Division. MCG requests a certificate to operate the following existing facilities to provide interstate storage service:

1. A 100.1-mile 30-inch pipeline from Milford, Michigan, to the Taggart Compressor Station in Montcalm County, Michigan.
2. The Taggart Storage Field, including a 24,000 horsepower compressor station located in Montcalm and Mecosta Counties, Michigan.
3. A 16.6-mile, 24-inch pipeline from Taggart Junction to Mich-Wis' Woolfolk Compressor Station located in Mecosta County, Michigan.

MCG further requests that its 24.7-mile 30-inch pipeline from Willow Run to Milford, Michigan, be declared not subject to the jurisdiction of the Commission during the months, November through March, each year since during those months MCG indicates that the pipeline would not be used for rendering interstate storage service. Finally, MCG seeks a certificate authorizing the construction and operation of a 2.4 mile, 24-inch pipeline from the Taggart Storage Field to Taggart Junction and a 7,500 horsepower compressor at the existing Taggart compressor station. The estimated cost of the facilities is \$5,735,400, exclusive of filing fee.

MCG proposes to finance its proposed facilities with treasury funds, retained earnings and other funds generated internally, together with borrowings from banks under short-term lines of credit as required.

MCG proposes to charge the following average rates for the storage service for each Mcf stored:

50-day service, 56.67¢ Mcf.
Off-peak service, 40.97¢ Mcf.

These rates are said to be determined on a cost-of-service basis utilizing the costs associated with facilities which Mich-Con states it must use to render the proposed interstate storage service.

Docket No. CP76-271

NNG requests authorization for a 15-year period terminating April 1, 1991, for the delivery of gas to MCG for storage and redelivery and the delivery of gas to Mich-Wis for transportation and delivery to MCG pursuant to transportation and storage agreements dated January 23, 1976. The volumes, time schedules, rates and delivery points are as discussed above in Docket Nos. CP76-255

and CP76-254. NNG proposes to render this service through existing facilities.

NNG proposes no additional service to its customers. NNG indicates that its estimated peak-day requirements for the 1976-77 heating season are 3,209,000 Mcf per day. NNG's supply, assuming the proposed storage is approved, is estimated to be 3,169 MMcf per day which results in a shortfall of 40,000 Mcf per day.

Docket No. CP76-325

Natural requests authorization for a 15-year period terminating April 1, 1991, for the delivery of gas to MCG for storage and redelivery and the delivery of gas to Mich-Wis for transportation and delivery to MCG pursuant to transportation and storage agreements dated January 23, 1976. The proposed volumes, time schedules, rates and delivery points are as discussed above in Docket Nos. CP76-255 and CP76-254. In conjunction with the storage and transportation service, Natural proposes to provide 5,910,005 Mcf of storage service to its customers which would be allocated as follows:

Customers:	Share of 5,910,005 M ft. ³
Associated Natural Gas Co.	16,644
Illinois Power Co.	436,370
Iowa Electric Light & Power Co.	217,370
Iowa-Illinois Gas & Electric Co.	967,763
Iowa Power & Light Co.	74,353
Iowa Southern Utilities Co.	39,068
Monarch Gas Co.	8,533
North Shore Gas Co.	502,885
The Peoples Gas Light & Coke Co.	3,514,264
City of Perryville, Mo.	13,344
City of Spearville, Kans.	1,421
United Cities Gas Co.	17,038
Wisconsin Southern Gas Co., Inc.	100,952
Total	5,910,005

Natural's customers would provide Natural with gas from their existing entitlements for use for storage injection and compressor fuel.

Natural would offer the proposed long-term storage service under Rate Schedule MS-3 in its FPC Gas Tariff, Third Revised Volume No. 1. Natural currently has an effective Rate Schedule MS-3 in its tariff but proposes to revise such schedule to reflect its instant application. Natural proposes to charge 67.78 cents per Mcf for each Mcf of the Monthly Withdrawal Quantity. This charge is said to be compensable for the cost of the storage service provided by MCG, the cost of the transportation service provided by Mich-Wis and the allocated portion of the facilities on the north end of Natural's system which would be utilized in providing the storage service.

On April 20, 1976, Natural filed 10 tariff sheets¹ revising its Rate Schedule MS-3 to reflect the storage service that it proposes to offer as a result of the instant application. The tariff sheets were accepted for filing and made effective subject to refund on May 21, 1976, the date on which a temporary certificate was issued. The tariff sheets were

made effective subject to refund pending final decision in the subject dockets.

DOCKET No. CP76-353

Natural requests authorization to transport for the account of NIPSCO to Mich-Wis 6,000,000 Mcf of gas at a daily rate of 30,000 Mcf during the period, March 1 through October 31, of each year through 1990. Natural also proposes to transport for the account of NIPSCO an additional volume of gas for Mich-Wis' compressor fuel equal to 5 percent of the volume delivered. Deliveries would be made by Natural to Mich-Wis at existing delivery points. This transportation would enable NIPSCO to fulfill its delivery obligations under the transportation agreement dated January 23, 1976, between NIPSCO and Mich-Wis, as hereinbefore described in Docket No. CP76-255. Natural states that it and NIPSCO have agreed in principle on the subject transportation and states that when a formal agreement is executed, it will be filed as a supplement to the subject application.

By telegrams filed March 31, 1976, MCG and Mich-Wis, in Docket No. CP76-254 and Docket No. CP76-255, respectively, requested temporary certificates so that the transportation and injection of gas into storage could commence as soon as possible in order to maximize storage inventories.

NNG and Natural filed their requests in Docket Nos. CP76-271, CP76-325 and CP76-353 on February 19, 1976, April 6, 1976, and April 29, 1976, respectively, for temporary certificates for their proposals.

On May 21, 1976, we granted temporary certificate authorization to Mich-Wis and MCG in Docket Nos. CP76-255 and CP76-254, respectively, for the transportation of natural gas in interstate commerce and for the injection of gas into the Taggart storage field. On May 21, 1976, we also granted temporary certificate authorization to NNG in Docket No. CP76-271 and Natural in Docket Nos. CP76-325 and CP76-353 to transport gas in interstate commerce. We did not grant the temporary authorization for construction since it was not required to commence the storage injection.

Mich-Wis and MCG filed motions on June 3, and 10, 1976, in Docket Nos. CP76-255 and CP76-254, respectively, requesting a grant of temporary authorization to construct the \$25,910,610 of facilities proposed in those dockets and to redeliver gas commencing November 1, 1976, to NNG, Natural and NIPSCO pursuant to the temporary authorization.

Based on the allegations presented by Applicants the Commission finds that

* Substitute First Revised Sheet No. 5A, Fifth Revised Sheet No. 41, Fifth Revised Sheet No. 42, Seventh Revised Sheet No. 43, Second Revised Sheet No. 44, Second Revised Sheet No. 45, Original Sheet No. 45A, Third Revised Sheet No. 213, Second Revised Sheet No. 214, Second Revised Sheet No. 215.

emergencies exist on the systems of Mich-Wis and MCG which require temporary authorization for the transportation arrangements and the construction and operation of the necessary facilities to enable Mich-Wis and MCG to redeliver the storage volumes to NNG, NIPSCO, and Natural. We believe because of the emergency needs on the systems of all the parties that it may be implied that the proposed facilities will be used and useful in the operations of Mich-Wis and MCG in providing service to NNG, NIPSCO and Natural. Therefore, we shall permit Mich-Wis and MCG, pending the outcome of this proceeding, to reflect in the subsequently filed tariff sheets the cost of service attributable to the subject pipeline facilities.

If, after hearing in this matter, it is found that Mich-Wis and MCG should not be issued permanent authorization for the construction of the proposed facilities, then we shall require Mich-Wis and MCG to remove retroactively the construction costs attributable to these facilities from their rate bases and make refunds accordingly.

Notice of the applications in this proceeding were published in the FEDERAL REGISTER as follows:

Docket No. CP76-255 on March 15, 1976 (41 FR 10957)

Docket No. CP76-254 on March 8, 1976 (41 FR 9923)

Docket No. CP76-271 on March 18, 1976 (41 FR 11359)

Docket No. CP76-325 on April 22, 1976 (41 FR 16870)

Docket No. CP76-353 on May 18, 1976 (41 FR 20448)

Petitions to intervene were submitted as follows:

DOCKET No. CP76-255

Northern Indiana Public Service Company
Illinois Power Company
Wisconsin Gas Company
Natural Gas Pipeline Company of America
Wisconsin Michigan Power Company and
Wisconsin Natural Gas Company
Iowa Southern Utilities Company
Wisconsin Fuel and Light Company
North Central Public Service Company
Northern Natural Gas Company
The Kansas City Star Company, Flambeau Paper Division
Minnesota Gas Company (late)

DOCKET No. CP76-254

Northern Indiana Public Service Company
Northern Illinois Gas Company
Michigan Public Service Commission (notice of intervention)
Wisconsin Gas Company
The Kansas City Star Company, Flambeau Paper Division
North Central Public Service Co., Division of Donovan Companies, Inc.
Northern Natural Gas Company
Wisconsin Michigan Power Company, et al.
Natural Gas Pipeline Company of America
Wisconsin Fuel and Light Company (late)
Michigan Wisconsin Pipe Line Company (late)

DOCKET No. CP76-271

Iowa Southern Utilities Company
Iowa Electric Light and Power Company
Iowa Public Service Company

Central Telephone & Utilities Corporation
Lake Superior District Power Company
Iowa-Illinois Gas and Electric Company
Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin)

Metropolitan Utilities District of Omaha
Iowa Power and Light Company
North Central Public Service Company, Division of Donovan Companies, Inc.
Michigan Public Service Commission (notice of intervention)
Wisconsin Gas Company
The Kansas City Star Company, Flambeau Paper Division
Michigan Wisconsin Pipe Line Company
Terra Chemicals International, Inc.
The Brick People, Region Six of The Brick Institute of America, et al.
Minnesota Gas Company (late)

DOCKET No. CP76-325

Iowa Power and Light Company
Illinois Power Company
Associated Natural Gas Company
Iowa-Illinois Gas and Electric Company
Iowa Southern Utilities Company
Michigan Wisconsin Pipe Line Company
The Peoples Gas Light and Coke Company, et al.
Flambeau Paper Company
General Motors Corporation

DOCKET No. CP16-325

Iowa Power and Light Company
Illinois Power Company
Associated Natural Gas Company
Iowa-Illinois Gas and Electric Company
Iowa Southern Utilities Company
Michigan Wisconsin Pipe Line Company
The Peoples Gas Light and Coke Company, et al.
Flambeau Paper Company
General Motors Corporation

DOCKET No. CP76-353

Northern Indiana Public Service Company
No further petitions to intervene, notices of intervention, or protests to the granting of the applications have been filed.

Kansas City Star Company's (Star) petitions in Docket Nos. CP76-255, CP76-254, CP76-271 request that the applications in those dockets be consolidated and set for formal hearing to determine the lawfulness of the provisions regarding compressor fuel. Star uses steam in its plant generated by Park Falls Steam Generating Plant, a customer of NNG. Star objects to the provisions of the transportation and storage agreements which require NNG to provide gas volumes to be used as compressor fuel and states that use of natural gas as compressor fuel is less efficient than use in the Park Falls Steam Generating Plant, to which NNG proposes in Docket No. RP76-52 to eliminate service.

In Docket No. CP76-271 the Brick People, Griffin Pipe Products Company, Sewer Pipe Division of Can-Tex Industries and Dickey Clay Manufacturing Company (The Brick People, et al.) request a hearing stating that while they agree that NNG must have sufficient storage to serve existing high priority peak requirements, the proposed long-term storage may be in excess of NNG's needs. The Brick People, et al., argue that in time of shortage it would be un-

fair to curtail deliveries of gas to lower priority customers in the summer for injection into storage and then sell such gas to new firm load customers in the winter, which customers previously had no legal or equitable claim to such gas. In addition, the Brick People, et al., argue that if volumetric limitations are imposed upon NNG in Docket Nos. RP 76-52 and RP74-102,² the proposed expensive storage project will be a wasted investment and a severe financial burden on the rate payers.

In Docket No. CP76-325 Flambeau Paper Division of Star requests formal hearing to determine the proper source of the compressor fuel. General Motors Corporation requests a hearing to determine the volume of storage needed to serve existing customers.

The Commission finds: (1) Emergencies exist on the systems Mich-Wis and MCG such that temporary certificates should be issued in Docket Nos. CP76-255 and CP76-254 authorizing the construction and operation of the proposed facilities to permit the stored volumes of natural gas to be redelivered to NNG, NIPSCO and Natural.

(2) Mich-Wis, a Delaware corporation having its principal place of business in Detroit, Michigan, is a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found by the Commission in its order of November 30, 1946, in Docket No. G-669 (5 FPC 953).

(3) NNG, a Delaware corporation having its principal place of business in Omaha, Nebraska, is a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found by the Commission in its order of April 6, 1943, in Docket No. G-280 (3 FPC 967).

(4) Natural, a Delaware corporation having its principal place of business in Chicago, Illinois, is a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found by the Commission in its order of March 21, 1942, in Docket No. G-235 (3 FPC 669).

(5) MCG, a Michigan corporation having its principal place of business in Detroit, Michigan, is a "natural-gas company" within the meaning of the Natural Gas Act for the purpose of its Interstate Storage Division which is proposed in the application in Docket No. CP76-254. MCG was found to be a "natural-gas company" by the Commission in its September 6, 1974, order in Docket No. CP74-157 (52 FPC) for the purpose of the storage service continuation which was authorized therein.

(6) It is necessary and appropriate that the proceedings in Docket Nos. CP76-254, CP76-255, CP76-271, CP76-325, and CP76-353 be consolidated for the purposes of hearing and decision.

(7) Participation by the late petitioners to intervene will not cause delay in this proceeding; therefore, good cause exists for permitting the filing of the petitions for leave to intervene out of time.

² These proceedings are currently in formal hearing at this Commission.

(8) Participation by all petitioners to intervene may be in the public interest.

(9) A prehearing conference should be convened at which may be discussed, in addition to the matters set forth in Section 1.8 of the Rules of Practice and Procedure, any request for clarification of the facts presented by the applications.

The Commission orders: (A) The applications in Docket Nos. CP76-254, CP76-255, CP76-271, CP76-325 and CP76-353 are consolidated for the purposes of hearing and decision.

(B) Temporary certificates are issued to Mich-Wis and MCG authorizing the construction and operation of the facilities proposed in Docket Nos. CP76-255 and CP76-254, respectively. The relevant costs associated with the construction and operation of the proposed facilities shall be permitted to be included in the rate bases of Mich-Wis and MCG and to be reflected by Mich-Wis and MCG in subsequent general rate filings under Section 4 of the Natural Gas Act, subject to refund and removal from their rate bases should the facilities not be permanently certificated. Facilities shall be constructed and placed into actual operation within one-year from the date of this order.

(C) All petitioners to intervene are permitted to intervene subject to the rules and regulations of the Commission; *Provided, however*, That participation by such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and *Provided further*, That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved, because of any order of the Commission entered in this proceeding.

(D) All Applicants and all supporting intervenors shall file testimony and exhibits comprising their cases-in-chief on or before September 8, 1976. The cases-in-chief of Applicants shall include, but not be limited to, evidence concerning:

(1) The end-use of the gas which NNG, NIPSCO and Natural will receive as a result of the proposed storage arrangements, which end use shall be classified by the type of customer and the priorities set out in Section 2.78 of the Commission's Rules;

(2) A detailed description (including maps) which describes the operations of the entire MCG system;

(3) A detailed description of all corporate relationships between Mich-Wis and MCG;

(4) A detailed description of the derivation of rates and charges of the storage and transportation arrangements included in the instant applications and how these charges relate to the contribution of compressor fuel by NIPSCO, NNG, and Natural;

(5) Alternate sources of compressor fuel which may be utilized to effect the transportation of the subject gas proposed by Applicants.

(E) Testimony and exhibits comprising rebuttal testimony to the cases-in-

chief shall be filed by September 22, 1976.

(F) A prehearing conference is to be convened at the Federal Power Commission, 825 N. Capitol Street, N.E., Washington, D.C., on October 6, 1976, at 10:00 a.m. (EDT).

(G) A formal hearing shall be convened in the proceeding in Docket No. CP76-255, et al., in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on November 4, 1976, at 10:00 a.m. The Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose—see Delegation of Authority 18 CFR 3.5(d)—shall preside at the hearing in this proceeding and shall prescribe relevant procedures not herein provided.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-26869 Filed 9-13-76; 8:45 am]

[Docket No. RP76-114]

MIDWESTERN GAS TRANSMISSION CO.

Order Granting Intervention

Issued: September 3, 1976.

On June 30, 1976, Midwestern Gas Transmission Company (Midwestern) tendered for filing revised tariff sheets to its FPC Gas Tariff ' seeking an increase in annual jurisdictional revenues of \$4,758,726 for its Southern System and \$3,796,501 for its Northern System. Notice of Midwestern's tender was issued on July 8, 1976, with comments, protests, and petitions to intervene due on or before July 23, 1976. Various untimely petitions to intervene were filed by Central Illinois Public Service Company, Northern States Power Company (Minnesota), Northern States Power Company (Wisconsin), and Peoples Natural Gas Division of Northern Natural Gas Company.

Having reviewed the above petitions to intervene, we believe that the petitioners have sufficient interest in these proceedings to warrant intervention and that good cause exists for permitting the late filings.

The Commission finds: The participation of the above-named petitioners in these proceedings may be in the public interest and good cause exists for permitting the late filings.

The Commission orders: (A) The above-named petitioners are permitted to intervene in these proceedings subject to the rules and regulations of the Commission; *Provided, however*, That participation of such intervenors 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 intervenors shall not be construed as recognition by the Commission that

³ Third Revised Volume No. 1. Fifteenth Revised Sheet No. 5, Original Sheet No. 5A, Second Revised Sheet Nos. 80 and 85. Original Volume No. 2. First Revised Sheet No. 37.

they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious determination of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26784 Filed 9-13-76;8:45 am]

[Docket Nos. G-18314, CP66-121 and CP70-25]

MIDWESTERN GAS TRANSMISSION CO.

Notice Cancelled

SEPTEMBER 2, 1976.

On July 21 and August 19, 1976, the Commission issued notices in the above-designated matter. The notice issued August 19, 1976, is hereby cancelled.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26797 Filed 9-13-76;8:45 am]

[Docket No. CI75-538]

MOBILE OIL CORP.

Rate Schedule Supplement

SEPTEMBER 8, 1976.

Mobil Oil Corporation (Mobil) on May 25, 1976, filed an application to amend to its application for certificate in Docket No. CI75-538. On February 27, 1976, Mobil and Trunkline Gas Company amended their contract for the sale of gas from Grand Isle Block 95 Field. Said amendment is on file as Supplement No. 1 to Rate Schedule No. 510. See orders issued November 21, 1975, April 7, and June 11, 1976.

Mobile has submitted a further contract amendment dated May 21, 1976, which amends the gas sales contract to extend the term of the contract from 10 to 15 years and the initial rate for sale of gas to be the national rate set by the Commission.

A certificate issued on June 11, 1976, was accepted by Mobil on June 18, 1976. Notice of the amendment was issued on June 28, 1976. No objection or protest has been filed.

The Commission finds: (1) Public convenience and necessity require the amendment of the certificate issued to Mobil.

(2) The rate schedule supplement should be effective on the same date as the rate schedule.

The Commission orders: (A) The certificate of public convenience and necessity issued to Mobil in Docket No. CI75-538 is amended, as set forth in the application to amend filed May 25, 1976.

(B) The amendment to the gas sales contract dated May 21, 1976, is hereby

designated as Supplement No. 2 to Mobil's Rate Schedule No. 510. Said supplement is accepted for filing and will be effective on the same date as Rate Schedule No. 510.

(C) In all other respects, the prior orders remain in full force and effect.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26870 Filed 9-13-76;8:45 am]

[Docket No. RP74-100]

NATIONAL FUEL GAS SUPPLY CORP.

Deferring Briefs on Exceptions

SEPTEMBER 2, 1976.

On August 20, 1976, National Fuel Gas Supply Corporation (National) filed a motion to defer the dates for filing Briefs on Exceptions and Briefs Opposing Exceptions to the Initial Decision in the above-designated proceeding. National states that parties to the proceeding have agreed to the aforesaid deferral.

Upon consideration, notice is hereby given that the dates for filing Briefs on Exceptions and replies thereto in this proceeding are deferred.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26798 Filed 9-13-76;8:45 am]

[Docket Nos. RP71-125; RP75-108
(PGA76-8)]

NATURAL GAS PIPELINE CO. OF AMERICA

Proposed PGA Rate Adjustment

AUGUST 31, 1976.

On July 16, 1976, Natural Gas Pipeline Company of America (Natural) tendered for filing a 2.3¢ per Mcf PGA rate increase¹ to track increased purchased gas costs of \$19,700,000 and a revised surcharge of 4.90¢ per Mcf² to amortize the balance in the deferred purchased gas cost account. The proposed effective date of this increase is September 1, 1976. For the reasons set forth below, the Commission will accept the proposed increase for filing, suspend its operation for one day until September 2, 1976. Furthermore, the Commission will permit Natural to refile revised rates to be effective September 1, 1976, reflecting only that portion of the proposed adjustment including costs other than those related to emergency purchases at rates in excess of the Opinion No. 770 rate level and costs related to non-jurisdictional purchases.

Public notice of Natural's filing was issued by the Commission on July 26, 1976, with comments, protests, and petitions to intervene due on or before August 16, 1976.

¹ Substitute Twenty-Ninth Revised Sheet No. 5 and Substitute Fourth Revised Sheet No. 5A to FPC Gas Tariff, Third Revised Volume No. 1.

² The present surcharge is 3.57¢ per Mcf.

Our review of Natural's filing indicates that the rates included therein are based in part on 60-day emergency purchases in excess of the rate level prescribed in Opinion No. 770 and a purchase from an alleged non-jurisdictional pipeline.³ Therefore the proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept the proposed tariff sheets for filing and suspend their effectiveness for one day until September 2, 1976, when they shall become effective subject to refund.

With regard to the 60-day emergency purchases the Commission noted in Opinion No. 6-9-B⁴ that a pipeline would be entitled to include in its purchased gas costs a rate for such purchases "which a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances." To assist in Commission review of the 60-day emergency purchases and in determining whether a public hearing is necessary thereon, Natural shall be required to file and serve on all its customers and interested state commissions within thirty days of the issuance hereof the following information: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased under each 60-day transaction, (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. If upon review of the information filed and any comments related thereto we find the criterion set forth in Opinion No. 699-B has been met the Commission shall terminate the proceedings and relieve Natural of its refund obligation. Should our review of the information and any comments related thereto indicate that further proceedings are required as to any or all of the 60-day emergency purchases, they would be established by subsequent order.

Our review of Natural's claimed increased purchased gas costs indicates that they comply with the standards set forth in Docket No. R-406 with the exception of: (1) those claimed increased costs associated with that portion of emergency purchases in excess of the rate levels prescribed by Opinion No. 770 and (2) those costs associated with non-jurisdictional purchases. Accordingly, we shall permit Natural to file revised tariff sheets, to become effective September 1, 1976, reflecting elimination of the costs discussed in (1) and (2) above, as hereinafter ordered and conditioned.

The Commission finds: (1) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that the revised tariff sheets listed in footnote 1 be accepted for filing and suspended for one day, to become effective September 2, 1976, subject to refund.

³ Kansas Power and Light Company.

⁴ FPC issued September 9, 1975, in Docket No. R-389-B.

(2) It is necessary and appropriate to aid in the enforcement of the Natural Gas Act that Natural be permitted to file, to become effective September 1, 1976, revised tariff sheets reflecting the elimination of (a) purchased gas costs associated with that portion of emergency purchases in excess of the rate level established in Opinion No. 770 and (b) those costs associated with non-jurisdictional purchases.

(3) With the exceptions noted in Finding Paragraph (2) above, the claimed increased costs, have been reviewed and found to be in compliance with the standards set forth in Docket No. R-406.

The Commission orders: (A) Natural's revised tariff sheets listed in footnote 1 are hereby accepted for filing and suspended for one day, until September 2, 1976, when they shall become effective, subject to refund.

(B) Within 20 days of the date of issuance of this order, Natural may file revised tariff sheets to become effective September 1, 1976, which reflect those claimed increased purchased gas costs contained in its PGA adjustment other than (a) that portion of the 60-day emergency purchases in excess of the rate level prescribed in Opinion No. 770 and (b) those costs associated with non-jurisdictional purchases.

(C) To assist in Commission review of the 60-day emergency purchases and in determining whether a public hearing is necessary thereon, Natural shall file and serve on all its customers and interested state commissions within thirty days of the issuance hereof the following information: (1) the pipeline's need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased under each 60-day transaction, (4) a comparison of each emergency purchase price with appropriate market prices in the same or nearby areas, and (5) the relationship between the purchaser and the seller. Upon receipt of this information, it will be duly noticed for receipt of comments with respect thereto. Should our review indicate that the information filed and the comments related thereto meet the criterion set forth in Opinion No. 699-B, we shall terminate the proceedings and relieve Natural of its refund obligation. Should our review of the information and any comments related thereto indicate that further proceedings are required as to any or all of the 60-day emergency purchases, they would be established by subsequent order.

(D) The Secretary shall cause prompt publication of this order to be issued in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26859 Filed 9-13-76;8:45 am]

[Docket No. ER76-875]

NEVADA POWER CO.

Rate Schedule Change

SEPTEMBER 2, 1976.

Take notice that on August 24, 1976, the Nevada Power Company (NPC) tendered for filing a change in rate schedule for the California-Pacific Utilities Company (CPUC) at Needles, California. NPC states that the change in CPUC's rates will consist of an increase in the demand component of \$2.33 per Kw per month to CPUC at Needles. The increase in the energy component, other than fuel, to Needles is 0.33 mills per Kwh.

NPC has requested that the effective date be as of the date of filing. NPC states that this rate relief is urgent due to their financial emergency. NPC further states that CPUC's fuel adjustment will decrease starting in May 1976, due to the addition of low fuel cost but high capital cost coal burning plants and immediate rate relief is necessary in order to avoid the incongruous situation of reducing rates to CPUC at exactly the time that higher rates are urgently required.

NPC states that copies of this filing have been mailed to CPUC, Public Service Commission of Nevada, Public Utilities Commission of California, and the Federal Power Commission, San Francisco Regional Office.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 20, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26773 Filed 9-13-76;8:45 am]

[Docket No. CP76-482]

NORTHERN NATURAL GAS CO.

Application

SEPTEMBER 3, 1976.

Take notice that on August 16, 1976, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP76-482 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation

of natural gas in interstate commerce for North Central Public Service Corporation (North Central Corp.) and North Central Public Service Company (North Central Co.), all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that North Central Corp. and North Central Co. would purchase propane/air from Northern States Power Company (NSP) which would deliver gas to Applicant by displacement. Applicant would reduce deliveries at St. Paul, Minnesota, of gas otherwise deliverable by Applicant to NSP. NSP would produce and use in its St. Paul distribution system an equivalent volume of propane/air to offset the reduced deliveries.

Applicant proposes to transport for North Central Corp. up to 1,000 Mcf of gas per day from November 27 through April 15 at an annual demand charge of \$12.453 per Mcf of the maximum daily volume and a transportation charge of 4.981 cents per Mcf transported. Deliveries would be made to North Central Corp. at the Monroe TBS No. 1 in Green County, Wisconsin.

Applicant proposes to transport for North Central Co. up to 10,000 Mcf of gas per day from February 27 through April 15 at an annual demand charge of \$2.388 per Mcf of the maximum daily volume and a transportation charge of 1.463 cents per Mcf transported. Deliveries would be made to North Central Co. at the Coon Rapids TBS No. 1, Anoka TBS No. 1, and Blaine TBS No. 1, all in Anoka County, Minnesota, in a 6/3/1 ratio, respectively.

Applicant states that the gas proposed to be transported would be sold to firm and small volume customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 1, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on

this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26785 Filed 9-13-76; 8:45 am]

[Docket No. CP70-137]

NORTHWEST PIPELINE CORP.

Petition To Amend

SEPTEMBER 3, 1976.

Take notice that on August 19, 1976, Northwest Pipeline Corporation (Petitioner), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP70-137 a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to Section 7(c) of the Natural Gas Act, by which petition Petitioner requests authorization to retain in place and operate the Idaho State Penitentiary tap and metering facilities at a new location, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

Petitioner states that by order issued July 17, 1973, El Paso Natural Gas Company (El Paso), Petitioner's predecessor in interest with respect to the subject facilities, was authorized to modify then-existing meter facilities serving Intermountain Gas Company (Intermountain) at the Idaho State Penitentiary tap in the SW ¼ Sec. 33, T. 2 N., R. 2 E., Ada County, Idaho, to provide increased measurement capacity. It is stated further that prior to the modification of the meter station, El Paso and Intermountain agreed that a new site was required to provide for safe and continuous service to the penitentiary. The petition to amend states that the old meter site was adjacent to an elevated dirt road used periodically by the Idaho National Guard to move tanks during maneuvers and that the tanks created severe dust conditions which could have caused an accident involving the meter station and a tank. Therefore, a Petitioner states, El Paso constructed a new meter station in the vicinity of El Paso's, now Petitioner's, 22-inch O.D. mainline in the NW ¼ Sec. 4, T. 1 N. R. 2 E., Ada County, Idaho, approximately 0.62 mile from the prior location.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 1, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the require-

ments of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26786 Filed 9-13-76; 8:45 am]

[Docket No. CP75-287, CP75-110]

NORTHWEST PIPE LINE CORP. AND WASHINGTON NATURAL GAS CO., AS PROJECT OPERATOR

Temporary Certificates of Public Convenience and Necessity and Setting Hearing

Issued: September 1, 1976.

On June 1, 1976, Northwest Pipe Line Corporation (Northwest), filed in Docket No. CP75-287, a Petition to Amend the Commission's order issued September 26, 1975, as amended on January 16, 1976, in the aforementioned docket, pursuant to Section 7(c) of the Natural Gas Act, to authorize an increase in the seasonal quantity of natural gas which it is authorized to sell and deliver, pursuant to Northwest's Storage Gas Service Rate Schedule SG-1, and to authorize reallocation of the peak-day, best efforts and seasonal quantities of natural gas. By order issued September 26, 1975, Northwest was authorized to increase its firm winter service under the aforementioned rate schedule from 240,000 Mcf to up to 300,000 Mcf per day and to increase its seasonal quantity from 8,500,000 Mcf to 9,300,000 Mcf per winter season. On January 16, 1976, the Commission amended its previous authorization by allowing Northwest to sell and deliver on a best efforts basis, up to an additional 71,800 Mcf on a daily basis for the period October 16, 1975 through April 16, 1976. The Commission also authorized Washington Natural Gas Company (Washington Natural) to operate Jackson Prairie Storage Project (Jackson Prairie) so as to deliver the volumes of natural gas which Northwest is authorized to sell and deliver, pursuant to Northwest's Rate Schedule SGS-1.

In the Petition to Amend, Northwest requests that the Commission further authorize the following:

(1) An increase in the seasonal quantity which Northwest is authorized to sell and deliver, pursuant to its FPC Gas Rate Schedule SGS-1, from 9,300,000 Mcf to 10,100,000 Mcf;

(2) An extension of the withdrawal season from the period commencing each October 16 of each year, and extending through the next succeeding April 15 to a period commencing October 1 of each year and extending to the next succeeding April 30;

(3) The injection of volumes of natural gas during the withdrawal season; and

(4) A reallocation of the peak day, seasonal and best efforts volumes which Northwest is authorized to provide, pursuant to its Rate Schedule SGS-1.

In conjunction with the foregoing Petition to Amend, Washington Natural filed, in Docket No. CP75-110, a Petition to Amend the Commission's order issued September 25, 1975, as amended on January 16, 1976, on the same bases as above delineated.

Northwest, Washington Natural, and the Washington Water Power Company (Washington Water Power) are parties to the Gas Storage Project Agreement dated June 25, 1970,¹ whereby each party owns a one-third (1/3) undivided interest in the Jackson Prairie located in Lewis County, Washington. The Agreement provides that Washington Natural, the designated operator, shall operate Jackson Prairie so as to support the sale and delivery by Northwest of volumes of natural gas, pursuant to Northwest's Storage Gas Service Rate Schedule SGS-1. The Management Committee, comprised of the three owner parties, reviewed the potential of the project and adopted the recommendation of Washington Natural, as project operator, that consistent with the gradual development of the project, seasonal withdrawal quantities should be increased to not less than 10,100,000 Mcf, and the cushion gas inventory should be increased to not less than 15,200,000 Mcf. The proposed changes would result in an increase of 800,000 Mcf in the working gas inventory and an increase of 1,200,000 Mcf in the cushion gas inventory. Northwest does not propose any increase in the presently authorized daily contract quantity of 300,000 Mcf per day. The proposed increase in the seasonal quantity of 800,000 Mcf will not require the construction of any additional facilities.

As Part of its Petition to Amend, Northwest set forth its proposed revisions to the currently effective allocation of its firm Contract Demand, Best Efforts and Seasonal delivery obligations under its FPC Gas Rate Schedule SGS-1. Our review of the proposed allocation of the daily and seasonal quantities for the 1976-77 heating season and thereafter indicates that Northwest anticipates growth in its customers' high priority seasonal requirements while it projects varying degrees of lower priority curtailments. Northwest's submission indicates that the winter requirements of all priorities will increase by seven percent during the next two years, whereas the biennial increase of all customers' requirements in Priorities No. 1 and No. 2 will be approximately 8.5 percent. It appears that the proposed reallocation will result in a reduction in storage service for most of Northwest's customers, with concurrent increases solely for Southwest Gas Corporation, Washington Natural, and Washington Water Power.

¹This Agreement is on file with the Commission as Washington Natural's FPC Gas Rate Schedule S-1.

We, therefore, find that it is appropriate to set for hearing the Petitions to Amend in the two foregoing dockets in order to insure that the public interest is adequately protected.

Due to the difficulty in obtaining natural gas from new gas supply sources with which to replace the declining deliverability of existing domestic supply sources, the proposed services are essential to maintaining reliability on the system. Northwest Pipe Line has been required to curtail firm deliveries for the past two heating seasons because its Canadian supplier has been unable to deliver full contract volumes. Due to the projected curtailment on this system, we find that a temporary certificate should be granted without prejudice to the final disposition with regard to the Petitions to Amend. Such grant is conditioned upon a filing by Washington Natural of a tariff sheet, pursuant to § 154.01 of the Commission's regulations.

After due notice by publication in the FEDERAL REGISTER on June 15, 1976 (41 FR 24218), Cascade Natural Gas Corporation petitioned to intervene. On May 27, 1976 (41 FR 21698), Washington Natural's Petition to Amend was noticed and published in the FEDERAL REGISTER, whereupon Northwest Pipe Line Corporation filed a timely Petition to Intervene.

The Commission finds: (1) It is necessary and appropriate that the proceedings in Docket Nos. CP75-287 and CP75-110 be consolidated for hearing and decision.

(2) It is desirable and in the public interest to allow the aforementioned parties who have formally petitioned to intervene in the above consolidated dockets to so intervene in order that they may establish the facts and the law from which the nature and validity of their alleged rights and interests may be determined.

(3) Due to the level of curtailment on the interstate pipeline system, it appears appropriate that temporary certificates should be issued as hereinafter ordered and conditioned.

(4) Good cause exists for the Commission to enter upon a hearing concerning Applicants' Petitions to Amend the certificates of public convenience and necessity and for establishing the procedure for that hearing, all as hereinafter ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 7 and 15 thereof, the Commission's Rules of Practice and Procedure, and the Regulations Under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held concerning the public interest issues involved in the Petitions to Amend the certificates of public convenience and necessity issued to the Petitioners in these proceedings, on September 25, 1976, as amended on January 16, 1976.

(B) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose shall preside at the hearings in this proceed-

ing and shall prescribe relevant procedural matters not herein provided.

(C) The temporary certificate issued in paragraph (A) above and the rights granted thereunder are conditioned upon Applicants' compliance with all applicable Commission Regulations under the Natural Gas Act and particularly the general terms and conditions set forth in paragraphs (c) (1), (c) (3), (c) (4), (e), (f) and (g) of Section 157.20 of such regulations.

(D) Cascade Natural Gas Corporation and Northwest Pipe Line Corporation, who have petitioned to intervene in the proceedings consolidated in ordering paragraph herein, are permitted to intervene in such consolidated proceedings, subject to the Rules and Regulations of the Commission: *Provided, however*, That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided further*, That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in this proceeding.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-26790 Filed 9-13-76; 8:45 am]

[Docket No. CP76-483]

PANHANDLE EASTERN PIPE LINE CO.

Application

SEPTEMBER 3, 1976.

Take notice that on August 16, 1976, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP76-483 an application pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of natural gas for U.S. Industrial Chemical Company, a Division of National Distillers and Chemical Corporation (National), a direct sale customer of Applicant, from points in Oklahoma and Texas to the existing point of interconnection between National and Applicant in Illinois, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to transport for National natural gas purchased by National from Phillips Petroleum Company (Phillips). Applicant would transport on a firm basis up to 6,000 Mcf of gas per day from November through April and up to 3,000 Mcf of gas per day from May through October and on a best-efforts basis up to 3,000 Mcf of gas per day from November through April and up to 2,000 Mcf of gas per day from May through October. The transportation agreement between Applicant and

National provides for the service to be rendered for one year from November 1, 1976. It is stated that the primary point for the receipt of gas by Applicant would be at the inlet of Applicant's existing measuring station located at Phillips' Cimarron plant in Woodward County, Oklahoma, and that a secondary point of receipt would be at Phillips' Hansford plant in Hansford County, Texas. Applicant would deliver the gas to National at their existing point of interconnection in Douglas County, Illinois.

For the proposed service National would pay Applicant a monthly transportation charge of \$30,780 from November through April and \$15,390 from May through October and a transportation charge for volumes in excess of the firm volumes of 16.88 cents per Mcf. National would pay Applicant an additional charge of 2.52 cents per Mcf for volumes received by Applicant at the Hansford County point. Applicant would retain 7 percent of the gas received at the Woodward County point and 11 percent of the gas received at the Hansford County point for compressor fuel.

The application indicates that National would purchase gas from Phillips at \$1.65 cents per Mcf at 14.65 psia. Applicant states that this price precludes Applicant's purchase of the gas.

Information supplied by National included in the application indicates that National operates a petrochemical complex at Tuscola, Illinois, which is supplied with gas by Applicant. It is stated that approximately three quarters of the gas normally purchased from Applicant is used as feedstock. Further, it is stated, the gas proposed to be transported by Applicant would be used in plant process heaters which require gaseous fuels and must operate with precise temperature controls and flame characteristics.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 27, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required

herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-26766 Filed 9-13-76; 8:45 am]

[Docket Nos. ER76-308, ER76-386]

PUBLIC SERVICE CO. OF NEW MEXICO
Electric Rates Settlement

Issued: September 8, 1976.

On April 8, 1976, at a hearing before Presiding Administrative Law Judge Grossman, the Public Service Company of New Mexico (PSNM) placed on the record a proposed Stipulation and Agreement of Settlement in the above-captioned consolidated proceeding, which, approved, would resolve all the issues raised herein. Judge Grossman certified the record, including the Agreement, to the Commission on April 9, 1976. For the reasons hereinafter stated, the Commission shall approve the proposed Stipulation and Agreement.

Docket No. ER76-308 is the subject of a January 26, 1976, filing by PSNM of a Second Supplemental Agreement between PSNM and the Community Public Service Company (CPS) for the furnishing of electric power and energy to CPS during the period December 1, 1975, through June 1, 1976. The filing was designed to increase revenues from jurisdictional sales and service to CPS by \$350,800 on an annual basis.

Docket No. ER76-386 is the subject of a January 26, 1976, filing by PSNM of a superseding service agreement between PSNM and the Energy Research and Development Administration (ERDA). The filing was designed to increase revenues from jurisdictional sales and service to ERDA by approximately \$150,300 on an annual basis. By order issued February 25, 1976, the Commission accepted for filing and suspended the use of the proposed rates until April 26, 1976, when such rates were permitted to become effective, subject to refund, and consolidated the dockets for final hearing and determination of their justness and reasonableness.

Public notice of PSNM's filing of the Stipulation and Agreement was issued on April 15, 1976, with all comments thereon due on or before April 26, 1976. Comments in complete support of the Agreement were filed by CPS and ERDA. The Staff filed comments in support of the Agreement but noted, however, that the rates proposed therein contain an automatic tax adjustment clause.

The rates contained in the proposed Agreement, although based upon an adjusted cost of service (attached as Appendix C to the Agreement), are the same as those originally proposed and suspended, and therefore will not result in any refunds to the jurisdictional customers. The major feature of the originally proposed rates, and consequently of the rates incorporated in the proposed Agreement, is a rate design based upon time-of-day rates.

The Commission's review of the proposed Agreement indicates that it reflects rates that are cost-justified, and are therefore just and reasonable and in the public interest. The Commission takes note of the automatic tax adjustment clause contained in PSNM's proposed rates, and hereby advises PSNM that any implementation of said clause must be made in accordance with the rate change provisions of Section 205 of the Federal Power Act and the Commission's regulations.

The Commission finds: Good cause exists to accept and approve the proposed Stipulation and Agreement.

The Commission orders: (A) The Stipulation and Agreement offered as part of the certified record in this proceeding and, incorporated herein by reference, is hereby accepted and approved.

(B) Docket Nos. ER76-308 and ER76-386 and PSNM's refund obligation with respect to the rates filed in these consolidated dockets are hereby terminated.

(C) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, the Staff or any other party or person affected by this order in any proceeding now pending or hereinafter instituted by or against Public Service Company of New Mexico or any other person or party.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-26871 Filed 9-13-76; 8:45 am]

[Docket No. E-9454]

PUBLIC SERVICE CO. OF NEW MEXICO
Price Squeeze Issue

Issued: September 8, 1976.

On May 21, 1975, Public Service Company of New Mexico (PNM) tendered for filing a proposed rate schedule that would increase revenues from its jurisdictional customer, the City of Gallup, New Mexico (Gallup) by about \$848,000. On June 30, 1975, Gallup filed a petition to intervene, alleging, inter alia, that PNM's rate filing was non-competitive and discriminatory when considered in relation to its retail rates and when considered in relation to another wholesale

customer, Community Public Service Co. (CPS).¹

By order of July 31, 1975, the Commission instituted an investigation under Section 206 of the Federal Power Act to determine a just and reasonable rate for PNM's service to Gallup. The order excluded consideration of the price squeeze issue pending Supreme Court review of *Conway Corporation v. F.P.C.*, 519 F.2d 1264 (1975), affirmed, 44 U.S.L.W. 4777 (June 7, 1976). On January 7, 1976, the Presiding Administrative Law Judge certified a proposed settlement of this matter to the Commission. This settlement is opposed by Gallup.

PNM's settlement proposal is based upon the cost of service study prepared by Gallup which Gallup served on all parties on November 4, 1975, for later submittal in evidence at the hearing. It meets the lowest cost of service study prepared by the parties and would permit an increase of \$544,000 annually. Staff's cost of service study entered into the record would allow a \$615,767 annual increase. PNM's filing showed a negative rate of return for the test year ended December 31, 1974, while the settlement rates indicated by Gallup's filing project a rate of return of 9.045 percent.²

Gallup objects to the settlement because it claims additional issues of fact remain to be resolved. Although the settlement would prescribe rates at the level of Gallup's served testimony, Gallup objects that it was unable on November 4, 1975 to serve a case on all issues of fact because PNM failed to supply data requested over one month earlier regarding Western Coal Company, partially owned by PNM.

Gallup has presented an offer of proof, prepared as testimony filed January 5, 1976, on the issue of fuel costs. It would purport to demonstrate that coal purchased by PNM from its 50 percent owned subsidiary, Western Coal Company, is more costly than coal purchased from nearby non-affiliated coal producers and that PNM's indicated return on its investment in 1974 was 57.1 percent. It also suggested that state regulatory agencies base just and reasonable rates for subsidiary prices on actual costs and not upon a comparison of prices. PNM has not rebutted Gallup's contentions concerning its indicated return on its investment in Western.

The Commission staff recommends approval of the settlement since the settlement rates are below Staff's recom-

¹ Gallup also objected that any rate increase filing is precluded by the contract terms and the Sierra-Mobile doctrine. PNM contended a unilateral price change is permissible under the contract. The Commission denied each of their contentions on July 31, 1975, and denied rehearing on September 26, 1975. Both appealed, *Public Service Co. of New Mexico, et al. v. F.P.C.*, 10th Cir., Nos. 75-1692, 76-1013.

² PNM and the Commission Staff placed their evidence into the record at the pre-hearing conference. Gallup refused to do so on grounds that it has a right to withhold its case pending the closing of PNM's case.

mendation and rejects Gallup's factual contentions. Staff points to the relatively low cost of Western's coal (26 cents per Mef) versus the July, 1975, average nationwide cost of coal of 80.8 cents per MMBtu. Staff also says the PNM-Western coal contract appears to be cost based.

Gallup's offer of proof in the nature of prepared testimony raises questions not otherwise answered by the record. Gallup's offer of proof alleges that the coal contract in question does not base the rate for materials and supplies upon costs but upon wholesale price indices for commodity groups and claims there is an indicated return on PNM's investment in Western of 57.1 percent. Because factual issues concerning purchased fuel costs have been raised which are not resolvable by the record evidence, we will remand for the presentation of evidence directed to appropriateness of those costs.

We are unable to accept all of Gallup's factual allegations and still approve the settlement rates as just and reasonable on this record. This situation renders inapplicable the cases cited by PNM which permit the approval of settlements over objection in certain cases.⁵ Moreover, in another recent case, *Georgia Power Co.*, Opinion No. 711, to the settlement to be factually unsupported, it afforded that party an opportunity for cross-examination.

Gallup also objects that the settlement does not resolve the claimed discriminatory treatment of Gallup vis-a-vis CPS. Gallup says no basis exists for a lesser charge to CPS where CPS has a 47 percent greater entitlement to capacity than the peak load demand of Gallup during the 1974 test year and a further entitlement of 85 percent above that level within the first six months of 1975.

Staff and PNM respond that this issue should be rejected, noting PNM has filed in Docket No. ER76-308 proposed rate increases which, if approved, would result in a rate to CPS substantially higher than those proposed to Gallup based on 1974 costs.

We are today issuing an order approving the settlement at the proposed rates. This action moots this issue of discrimination raised by Gallup. We accordingly reject its request for hearing on this question.

In certifying this settlement to the Commission, the Presiding Administrative Law Judge recommended that the Commission approve the settlement and authorize the settlement rates to go into effect subject to refund and close the case subject to motion by Gallup to remand on remaining issues. PNM and Staff support this recommendation while Gallup opposes it. We reject this recommendation.

As discussed above, Gallup has raised an issue that must be heard before the

Commission acts pursuant to this Section 206 proceeding. We are not permitted by Section 206(a) of the Federal Power Act to authorize increased rates where both the contract between the parties prohibits unilateral filings and where we are unable to conclude the rates are just and reasonable. If the rates were permitted to become effective prior to finding them just and reasonable, it would be tantamount to permitting a unilateral filing. The impact of consideration of the coal fuel costs may demonstrate that the settlement rates are in excess of a just and reasonable rate. We therefore cannot accept the Judge's recommendation to place the settlement rates into effect subject to refund.

On July 6, 1976, Gallup filed a motion requesting that the Commission reopen the record in this proceeding so that the "price squeeze" issue can be considered. The motion is based on the Supreme Court's June 7, 1976 opinion affirming the Court of Appeals decision in *Conway*, supra. The Supreme Court in *Conway* held that the Commission has the jurisdiction to consider allegations that proposed wholesale rates are discriminatory and noncompetitive when considered in relation to the retail rates. This is known as the "price squeeze" issue. In view of the *Conway* Decision, the Commission has determined that it is necessary to permit Gallup to present evidence on the "price squeeze" issue in this reopened proceeding. The Commission has proposed the substantive standards it intends to apply in evaluating allegations of price squeeze in the Notice of Proposed Statement of Policy, Policy Statement Concerning Electric Rate Schedule Filings and Requirement for Filing of Comparative Rate Information in Certain Situations, Docket No. RM76-29, issued July 29, 1976.

Accordingly, the Presiding Judge will be ordered to convene a conference to establish such further procedural dates as necessary. The settlement proposal will be rejected without prejudice to its further submission.

The Commission finds: (1) Good cause exists to reject the settlement proposal and to reopen the record in accord with the provisions of this order.

(2) Good cause exists to grant Gallup's motion to reopen the record on the "price squeeze" issue.

The Commission orders: (A) The Intervenor's Motion to reopen on the "price squeeze" issue is granted.

(B) Pursuant to the authority of the Federal Power Act, the Commission's Rules of Practice and Procedure, and the Regulations Under the Federal Power Act (18 CFR Chapter D), a prehearing conference shall be held at a date to be designated by the Presiding Administrative Law Judge, in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(C) The Presiding Administrative Law Judge shall preside at the initial conference in this proceeding, with authority to establish and change all procedural

dates, and to rule on all motions (with the exception of petitions to intervene, motions to consolidate and sever, and motions to dismiss, as provided for in the Rules of Practice and Procedure).

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26872 Filed 9-13-76; 8:45 am]

[Docket No. ER76-874]

PUGET SOUND POWER & LIGHT CO.
Wholesale for Resale Power Contracts

SEPTEMBER 3, 1976.

Take notice that on August 23, 1976, Puget Sound Power & Light Company (Puget) tendered for filing wholesale for resale power contracts with the City of Dupont and the Port of Skagit County which reflect the addition of these contracts as new customers in Puget's presently filed "Firm Wholesale Service for Purpose of Resale" rate schedule, according to Puget. Puget states that service under the agreements commenced on May 19, 1976, for the City of Dupont and January 22, 1976 for the Port of Skagit County and Puget accordingly requests waiver of the notice requirements to have those dates assigned as the effective dates.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 24, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26767 Filed 9-13-76; 8:45 am]

[Docket No. ID-1634]

ROBERT J. HURSTAK
Application

SEPTEMBER 7, 1976.

Take notice that on August 30, 1976, Robert J. Hurstak (Applicant), filed an application with the Federal Power Commission, pursuant to Section 305(b) of the Federal Power Act. Applicant seeks authority to hold the following positions:

Vice President and Controller, Orange and Rockland Utilities, Inc., Public Utility.

⁵ PNM cites *Citizens for Allegan County, Inc. v. F.P.C.*, 414 F.2d 1125, 1128 (D.C. Cir. 1969); *Cities of Lexington, Ky. v. F.P.C.*, 295 F.2d 109, 121 (4th Cir. 1961); and *Pennsylvania Gas & Water Co. v. F.P.C.*, 463 F.2d 1242 (D.C. Cir. 1972).

Vice President and Controller, Rockland Electric Co., Public Utility.
Vice President and Controller, Pike County Light & Power Co., Public Utility.

Rockland Electric Company and Pike County Light & Power Company are wholly-owned subsidiaries of Orange and Rockland Utilities, Inc.

Orange and Rockland Utilities, Inc. (formerly Rockland Light and Power Company) has its principal place of business at Spring Valley, New York. The Company is engaged in the generation, distribution and sale of electric current in Rockland County and portions of Orange County and the easterly portion of Sullivan County, all in the state of New York, and owns and operates facilities for the transmission of electric energy across the New Jersey and Pennsylvania state lines to its wholly-owned subsidiary companies, Pike County Light & Power Company, Milford, Pennsylvania; and Rockland Electric Company, Ramsey, New Jersey. The Company also distributes natural gas in parts of the territory.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 28, 1976, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-26860 Filed 9-13-76; 8:45 am]

[Project No. 199]

**SOUTH CAROLINA PUBLIC SERVICE
AUTHORITY**

Application for Use of Project Lands

SEPTEMBER 2, 1976.

Public notice is hereby given that an application was filed on February 4, 1976, under the Federal Power Act (16 U.S.C. §§ 791a-825r) by the South Carolina Public Service Authority (Correspondence to: J. B. Thomason, General Manager, South Carolina Public Service Authority, 223 North Live Oak Drive, Moncks Corner, South Carolina 29461; and Paul W. Cobb, State Highway Engineer, South Carolina State Highway Department, Post Office Drawer 191, Columbia, South Carolina 29202) for authority to permit the South Carolina State Highway Department to construct a 90-foot-long concrete bridge for South Carolina

Route 26 across lands and waters of the Santee-Cooper Project, FPC Project No. 199, at Dean Swamp Impoundment, Lake Marion, about three miles southeast of Jordan, Clarendon County, South Carolina.

The proposed bridge construction would replace an existing causeway across the Wyboo Creek, Lake Marion. The purpose of the bridge is to permit navigation between Dean Swamp Impoundment and Lake Marion. The proposed bridge would also replace a "control structure" which currently maintains the elevation of the water in Dean Swamp Impoundment at 75 feet above mean sea level whenever the elevation of the water in Lake Marion is lower. Applicant states that elevations as low as 62 feet above mean sea level have been recorded for Lake Marion. The bridge will provide about 7.3 feet of clearance above the maximum lake elevation of 76.8 feet above mean sea level as measured at the Santee Dam spillway.

Applicant has requested the shortened procedure pursuant to § 1.32(b) of the Commission's rules of practice and procedure, 18 CFR 1.32(b) (1976).

Any person desiring to be heard or to make any protests with reference to said application should, on or before October 18, 1976, file with the Federal Power Commission, 825 N. Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1975). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act, 16 U.S.C. 825g and 825h, and the Commission's Rules of Practice and Procedure, specifically § 1.32(b), as amended by Order No. 518, a hearing on this application may be held before the Commission without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing before the Commission.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-26776 Filed 9-13-76; 8:45 am]

[Project No. 199]

**SOUTH CAROLINA PUBLIC SERVICE
AUTHORITY**

Application for Change in Land Rights

SEPTEMBER 2, 1976.

Public notice is hereby given that an application was filed on April 16, 1976, under the Federal Power Act (16 U.S.C. §§ 791a-825r) by the South Carolina Public Service Authority (Correspondence to: J. B. Thomason, General Manager, South Carolina Public Service Authority, 223 North Live Oak Drive, Moncks Corner, South Carolina 29461; and Edwin H. Cooper, Jr. and Edmund H. Hardy, 5219 Trenholm Road, Columbia, South Carolina 29206) for a change in land rights involving certain lands of Project No. 199 located in Poplar Creek, an inlet of Lake Marion, in Calhoun and Orangeburg Counties, South Carolina.

The South Carolina Public Service Authority, Licensee for Santee-Cooper Project No. 199, proposes to exchange with Edwin H. Cooper, Jr. and Edmund H. Hardy (Trustees) about 37.6 acres of undeveloped project land along the western side of Poplar Creek, Lake Marion, for about 54.2 acres of land outside of, but contiguous to, the project boundary at the tip of Poplar Creek. The application states that acquisition of the 54.2-acre tract by the Licensee would provide sufficient depth for the Licensee to develop public recreational facilities without utilizing large portions of the shoreline. The 37.6 acres of project land to be conveyed to Edwin H. Cooper, Jr. and Edmund H. Hardy is approximately 1.4 miles long and averages 220 feet wide with an irregular shoreline. This tract is contiguous to 710 acres that the Trustees own and lease to a local farmer and a hunt club. The Trustees state that they have no immediate plans to develop the project lands to be acquired by them. The proposed instrument of conveyance contains a provision that all construction on this land within 100 feet of the normal high water mark shall require the prior approval of the Federal Power Commission. Both tracts of land are across Poplar Creek from and near the Santee State Park, located on Lake Marion.

The Licensee has requested use of the shortened procedure pursuant to § 1.32(b) of the Commission's Rules of Practice and Procedure, 18 CFR 1.32(b) (1976).

Any person desiring to be heard or to make any protest with reference to said application should, on or before October 18, 1976, file with the Federal Power Commission, 825 N. Capitol Street N.E., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1976). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party

in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and conferred upon the Federal Power Commission by Sections 308 and 309 of the Federal Power Act, 16 U.S.C. 825g and 825h, and the Commission's rules of practice and procedure, specifically § 1.32(b), as amended by Order No. 518, a hearing on this application may be held before the Commission without further notice if no issue of substance is raised by any request to be heard, protest, or petition filed subsequent to this notice within the time required herein. If an issue of substance is so raised, further notice of hearing will be given.

Under the shortened procedure herein provided for, unless otherwise advised, it will not be necessary for Applicant to appear or be represented at the hearing before the Commission.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26774 Filed 9-13-76;8:45 am]

[Docket No. RP74-41 (PGA76-6A)]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

SEPTEMBER 3, 1976.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on August 16, 1976 tendered for filing proposed changes in its FPC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

Substitute Twenty-first Revised Sheet No. 14
Substitute Twenty-first Revised Sheet No. 14A
Substitute Twenty-first Revised Sheet No. 14B
Substitute Twenty-first Revised Sheet No. 14C
Substitute Twenty-first Revised Sheet No. 14D

Texas Eastern states that these sheets are being issued in substitution for Texas Eastern's PGA filing of June 17, 1976, which filing was accepted by Commission order dated July 7, 1976 in Docket No. RP74-41 (PGA No. 76-6) subject to modification for supplier rates. Texas Eastern states that the above sheets are filed pursuant to such Commission order dated July 7, 1976, reflecting a modification in the rates of United Gas Pipe Line Company. The proposed effective date of the above tariff sheets is August 2, 1976.

Texas Eastern states that copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such peti-

tions or protests should be filed on or before September 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26769 Filed 9-13-76;8:45 am]

[Docket No. RP72-64]

TEXAS GAS TRANSMISSION CORP.

Natural Gas Pipelines Curtailment (Settlement);

SEPTEMBER 3, 1976.

Texas Gas Transmission Corporation (Texas Gas) submitted for filing on September 30, 1975, pursuant to Section 4 of the Natural Gas Act, proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1, pertaining to priorities of service during periods of curtailed deliveries.

By order issued March 26, 1976, the Commission suspended the use of the proposed tariff provisions from that date until April 1, 1976, and such further time as they are made effective in the manner prescribed by the Natural Gas Act.¹ That order also set this matter for formal hearing to be preceded by a prehearing conference, and established procedures pursuant to which Texas Gas and intervenors could file evidentiary support for their respective positions with regard to the issues arising from the proposed tariff provisions.

At a prehearing conference held on April 27, 1976, the Presiding Administrative Law Judge set dates of May 10, 1976, and May 24, 1976, respectively, for the filing of supporting and opposing initial and rebuttal testimony in regard to an interim settlement reached among Texas Gas, the intervenors, and the Commission staff. On those dates Texas Gas submitted supporting direct and rebuttal testimony; Mississippi Gas Users, Inc. (Gas Users) filed initial and rebuttal opposing testimony as well as testimony supporting their own settlement proposal. Subsequently, Gas Users withdrew their opposition to the proposed interim settlement, including all testimony, motions, and requests for data (Tr. 482-483).

The proposed Interim Settlement Agreement, which had been previously served upon all parties, was received in evidence as Exhibit No. 20 at the hearing on June 10, 1976 (Tr. 459-461). Prepared testimony supporting the settlement agreement was submitted by Texas Gas Witnesses Monty G. Martin, John R. Gregory, Jr., and Robert O. Koch (Tr.

¹By order issued May 24, 1976, the Commission denied a petition for rehearing, reconsideration, and modification filed by Mississippi Gas Users, Inc. on April 26, 1976.

459-482). No party elected to cross-examine the supporting testimony of these witnesses (Tr. 467, 473, 482). Oral comments and statements of position by numerous parties were transcribed into the record at the June 10, 1976 conference (Tr. 490-496). In addition, written comments were filed at a later date pursuant to a Notice issued by the Commission's Secretary requiring that comments on the proposed interim settlement be filed on or before June 24, 1976.

At the hearing on June 10, 1976 also, a final environmental impact statement (FEIS) prepared by the Commission staff was received in evidence as Exhibit No. 23 (Tr. 484), together with the transcription into the record of supporting testimony by Staff Witness John E. Moriarty (Tr. 485-489), subject to the right of any party not present to file objections or to claim the right to cross-examine Mr. Moriarty within the time limit set by the Presiding Judge (Tr. 484-485). The time limitation expired without receipt of any objections or requests to cross-examine on the FEIS.

The Presiding Judge certified the proposed Interim Settlement Agreement to the Commission on July 9, 1976, together with the related record.

The Interim Settlement Agreement contains an Index of Quantity Entitlements in Appendix A thereto, along with related provisions pertaining to emergency situation relief, penalty charges, demand charge adjustments, and arrangements for the release of natural gas volumes by Texas Gas customers in Appendix C. These provisions as well as the curtailment procedures embodied in Appendix B of the Interim Settlement Agreement are proposed to be effective for the period April 1, 1976 through March 31, 1981. Texas Gas agrees to file a curtailment plan at least six months prior to April 1, 1981, the expiration date of the proposed interim settlement.

The principal provisions of the Interim Settlement Agreement may be summarized as follows:

(1) If seasonal or daily curtailment becomes necessary during the term of the interim agreement, Texas Gas shall curtail deliveries except for storage up to and including March 31, 1981, in accordance with the priorities of service delineated in Section 10.2 of the General Terms and Conditions of Texas Gas' FPC Gas Tariff, Third Revised Volume No. 1, contained in Appendix B. These priority of service categories reflect those set forth in the Commission's Statement of Policy in Order No. 467-B issued March 2, 1973, as modified in Priority Category 2 thereof to include firm industrial requirements up to 300 Mcf per day, in accordance with Commission Opinion No. 647-A, United Gas Pipe Line Company, 49 FPC 1211 (1973), reversed on other grounds, *State of Louisiana v. F.P.C.*, 503 F.2d 844 (1974).

(2) In the event that Texas Gas determines that a shortage of natural gas makes it necessary to continue seasonal volumetric limitations upon its customers beyond March 31, 1981, it will file

the same Index of Quantity Entitlements set forth in Appendix A to the agreement, which will be proposed to be effective from and after March 31, 1981, after suspension, if any.

(3) The end-use data set forth in Appendix D of the agreement shall be used by Texas Gas in implementing curtailments during the term of this agreement, which end-use data for customers with underground storage facilities reflects that net storage injection requirements in any month in which storage injections exceed storage withdrawals have been allocated to all categories of use in accordance with the percentage of requirements served by storage withdrawals in each of such categories in the months when storage withdrawals exceed storage injections.

(4) Pursuant to Section 10.3 of the Terms and Conditions of Texas Gas' FPC Gas Tariff, Third Revised Volume No. 1, Texas Gas has the right to adjust curtailments to the extent necessary to respond to emergency situations (including environmental emergencies) during periods of curtailment wherein supplementary deliveries are essential to prevent irreparable injury to life or property, provided that such emergency deliveries shall be balanced out by additional curtailments when such will not produce an emergency situation for the customer. This docket shall remain open for the limited purpose of filing with the Commission protests to the requests for emergency relief, which shall be served upon all parties to this proceeding.

(5) Whenever any purchaser takes volumes of gas in excess of 102 percent of the seasonal volumes specified for it in the Index Quantity Entitlement or specified for it pursuant to curtailment procedures, that purchaser shall pay a penalty of \$10 per Mcf for such excess volumes. If any purchaser takes volumes of gas exceeding 102 percent of the daily volumes specified for it during any period of daily curtailment, that purchaser shall pay a penalty of \$10 per Mcf for the excess volumes, provided that the excess amount is not less than 250 Mcf for any day. The amount of any penalties so collected shall be credited to an account entitled "Deferred Demand Charge Adjustments and Quantity Entitlement Overrun Penalties."

(6) In order to protect service to its firm customers during periods of curtailment, any purchaser may make arrangements with another purchaser for the release of certain volumes of gas, and may request Texas Gas to deliver the specified volumes of gas thus released to it during such curtailment, the terms and conditions of such delivery to be at the sole discretion of Texas Gas. Texas Gas shall promptly notify both purchasers whether it can accommodate such delivery. The only charge for such service shall be for deliveries across rate zones, whereby Texas Gas would charge the higher of the appropriate rates in the zones involved.

(7) Section 10.5 of the General Terms and Conditions of Texas Gas' FPC Gas

Tariff, Third Revised Volume No. 1, set forth in Appendix C, provides for adjustments in demand charges for customers being curtailed, but also for the recovery of the total amount of such adjustments through a commodity rate increase.

(8) No party to this agreement² shall file any pleadings or motions directly or indirectly with the Commission or with the courts seeking a change in the end-use data used for computing curtailments on the Texas Gas System attached as Appendix D.

(9) Upon final Commission approval of the settlement, Texas Gas will file the tariff sheets attached to the agreement as Appendices A, B, and C, to be effective for the period April 1, 1976 through March 31, 1981.

(10) There is the general reservation that the Interim Settlement Agreement represents a negotiated settlement and that none of the parties to this proceeding shall be deemed to have approved or consented to any particular method or principle underlying the matters set forth in the agreement.

Most of Texas Gas' customers support the proposed five-year interim settlement agreement, and numerous supporting statements have been filed. Although they do not oppose the instant settlement, several parties, in their written or oral comments (Tr. 492-494), seek to reserve the right at a future time to petition the Commission for an opportunity to present evidence in support of the inclusion of a compensation provision in Texas Gas' curtailment plan. In addition, Westvaco Corporation, (Westvaco) reserves the right to object to the underlying end-use data and the method of compiling it herein in any controversy not settled by the interim agreement that may arise in connection with Texas Gas' curtailment of Westvaco's deliveries (Tr. 490-491); The Cincinnati Gas & Electric Company (Cincinnati) and Lawrenceburg Gas Transmission Corporation (Lawrenceburg) are concerned in their joint written comments whether customers taking less than 5,000 Mcf of natural gas per day have the necessary flexibility to withstand curtailment; and C F Industries, Inc. (C F) reserves the right to request a change in Texas Gas' curtailment plan if Congressional legislation requiring a modification of curtailment procedures is passed (Tr. 492-493).

Inasmuch as none of the parties mentioned above objects to this settlement, we do not perceive a basis in their comments for declining to give our approval to the proposed Interim Settlement Agreement. Compensation features in pipeline curtailment plans are now pending before the courts; and the parties herein are free to request our consideration of the lawfulness of a specific compensation scheme in the event that such is mandated upon completion of judicial review. We note that Westvaco's objec-

² The Commission staff is not a party signatory to the Interim Settlement Agreement and is not therefore bound by this provision.

tion to the underlying end-use data is restricted to controversies not settled by the interim agreement herein that may arise, and that C F's reservation in regard to the settlement is contingent upon the passage of future overriding legislation. Finally, the apparent anxiety by Cincinnati and Lawrenceburg for the capability of Texas Gas' small customers to withstand curtailment has not been expressed by any of them, and we do not have sufficient evidence of record upon which to base an exemption for this class of customers. In any event, Texas Gas may be able to provide emergency situation relief under Section 10.3 of the General Terms and Conditions of its FPC Gas Tariff in the event that these small customers' operations lack adequate flexibility to offset the impact of a particular curtailment level.

The Commission finds: The Interim Settlement Agreement certified by the Presiding Administrative Law Judge to the Commission for approval on July 9, 1976, is in the public interest, and it is appropriate in carrying out the provisions of the Natural Gas Act that it be approved and made effective as hereinafter ordered.

The Commission orders: (A) The Interim Settlement Agreement certified by the Presiding Administrative Law Judge to the Commission for approval on July 9, 1976, and incorporated herein by reference, is approved and made effective for the period April 1, 1976 through March 31, 1981, subject to this order; and Texas Gas shall fully comply with each of the provisions of the Interim Settlement Agreement and of this order.

(B) This order is without prejudice to any findings or orders which have been made, or may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Texas Gas, or any other party or person affected by this order in any proceedings now pending, or hereafter instituted by or against Texas Gas, or any other person, or party.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-26768 Filed 9-13-76; 8:45 am]

[Docket No. ER76-869]

TOLEDO EDISON CO.

Notice of Service Agreement

SEPTEMBER 3, 1976.

Take notice that The Toledo Edison Company, on August 20, 1976, tendered for filing proposed changes in its FPC Electric Service Tariff, Original Volume Number 1 applicable to sales to Municipalities for Resale. The changes consist of filing a Service Agreement executed by the Village of Edgerton, Ohio, and Eighth Revised Sheet Number 3, List of Purchasers.

Toledo Edison states that the executed Service Agreements with the Village of Edgerton provides that the Vil-

lage will be served under rate Municipal Resale Service Rate-Small and that the Service Agreement replaces a contract (Rate Schedules FPC Number 9) which will expire on September 22, 1976. An effective date of September 23, 1976 has been requested for the filed Service Agreement.

Toledo Edison states that copies of this filing were served upon the Village of Edgerton, Ohio and the Public Utilities Commission of Ohio.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 17, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26770 Filed 9-13-76;8:45 am]

[Docket No. CP76-490]

**TRANSCONTINENTAL GAS PIPE LINE
CORP.**

Application

SEPTEMBER 3, 1976.

Take notice that on August 19, 1976, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP76-490 an application pursuant to Section 7(c) of the Natural Gas Act authorizing the acquisition of natural gas compression facilities offshore Louisiana from Union Oil Company of California and Amoco Production Company, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes to acquire four field compressor units, two on the Block 49 E Platform in the South Marsh Island Area Block 48 Field and one each on the Block 209 K Platform in the Ship Shoal Area Block 208 Field and on the Block 269 B Platform in the Ship Shoal Area Block 274 Field. The facilities would be acquired at net book cost, which is said to be \$1,574,039 as of April 1, 1976, which includes Amoco's 13.3 percent interest in the facilities in the Block 208 Field.

The application states that the facilities are installed on the producers' platforms and are used to increase gas deliverability and reserve recovery in the subject fields dedicated to Applicant. Applicant states further that the use of the facilities would remain unchanged after the proposed acquisition.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 29, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing there-in must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26771 Filed 9-13-76;8:45 am]

[Docket No. RP76-84]

UNITED GAS PIPE LINE CO.

Pipeline Rates Intervention

Issued: September 2, 1976.

On April 9, 1976, United Gas Pipe Line Company (United) filed proposed tariff sheets which would increase its jurisdictional revenues. United requested that the tariff sheets be allowed to become effective on May 9, 1976.

Public notice of United's proposed rate increase was issued on April 16, 1976, with protests and petitions to intervene due on or before April 28, 1976. On August 3, 1976, an untimely petition to intervene was received from Florida Gas Transmission Company (Florida Gas). Having reviewed Florida Gas' petition, the Commission concludes that Florida Gas has an interest in this proceeding which is sufficient to warrant its intervention herein.

The Commission finds: It is desirable and in the public interest to allow Florida Gas to intervene in this proceeding.

The Commission orders: (A) Florida Gas is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Federal Power Commission; *Provided, however*, That participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene and *provided further*, That the admission of such intervenor shall not be construed as recognition by the Federal Power Commission that it might be aggrieved because of any order or orders of the Federal Power Commission entered in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26800 Filed 9-13-76;8:45 am]

[Docket No. CP76-502]

UNITED GAS PIPE LINE CO.

Application

SEPTEMBER 8, 1976.

Take notice that on August 27, 1976, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP76-502 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of existing facilities for the transportation of natural gas in interstate commerce to and from Chandeaur Pipe Line Company (Chandeaur), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that due to a shortage of natural gas Applicant anticipates a supply deficiency for the forthcoming winter which would affect its ability to meet the requirements of its high priority customers. In an effort to ameliorate this condition Applicant proposes to deliver up to 50,000 Mcf of gas per day to Chandeaur at the existing interconnection of the measuring and regulating facilities in the Bayou Cassette area near Pascagoula, Jackson County, Mississippi, commencing on the date of Applicant's acceptance of authorization in the instant proceeding and continuing to November 1, 1976, or such later date to which Applicant and Chandeaur may agree but not later than December 1, 1976, and again commencing on April 1, 1977, and ending on November 1, 1977, or on such later date to which Applicant and Chandeaur may agree but not later than December 1, 1977. Applicant would receive from Chandeaur substantially equivalent volumes of gas on a gas-for-

gas basis at the same interconnection commencing November 1, 1976, or on such later date to which Applicant and Chandeaur may agree and continuing to April 1, 1977, and again commencing November 1, 1977, or on such later date as Applicant and Chandeaur may agree and continuing to April 1, 1978.

It is stated that the proposed deliveries would enable Applicant to utilize better its available gas supply in meeting the high priority requirements of its customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 4, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-26873 Filed 9-13-76; 8:45 am]

[Docket No. E-9145]

UTAH POWER & LIGHT CO.

Electric Rates Settlement

SEPTEMBER 8, 1976.

On March 8, 1976, the Utah Power & Light Company (Utah) tendered for filing a Settlement Agreement in the above-referenced docket which is intended to resolve all issues in this proceeding, with the exception of a rate design question raised by the Lincoln Service Corporation (Lincoln), a jurisdictional customer, and a question as to the reasonableness of a specific R-4 rate (discounted from the presently proposed

R-3 rate) for customers taking service at 230 kv and above, raised by Mt. Wheeler Power, Inc. (Mt. Wheeler), who purchases power from Sierra Pacific Power Company, a jurisdictional customer of Utah. For the reasons herein-after stated, the Commission shall approve the proposed Settlement Agreement.

This proceeding is the subject of a November 29, 1974, filing by Utah of a proposed general rate increase for resale service. According to Utah the filing was designed to provide Utah with increased jurisdictional revenues of \$311,000 annually. By order issued April 29, 1975, the Commission accepted for filing and suspended the use of the proposed increased rates until June 3, 1975, when such rates were permitted to be collected, subject to refund, pending the Commission's final determination of their justice and reasonableness.

Public notice of Utah's proposed Settlement Agreement was issued March 18, 1976, with comments thereon due on or before April 7, 1976. Mt. Wheeler, in comments filed March 8, 1976, claimed that the Settlement Agreement misstated the reserved issue affecting Mt. Wheeler. Mt. Wheeler restated its reserved position to be that, "Utah customers taking power at 230 kv should be entitled to lower or discounted rates compared to those applicable to Utah's other jurisdictional wholesale customers who take power at lower voltages" (page 2). Mt. Wheeler would apparently offer for this "difference" of opinion as to the reserved issue. The Staff, in comments filed April 8, 1976, stated its complete support for the proposed Agreement, as well as its opinion that the proposed Settlement Agreement, "fully and fairly sets forth the positions of the parties to this proceeding, and properly reserves the matters that remain at issue for later hearing" (page 2).

The proposed Agreement provides for an annualized overall increase of \$29,866 under the proposed RS-1 rate (as compared to originally requested increase of \$39,750) and of \$227,812 under the proposed RS-2 rate (which is identical to that originally requested), based upon actual sales for the twelve month period ended December 31, 1974. The Agreement further provided for a total refund liability of \$11,749 to the RS-3 customer. The only major provision of the Agreement is that which reserves the aforementioned issues for later hearing, as follows:

Lincoln Service desired to maintain its position with respect to rate design but did not disagree with the aggregate amount of the rate increase unless its position with respect to rate design be upheld by the Commission. Mt. Wheeler also agreed to the amount of the increase but wished to reserve the issue as to whether or not Applicant should file an RS-4 rate for customers taking service at 230 kv and above in order to avoid the merger of 230 kv service with 138 kv service and thereby attain a separate and specific cost of service basis for its service, which costs would not include those for facilities lower than 230 kv. The parties also agreed to settlement of all other issues of

this docket, with the exception of the questions reserved by Lincoln Service and Mt. Wheeler as noted above. (Page 2)

The Commission's review of the proposed Agreement indicates that it reflects rates that are cost-justified, the reserved issues notwithstanding, and are therefore just and reasonable. We further believe that the Agreement adequately sets forth the positions of the parties herein, as well as the issues to be reserved for later hearing and decision. The Commission shall therefore accept the proposed Settlement Agreement and order the appropriate refunds to be made. Further refunds may be ordered, however, pending final decision as to the issues reserved herein.

The Commission finds: Good cause exists to accept and approve the proposed Settlement Agreement.

The Commission orders: (A) The Settlement Agreement offered in this proceeding, and incorporated herein by reference, is hereby accepted and approved.

(B) The final determination as to the issues reserved herein shall apply as of June 3, 1975, the effective date of the originally-filed rates. Additional refunds shall be ordered, if appropriate, at the time of such final determination.

(C) Within 30 days of the issuance of this order, Utah shall file the revised tariff sheets appearing as Attachment A to the Settlement Agreement.

(D) Within 30 days of the filing of the revised tariff sheets in accordance with ordering paragraph (C) herein, Utah shall refund, with interest computed at a rate of 9% per annum, all amounts collected in excess of the proposed settlement rates.

(E) Within 15 days after refunds are made according to ordering paragraph (D) herein, Utah shall file with the Commission a refund report showing monthly billing determinants and revenues under its prior, present, and settlement rates, and showing the monthly settlement rate increase, the monthly rate refund, the monthly interest computation, with a summary of all such information for the total refund period.

(F) With respect to those issues reserved for hearing, a Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), is hereby authorized and directed to establish all further procedural dates and to rule upon all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the rules of practice and procedure.

(G) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, the Staff or any other party or person affected by this order in any proceeding now pending or hereinafter instituted by or against Utah or any other person or party.

(H) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26874 Filed 9-13-76;8:45 am]

[Project No. 2463]

VIRGINIA ELECTRIC & POWER CO.

Issuance of Annual License(s)

SEPTEMBER 1, 1976.

On June 5, 1975, Virginia Electric and Power Company, Licensee for the Park Hydroelectric Project No. 2463, filed an application for surrender of its license. The project is located on the Chesapeake and Ohio Canal paralleling the James River, within the City of Richmond, Virginia.

The license for Project No. 2463, as amended, was issued effective May 1, 1939, for a period ending September 1, 1975. Since the original date of expiration, the project has been under annual license, the most recent of which will expire September 1, 1976. In order to authorize the continued operation and maintenance of the project pursuant to the Federal Power Act, pending Commission action on the Licensee's application, it is appropriate and in the public interest to issue an annual license to the Virginia Electric and Power Company.

Take notice that an annual license is issued to the Virginia Electric and Power Company under the Federal Power Act for the period September 2, 1976, to September 1, 1977, or until Federal takeover, or until Licensee's application for surrender of the project license is accepted, whichever comes first, for the continued operation and maintenance of the Park Hydroelectric Project No. 2463, subject to the terms and conditions of its present license. Take further notice that if acceptance of surrender of license does not take place on or before September 1, 1977, a new annual license will be issued each year thereafter, effective September 2 of each year, until such time as Federal takeover takes place or application for surrender is accepted, without further notice being given by the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26791 Filed 9-13-76;8:45 am]

[Docket No. ER76-872]

VIRGINIA ELECTRIC & POWER CO.

Contract Supplement

SEPTEMBER 2, 1976.

Take notice that on August 23, 1976, Virginia Electric and Power Company (Virginia) tendered for filing a contract supplement dated July 19, 1976, to the Agreement designated as Virginia's Rate Schedule FPC No. 77-28 between Virginia and Community Electric Cooperative.

Said supplement requests Commission authorization for connection of a new delivery point (Harrells) located on Route 673 approximately one-fourth mile west of the Seaboard Coastline Railroad, near Whaleyville, City of Suffolk, Virginia.

Virginia requests an effective date as that of the date of connection of facilities which is expected to occur sometime in October 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with the requirements of Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26776 Filed 9-13-76;8:45 am]

[Docket No. ER76-873]

VIRGINIA ELECTRIC & POWER CO.

Contract Supplement

SEPTEMBER 2, 1976.

Take notice that on August 23, 1976, Virginia Electric and Power Company (Virginia) tendered for filing a Contract Supplement dated July 21, 1976, to the Agreement designated as Virginia's Rate Schedule FPC No. 82-23 between Virginia and Prince George Electric Cooperative (PGEC) for Prince George delivery point.

Said supplement requests Commission authorization for Virginia to relocate the 13.2 kV delivery point serving PGEC's delivery point from Route 156 to Route 646 in Prince George County, Virginia, to serve anticipated future loads.

Virginia requests an effective date as that of the date of connection of facilities which is July 28, 1976.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 16, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Com-

mission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26777 Filed 9-13-76;8:45 am]

[Docket No. ER76-731]

THE WASHINGTON WATER POWER CO.

Filing

SEPTEMBER 2, 1976.

Take notice that The Washington Water Power Company (Washington Water), on May 28, 1976, tendered for filing a letter agreement with Pacific Gas and Electric Company (PG&E) providing for the sale by Washington Water to PG&E of non-firm surplus energy under Washington Water's Rate Schedule FPC No. 88.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 14, 1976. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.76-26799 Filed 9-13-76;8:45 am]

[Docket Nos. CP71-237, CI71-714]

**PANHANDLE EASTERN PIPELINE CO. AND
PAN EASTERN EXPLORATION CO.**

**Notice of Certification of Proposed
Settlement Agreement**

SEPTEMBER 10, 1976.

Take notice that on August 24, 1976, Presiding Administrative Law Judge Thomas L. Howe certified to the Commission for its consideration a settlement agreement and attendant hearing record in the matter of Panhandle Eastern Pipeline Company in Docket No. CP71-237 and Pan Eastern Exploration Company in Docket No. CI71-714. The settlement agreement submitted by the parties to this proceeding was embodied in Exhibit No. 28-R, a document entitled "Stipulation and Agreement" dated August 20, 1976, which consists of 17 pages of text, plus Appendix A, pages 1 through 10. There were no objections to the settlement agreement, which is a complete settlement of all issues.

By Opinion No. 626 and 626-A, issued September 20, 1972, and November 17, 1972, respectively, in the above-docketed

proceedings, the Commission permitted and approved the action of Panhandle Eastern Pipeline Company (Panhandle) to abandon all of its gas production properties and related production facilities and to transfer the same by sale to Pan Eastern Exploration Company (Pan Eastern), a newly formed and wholly owned subsidiary of Panhandle. Concurrently, the Commission authorized the sale of gas by Pan Eastern back to Panhandle at the applicable area rate from fields located in Kansas, Oklahoma and Texas, rather than on the basis of Panhandle's individual cost of service. The authorization issued by Opinion No. 626, as affirmed by Opinion No. 626-A,¹ for the increase in rates was expressly conditioned to require that Pan Eastern expend the differential on an extensive exploration and development effort, which at a minimum would necessitate an expenditure of 3.0 cents per Mcf of all recoverable gas reserves and 50.0 cents per barrel of all recoverable oil reserves found resulting from the exploration and development programs funded by the rate increment. The Commission also provided that Pan Eastern must dedicate 400,000,000 Mcf of new gas reserves to Panhandle within 7 years or reimburse Panhandle at the rate of 11.0 cents per Mcf for each Mcf short of 400,000,000.

On January 30, 1975, the United States Court of Appeals for the District of Columbia Circuit affirmed Opinion Nos. 626 and 626-A in *Cities of Fulton, Missouri, et al. v. FPC*, No. 73-1293, however, in so doing the court retained jurisdiction to allow the Commission to seek a remand in view of the effect that the establishment of the new national ceiling rate in Opinion No. 699 might have upon the order.

The remand provided for was sought by the Commission and thereafter granted by the Court of Appeals on June 19, 1975. Thereafter, on December 2, 1975, the Commission ordered reopening of these proceedings for the purpose of developing an evidentiary record pertaining to the conditions imposed on Pan Eastern's certificates in light of the issues enumerated in said order. These issues included reference to the full difference between Panhandle's cost of service and applicable area rates, the need for additional exploration and development expenditures by Panhandle in addition to those expended by Pan Eastern, the need for Panhandle to repay some portion of the difference between the cost of service and applicable area rates, and possible adjustments to the amount to be credited to the Pan Eastern fund reflecting intervening national rate increases.

Under the proposed settlement Pan Eastern will continue to receive amounts in excess of its cost of service for flowing gas from the properties transferred to it by Panhandle, and such consumer

derived differential between cost and applicable rate will be invested in new exploration and development activities, the gas resulting from which will receive a price which is discounted from the national rate. The consumer derived differential shall be determined by subtracting from the annual revenues received at the national rate for old or flowing gas, the annual cost of service for properties had they been retained by Panhandle.

The gas required under the agreement to be sold by Pan Eastern to Panhandle from the properties acquired subsequent to January 1, 1973, upon which the foregoing exploratory and developmental expenditures were to be made, shall be at a price determined through the application of a formula which discounts the price paid by consumers for new gas they receive. Specifically, this formula provides escalating step percentage reductions in the price received for new gas. These percentage reductions are subject to weighting, hence decrease, based upon company funds invested in new properties. This weighting process is intended to permit Pan Eastern to receive the national rate for gas produced through the use of its funds and to receive a discounted price for gas produced through the use of customer contributed amounts. The percentage reductions in the price received for new gas are intended to return to the customers, in whole or in part, the capital they have provided through the aforementioned differential amount.

In addition to the continuing flow of consumer investment and the investment by Pan Eastern, provision has been made for plowback of funds resulting from the production of new gas to assure continuity of the program. Pan Eastern will invest in further exploration and development, ten percent of the amount it receives as a result of the reinvestment of differential and plowback amounts and twenty-five percent of the amount it receives as a result of the reinvestment of its own funds.

The settlement proposes that the exploration and development program contemplated be continued until 1986. At the conclusion of this period, as well as throughout the term of the program, all gas discovered via the program will be dedicated to the Panhandle system. Subsequent termination of the program will not be permitted to alter the permanent nexus in availability of this supply to Panhandle's customers.

Certain provisions of the settlement are said to be intended to assure that consumer contributed capital will not be used for oil exploration and development. Additional provisions are said to be intended to assure that a portion of the revenues derived from the production of associated oil or other liquid hydrocarbons will be reinvested in the program.

The agreement provides for a continuing series of reports to the Commission for purposes of review of the operation of program to assure compliance with all facets of the obligations imposed by virtue of the agreement. The agreement also provides that the program will be geared

solely to the production of gas for Panhandle's customers and that a balance will be maintained between lease acquisition, exploration and development, with particular emphasis on the latter during the next three years and that the funds to be committed therefor will be invested in an expeditious manner.

The agreement contains a precondition that there would be agreement to the proposal only if Pan Eastern will be permitted to change and collect without suspension or refund obligation the amounts provided for in the agreement and Panhandle will be permitted to include without suspension or refund all such amounts in its cost of gas purchased for all purposes including tracking and purchased gas adjustment or any superseding rate adjustment provisions.

Any person desiring to comment on the proposed settlement agreement should file such comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before September 29, 1976.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 76-26981 Filed 4-10-76; 1:53 pm]

FOREIGN-TRADE ZONES BOARD

[Docket No. 8-76]

LOUISVILLE AND JEFFERSON COUNTY
RIVERPORT AUTHORITY, LOUISVILLE,
KY.

Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the Louisville and Jefferson County Riverport Authority (a City/County non-profit public corporation), 100 East Liberty Street, Louisville, Kentucky, requesting a grant of authority for establishment of a foreign-trade zone in Southwestern Jefferson County, Kentucky, adjoining the Louisville Customs Port of Entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81), and the regulations of the Board (15 CFR Part 400). It was formally filed on September 3, 1976. Under Senate Bill No. 301, State of Kentucky, approved by the Governor March 25, 1968 (K.R.S. 65.530(6)), riverport authorities of Kentucky are authorized to apply for foreign-trade zones with the approval of the Kentucky Port and River Development Commission. Such approval was given on November 11, 1975.

The proposal calls for a foreign-trade zone of 12.3 acres located within a 1,700-acre riverport industrial park complex in Jefferson County, adjacent to the port of Louisville. The industrial park, situated between Lower River Road and the Ohio River approximately one mile north of Greenwood Road, is owned by the Louisville and Jefferson County Riverport Authority which will also be the zone grantee and operator. Initially they will build a 5,000 sq. ft. warehouse structure

¹ Opinion No. 626, 48 FPC 518 (1972), rehearing denied, Opinion No. 626-A, 48 FPC 1102 (1972).

with rail and truck loading docks. The Authority will then lease space within the zone as tenants require, allowing them to erect their own facilities. The foreign-trade zone is designed to serve as an integral part of an economic development plan for a modern intermodal waterport, complementing the other services and advantages being made available in the port-oriented industrial park.

The application includes economic data and information concerning the need for zone services in the area. Some of the potential zone tenants include: firms producing paper and printing materials, industrial machinery equipment and parts companies, transportation equipment firms, chemical products manufacturers, tobacco and bourbon manufacturers, and steel product companies. These firms would use the zone primarily for warehousing, display, repackaging, light manufacturing or processing.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and to report thereon to the Board. The committee consists of: Hugh J. Dolan, Chairman, Office of the Secretary, Department of Commerce, Washington, D.C. 20230; Donald E. Grimwood, Director, Inspection and Control Division, U.S. Customs Service, Region IX, 55 E. Monroe Street, Chicago, Illinois 60603; and Colonel James N. Ellis, District Engineer, U.S. Army Engineer District Louisville, P.O. Box 59, Louisville, Kentucky 40201.

In connection with its investigation of the proposal, the examiners committee will hold a public hearing on October 6, 1976 in the Aldermanic Chambers of City Hall, 601 West Jefferson Street, Louisville, Kentucky, beginning at 9:30 a.m. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners committee.

Interested persons are invited to present their views at the hearing. They should notify the Board's Executive Secretary in writing by September 29, 1976 at the address below of their desire to be heard. In lieu of an oral presentation, written submission may be submitted to the examiners committee through the Executive Secretary at any time from the date of this notice through November 5, 1976. Any material submitted during the post-hearing period cannot be made part of the record unless it is new evidence. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Louisville and Jefferson County Riverport Authority, Suite 103, Vermont-American Building, 100 East Liberty Street, Louisville, Kentucky 40202.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 6886-B, Washington, D.C. 20230.

Dated: September 8, 1976.

JOHN J. DA PONTE, Jr.,
Executive Secretary,
Foreign-Trade Zones Board.

[FR Doc.76-28762 Filed 9-13-76; 8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region IV, September 30, 1976, from 10:00 a.m. to 4:00 p.m., Room 5 A-1, 1776 Peachtree Street, NW, Atlanta, Georgia 30309. The meeting will be devoted to the initial step of procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the proposed driver ranges, skid pan, control tower, utilities extension and central energy plant for Federal Law Enforcement Training Center, Brunswick, Georgia. Frank and open discussion of the professional qualifications of the firms being considered is essential to insure selection of the best qualified firms. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b) (5) the meeting will not be open to the public.

Dated: August 31, 1976.

J. E. SMITH,
Acting Regional Administrator.

[FR Doc.76-26846 Filed 9-13-76; 8:45 am]

LEGAL SERVICES CORPORATION

COMMITTEE ON APPROPRIATIONS AND AUDIT

Meeting

The next meeting of the Committee on Appropriations and Audit of the Legal Services Corporation Board of Directors will be held on Thursday, September 16, 1976 in the Corporation of offices at 733 15th Street, N.W. (Suite 700), Washington, D.C.

The meeting will convene at 2:00 p.m. for the purpose of discussing investment policies.

The meeting is open to the public.

THOMAS EHRLICH,
President.

SEPTEMBER 10, 1976.

[FR Doc.76-26941 Filed 9-13-76; 8:45 am]

NATIONAL ENDOWMENT FOR THE ARTS

MUSEUM PROGRAM

Guidelines for Fellowship Grants

The following are guidelines for Fellowship Grants made under the Museum Program of the National Endowment for the Arts, an independent agency of the Federal government which makes grants to organizations and individuals concerned with the arts throughout the United States.

The Museum Program Application Deadlines and Grant Calendar is included. Interested persons should contact John Spencer, Director, Museum Program, National Endowment for the Arts, Mail Stop 502, Washington, D.C. 20506 (202) 634-6164, for further information and application forms.

Signed at Washington, D.C. on September 3, 1976.

ROBERT M. SIMS,
Administrative Officer, National
Endowment for the Arts, National
Foundation on the Arts
and the Humanities.

The National Endowment for the Arts is an independent agency of the Federal Government created in 1965 to encourage and assist the nation's cultural resources. The Endowment is advised by the 26 Presidentially-appointed members of the National Council on the Arts.

The Museum Program is one of twelve major Program areas. Information about the Endowment and its other Programs is contained in the Endowment's "Guide to Programs" which is available from the Program Information Office (Mail Stop 550), National Endowment for the Arts, Washington, D.C. 20506.

Museums may be especially interested in the Architecture & Environmental Arts, Dance, Expansion Arts, Music, Public Media, Theatre, Special Projects and Visual Arts Programs.

July 1976

Questions should be directed to Museum Program (Mail Stop 502), National Endowment for the Arts, Washington, D.C. 20506 (202) 634-6164.

INTRODUCTION

The Museum Program of the National Endowment for the Arts was designed by museum professionals to meet the needs of the museum field. It is guided by a Museum Advisory Panel, composed primarily of museum professionals. This Panel reviews all applications. It makes policy recommendations to the Chairman of the Endowment. It also recommends priorities for funding within the Program. Because the Museum Program is under constant review by the Panel, the language of the guidelines and the emphasis on certain categories are changed to keep the Program as closely

aligned as possible to the changing needs of American museums. The Panel and staff rely heavily on advice from the field in order to serve the field better.

From its inception the Museum Program has been guided by three basic policy decisions which have been reaffirmed by subsequent Panels.

The Program should be a responsive program. Its function is to react to requests and not to initiate projects. It is not to be unduly bound by its own guidelines, but it should remain flexible enough to encompass any worthwhile project.

The quality of projects which are of regional or national importance should be the major criterion in evaluating applications. The nature of the project rather than the size or location of the applicant institution must be the deciding factor.

The Program should be open to all museums for projects consistent with the legislation of the National Endowment for the Arts. Art, history, science, children's museums or any combination are equally eligible to apply and to receive funds.

The Museum Program was developed to assist museums in carrying out the major functions of exhibition, preservation, interpretation and acquisition through a variety of categories of support. In addition, the Museum Program has sought to make its program of assistance administratively responsive to museums' schedules. Deadlines have been established to conform to general practices.

The Museum Program is structured to meet the ongoing needs of museums by:

RESPONDING TO INCREASED DEMANDS
FOR SERVICES

Aid to Special Exhibitions
Utilization of Museum Collections
Catalogue
Museum Education
Cooperative Programs
Visiting Specialists

TRAINING AND DEVELOPING PROFESSIONAL
STAFF

Museum Training
Fellowships for Museum Professionals
Conservation/Training

PRESERVING OUR CULTURAL HERITAGE

Conservation/Assistance for Conservation of Collections
Conservation/Regional Laboratories
Renovation (Climate Control, Security, Storage)

In addition, support is offered for the purchase of works of art by contemporary American artists through the Museum Purchase Plan and for organizations which provide technical assistance, information and other services through Services to the Field.

The Endowment will consider proposals for specific projects which do not fit into any one or a combination of the programs listed. See General Programs, page 11.

Applications cannot be accepted for operating expenses, new construction, establishing new museums, or the acquisition

of works by other than living American artists. All such applications will be returned.

The Museum Program Guidelines represent a continuing development of a program designed to be broadly responsive to the needs of museums. The two principal changes from the Fiscal 1977 Guidelines have developed as a result of experience gained from the field.

First, there are two new categories: Cooperative Programs and Museum Education. These replace the former category of "Wider Availability of Museums". The Museum Advisory Panel recommended this action in light of the experience that has been gained over the past several years under "Wider Availability of Museums". Grant activities under "Wider Availability of Museums" have tended to fall into these two important areas of concern. The Panel felt that additional emphasis and more definition was needed to alert the field to the kinds of activities that would be supported.

Application deadlines

Category	Application deadline	Notification date	Earliest beginning project date
Aid to special exhibitions, museum purchase plan, cooperative programs, museum education	Jan. 3, 1977	June 1977	July 1977
Utilization of museum collections, catalog	Apr. 4, 1977	October 1977	November 1977
Conservation, renovation (climate control, security, storage), museum training	July 1, 1977	December 1977	January 1978
Services to the field, fellowships for museum professionals, Visiting specialists, general programs	Oct. 3, 1977 (1)	March 1978 (1)	April 1978 (1)

¹ Applications accepted throughout the year and reviewed quarterly.

PLEASE NOTE.—The Museum Advisory Panel has adopted the following policy concerning applications:

Applications within a given category are reviewed as a group without reference to applications in other categories so that an institution will not be "competing against itself" by submitting applications in more than one category.

Multiple applications within one category are not discouraged, with the exception of Museum Purchase Plan. Applicants who intend to make more than one application per category are urged to submit only those that the institution feels are most important. Insofar as limited funds permit, the Panel will support more than one project of high quality from a single institution or group of institutions in a particular category.

The Panel has reaffirmed its desire for the Museum Program to be responsive to any and all appropriate applications consistent with the legislation of the National Endowment for the Arts from all museums without regard to size, location or discipline (science, history, art, children's or combinations are equally eligible).

Applications cannot be accepted after their appropriate deadline date unless an extension has been granted. Requests for an extension must be made prior to the appropriate deadline date and must be based on extenuating circumstances.

Supplementary Information Sheets must be submitted with applications under the following categories: Aid to

Second, there is an increased emphasis on efforts to develop stronger working relationships between museums and state or regional arts agencies. To accomplish this purpose, the pilot effort for "Technical Assistance" (which appeared in last year's guidelines under "Visiting Specialists and Technical Assistance") has been transferred to Cooperative Programs. Some examples of projects eligible for funding under this category are: 1) providing personnel on state arts agency staffs to work with planning activities to promote mutual cooperation and 2) a meeting to discuss concerns and needs of museums in a state. In addition, state and regional arts agencies are encouraged to participate in other categories in the Museum Program such as Aid to Special Exhibitions (touring of a museum exhibition throughout the state or region); Catalogue (cataloguing of all museum collections in a state or region); and, Conservation (using a state arts agency to represent a consortium of museums).

Special Exhibitions, Museum Purchase Plan and Fellowships for Museum Professionals. Applications under these categories are not considered complete unless the Supplementary Information Sheets are submitted. These forms are on pages 39-44.

In addition, please type the name, title, and telephone number of the authorizing official(s), project director, and payee under the signatures on the last page of the application.

See pages 15 to 18 for detailed instructions on completing application forms.

Other Federal Programs for Museums

National Endowment for the Humanities, Division of Public Programs, Museums and Historical Organizations Program, Washington, D.C. 20506, (202) 382-5714.
National Museum Act, Smithsonian Institution, Washington, D.C. 20560, (202) 381-6581.
National Science Foundation, Washington, D.C. 20550, (202) 632-5722.

CATEGORIES OF FUNDING

Aid to Special Exhibitions Deadline:
January 3, 1977

This program category provides matching grants to organize temporary exhibitions of aesthetic and cultural significance. Matching grants are available, especially to smaller museums, to borrow exhibitions organized by other museums. Expenses for planning and organizing the exhibition, catalogue, services of an outside specialist, shipping, insurance on domestic loans, and related

events (excluding costs of opening reception) may be included in the total budget.

For touring exhibitions, the applicant (organizing institution) must indicate on the Supplementary Information Sheets how rental fees will be reduced if an Endowment grant is awarded. If a Museum borrows an exhibition that was funded by an Endowment grant, the applicant may include costs for installation and related events but not the rental fee. If, however, a museum borrows an exhibition that was not initially funded under an Endowment grant, it may include costs for installation, related event and the rental fee.

The Arts and Artifacts indemnity Act of 1975 (20 U.S.C. 971) authorizes Federal indemnification for exhibitions in the United States (involving borrowed foreign objects), or elsewhere if part of an exchange. For further information, contact the Executive Secretary, Federal Council on the Arts and Humanities (Mail Stop 611), Washington, D.C. 20506, (202) 634-6057.

PLEASE NOTE.—Applications for exhibitions of the permanent collection should be submitted under the Utilization of Museum Collections category.

Applicants requesting support for competitive exhibitions are encouraged to waive entry fees.

DEADLINE AND ANNOUNCEMENT DATE

Applications and Supplementary Information Sheets must be postmarked no later than January 3, 1977. Notices of approval or rejection will not be sent before June 1977.

GRANT PERIOD

A grant period of one year is allowed. Projects, which may include initial planning, should not be scheduled to begin earlier than July 1977.

GENERAL RANGE OF GRANTS

Up to \$75,000 for organizing institutions. Up to \$20,000 for participating institutions. Grant amounts exceeding \$30,000 will generally be made through the Treasury Fund Method (see page 13).

HOW TO APPLY

1. If a grant is awarded for an exhibition that includes catalogues, the grantee is required to deposit 80 complimentary copies of the catalogue with the United States Information Agency for distribution to their libraries abroad. Applicants are requested to make appropriate adjustment for the 80 copies in the budget.

2. Please be sure to complete and return with your application the Aid to Special Exhibitions Supplementary Information Sheets. (See page 39.)

Museum Purchase Plan Deadline: January 3, 1977

This program category provides matching grants of \$5,000, \$10,000, \$15,000 or \$20,000 to museums for the purchase of works by living American artists. The objectives of the program are

to encourage museums to add to their collections of contemporary American art, to create and expand public response to works by living artists through display of their works, to raise new funds for this purpose specifically, and to provide direct financial assistance for artists.

Works in all media may be purchased: paintings, sculptures, photographs, graphics, folk arts, crafts, industrial designs, costume and fashion designs, and film prints by independent filmmakers. Applications are to be limited to one application from each museum per fiscal year. The application may include support of acquisitions of different media.

PLEASE NOTE.—The grant and matching funds must be used for the direct costs of purchasing two or more works by living American artists. Insurance, crating, shipping, installation, salaries and travel costs are not to be included.

Museum may apply for a \$5,000, \$10,000, \$15,000 or \$20,000 grant. The funds must be matched on a dollar-for-dollar basis from new money raised during the grant period specifically for this purpose. Matching funds must not come from already budgeted funds and must be from non-Federal sources.

Museums receiving acquisition funds agree that no work of art purchased under the Museum Purchase Plan will be de-accessioned or otherwise disposed of during the lifetime of the artist except by exchange to the artist for another work or works.

DEADLINE AND ANNOUNCEMENT DATE

Applications and Supplementary Information Sheets must be postmarked no later than January 3, 1977. Notices of approval or rejection will not be sent before June 1977.

GRANT PERIOD

The grant period will be from July 1, 1977 through June 30, 1978. If more time is needed the grant period may extend through June 30, 1979. Projects should not be scheduled to begin earlier than July 1977. Also, the new funds raised specifically for the purpose of matching this grant may not be received before the beginning of the project. Applicants may wish to identify possible sources of new funds on their applications.

HOW TO APPLY

1. Previous Museum Purchase Plan recipients are eligible provided a final report on an earlier grant has been submitted to the Museum Program. If a final report has not been submitted, a copy must be submitted with the application.

2. Be sure to complete and return with your application the Museum Purchase Plan Supplementary Information Sheet.

Cooperative Programs Deadline: January 3, 1977

This category is designed to assist and promote cooperative endeavors between museums, groups of museums, museums and state or regional arts agencies or

similar organizations. The program is broadly conceived and is limited only by the needs of the applicant(s) and by the appropriateness of the project to the region or group of museums to be served. Applicants are urged in each case to explain clearly the nature of the cooperative venture, to provide assurances from all participants of their cooperation, and to estimate the benefits that will accrue from the cooperative program.

Some possible areas of cooperation might include:

Extended loans from one museum to another. Support can be provided for costs of preparing the objects for travel, for shipping and insurance and for related costs such as staff time and travel.

Sharing collections or staff among a group of institutions. Applications have been received from a group of museums forming a consortium to share all or parts of their collections mutually, others have pooled staff for a more effective sharing of expertise. Support can be provided for expenses attendant to such cooperative programs.

Providing a staff member for a state arts agency or a museum in cooperation with a state arts agency to assist in the development of activities beneficial to museums; supporting the costs of meetings and other planning activities to articulate problems and needs of museums in a state or region; and implementing other program development plans from state or regional arts agencies.

DEADLINE AND ANNOUNCEMENT DATE

Applications must be postmarked no later than January 3, 1977. Notices of approval or rejection will not be sent before June 1977.

GRANT PERIOD

A grant period of one year is allowed. Projects should not be scheduled to begin earlier than July 1977.

GENERAL RANGE OF GRANTS

Matching grants of up to \$50,000. Grant amounts exceeding \$30,000 will generally be made through the Treasury Fund Method. See page 13. In cases where state arts agencies are on a biannual budget cycle, application for non-matching grants will be considered, if circumstances justify.

HOW TO APPLY

Please provide the following information in the project description (Section IV). (Attach no more than five additional pages, if necessary.)

1. If the program is already in existence, has it been evaluated and by what means?
2. Who is intended to be served and how?
3. Will fees be charged for the services and, if so, on what basis?
4. What are the qualifications of persons involved in the project?
5. Is it likely that additional funding will be requested from the Arts Endowment? Will it be on a descending basis?

6. The application should be signed by the authorizing official(s) of the applicant; however, a letter from the participating museums and other groups supporting the application must be attached to the application.

Museum Education Deadline: January 3, 1977

This category is designed to assist museums in their role of providing general educational opportunities that complement the goals of the institution. Applicant museums are urged to apply for support of only those projects which have a strong education emphasis. In general, priority will be given to those projects which rely upon professional staff for their execution.

Some possible projects might include: Pilot projects to assess the suitability of adapting to museum use educational techniques or theories developed for the classroom.

Experimental programs in the museum that have demonstrated their worth and now deserve to be applied more widely in the museum's educational program.

Projects to adapt successful programs in other museums to the requirements of the applicant museum.

Cooperative projects with the public schools.

Educational programs designed to serve the needs of a particular segment of the museum's actual or potential audience.

Educational programs in existing mobile or satellite museums.

DEADLINE AND ANNOUNCEMENT DATE

Applications must be postmarked no later than January 3, 1977. Notices of approval or rejection will not be sent before June 1977.

GRANT PERIOD

A grant period of one year is allowed. Projects should not be scheduled to begin earlier than July 1977.

GENERAL RANGE OF GRANTS

Up to \$30,000.

HOW TO APPLY

Please provide the following information in the project description (Section IV). (Attach no more than five additional pages, if necessary.)

1. If the program is already in existence, has it been evaluated and by what means?
2. Who is intended to be served and how?
3. Will fees be charged for the services and, if so, on what basis?
4. What are the qualifications of persons involved in the project?
5. Is it likely that additional funding will be requested from the Arts Endowment? Will it be on a descending basis?
6. What are the goals of the institution and how does this program complement those goals?

7. How will you inform museums in other regions of the results of your program?

Utilization of Museum Collections

Deadline: April 4, 1977

This program category provides matching grants to assist museums in making greater use of their collections for the benefit of the whole community they serve. The program provides funds for the new installation of permanent collections in museum galleries, or for the establishment of study-storage centers. Permanent collections may be construed to mean collections formerly in storage that are now to be put on view, recently received or acquired collections, objects presently on view that are now to be brought together or to be more effectively presented. Installation may be construed to include the materials and appurtenances requisite to effective presentation of the collection. Installation may not include major structural modifications of the building.

PLEASE NOTE.—Application for temporary exhibitions of the permanent collection should be submitted under this category and not under Aid to Special Exhibitions.

If you wish to produce a catalogue or handbook in conjunction with an installation, please submit a separate application under Catalogue.

Applications for extensive conservation treatment of objects to be included in the installation should be submitted under Conservation.

DEADLINE AND ANNOUNCEMENT DATE

Applications must be postmarked no later than April 4, 1977. Notices of approval or rejection will not be sent before October 1977.

GRANT PERIOD

A grant period of two years is allowed. The project should not be scheduled to begin earlier than November 1977. Generally, time extensions will not be granted.

GENERAL RANGE OF GRANTS

Up to \$75,000. Grant amounts exceeding \$30,000 will generally be made through the Treasury Fund Method. See page 13.

HOW TO APPLY

Please provide the following information in the project description (Section IV). (Attach no more than five additional pages, if necessary.)

1. A checklist or representative sample of the collection.
2. The evident need for the project in relation to the museum's total need.
3. Has the collection ever been exhibited? What are the qualifications of the individual(s) who will be responsible for the project?
4. Has the museum previously undertaken similar projects? If so, describe them.
5. Include drawings of the proposed installation.

Catalogue Deadline: April 4, 1977

This program category is designed to assist in the cataloguing of permanent collections and in the publication of cata-

logues or handbooks on permanent collections of aesthetic and cultural significance by matching grants. Grants are available in the following areas:

CATALOGUING

1. Cataloguing of uncatalogued or inadequately catalogued permanent collections. Applicants are urged to consider a format that can later be transferred to one of the existing data systems.

2. Duplication of traditional catalogue information; conversion to machine readable form. Only a few pilot grants will be made for the computerization of museum catalogues. These will be judged for the applicant's ability to provide follow-up documentation on the value of computerization and the problems and costs that are encountered. Applicants should indicate the existing computer program they intend to use.

PUBLICATION

1. Research and preparation of catalogue copy for publication. Services of an outside consultant may be included in the budget, if applicable.

2. Publication of scholarly catalogues or handbooks of the whole or part of the permanent collection.

3. Where appropriate, applicants may wish to combine research and publication in the same application.

PLEASE NOTE.—Requests for costs of exhibition catalogues should be included in the Aid to Special Exhibitions application.

DEADLINE AND ANNOUNCEMENT DATE

Applications must be postmarked no later than April 4, 1977. Notices of approval or rejection will not be sent before October 1977.

GRANT PERIOD

A grant period of two years is allowed. The project should not be scheduled to begin earlier than November 1977. Generally time extensions will not be granted.

GENERAL RANGE OF GRANTS

Up to \$75,000. Grant amounts exceeding \$30,000 will generally be made through the Treasury Fund Method. See page 13.

HOW TO APPLY

Please provide the following information in the project description (Section IV). (Attach no more than five additional pages, if necessary.)

1. A checklist or representative sample of the collection to be catalogued.
2. The evident need for the project in relation to the museum's total need.
3. The qualifications of the cataloguer.
4. If you have catalogues of whole or part of the collection, submit a copy with your application. (Note: These will not be returned.)
5. How many catalogues/handbooks will be published? Who will have copyright? How will they be distributed? Please indicate approximate number of pages, black/white and color illustrations in the publication. What is the anticipated unit price and sales price? How

much revenue is anticipated the first year and thereafter?

6. If a grant is awarded for a catalogue publication project, the grantee is required to deposit 80 complimentary copies of the catalogue with the United States Information Agency for distribution to their libraries abroad.

Applicants are requested to make appropriate adjustments for the 80 copies in the budget.

Conservation Deadline: July 1, 1977

This program category, which provides matching grants for conservation projects, is designed to achieve three objectives:

TRAINING IN CONSERVATION

To encourage and assist in the training of conservators to meet the needs of American museums.

1. support for existing training centers (grants up to \$150,000).
2. assistance for new training centers (grants up to \$100,000).
3. support for short-term training workshops for museum staff (grants up to \$10,000).
4. Support for master-apprentice internship programs (grants up to \$10,000).

REGIONAL CONSERVATION LABORATORIES

To encourage and assist in the formation or expansion of regional conservation laboratories by which a number of museums can obtain services they could not afford singly. The formal relation between museums and the laboratory must be documented.

1. assistance for existing regional laboratories to increase capacity (grants up to \$30,000).
2. assistance for new regional centers (grants up to \$80,000).

Applicants in this category are urged to consult the Report from the Regional Centers Study Committee to the National Conservation Advisory Council. Copies may be obtained from the National Conservation Advisory Council, Smithsonian Institution, Washington, D.C. 20560.

ASSISTANCE TO MUSEUMS FOR CONSERVATION WORK ON COLLECTIONS

To encourage and assist museums in planning for conservation and/or treatment of collections.

1. technical consultation for planning programs for museum conservation work (grants up to \$10,000).
2. implementation of conservation treatment (grants up to \$10,000). Due to limited funds, support is available only for special conservation needs that cannot be satisfied by a museum's own conservation facilities; that is, support will generally not be offered for in-house conservation projects, including staff support and purchase of equipment.

DEADLINE AND ANNOUNCEMENT DATE

Applications must be postmarked no later than July 1, 1977. Notices of approval or rejection will not be sent before December 1977.

GRANT PERIOD

A grant period of one year is allowed for Training in Conservation. A grant period of two years is allowed for Regional Conservation Laboratories and Assistance to Museums for Conservation Work on Collections. Projects should not be scheduled to begin earlier than January 1978. Generally, time extensions will not be granted.

GENERAL RANGE OF GRANTS

Grant amounts exceeding \$30,000 will generally be made through the Treasury Fund Method. See page 13.

HOW TO APPLY

For Conservation Training Applications: Please provide the following information in the project description (Section IV). (Attach no more than five additional copies, if necessary.)

1. The anticipated number of students.
2. Describe the placement of the most recent graduating class.
3. Describe the qualifications of the teaching staff.
4. Describe the conservation facilities.
5. If you previously received an Arts Endowment grant for this project, include a copy of the interim or final report with this application, if it has not already been submitted.

For Regional Conservation Laboratories Applications: Please provide the following information in the project description (Section IV). (Attach no more than five additional copies, if necessary.)

1. Describe the nature of your regional laboratory—cooperative associations, confederation, etc.
2. List the organizations you propose to serve. Have you received their agreement? If so, please attach copies.
3. List your staff and briefly describe their qualifications.
4. Describe your facilities and equipment.
5. Estimate when you will be self-supporting.
6. If you previously received an Arts Endowment grant for this project, include a copy of the interim or final report with this application, if it has not already been submitted.

For Conservation of Collections Applications: Please provide the following information in the project description (Section IV):

1. Describe your conservation needs.
2. Where will the work be done and who is your conservator/consultant for planning? Please describe his/her qualifications.
3. Identify the work(s) to be treated and describe the nature of the treatment. Please submit a condition report(s).
4. What sum have you budgeted for the last three years for conservation of the permanent collection?

Renovation (Climate Control, Security, Storage) Deadline: July 1, 1977

This category is designed to assist museums in preserving collections of aesthetic and cultural significance. It encourages renovation of facilities for climate control, security and storage in existing structures, placing greater emphasis on storage facilities and security systems. Funds are not available for new construction; nor for the addition to, or improvement of climate control systems in structures completed since 1971; nor for the renovation of gallery spaces except when directly related to climate control security systems or storage facilities. Assistance is available within the following areas:

SURVEY

1. Consultation services to assess renovation needs in areas of security, storage, and climate control and to suggest concrete measures to alleviate those needs. All grants for consultant's services will be awarded on at least a dollar-for-dollar matching basis.

2. Studies and working drawings for architectural and other changes necessary to accommodate the handicapped.

INSTALLATION

Where surveys have already been completed, including a projected plan of renovation and cost estimates, the Endowment will consider funding renovation projects.

All such grants will be awarded on the basis of at least three dollars from non-federal sources for every dollar of Endowment funds, i.e. the National Endowment for the Arts will be providing no more than 25 percent of the total project costs, and in most cases, much less. Generally, grants will be made through the Treasury Fund Method. Applicants are encouraged to document their ability to use this method, whenever possible. Please see page 13.

DEADLINE AND ANNOUNCEMENT DATE

Applications for this program must be postmarked no later than July 1, 1977. Notices of approval or rejection will not be sent earlier than December 1977.

GRANT PERIOD

A grant period of one year is allowed for Survey projects. A grant period of two years is allowed for Installation projects. Projects should not be scheduled to begin earlier than January 1978. Generally, time extensions will not be granted.

HOW TO APPLY

For Survey Applications: Please provide the following information in the project description (Section IV). (Attach no more than five additional pages, if necessary.)

1. Describe your collection.
2. Who will do the installation? Submit copies of the estimates.

For Installation Applications: Provide the following information in the project description (Section IV). (Attach no more than five additional pages, if necessary.)

1. Describe your collection.
2. Who will do the installation? Submit copies of the survey and bids or contracts.

Museum Training Deadline: July 1, 1977

This program category provides grants for the preparation of well-trained museum professionals and technicians. Grants in support of museum training are awarded to museums and universities on at least a dollar-for-dollar matching basis. Priority will be given to proposals which specifically include training for people from minority groups. Generally, the following types of projects will be considered for assistance:

A limited number of graduate level programs in curatorial training, museum administration or museum education, conducted jointly by museums and universities.

Internships or other professional training provided by a museum. Specific programs designed to advance staff professionally will also be considered. For example, the program can support museum career training for persons who are suitably prepared in an appropriate discipline but who lack museum expertise. The program can also assist in providing in-house training to prepare permanent staff for more responsible positions.

A few undergraduate programs, especially those directed toward minorities or unique disciplines.

Programs of in-house training to prepare apprentices for museum positions such as installers, preparators, framers, packers, and carpenters.

DEADLINE AND ANNOUNCEMENT DATE

Applications must be postmarked no later than July 1, 1977. Notices of approval or rejection will not be sent before December 1977.

GRANT PERIOD

A grant period of one year is allowed. Projects should not be scheduled to begin earlier than January 1978.

GENERAL RANGE OF GRANTS

Up to \$60,000.

HOW TO APPLY

Please provide the following information in the project description (Section IV). (Attach no more than five additional pages if necessary.)

1. The number of students.
2. Teacher/student ratio.
3. Qualifications of the teacher(s) involved.
4. Description of intern program or of any other "on the job" training.
5. Placement of most recent graduating class.
6. Syllabus of the courses.
7. If you have previously received an Arts Endowment grant for a training program, be sure to include a copy of the interim or final report with this application, if you have not already sent it to the Endowment.

Services to the Field Deadline: October 3, 1977

This category is designed to support services to the field such as research, publications (other than periodicals),

workshops and seminars provided by museums or other organizations such as state or regional arts agencies and national or regional museum associations. To be eligible, projects should be of national or regional impact.

PLEASE NOTE.—Applications for funds to carry out research must demonstrate that this is new research and that the results of the research will be published in order to serve the field.

DEADLINE AND ANNOUNCEMENT DATE

Applications must be postmarked no later than the deadline of October 3, 1977. Notices of approval or rejection will not be sent before March 1978.

GRANT PERIOD

A grant period of one year is allowed. Projects should not be scheduled to begin earlier than April 1978.

GENERAL RANGE OF GRANTS

Up to \$30,000.

HOW TO APPLY

Please provide the following information in the project description (Section IV). (Attach no more than five additional pages, if necessary.)

1. If the program is to be a continuing one, how will it be funded in the future?
2. If the program is already in existence, has it been evaluated and by what means?
3. Will fees be charged for the services and, if so, on what basis?
4. If a seminar, course or workshop, what is the syllabus?
5. Who is intended to be served and how?
6. What are the qualifications of person(s) involved in the project?

Fellowships for Museum Professionals Deadline: October 3, 1977

Fellowships for Museum Professionals are to be awarded to professional members of museum staffs so that they may take leaves of absence for periods ranging from one to twelve months in order to conduct independent study or research, travel, write, engage in community projects, or in other ways improve their professional qualifications.

PLEASE NOTE.—Fellowships are not awarded to cover study or research directed toward a graduate degree or expenses while enrolled in formal courses of study, workshops, seminars or conferences. Proposals must be for specific projects and must clearly demonstrate in what way the leave of absence will improve the applicant's professional qualifications. Proposals designed to be of direct benefit to the employing institutions should be made by the institution under the appropriate category and not by the individual.

DEADLINE AND ANNOUNCEMENT DATE

Applications must be postmarked no later than the deadline of October 3, 1977. Notices of approval or rejection will not be sent before March 1978.

GRANT PERIOD

A grant period ranging from one to twelve months is allowed. Projects should not be scheduled to begin earlier than April 1978.

ELIGIBILITY

Professional museum staff members of exceptional talent in areas such as administration, curatorial work, conservation or education.

GENERAL RANGE OF GRANTS

Grants will not exceed \$20,000 and in most cases will be considerably less. Grants will be made to individuals on a non-matching basis with amounts varying according to the salaries of the applicants, travel requirements and the materials necessary for completion.

HOW TO APPLY

1. Applicants should use the "Individual Grant Application/NEA-2 (Rev.)."
2. Each application should contain a description of the proposed project, an itemized budget including a salary item, travel (please provide a detailed breakdown of costs), and materials, if necessary.
3. Applicants should indicate a specified period of time for the leave of absence.
4. Complete the Career Summary Section of the application and/or attach a resume.
5. Enclose a statement from the director of the museum to the effect that the museum is willing to grant the applicant a leave of absence for the specified time and stating the applicant's salary and whether or not it will be continued during the leave of absence. Institutions are encouraged to support the individual's salary in whole or in part.
6. Have three people complete the recommendation form (see page 45) and forward them to the Museum Program (Mail Stop 502), National Endowment for the Arts, Washington, D.C. 20506, Attn: Fellowships for Museum Professionals.

TAXABILITY OF FELLOWSHIPS

The Internal Revenue Code regulations provide that certain fellowships to individuals who are not candidates for degrees are deductible, but only up to a certain amount and for a limited period of time.

A pamphlet, Tax Information for American Scholars in the U.S. and Abroad, Publication 520 of the Internal Revenue Service, will be supplied on request. Generally this booklet is available at any Internal Revenue Service office. The booklet might be helpful in preparing an application for a proposed fellowship.

The Endowment cannot advise you as to the deductibility of all or any portion of a fellowship, should one be awarded to you. Advice should be sought from your own tax counselor or local Internal Revenue office.

Visiting Specialists (Applications Accepted Throughout the Year and Reviewed Quarterly)

This program category provides matching grants for temporary consultation services for a specific project. As the title of the program implies, the visiting specialist should be:

1. A person of considerable expertise.
2. A person not in the employ of the applicant institution.
3. A person who is not to be considered as permanent staff but rather a person who can make a significant contribution to the applicant institution during a brief tenure.

Some possible projects are:

Research on the permanent collection.
Preparatory research for projected exhibitions.

Development of improved methods of museum operations such as administration, registration and installation techniques, including lighting, handling and storage.

Establishment of suitable museum library systems.

Studies to determine the changes necessary to make the building more accessible to the physically handicapped.

Plans for membership drives and other fund raising activities.

Guidance for better education and public service programs.

Development of coordinated graphics program.

DEADLINE AND ANNOUNCEMENT DATE

Applications are accepted throughout the year and reviewed quarterly. Notices of approval or rejection will be sent no later than seven months after receipt of application.

GRANT PERIOD

A grant period ranging from one to twelve months is allowed. Projects should not be scheduled to begin before notification.

NOTIFICATION

Notices of approval or rejection will be sent no later than seven months after receipt of application. Projects should not be scheduled to begin before notification.

GENERAL RANGE OF GRANTS

Up to \$15,000.

HOW TO APPLY

Please provide the following information in the project description (Section IV). Attach no more than five additional pages, if necessary.)

1. Describe the project and the urgency of the need for a visiting specialist.
2. How the project related to the other activities of the museum?
3. Identify the specialist and indicate his/her qualifications or attach a resume (three copies). If you are considering a number of people for this project, submit their names and a description of their qualifications. In all cases, document the availability of the specialist.

General Programs (Applications Accepted Throughout the Year and Reviewed Quarterly)

The Endowment will consider proposals for specific projects which do not fit into any one or a combination of the categories listed. These grants will be awarded generally on a matching basis. Applications will not be accepted for general operating expenses, new construction, nor the establishment of new museums.

DEADLINE AND ANNOUNCEMENT DATE

Applications are accepted throughout the year and reviewed quarterly. Notices of approval or rejection will be sent no later than seven months after receipt of application.

GRANT PERIOD

A grant period ranging from one to twelve months is allowed. Projects should not be scheduled to begin before notification.

GENERAL RANGE OF GRANTS

Up to \$20,000.

HOW TO APPLY

Please provide the following information in the project description (Section IV). (Attach no more than five additional pages, if necessary.)

1. The qualifications of person(s) involved in the project.
2. The unique characteristics of the project.
3. If this is an experimental or research project, the plans for disseminating information about the results of the project.

IMPORTANT INFORMATION FOR APPLICANTS

Eligibility

1. By statute, the Endowment is limited to making grants to organizations only if no part of their net earnings inures to the benefit of a private stockholder or an individual and provided donations to such organizations are allowable as charitable contributions under Section 170(c) of the Internal Revenue Code of 1954, as amended. All organizations are required to submit a copy of their Internal Revenue Service tax exemption determination letter with each application.

2. Organizations receiving National Endowment for the Arts support must conduct their operations in accordance with the requirements of Title VI of the Civil Rights Act of 1964 and the Rehabilitation Act of 1973, as amended, which bar discrimination in Federally assisted projects on the basis of race, color, national origin or handicap.

3. All laborers and mechanics employed by contractors or subcontractors on construction projects assisted by National Endowment for the Arts grant funds shall be employed and paid in accordance with applicable Federal minimum wage and labor standards (Parts 3 and 5, Title 29, Code of Federal Regulations).

4. Museums, organizations serving museums, organizations providing mu-

seum functions, state arts agencies, regional arts groups, and currently employed museum professionals are eligible to apply. The Endowment generally uses the definition of museums developed by the American Association of Museums: " * * * a nonprofit institution essentially educational or esthetic in purpose with professional staff, which owns and utilizes tangible objects, cares for them, and exhibits them to the public in some regular schedule."

Accreditation by the American Association of Museums is not a prerequisite for eligibility.

5. In general, to be eligible for consideration, organizations should be in operation two years prior to submitting an application.

6. To be eligible for consideration, projects should be of national or regional impact and should be of aesthetic and cultural significance. Size of the institution is not a criterion, but rather, the nature of the project and the capacity of the institution to execute the project successfully.

7. Although the Endowment welcomes the vitality of new programs and under all conditions encourages applicants to develop new sources of funds, applications first and foremost should represent the genuine needs of the applicant organization. Accordingly, applicants may request support to strengthen existing programs. Support may be requested by annual application for the same project for up to three years. Organizations, however, should not attempt to extend their programs beyond their capacity to accommodate and sustain the level of proposed expansion.

Application Review Procedure

Applications are evaluated by the following criteria:

The significance and qualitative level of the project.

The ability of the museum staff to undertake and successfully execute the project.

The potential regional and national impact of the project.

The evident need for the project in relation to the museum's total program.

A realistic appraisal of anticipated costs and income related to the project.

The Endowment's Museum Program staff initially ascertains that applications conform to Endowment requirements. They are subsequently reviewed and considered by special committees, the Museum Advisory Panel and the National Council on the Arts. Upon recommendation of these bodies and action by the Chairman of the National Endowment for the Arts, the applicant will be notified in writing by the Endowment. Details of the grant award procedure are explained in the letter of notification.

Methods of Funding

PROGRAM FUNDS METHOD

Generally, grants will be made on at least a dollar-for-dollar matching basis. Applicants requesting assistance from Program Funds must present evidence

in the proper space (Section X) on the application (Project Grant Application/NEA-3 Rev.) that at least one-half of the total cost of the project will be provided by the applicant. Anticipated sources of matching must be identified. In all programs except Museum Purchase Plan, budgeted funds, as well as newly raised funds, may be used for matching.

Example:

If an applicant requests from Arts Endowment.....	\$30,000
Then applicant lists match of at least.....	30,000
And total project budget reflects at least.....	60,000

TREASURY FUND METHOD

When the National Endowment for the Arts was created, Congress included a unique provision in its enabling legislation. This provision allows the Endowment to work in partnership with private and other non-Federal sources of funding for the arts. Designed to encourage and stimulate increased private funding for the arts, the Treasury Fund allows non-Federal contributors to join the Endowment in the grant-making process, generally for projects supported by the Endowment under the established program guidelines.

The Endowment encourages use of the Treasury Fund method as an especially effective way of combining federal and private support, and as an encouragement to all potential donors, particularly those representing new or substantially increased sources of funds.

The Endowment may accept gifts in the form of money and other property. Bequests may be made to the Endowment as well. Donations to the Endowment are generally deductible for federal income, state, and gift tax purposes.

Gifts may be made to the Endowment for the support of a nonprofit, tax-exempt, cultural organization which has been notified that the Endowment intends to award it a grant under its regular program guideline—organizations such as a museum, a symphony orchestra, a dance, opera, or theatre company—or for an Endowment program, such as fellowships, touring, conferences, or workshops.

When a restricted gift is received it frees an equal amount from the Treasury Fund, which is then made available to the grantee in accordance with the terms and conditions of the grant.

The Endowment also accepts unrestricted gifts to be used for projects recommended to the Chairman by the National Council on the Arts.

Example:

If an applicant requests from Arts Endowment.....	\$25,000
And donors make gifts for Treasury Fund of.....	25,000
Then applicant lists match of at least.....	50,000
And total project budget reflects at least.....	100,000

HOW A TREASURY FUND GRANT IS ARRANGED

Those interested in giving for a specific purpose should note the step by step process described below.

1. If a project is eligible for consideration under the Museum Program guidelines, the applicant submits to the Endowment a formal application, which may include a list of potential donors.

2. The application is reviewed first by the Museum Advisory Panel and then by the National Council on the Arts and is recommended for approval or rejection. Based on these recommendations, the Chairman makes the final determination and notification is sent to the applicant.

3. If a grant award is approved, the applicant then requests that the donors forward their gifts to the National Endowment for the Arts in the form of a gift transmittal letter specifying the amount and restricted purpose of the donation (i.e. the name of the applicant and specific project supported), and date by which payment will be made to the grantee organization (see below).

HANDLING PROCEDURES

In order to simplify handling procedures for restricted donations which are to be matched by the Treasury Fund, grantees will receive payment directly from the donor (in cash or negotiable securities) on all restricted Treasury Fund gifts to the Endowment. Under this method the following procedures apply:

1. Gift transmittal letter is received by the Endowment from donor with above specified information.

2. Upon receipt of payment on the gifts, grantee provides the Endowment with evidence of receipt of such payment as follows:

a. In the case of individual gifts of less than \$5,000, grantee will forward to the Endowment, a list of donor's names, addresses, and amounts received, certified by an official of the organization and notarized.

b. In the case of individual gifts of \$5,000 or more, grantee will forward to the Endowment, within the grant period, a photostatic copy of the instrument of payment, i.e. the check or negotiable securities, with a covering letter.

3. In cases where benefit proceeds are to be utilized for purposes of the Treasury Fund, evidence, such as benefit announcement circulars, invitations, posters, etc. (which indicate donors had prior knowledge that their contributions would be used for the Treasury Fund) must be retained by grantee as evidence of donors' intent. In these cases, the grantee organization will forward to the Endowment, within the grant period, a notarized letter requesting release of the Treasury matching.

[FR Doc.76-26809 Filed 9-13-76; 8:45 am]

POSTAL RATE COMMISSION

[Docket Nos. MC76-1, MC76-2, MC76-3, MC76-4]

MAIL CLASSIFICATION SCHEDULE, 1976
Order and Supplemental Notice Concerning Proposals

SEPTEMBER 8, 1976.

On June 3, 1976 the Commission issued Order No. 118 (41 FR 22999) establishing proceedings under the four dockets listed above and setting forth a number of dates for the completion of certain procedural stages. That order stated that the proceedings would consider proposals for limited changes in the classification schedule.¹ Besides notifying interested persons that the four new proceedings would be open to proposals of participants in former Docket No. MC73-1, Order No. 118 also said that proceedings would not be restricted to matters raised in response to the January 1973 filing of the Postal Service in that docket. Rather the new proceedings were to be open to specific proposals to adjust a classification of mail filed by any interested person within 30 days of publication of this order.

PRC Order No. 118, June 3, 1976, p. 5; 41 FR 22999. The content of the required filings and the procedural framework to be established in the new proceedings were explained even more fully in Commission Order No. 120 issued June 7, 1976.

Despite the issuance of Orders No. 118 and 120, several participants, including the Postal Service, have suggested that the requirements of notice have not been met. They maintain that Order No. 118 fails to comply with the Commission's rules of practice, 39 CFR 3001.17(c)(3), because it does not contain a "concise description" of each proposal to be considered.

The Commission is satisfied that Order No. 118 complies with the requirements for notifying all interested persons of the proposals in issue in Dockets No. MC76-1 through MC76-4 for the reasons stated in Commission Order No. 121, June 17, 1976. Nonetheless, as stated in Order No. 121, the Commission contemplated the issuance of supplemental notices, as necessary, to insure that interested persons would be fully informed concerning specific proposals submitted in response to the procedural schedule set forth in Order No. 118.²

In accordance with Order No. 118 all proposals for change in the classifica-

¹ Proposals for limited change were formerly assigned to Phase II of Docket No. MC73-1. This docket was terminated by Commission Order No. 117, June 3, 1976 (41 FR 22998).

² Initially, parties were required only to frame their proposals, as part of their petitions to intervene, in general terms. Subsequently, after such petitions were granted, participants were required to cast their proposals in specific terms as proposed amendments or revisions to the currently effective mail classification schedule.

tion schedule have been on file in the Commission's docket section and thus in the public record. The Postal Service and other participants who have requested further notice of the proposals for change have not suggested a pro forma form of notice illustrating their requests. The Commission, however, has independently compiled a document which assembles the specific proposals advanced by participants. On August 19, 1976, this document, entitled "Availability of Commission Compilation, in Legislative Format, of Parties Proposed Changes to Mail Classification Schedule," was put on file in the Commission reading room, designated PRCXLR-1, and served on all participants.

This compilation sets out in legislative format the established mail classification schedule along with specific changes proposed by participants through July 28, 1976. For the most part this has been done in precisely the same language submitted by the participants. Where participants failed to submit proposals in statutory language, however, or proposed amending the Postal Service Manual instead of the mail classification schedule, the Commission has attempted to incorporate the proposal in the language of the classification schedule without altering the proposal's substance. Participants have been invited to file and serve notices of corrections (including omissions) of the Commission compilation, if any, by September 20, 1976. See Notice of the Administrative Law Judge, August 19, 1976.

To insure that no proposals will be considered without first being the subject of specific public notice in addition to the general notice contained in Order No. 118, the Commission is making its compilation in legislative format available to the public. Copies of the compilation may be obtained by requests addressed to the Commission's Secretary. The index to the compilation comprehensively identifies all of the specific proposals advanced through July 28, 1976, and it is attached below as an appendix to notify interested persons of the nature of such proposals.

In addition to notifying the public of the specific proposals advanced in these dockets, the Commission will permit the filing of additional petitions to intervene from persons who, having been notified of the specific proposals of the present parties hereto, perceive an interest in these proceedings for the first time. Accordingly, the time for filing petitions to intervene in the four above-mentioned proceedings will be extended so as to enable interested persons—not presently parties to the proceedings—to intervene in order to propose changes in the established mail classification schedule or to oppose, support, qualify, or comment upon the proposals advanced by other participants.

The Commission orders. A. Proceedings in Dockets No. MC76-1, MC76-2, MC76-3, and MC76-4 are reopened for intervention by interested persons.

B. Persons who are not presently parties to these proceedings who wish to

propose changes in the established mail classification schedule will be required, on or before September 28, 1976, to file petitions to intervene in these proceedings in accordance with paragraphs D and E hereof.

C. Persons who are not presently parties to those proceedings but who now wish to intervene to oppose, support, qualify, or comment upon the proposals noticed in this order (see Appendix), or who otherwise believe that their interests may be affected by these proceedings will be required, on or before September 28, 1976, to file petitions to intervene in these proceedings in accordance with paragraph E hereof.

D. In order to be considered, petitions to intervene for the purpose of proposing changes in the established mail classification schedule or for the purpose of revising or amending proposed changes previously submitted must be accompanied by a form of notice. The form of notice must include (1) a brief statement of what the proposal is intended to achieve and (2) the language of the proposal itself in legislative format.¹

E. Petitions for leave to intervene (including petitions to intervene as a limited participant) shall be filed in accordance with the Commission's rules of practice (39 CFR 3001.19a and 3001.20) on or before September 28, 1976.

F. Participants who have intervened and who have filed detailed proposals for change prior to the date of this order and notice are not required to file additional petitions for intervention and are not required to file additional statements of proposals for change.

G. The procedural schedule established by the Administrative Law Judge in the above dockets is not altered by this order and notice.

H. Orders No. 118 and 120, as supplemented by this order and notice, shall remain in full force and effect.

By the Commission.

JAMES R. LINDSAY,
Secretary.

APPENDIX

INDEX OF PROPOSALS¹

American Business Press, Inc. (ABP)
Controlled circulation 85-86 (201)

¹By legislative format we refer to the practice of showing proposed amendments to a statute—or, as here, a classification schedule—by drawing a broken line through suggested deletions and underscoring suggested additions.

²(Original footnote omitted. The omitted footnote explained that numbers (without parentheses) following the names of proponents refer to pages in the document entitled "Availability of Commission Compilation in Legislative Format, of Parties' Proposed Changes to Mail Classification Schedule." Numbers in parentheses refer to sections of the mail classification schedule. Where it is proposed that a section of the schedule should be redesignated, the sectional reference is to the proposed new section rather than to the existing one. Page numbers of this Appendix—i.e., 134 to 137—refer to pagination in the original document.)
Department of Defense (DOD)

Second-class
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requirements 38-39 (200.1e)
transient rates 58 (200.42)

American Newspaper Publishers Association (ANPA)

Second-class
regular rates, pre-preparation 42 (200.33),
53 (200.41A)

Agricultural Publishers Association (APA)

Second-class
preferred rates 74 (200.43)
presort discount 80 (200.45)

Associated Third Class Mail Users (ATCMU)
Third-class, bulk rates 92-93 (300.22,
300.223)

Association of American Publishers, Inc. and
Book Manufacturers Institute, Inc.
(AAP/BMI)

Fourth-class
library-rate 127 (400.41c)
special rate 115 (400.31), 120 (400.331)

Bank Stationers Association, Inc. (BSA)

Third-class, bulk rate 94 (300.22)

Council of Public Utility Mailers (CPUM)

First-class, presort discount 22 (100.232),
24 (100.235)
general provisions, zone rated mail 8-9
(007.3)

Dow Jones & Company, Inc. (DOW)

Second-class
fees of entry and registration 77 (200.43)
preferred rates 63-68, 75 (200.43)
regular rates 46-48 (200.41)
transient rates 56 (200.42)

Direct Mail/Marketing Association (DMMA)

general provisions
address correction 3 (003.115)
meter postmarks 2 (003.111, 003.112)
permit imprints 2-3 (003.113, 003.114)
Third-class, presort discount 95 (300.224)
(FEEC)

Field Enterprises Educational Corporation (FEEC)

Fourth-class, special rate 121 (400.331)

Fingerhut Corporation

Third-class, bulk rate 96-97 (300.223)

Gestetner Corporation

Second-class, definition 34 (200.1a)

Magazine Publishers Association, Inc. (MPA)

Second-class
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specially prepared mail 78 (200.44)
transient rates 57 (200.42)

Mail Advertising Service Association (International), Inc. (MASA)

Third-class, bulk rates 98-99 (300.223)

Mail Order Association of America (MOAA)

Fourth-class
bound printed matter 130 (400.53)
catalogs less than one pound 131 (400.54)
Third-class, bulk rates 100-01 (300.223)

Meredith Corporation

Fourth-class, special rate 116 (400.31)
Second-class, invoices and billing statements 41 (200.23)

National Association of Greeting Card Publishers (NAGCP)

First-class
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post and postal cards 11 (100.15, 100.16)
priority 10-11 (100.12-100.14)
rates 20 (100.22)

National Newspaper Association (NNA)

Second-class
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sample copies 49
transient rates 59 (200.42)

Office of the Commission

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failure of appropriations 87 (201.6)
phasing of rates 87 (201.5)

First-class

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 nationwide 17 (100.24)
 non-standard 17 (100.26)
 presort discount 21 (100.28, 100.281,
 100.282), 23 (100.283, 100.284, 100.-
 285), 25 (100.286)
 priority of service 25 (100.3)
 rates and rate categories 16-19 (100.2-
 100.27)

Fourth-class

bound printed matter 131 (400.56)
 failure of appropriations 132-33 (400.6)
 library-rate 128 (400.42)
 parcel post 111-13 (400.21)
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 128 (400.42), 132-33 (400.6)
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 16)

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Third-class

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 nonprofit bulk rate 103 (300.211)
 phased rates 109 (300.4)
 printed matter 88 (300.1c)
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Post Card Manufacturers Association (PCMA)

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Reader's Digest Association, Inc. (RD)

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Recording Industry Association of America, Inc. (RIAA)

Fourth-class

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 special rate 117 (400.31)

Time Incorporated

Second-class, presort discount 43

Warshawsky and Company

Third-class, bulk rates 107-08 (300.223)

(Footnote to the reader: Some general proposals have not yet been converted to legislative format by their proponents and therefore do not appear in this index. E.g., the OOC's proposals concerning special services and for eliminating post and postal card prerequisites of PSM § 131.224(d); PCMA's proposal to establish two-tier variations for first-class mail; Catholic Press Association's proposal for a presort discount for nonprofit second class. Interested readers should check the public files for corrections to see if any proposals have been inadvertently omitted. See p. 3 supra: Notices of corrections and omissions are to be filed September 20, 1976.)

[FR Doc.76-26810 Filed 9-13-76; 8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-42756; File No. SR-BSE-76-11]

BOSTON STOCK EXCHANGE

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 25, 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

The Boston Stock Exchange is being incorporated as a Delaware membership corporation.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the proposed rule change is as follows:

1. The purpose of the Proposed Rule Change is to accomplish the incorporation of Boston Stock Exchange.

2. The proposed rule change relates (a) to the capacity of Boston Stock Exchange to carry out the purposes of the Act by making the operations of the Exchange more efficient than is possible as an association; (b) to the ability of any registered broker or dealer, or natural person associated with a registered broker or dealer, or natural person associated with a registered broker or dealer to become a member of the Exchange by removing possible personal liability as a barrier to membership.

3. No comments have been solicited; however, the Agreement and Plan of Reorganization will be voted upon by the Members of the Exchange.

4. No burden on competition will be imposed by the Proposed Rule Change. Other major exchanges have incorporated within the past years.

On or before October 19, 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, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing together with a proposed certificate of incorporation, plan of reorganization, technical amendments to the Exchange's constitution, and copies of all written submissions with respect to the foregoing 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 cap-

tion above and should be submitted on or before October 5, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

SEPTEMBER 1, 1976.

GEORGE A. FITZSIMMONS,
 Secretary.

[FR Doc.76-26826 Filed 9-13-76; 8:45 am]

[Release No. 34-12770; File No. SR-BSPS 76-1]

BRADFORD SECURITIES PROCESSING SERVICES, 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 27, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

The proposed rule change is the opening of a clearing facility in Miami, Fla. In addition, clearing facilities in the following locations are currently being implemented; Baltimore, Md.; New Orleans, La.; Nashville, Tenn.; Washington, D.C.; and Cleveland, Oh.

Each of these facilities will serve as regional centers for receiving and delivering securities on behalf of BSPS customers.

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of opening these clearing facilities is twofold. First, to increase the timeliness of clearing security transactions for BSPS customers in each of these locations over existing means. Second, to give access to the qualified banks, brokers and dealers in each of these locations to use BSPS clearing facilities.

The opening of these facilities will provide for a prompt and accurate clearance of security transactions in each of the regional locations. It will allow for any qualified bank or broker/dealer to utilize these facilities for the prompt and accurate clearance of their respective securities transactions.

Verbal comments received from our existing customers and potential customers at these regional locations indicates a need to open these clearing facilities.

BSPS is of the opinion that opening these facilities will not impose any burden on competition but rather increase the competition. Opening these facilities will give banks and broker/dealers in each of these locations access to the BSPS clearing operation at what BSPS believes will be costs lower than clearing services presently available to them.

On or before October 19, 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 published its reasons for

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, Securities and Exchange 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 5, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 3, 1976.

[FR Doc.76-26827 Filed 9-13-76; 8:45 am]

[Release No. 34-12768; File No. SR-CBOE-76-18]

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 24, 1976, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows (brackets indicate deletions; italics indicate new material):

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

APPROVAL OF UNDERLYING SECURITIES

Rule 5.3. The underlying securities of option contracts traded on the Exchange shall be approved for Exchange transactions by the Board following the recommendation of the Securities Committee and the Board shall give due regard to, and the Board shall promulgate guidelines relative to, the following factors:

(a) Underlying securities approved for Exchange transactions shall [be characterized by a large number of outstanding units which are widely held and actively traded in the primary market;] *have, in the absence of exceptional circumstances, the following characteristics:*

(i) *A minimum of 8,000,000 shares which shall be owned by persons other*

than those required to report their stock holdings under Section 16(a) of the Securities Exchange Act of 1934;

(ii) *A minimum of 10,000 shareholders; and*

(iii) *Trading volume (on all markets on which the stock is traded) of at least 2,000,000 shares per year in each of the two previous calendar years;*

(iv) *The market price per share of the underlying security shall have been at least \$10.00 each business day of the six calendar months preceding the date of selection as measured by the lowest closing price recorded in any market on which the underlying security traded on each of the subject days.*

(b) Underlying securities shall be duly listed and registered on a national securities exchange; *and*

(c) The list of approved underlying securities shall be representative of issuers engaged in a wide variety of business activities [and]

[d] Underlying securities shall meet the requirements set forth in the agreements of the Exchange with the Clearing Corporation.]

* * * Interpretations and Policies:

.01 At the time it selects an underlying security for options transactions, the Securities Committee shall *ordinarily* determine from information publicly available at the Securities and Exchange Commission that the following conditions with respect to the issuer of the underlying security are met:

1. [3.] The issuer has been subject to and has complied in all respects, including timeliness, with the requirements of sections 13 and 14 of the Securities Exchange Act of 1934 for a period of at least the last three fiscal years.

2. The issuer and its *significant* subsidiaries have not during the past three years defaulted in the payment of any dividend or sinking fund installment on any preferred stock or in the payment of any principal interest or sinking fund installment on any indebtedness for borrowed money, or in the payment of rentals under long-term leases.

3. *The issuer and its consolidated subsidiaries had an aggregate net income, after taxes, but before extraordinary items net of tax effect, of at least \$1,000,000 in each fiscal year in three out of the last four fiscal years including the most recent fiscal year.* [1. The issuer and its consolidated subsidiaries had a net income, after taxes but before extraordinary items net of tax effect, of at least \$250,000 for each of the last three fiscal years.]

4. *The issuer and its consolidated subsidiaries have had not more than one annual deficit, before extraordinary items during the last four fiscal years, and have had no such deficit in the most recent fiscal year.*

¹ Does not take into consideration a proposed rule change contained in SR-CBOE-76-18.

WITHDRAWAL OF APPROVAL OF UNDERLYING SECURITIES

Rule 5.4 The approval of an underlying security for exchange transactions shall be withdrawn by the Securities Committee if the underlying security fails to meet the then current requirements necessary to maintain such approval. In the event the Securities Committee withdraws approval of an underlying security, no additional series of option contracts of the class covering that underlying security shall be opened; provided however that where exceptional circumstances have caused the noncompliance of an underlying security with subsection (E) or (F) of section 1 of Interpretation .01 or section 2 or 3 of Interpretation .01 hereunder* [then current approval maintenance requirements] the Board may, in the interest of maintaining a fair and orderly market or for the protection of investors direct the Securities Committee to open additional series of option contracts of the class covering the subject underlying security.

* * * Interpretation and Policies:

.01 (no change) *

1. *The Securities Committee ordinarily relying upon information publicly available at the Securities and Exchange Commission determines that:*

(A) [1.] The issuer and its consolidated subsidiaries have incurred a net deficit after taxes, but before extraordinary items net of tax effect in more than one of the preceding four fiscal years.*

(B) [2.] The issuer and its consolidated subsidiaries have a net income after taxes, but before extraordinary items net of tax effect, of less than \$250,000 in more than one of the preceding four fiscal years.*

(C) [3.] The issuer and its *significant* subsidiaries have defaulted in the payment of any dividend or sinking fund installment on preferred stock, or in the payment of any principal, interest or sinking fund installment on any indebtedness for borrowed money, or in the payment of rentals under long-term leases, and such default has not been cured [by the end of the fiscal year in] *within six months of the date on which the default occurred.**

(D) [4.] The issuer has failed to make timely reports as required by section 13 and 14 of the Securities Exchange Act of 1934, and such failure has not been corrected within 30 days after the date the report was due to be filed.²

(E) *There is a failure to have a minimum of 7,200,000 shares of the underlying security held by persons other than those who are subject to the requirement of section 16(a) of the Securities Exchange Act of 1934, as amended.*

(F) *There is a failure to have a minimum of 9,000 holders of the underlying stock.*

[5. The underlying security fails to meet guidelines set forth in the agreements of the Exchange with the Clearing Corporation designed to assure that

underlying securities are widely held and actively traded.¹

2. The volume of trading in the underlying security is less than 1,800,000 shares in the preceding calendar year.

3. The market price per share of an underlying security closes below \$10.00 on a majority of the business days of the preceding calendar year as measured by the highest closing price recorded in any market on which the underlying security trades.

.02 In connection with Rule 5.4 and Interpretation .01.3 thereto, the Securities Committee shall direct that no additional series of options contracts of the class covering an underlying security be opened at any time when the market price per share of the subject underlying security is less than \$7.50 as measured by the highest closing price recorded in any market on which the underlying security trades.

.03 Whenever the Exchange shall announce that approval of an underlying stock has been withdrawn for any reason, each member organization shall, prior to effecting any transaction in option contracts in respect of such underlying stock for a customer, inform such customer of such fact.

.04 Whenever the Exchange withdraws the approval of an underlying security, it shall not open a class of option contracts covering that underlying security until such security is able to comply with the provisions of Rule 5.3.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

Although the Exchange has a proposed rules change on file with the Commission (SR-CBOE-76-6) which relates to maintenance listing standards for securities underlying options traded on the Exchange, these proposed rules changes, relating to initial listing and additional maintenance standards for securities underlying options supplement the present filing and have the effect of creating a new overall Exchange underlying security qualification program.

Presently, Exchange Rule 5.3 set forth the standards to be utilized by the Exchange's Securities Committee in selecting underlying securities for options transactions. This process is now governed by the standards contained in the agreement between The Options Clearing Corporation and the Exchange, the American, Philadelphia and Pacific Stock Exchanges as well as the provisions of Interpretation .01 of Rule 5.3.

With respect to the requirements contained in The Options Clearing Corporation agreement, it is intended that this proposed filing specifically enumerate standards relating to (1) the number of outstanding units of the underlying security held by persons other than those subject to reporting their holdings pursuant to section 16(a) of the Securities Exchange Act of 1934, as amended, (2)

the number of holders, (3) the trading volume of the underlying security, and (4) the minimum per share market price of the underlying security. These proposed rules changes present initial listing standards which are more restrictive than some of those which are presently contained in the foregoing agreement with The Options Clearing Corporation. Such proposed selection guidelines establish a high level of market performance criteria which the Exchange believes should be utilized in choosing securities for Exchange options trading.

The standards set forth in Interpretation .01 to Rule 5.3 were inserted in September, 1975 as a continuation of the Exchange's agreement with the Commission, through its Division of Corporation Finance, that The Options Clearing Corporation could avoid making special disclosures about issuers of securities underlying options trading on participant exchanges in its Securities Act of 1933 ("the 1933 Act") registration statement if those underlying securities so selected by the exchanges were issued by companies which generally met the requirements for utilizing Form S-7 for the registration of securities under the 1933 Act. The Exchange now proposes to amend some of the selection criteria of the foregoing Interpretation so as to more accurately reflect those elements of financial stability of an issuer which the Exchange believes should be utilized in its underlying security selection process. These intended revisions would also have the effect of making a number of these financial standards more stringent than those presently proposed for an issuer which intends to make use of Form S-7 (Securities Act of 1933 Release No. 33-5728). Such proposed amendments reflect the position that the Exchange has maintained for some time that the standards for determining the availability of Form S-7 for an issuer's registration of securities are not the most appropriate measurement criteria which could be applied by the Exchange in determining which underlying stocks should be chosen for options trading. Consequently these proposed rules changes relating to initial listing requirements for securities underlying options trading would act to sever the relationship between such standards and the requirements which must be met if an issuer is to use Form S-7.

The combined result of all of the above proposed amendment to the Exchange's initial listing criteria would be to ensure that the Exchange chose only those underlying securities for options trading which have extensive public ownership and trading activity, significant amounts of corporate information disseminated to the public and a substantial degree of financial stability.

As a supplement to the above referenced rules changes previously filed regarding listing maintenance standards for underlying securities, the Exchange hereby proposes to specifically set forth

additional requirements which must be met in order to maintain approval for Exchange options trading relating to (1) the number of underlying securities held by persons not subject to the reporting requirements of Section 16(a), (2) the number of holders of the underlying security, (3) the trading volume of the underlying security, and (4) the price per share of the underlying security. These proposed standards will address changes in certain aspects of the market environment for the underlying securities on which options are traded. As such, these maintenance requirements will enable an underlying security to experience a nonmaterial reduction in its public floating supply, its number of shareholders, its trading volume or in its per share market price without becoming subject to the Exchange's procedures for withdrawal of listing approval.

Since these suggested maintenance provisions are designed to allow for some minor slippage from the high initial listing standards proposed herein, the continuity, depth and liquidity of the Exchange market for a particular option class will not be affected by small downward changes in the above described characteristics of an underlying security. In the absence of these modifications, any downward movement from the initial listing guidelines would trigger the Exchange's procedures for withdrawal of listing approval. However, notwithstanding the establishment of a buffer zone between the Exchange's initial approval for trading and the withdrawal of same, these proposed revisions will serve to alert the investing public and Exchange members to the fact that whenever the minimal reductions from the initial listing standards contained herein are exceeded, the Exchange's withdrawal of listing approval procedures shall be initiated in accordance with the terms of the proposed rule.

Section 6(b)(5) of the Securities Exchange Act of 1934 ("the Act"), in pertinent part, requires that the Exchange's rules be designed to protect investors and the public interest. The Exchange believes that it is consistent with this section of the Act to set forth specific, objective criteria to be used to initially select securities for options trading as well as to determine when the Exchange's approval for options trading should be withdrawn from an underlying security.

Comments were neither solicited nor received concerning these proposed rules changes.

The Exchange does not believe any burden on competition will be imposed by these proposed rules. At this time, all exchanges which trade options are subject to initial listing and maintenance standards which are essentially the same. It is anticipated that all exchanges will have an opportunity to adopt either the standards proposed herein or any other standards which are consistent with the provisions of the Act.

¹ Contained in Form 19b-4A SR-CBOE-76-6 and the amendments thereto.

On or before October 19, 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, Securities and Exchange 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 14, 1976.

For the commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 2, 1976.

[FR Doc.76-26823 Filed 9-13-76;8:45 am]

[Release No. 34-12757; File No. SR-MSE-76-15]

MIDWEST 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 August 30, 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 Deletions Bracketed—Additions Italicized.

ARTICLE XXVII

[NET COMMISSION CHARGES]

Transaction Fee

Rule 2. The Board of Governors may from time-to-time impose a [net commission charge] *transaction fee* upon members and member organizations, measured by their respective [net commissions on] *agency* transactions effected on the Floor of the Exchange. The rate of such [charge] *fee* shall be fixed by the Board of Governors before the close of each fiscal year at the time of fixing dues for the ensuing year.

MONTHLY REPORTS

Rule 3. Each member organization and each member who is not a nominee of a member organization shall submit to the Treasurer of the Exchange a monthly report, in such form as the Exchange may prescribe, of [commissions on business done on the] *brokerage and handling fees earned on the Floor of the Exchange* during the preceding month, together with a check covering the [net commission charge] *transaction fee* payable to the Treasurer. Reports are due and payable on or before the 15th day following the month covered by the report unless such day falls on a Sunday or holiday, in which event the report is to be filed and the fees paid on the next business day. When a member or member organization has no information to report, a signed report should be submitted with a notation thereon to that effect. The Treasurer of the Exchange, under circumstances deemed by him so to warrant, is authorized to grant an extension of not exceeding five days for filing and payment. The Treasurer shall report each such extension to the Finance Committee at its next meeting thereafter.

Rules 4, 5, and 6 will remain unchanged.

OTHER CHARGES

Rule 7. (a) In addition to the dues and [net commission charge] *transaction fee*, the Board of Governors may from time to time fix and impose other charges or fees to be paid to the Exchange by members and member organizations for the use of equipment or facilities or for services of privileges granted.

(b) A member organization filing monthly reports pursuant to Rule 3(b) of Article XX or restricted as to its operations, business or expansion pursuant to Rule 3(d) or Rule 12 of Article XX shall pay to the Exchange such charges or fees as the Board of Governors may from time to time fix and impose to cover the reasonable cost of such extraordinary review and examination of the reports and operations of such member organization as the Exchange determines to be necessary or appropriate for the protection of investors, other members and member organizations and the Exchange.

* * * Interpretations and Policies:

.01 For field examinations during any calendar year in addition to the regular annual examination—

\$85 per day for professional fees
\$85 per day (maximum) for living expenses
Actual cost of travel expenses.

For review of reports filed pursuant to Rule 3(b) of Article XX—

\$18 per report for professional fees

The purpose of the proposed rule change is to reflect the elimination of fixed commission rates and the nature of the present fee structure.

The proposed rule change represents an equitable allocation of reasonable dues among the Exchange's members.

Comments have neither been solicited nor received.

The Midwest Stock Exchange, Incorporated believe that no burdens have been placed on competition.

On or before October 19, 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, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 14, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 1, 1976.

[FR Doc.76-26825 Filed 9-13-76;8:45 am]

[Release No. 34-12763; File No. SR-NYSE-76-41]

NEW YORK STOCK EXCHANGE, INC.
Self-Regulatory Organization; 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 25, 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

Proposed change to Rule 440 of the Exchange would require members and member organizations to submit payment for one percent charge on commissions on a monthly basis when Form 600 reports are required to be filed with the Exchange.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

PURPOSE OF PROPOSED RULE CHANGE

The purpose of the change in Rule 440 is to eliminate the references therein to the below-mentioned charge as being billed quarterly by the Exchange to its member organizations and members.

Form 600 is a form which contains information relating to the net commission charge which, under Section 2 of Article X of the Exchange's Constitution and subject to the limitation on amount mentioned therein, is payable in such amount and at such time and collectible in such manner as may from time to time be determined by the Board of Directors of the Exchange. Consistent with the quarterly billing authorized by the Exchange's Board and in effect for several years, Rule 440 prior to the subject revision referred to the net commission charge as being billed quarterly. In most instances under the former practice, however, member organizations and members would be required to file Form 600 monthly, although the amounts shown thereon to be payable would not be due until after the Exchange had included them in a quarterly billing. The Exchange's Board, at the above-mentioned July 1, 1976 meeting, did not change the amount of the net commission charge but required payment of the charge to be made monthly. Under the new practice, the amount of the charge shown to be payable on the Form 600 will be due at the time when the Form 600 is filed with the Exchange, thereby eliminating from business routine the need for separately billing the charge. By simplifying the collection procedure, this change is in the interests of good business practices. Also, the change will accelerate the receipt of the charges by the Exchange, affording to the Exchange the use of the receipts earlier than afforded under the old practice.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

(a) (i) through (iii) and (v) through (viii) not applicable.

(a) (iv) The proposed rule modifies the time of payment of certain fees, but does not increase the amount due or in any way affect the equitable allocation of such fees. This is consistent with the requirements of the Securities Exchange Act of 1934 as amended by the Securities Acts Amendments of 1975, particularly section 6(c) (4) and Rule 19b-3.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

The Exchange has not solicited comments regarding the proposed change, nor has the Exchange received any comments from members or others.

BURDEN ON COMPETITION

No burden on competition will be imposed by the proposed change to the supplement to the Rule.

This proposed rule change will take effect immediately in accordance with section 19(b) (3) (A) (ii) as it changes the method of payment of a due, fee or other charge. At any time within sixty

days of the date of filing of this proposed rule change, the Commission summarily may abrogate the change and require it to be refilled in accordance with the provision of section 19(b) (1) of the Securities Exchange Act of 1934 ("the Act"), and reviewed in accordance with the provision of paragraph (2) thereof 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 accordance with the Act.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six 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 filings 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 5, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 2, 1976.

[FR Doc. 76-26828 Filed 9-13-76; 8:45 am]

[Release No. 34-12764; File No. SR-NYSE-76-42]

**NEW YORK STOCK EXCHANGE, INC.
Self-Regulatory Organization; 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, 1976), notice is hereby given that on August 25, 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

Proposed change to Rule 440 of the Exchange would require registered odd-lot dealers to submit payment for odd-lot transaction charges on a monthly basis when Form 600-A reports are required to be filed with the Exchange.

STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

PURPOSE OF PROPOSED RULE CHANGE

The purpose of the change in Rule 440 is to eliminate the references therein to the below-mentioned charge as being billed quarterly by the Exchange to its member organizations and members.

Form 600-A is a form which contains information relating to the odd-lot dealer charge which, under Section 2 of Article X of the Exchange's Constitution and subject to the limitation on amount mentioned therein, is payable in such amount and at such time and collectible in such manner as may from time to time be determined by the Board of Directors of the Exchange. Consistent with the quarterly billing authorized by the Exchange's Board and in effect for several years, Rule 440 prior to the subject revision referred to the odd-lot purchase or sale transaction charge as being billed quarterly. In most instances under the former practice, however, registered odd-lot dealers would be required to file Form 600-A monthly, although the amounts shown thereon to be payable would not be due until after the Exchange had included them in a quarterly billing. The Exchange's Board, at the above-mentioned July 1, 1976 meeting, did not change the amount of the odd-lot transaction charge but required payment of the charge to be made monthly. Under the new practice, the amount of the charge shown to be payable on the Form 600-A will be due at the time when the Form 600-A is filed with the Exchange, thereby eliminating from business routine the need for separately billing the charge. By simplifying the collection procedure, this change is in the interests of good business practices. Also, the change will accelerate the receipt of the charges by the Exchange, affording to the Exchange the use of the receipts earlier than afforded under the old practice.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

(a) (i) through (iii) and (v) through (viii) not applicable.

(a) (iv) The proposed rule modifies the times of payment of certain fees, but does not increase the amount due or in any way affect the equitable allocation of such fees. This is consistent with the requirements of the Securities Exchange Act of 1934 as amended by the Securities Acts Amendments of 1975, particularly section 6(c) (4) and Rule 19b-3.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

The Exchange has not solicited comments regarding the proposed change, nor has the Exchange received any comments from members or others.

BURDEN ON COMPETITION

No burden on competition will be imposed by the proposed change to the supplement to the Rule.

This proposed rule change will take effect immediately in accordance with section 19(b) (3) (A) (ii) as it changes the method of payment of a due, fee or other charge. At any time within sixty days of the date of filing of this proposed rule change, the Commission summarily may abrogate the change and require it to be refilled in accordance with the provision of section 19(b) (1) of the Securities Exchange Act of 1934 ("the Act"), and re-

viewed in accordance with the provision of paragraph (2) thereof 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 accordance with the Act.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, NW., Washington, D.C. Copies of such filings 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 5, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 2, 1976.

[FR Doc.76-26829 Filed 9-13-76; 8:45 am]

[Release No. 34-12771; File No. SR-PSE-76-31]

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 August 19, 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

The proposed rule change consists of three Options Floor Procedure Advices, which relate to the circumstances under which an Order Book Official on the options floor of the Pacific Stock Exchange can call for additional market makers to come to a post, standards of dress and conduct required to be observed on the options floor, and the procedure to be used when a member organization utilizes a non-member employee to obtain a quote.

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 herein is to set policies and clarify procedures under existing options trading rules.

By clarifying policies and procedures under existing options trading rules, the Exchange believes that the above Options

Floor Procedure 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.

The above Options Floor Procedure Advices will impose no burdens on competition. They merely provide an effective and convenient means of enforcing existing rules applicable to options trading on the Exchange.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 14, 1976.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

SEPTEMBER 3, 1976.

[FR Doc.76-26824 Filed 9-13-76; 8:45 am]

DEPARTMENT OF LABOR
Office of Employee Benefits Security
DEPARTMENT OF THE TREASURY
Internal Revenue Service
EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Filing Address for Copies of Complaints in Suits Filed Under Section 502

Section 502(h) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1132(h), provides, with certain specified exceptions, that a copy of the complaint in any action brought under Title I of the Act by a participant, beneficiary, or fiduciary shall be served upon the Secretary of Labor and the Secretary of the Treasury by certified mail.

Notice is hereby given that copies of complaints which must be served upon the Secretary of Labor pursuant to sec-

tion 502(h) of the Act should be addressed as follows:

Secretary of Labor, ATTN: Associate Solicitor, Plan Benefits Security Division, U.S. Department of Labor, Washington, D.C. 20210.

This amends and supplants the address appearing at 40 FR 26318 (Monday, June 23, 1975).

Notice is further given that copies of complaints which must be served upon the Secretary of the Treasury pursuant to section 502(h) of the Act should be addressed as follows:

Secretary of the Treasury, ATTN: Chief Counsel, Internal Revenue Service, 1111 Constitution Ave., Washington, D.C. 20224, ATTN: Associate Chief Counsel (Tax Litigation).

JAMES D. HUTCHINSON,
Administrator of Pension and Welfare Benefit Programs, Department of Labor.

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

[FR Doc.76-26724 Filed 9-13-76; 8:45 am]

Occupational Safety and Health Administration

ALASKA STATE STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18 (c) of the Act and 29 CFR Part 1902. On August 10, 1973, notice was published in the FEDERAL REGISTER (38 FR 21628) of the approval of the Alaska plan and the adoption of Subpart R to Part 1952 containing the decision.

The Alaska plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. Section 1952.243 of Subpart R sets forth the State's schedule for the adoption of at least as effective State standards.

By letter dated May 3, 1976, from Edmund N. Orbeck, Commissioner, to James W. Lake, Regional Administrator, and incorporated as part of the plan, the State submitted State standards comparable to 29 CFR 1910.261. These standards, which are contained in Article 3 of Subchapter 7 of the State's Wood Products Code, were promulgated by the State on February 26, 1976, after proceedings held in accordance with Alaska's Administrative Procedure Act (AS 44.62).

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards are at least as effective as the comparable Federal standards and are hereby approved. State standards differ from Federal standards in that the State has additional standards covering safety organization, medical programs, typing identification, whole log processing and handling equipment, liquid chlorine, chlorine dioxide, and liquid sulfur. The detailed standards comparison is available at the locations specified below.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6048, Federal Office Building, 909 First Avenue, Seattle, Washington 98174; State of Alaska, Department of Labor, Office of the Commissioner, Juneau, Alaska 99801; and Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, New Department of Labor Building, Room N3603, 200 Constitution Avenue N.W., Washington, D.C. 20210.

4. *Public participation.* Under § 1953.2 (c) of this chapter, the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Alaska State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

The standards were adopted in accordance with the procedural requirements of State law which included public comment and further public participation would be unnecessary.

This decision is effective September 14, 1976.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667)).

Signed at Seattle, Wash., this 22d day of July 1976.

RICHARD L. BEESTON,
Acting Regional Administrator.

[FR Doc.76-26891 Filed 9-13-76; 8:45 am]

UTAH STATE STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29

CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 10, 1973, notice was published in the FEDERAL REGISTER (38 FR 1178) of the approval of the Utah plan and the adoption of Subpart E to Part 1952 containing the decision.

The Utah plan provides for the adoption of Federal standards as State standards by:

1. Advisory Committee recommendation.

2. Publication in newspapers of general/major circulation with a 30-day waiting period for public comment and hearing(s).

3. Commission order adopting the standards and designating an effective date.

4. Providing certified copies of Rules and Regulations or Standards to the office of the State Archivist.

Section 1952.113 of Subpart E sets forth the State's schedule for adoption of Federal Standards. By letter dated July 14, 1976, from Don J. Christiansen, Administrator, Utah Occupational Safety and Health Division, to Curtis A. Foster, Regional Administrator, and incorporated as part of the plan, the State submitted rules and regulations concerning 29 CFR 1928.57 Guarding of Farm Field Equipment, Farmstead Equipment, and Cotton Gins as published in FEDERAL REGISTER 41 FR 10190 dated March 9, 1976. These standards, which are contained in the Utah Occupational Safety and Health Rules and Regulations for Guarding of Farm Field Equipment, Farmstead Equipment and Cotton Gins, were promulgated per the requirements of Utah Code annotated 1953, Title 63-46-1, and in addition, published in newspapers of general/major circulation throughout the State. No public comment was received and no hearings held. The Guarding of Farm Field Equipment, Farmstead Equipment and Cotton Gins part was adopted by the Industrial Commission of Utah, Archives File No. 1479 on May 19, 1976, pursuant to Title 35-9-6 Utah Code Annotated 1953.

2. *Decision.* The State submission having been reviewed in comparison with the Federal standards, it has been determined that the State standards are identical to the Federal standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Room 15010, Federal Building, 1961 Stout Street, Denver, Colorado, 80202; Utah State Industrial Commission, UOSHA Offices at 448 South 400 East, Salt Lake City, Utah, 84111; and the Technical Data Center, Room N-3620, 200 Constitution Avenue, Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may

prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Utah State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

The standards were adopted in accordance with the procedural requirements of State law which permitted public comments, and further public participation would be repetitious.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

This decision is effective September 14, 1976.

Signed at Denver, Colorado, this 28th day of July 1976.

CURTIS A. FOSTER,
Regional Administrator.

[FR Doc.76-26892 Filed 9-13-76; 8:45 am]

VERMONT STATE STANDARDS

Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a state plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On October 1, 1973, notice was published in the FEDERAL REGISTER (Vol. 38, FR 28658) of the approval of the Vermont plan and the adoption of Subpart U to Part 1952 containing the decision.

The Vermont plan provides for the adoption of Federal standards as State standards (by reference or after comments and/or public hearing). Section 1952.270 of Subpart U sets forth the State's schedule for the adoption of Federal standards. By letter dated June 17, 1976 from Louis Lavin, Commissioner, Vermont Department of Labor and Industry to Mr. Edwin J. Riley, Jr., Acting Regional Administrator and incorporated as part of the plan, the State submitted standards comparable to amendments to § 1910.179, dated June 27, 1975, amendments to 1910.184, dated March 30, 1976, amendments to § 1910.1000, dated March 19, 1976, and amended by adding a new subpart D and § 1928.57 in Part 1928, 29 CFR Chapter XVII.

These standards, which are contained in the Vermont Occupational Safety and Health Standards for General Industry and Agriculture were promulgated pursuant to Title 3, VSA, Section 803(a) (1)

and Title 21, VSA, Chapter 3, Subchapter 5, Sections 224 (a) and (b).

2. *Decision.* The State submission was reviewed in comparison with the Federal standards and were found to be identical to the Federal standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Room 1804, J. F. Kennedy Federal Building, Government Center, Boston, Massachusetts 02203; State of Vermont Department of Labor and Industry, State Office Building, Montpelier, Vermont 05602; and the Technical Data Center, Room N3620, 200 Constitution Avenue, Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Vermont State plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

This decision is effective September 14, 1976.

Signed at Boston, Massachusetts, this 8th day of July 1976.

EDWIN J. RILEY, Jr.,
Acting Regional Administrator.

[FR Doc.76-26893 Filed 9-13-76; 8:45 am]

Office of the Secretary

[TA-W-736]

DENTON MILLS, INC.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-736: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on March 26, 1976 in response to a worker petition received on March 26, 1976 which was filed by the Amalgamated Clothing Workers of America on behalf of workers and former workers producing children's knit sleepwear and knit sweaters at the Centerville, Michigan

plant of Denton Mills, Incorporated, Chicago, Illinois.

The notice of investigation was published in the Federal Register on April 13, 1976 (41 FR 15486). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Denton Mills, Incorporated, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The investigation revealed that although criteria one and two were met, criterion three was not met for sleepwear and criterion four was not met for sweaters or sleepwear.

Sales or production, or both, have decreased absolutely. Total company sales of children's sleepwear, (including the New Albany, Fremont, and Centerville plants) increased 31.1 percent in quantity from 1973 to 1974 and then declined 3.1 percent from 1974 to 1975. In the first quarter of 1976, sleepwear sales increased 60.4 percent in quantity compared to the first quarter of 1975.

Sales of sweaters by Denton Mills (sweaters are manufactured at Centerville only) increased 202.3 percent in quantity from 1973 to 1974 and then declined 31.3 percent from 1974 to 1975. In the first quarter of 1976, sweater sales increased 440.5 percent in quantity compared to the first quarter of 1975.

Production of children's sleepwear at the Centerville plant increased 17.8 percent in quantity from 1973 to 1974 and increased 3.0 percent from 1974 to 1975. In the first quarter of 1976, sleepwear production declined 9.2 percent compared to the first quarter of 1975.

Production of sweaters at the Centerville plant increased 59.4 percent in quantity from 1973 to 1974 and then declined 40.5 percent from 1974 to 1975. In the first quarter of 1976, sweater production increased 22.5 percent compared to the first quarter of 1975.

Significant total or partial separation. The average number of workers at the Centerville plant increased 8.4 percent

from 1973 to 1974 and increased 13.6 percent from 1974 to 1975. In the first quarter of 1976, the average number of workers declined 8.3 percent compared to the first quarter of 1975.

In the first quarter of 1976, average weekly hours increased 2.3 percent compared to the first quarter of 1975. Average weekly hours data was not available for years prior to 1975.

Increased imports. Imports of women's, misses', juniors', girls', and children's knit sleepwear declined absolutely and relatively from 1971 to 1972 and then increased absolutely and relatively from 1972 to 1973. Imports declined absolutely and relatively from 1973 to 1974 and from 1974 to 1975. Imports of women's, misses', and children's knit sleepwear declined 31.4 percent from 1974 to 1975. The ratios of imports to domestic production and consumption declined from 1.3 percent and 1.3 percent, respectively, in 1974, to 0.9 percent and 0.9 percent, respectively, in 1975.

Imports of women's and children's sweaters declined relatively from 1971 to 1972 and from 1972 to 1973. Imports increased absolutely and relatively from 1973 to 1974 and from 1974 to 1975. Imports of women's and children's sweaters increased 7.3 percent from 1974 to 1975. The ratios of imports to domestic production and consumption increased from 104.9 percent and 51.2 percent, respectively, in 1974 to 120.0 percent and 56.4 percent, respectively, in 1975. Import data for children's sleepwear alone could not be isolated from the basket category.

Imports of men's and boys' sweaters increased absolutely in each year from 1971 to 1973 and then declined absolutely from 1973 to 1974 and from 1974 to 1975. Imports of men's and boys' sweaters declined 12.4 percent from 1974 to 1975. Domestic production declined 12.7 percent during the same period. The ratios of imports to domestic production and consumption increased from 36.5 percent and 26.9 percent, respectively, in 1974 to 36.6 percent and 27.0 percent, respectively, in 1975.

Contributed importantly. The Department's investigation indicated that customers of Denton Mills, Inc. do not purchase imported sweaters, and do not purchase imported children's sleepwear.

Conclusion. After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with children's knit sleepwear and men's, women's, and children's knit sweaters at the Centerville, Michigan plant of Denton Mills, Incorporated, Chicago, Illinois, did not contribute importantly to the total or partial separation of workers of that plant.

Signed at Washington, D.C. this 27th day of August 1976.

JAMES F. TAYLOR,
Director.

Planning and Evaluation Staff.

[FR Doc.76-26725 Filed 9-13-76; 8:45 am]

[TA-W-1,061]

MEPCO-ELECTRA**Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance**

On August 31, 1976 the Department of Labor received a petition dated August 23, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Association of Machinists and Aerospace Workers on behalf of the workers and former workers of the Hicksville, Ohio plant of Mepco-Electra, Morristown, New Jersey, a wholly owned subsidiary of North American Phillips, New York City, New York (TA-W-1,061). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with electronic capacitors produced by Mepco-Electra or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 24, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 24, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 31st day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-26726 Filed 9-13-76;8:45 am]

[TA-W-1,047]

PRINCESS PAT**Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance**

On August 27, 1976 the Department of Labor received a petition dated August 16, 1976 which was filed under Section 221(a) of the Trade Act of 1974 ("the Act") by the International Ladies Garment Workers Union on behalf of the workers and former workers of Princess Pat, Bridgeport, Connecticut, a division of Peter Pan, New York, New York (TA-W-1,047). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with materials for ladies' swimwear produced by Princess Pat or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 24, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 24, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 27th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-26727 Filed 9-13-76;8:45 am]

[TA-W-1,041]

STRIDE RITE SHOE CO.**Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance**

On August 25, 1976 the Department of Labor received a petition dated August 20, 1976 which was filed under section 221(a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of Brockton, Massachusetts plant of Stride Rite Shoe Co., a division of Stride Rite Shoe Corporation (TA-W-1,041). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in Section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with baby shoes produced by Stride Rite Shoe Company or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 24, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 24, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 25th day of August 1976.

DOMINIC SORRENTINO,
Acting Director, Office of
Trade Adjustment Assistance.

[FR Doc.76-26728 Filed 9-13-76;8:45 am]

[TA-W-1,050]
STRIDE RITE CORP.

Investigation Regarding Certification of Eligibility To Apply for Worker Adjustment Assistance

On August 30, 1976 the Department of Labor received a petition dated August 5, 1976 which was filed under Section 221 (a) of the Trade Act of 1974 ("the Act") on behalf of the workers and former workers of The Stride Rite Corporation, Boston, Massachusetts (TA-W-1,050). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like, or directly competitive with infants', childrens', youths', growing girls' & boys' shoes produced by The Stride Rite Corporation or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved. A group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 24, 1976.

Interested persons are invited to submit written comments regarding the subject matter of this investigation to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than September 24, 1976.

The petition filed in this case is available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 30th day of August 1976.

DOMINIC SORRENTINO,
*Acting Director, Office of
 Trade Adjustment Assistance.*

[FR Doc.76-26729 Filed 9-13-76; 8:45 am]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

ALLOY TOOL STEEL PRODUCTS
 Modification of Certain Quantitative Limitations

By Proclamation 4445 of June 11, 1976 (41 F.R. 24101, June 15, 1976), temporary quantitative limitations were placed on the importation into the United States of certain articles of stainless steel or alloy tool steel. The Proclamation, *inter alia*, implements an orderly marketing agreement entered into on June 11, 1976 between the Government of the United States and the Government of Japan with respect to these steel articles. Under paragraph (5) of the Proclamation, the Special Representative is directed to perform such functions for the United States as may be necessary to administer and implement the agreement with the Government of Japan.

Under paragraph 1(d) of the provisions of the agreement, imports from Japan of each category of steel covered by the agreement during the first half of a restraint period are not to exceed 60 percent of the base limit as defined in the agreement, unless otherwise mutually agreed. The 60 percent limit has recently been reached with respect to alloy tool steel from Japan under item 923.24 of the Appendix to the Tariff Schedules of the United States (TSUS). A substantial portion of the steel entered from Japan under item 923.24 has been certain high carbon chrome steel suitable for bearings, concerning which historical statistical classification questions have arisen. In view of this fact, agreement has been reached with the Government of Japan that the 60 percent limitation contained in paragraph 1(d) of the Notes exchanged on June 11, 1976, will not apply to imports of alloy tool steel from Japan during the restraint period June 14, 1976 to June 13, 1977.

Paragraph (b) of headnote 2, subpart A, part 2 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is modified by adding at the end thereof the following: "This paragraph shall not apply with respect to articles provided for in item 923.24, the product of Japan, entered during the restraint period beginning June 14, 1976 and ending at the close of June 13, 1977."

This modification will be effective on September 17, 1976.

FREDERICK B. DENT,
*Special Representative
 for Trade Negotiations.*

[FR Doc.76-27051 Filed 9-13-76; 1:47 pm]

INTERSTATE COMMERCE COMMISSION

[Notice No. 142]

ASSIGNMENT OF HEARINGS

SEPTEMBER 9, 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 1924 Sub 11, Wallace-Colville Motor Freight, Inc., now being assigned November 29, 1976 (3 Weeks), at Boise, Idaho, in a hearing room to be later designated.

No. 36325, Radioactive materials, Special Train Service, Nationwide now assigned October 5, 1976, at Washington, D.C., is postponed to November 2, 1976, at the offices of the Interstate Commerce Commission, Washington, D.C.

AB 18 (Sub No. 16), Chesapeake and Ohio Railway Company Abandonment Portion Ionia Branch Between Portland and Ionia, in Ionia County, Michigan now assigned October 14, 1976 at Portland, Michigan is cancelled, application dismissed.

MC 142080, Lite Transport, Inc., now being assigned November 10, 1976, at the Office of the Interstate Commerce Commission, Wash., D.C.

MC 134922 Sub 117, B. J. McAdams, Inc., now being assigned October 21, 1976, at the Office of the Interstate Commerce Commission, Washington, D.C.

I & S M 29129, Joint Routings and Pickup or Delivery Within Commercial Zones, now assigned September 29, 1976, at Washington, D.C., is postponed to November 29, 1976, at the Offices of Interstate Commerce Commission, Washington, D.C.

ROBERT L. OSWALD,
Secretary.

[FR Doc.76-26897 Filed 9-13-76; 8:45 am]

[I.C.C. Order No. 174-A; Rev. S.O. No. 994]

BURLINGTON NORTHERN, INC.

Rerouting Traffic

Upon further consideration of I.C.C. Order No. 174 (Burlington Northern Inc.) and good cause appearing therefor:

It is ordered, That I.C.C. Order No. 174 be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., August 27, 1976.

INTERSTATE COMMERCE COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc.76-26898 Filed 9-13-76; 8:45 am]

[Notice No. 119]

**MOTOR CARRIER TEMPORARY
AUTHORITY APPLICATIONS**

SEPTEMBER 9, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 56679 (Sub-No. 89TA), filed August 31, 1976. Applicant: BROWN TRANSPORT CORP., 125 Milton Ave. SE., Atlanta, Ga. 30315. Applicant's representative: B. K. McClain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between Atlanta, Ga., and Cartersville, Ga., serving no intermediate points, but serving the termini of Atlanta, Ga., and Cartersville, Ga., and all points within their respective commercial zones; from Atlanta, Ga., to Cartersville, Ga., over U.S. Highway 41, and return over the same route; (2) between Cartersville, Ga., and Tenna, Ga., serving (a) the termini of Cartersville, Ga., and Tenna, Ga., and all points within their respective commercial zones; and (b) all intermediate points between Cartersville, Ga., and Tenna, Ga., and all places within the commercial zones of each of said intermediate points; from Cartersville, Ga., to Tenna, Ga., over U.S. Highway 411

and return over the same route; (3) between Chatsworth, Ga., and Dalton, Ga., serving (a) the termini of Chatsworth, Ga., and Dalton, Ga., and all points within their respective commercial zones; and (b) all intermediate points between Chatsworth, Ga., and Dalton, Ga., and all places within the commercial zones of each of said intermediate points; from Chatsworth, Ga., to Dalton, Ga., over U.S. Highway 76, and return over the same route; (4) between Chatsworth, Ga., and Calhoun, Ga., serving (a) the termini of Chatsworth, Ga., and Calhoun, Ga., and all points within their respective commercial zones; and (b) all intermediate points between Chatsworth, Ga., and Calhoun, Ga., and all places within the commercial zones of each of said intermediate points; from Chatsworth, Ga., to Calhoun, Ga., over U.S. Highway 76 to junction Georgia Highway 225, thence over Georgia Highway 225 to Calhoun, Ga., and return over the same route.

(5) Between the junction of Georgia Highway 156 and U.S. Highway 411 and Calhoun, Ga., serving (a) the termini as points of joinder only; and (b) all intermediate points between the junction of Georgia Highway 156, and U.S. Highway 411 and Calhoun, Ga., and all places within the commercial zones of said intermediate points; from the junction of Georgia Highway 156 and U.S. Highway 411 to Calhoun, Ga., over Georgia Highway 146 and return over the same route; (6) between Fairmount, Ga., and Calhoun, Ga., serving (a) the termini of Fairmount, Ga., and Calhoun, Ga., and all points within their respective commercial zones; and (b) all intermediate points between Fairmount, Ga., and Calhoun, Ga., and all places within the commercial zones of each of said intermediate points; from Fairmount, Ga., to Calhoun, Ga., over Georgia Highway 53 and return over the same route; (7) between the junction of Georgia Highway 140 and U.S. Highway 411 and Adairsville, Ga., serving (a) the termini and all points within their respective commercial zones; and (b) all intermediate points between the junction of Georgia Highway 140 and U.S. Highway 411 and Adairsville, Ga., and all places within the commercial zones of each of said intermediate points; from the junction of Georgia Highway 140 and U.S. Highway 411, to Adairsville, Ga., over Georgia Highway 140, and return over the same route. Note: At each point which applicant proposes to serve as either a terminal or intermediate point, applicant requests authority to provide full and complete regular route service without any restriction as to the applicant's ability (1) to pick up, deliver, or interchange shipments at such points, or (2) to tack or join the authority requested at such points with other authority held by applicant to serve such points, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 21 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in

Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 W. Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 109397 (Sub-No. 339TA), filed August 30, 1976. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Business Rt. 1-44 East, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-finished vinyl and covered paneling, particleboard, hardboard, or composition board, fibreboard, gypsumboard, and molding*, from Charleston Co., South Carolina, to points in Florida, Georgia, Illinois, Indiana, Maryland, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and Virginia, for 180 days. Supporting shipper: Textone, Inc., 3 Hock Ave., North Charleston, S.C. 29406. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 113678 (Sub-No. 636TA), filed August 30, 1976. Applicant: CURTIS, INC., 4810 Pontiac St., P.O. Box 16004, Commerce City (Denver), Colo. 80022. Applicant's representative: David L. Metzler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Denver, Colo., to points in Wyoming, for 180 days. Supporting shipper: Oscar Mayer & Co., 910 Mayer Ave., Madison, Wis. 53704. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 721 19th St., Denver, Colo. 80202.

No. MC 113828 (Sub-No. 239TA), filed September 2, 1976. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: William P. Sullivan, Federal Bar Bldg., West, Suite 1030, 1819 H St., N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kyanite ore*, in bulk, from Buckingham and Prince Edward Counties, Va., to Wilmington and Morehead City, N.C., for 180 days. Supporting shipper: Possehl, Inc., 41 W. Putnam Ave., Greenwich, Conn. 06830. Send protests to: Interstate Commerce Commission, 12th & Constitution Ave., N.W., Room 1413, W. C. Hersman, District Supervisor, Washington, D.C. 20423.

No. MC 114965 (Sub-No. 59TA), filed September 1, 1976. Applicant: CYRUS TRUCK LINE, INC., P.O. Box 327, R.F.D. No. 1, Iola, Kans. 66749. Applicant's representative: Charles H. Apt, P.O. Box 328, Iola, Kans. 66749. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Diesel fuel*, in bulk, in tank vehicles, from the facility of Williams Pipeline

Company, Inc., at or near Jasper, Mo., to the facilities of Yellow Freight Systems, Inc., at or near Baxter Springs, Kans., restricted to the transportation of traffic originating at the facility of Williams Pipeline Company, Inc., in Jasper and destined to the facilities of Yellow Freight Systems, Inc., in Baxter Springs, Kans., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Yellow Freight System, Inc., P.O. Box 7270, Shawnee Mission, Kans. 66207. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 119547 (Sub-No. 44TA), filed August 31, 1976. Applicant: EDGAR W. LONG, INC., Route 4, 3815 Old Wheeling Road, Zanesville, Ohio 43701. Applicant's representative: Edwin H. van Deusen, P.O. Box 97, Dublin, Ohio 43017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Columbus, Ohio; Fort Wayne, Ind.; and San Antonio, Tex., to Hinton, W. Va., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: B & R Co., of Hinton, P.O. Box 40, Hinton, W. Va. 25951. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg. & U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 125745 (Sub-No. 3TA), filed August 31, 1976. Applicant: RAY D. SIMMONS, doing business as SIMMONS TRUCKING CO., Route 2, Box 296A, Carthage, Mo. 64836. Applicant's representative: Turner White, 910 Plaza Towers, 1736 East Sunshine, Springfield, Mo. 64804. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flint cherts, crushed and ground limestone, and sand*, from Webb City, Mo., and its commercial zone, to Newark, Felicity, Cincinnati, and Cleveland, Ohio; Milwaukee, Green Bay, and Madison, Wis., and their commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Independent Gravel Company, P.O. Box 1423, Joplin, Mo. 64801. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 133095 (Sub-No. 108TA), filed September 1, 1976. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, 2603 W. Euless Blvd., Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverage*, in vehicles equipped with mechanical refrigeration, from Fort Worth, Tex., to Grand Junction, Durango, Pueblo and Glenwood Springs, Colo., for 180 days. Supporting shippers: Carl

Wills Beverage, 126 S. Oneida, Pueblo, Colo. 81002. Southwestern Beverage Co., 1315 Main Ave., Durango, Colo. 81301. Orrison Distributing Co., P.O. Box 128, Glenwood Springs, Colo. 81061. Owen Produce, Inc., 645 South 7th St., Grand Junction, Colo. 81501. Send protests to: H. C. Morrison, Sr., Interstate Commerce Commission, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 133095 (Sub-No. 109TA), filed September 1, 1976. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, 2603 W. Euless Blvd., Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except in bulk), in vehicles equipped with mechanical refrigeration, from Dallas, Tex., to points in Arkansas, Oklahoma and Kans., for 180 days. Supporting shipper: Monsieur Henry Wines Ltd., 4527 Holt, Bellaire, Tex. 77401. Send protests to: H. C. Morrison, Sr., Interstate Commerce Commission, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 142357 (Sub-No. 1TA), filed August 31, 1976. Applicant: R. L. BERTOLINO REFRIGERATED TRUCKS, INC., 404 South 24th St., Billings, Mont. 59101. Applicant's representative: J. F. Meglen, P.O. Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packing-houses*, from Ranchoester and Sheridan, Wyo., to Portland, Oreg., Seattle and Spokane, Wash., and points in the Commercial Zones thereof, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Larry A. Schumacher, General Manager, Ranchoester Packing Company d/b/a Wyoming Beef Packers, P.O. Box 195, Ranchoester, Wyo. 92939. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Ave., North, Billings, Mont. 59101.

No. MC 142391 (Sub-No. 1TA), filed August 30, 1976. Applicant: A. J. MIES, INC., Route 2, Valley Center, Kans. 67147. Applicant's representative: Russell E. Grant, 730 Fourth Financial Center, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trace minerals*, in covered dump type vehicles, from Salida, Colo., to points in Kansas, for 180 days. Supporting shippers: William R. King, 330 E. 10, Newton, Kans. 67114. Marvin Rink & Sons, 3124 N. Maize Rd. Rt. 9, Wichita, Kans. 67205. Byron W. Bonham, B&B Trace Mineral for Agriculture, R.R. 5, Winfield, Kans. 67156. Ben E. Harris, B&B Trace Mineral for Agriculture, Route 3, Winfield, Kans. McCurry Bros., Mt. Hope Kans. 67108. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 142391TA, filed August 30, 1976. Applicant: A. J. MIES, INC., Route 2, Valley Center, Kans. 67147. Applicant's representative: Russell E. Grant, 730 Fourth Financial Center, Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Volcanic stone and stone products*, in dump type vehicles, from points in Conejos and Costilla Counties, Colo., and Rio Arriba, Santa Fe and Taos Counties, N. Mex., to points in Bentonville, Eldorado, Fort Smith, Jonesboro and Little Rock, Ark.; Cedar Rapids, Council Bluffs, Davenport, Des Moines, Mason City, Sioux City, and Waterloo, Iowa; Dodge City, Garden City, Goodland, Hays, Hutchinson, Liberal, Manhattan, Parsons, Salina, Topeka, and Wichita, Kans.; Deluth, Manokato, Minneapolis, Rochester, St. Cloud, St. Paul, Willmar, and Winona, Minn.; Jefferson City, Joplin, Kansas City, Mason, St. Joseph, Springfield and Waynesville, Mo.; Grand Island, Hastings, McCook, Norfolk, North Platte, and Omaha, Nebr.; Bismark, Fargo, Grand Forks, Minot, and Williston, N. Dak.; Alva, Bartlesville, Lawton, McAlester, Muskogee, Oklahoma City, and Tulsa, Okla.; Aberdeen, Brookings, Huron, Pierre, Rapid City, Sioux Falls, and Watertown, S. Dak.; and Eau Claire, Green Bay, Lacrosse, Madison, Marshfield, Milwaukee, Neenah, and Wausau, Wis., for 180 days. Supporting shipper: Crown Stone & Aggregate Co., Inc., 817 Santa Fe, Kansas City, Mo. 64101. Send protests to: M. E. Taylor, District Supervisor Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 142392TA, filed September 1, 1976. Applicant: SUN CARTAGE CO., INC., 2559 Jonesboro Road, SE, Atlanta, Ga. 30315. Applicant's representative: George H. Boggs, 3094 Dodson Drive, East Point, Ga. 30344. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment other than refrigeration), between Atlanta, Ga., and Crawfordville, Ga.; from Atlanta over U.S. Highway 278 to Crawfordville, Ga., and return over the same route, serving as intermediate or off-route; all points in Fulton, DeKalb, Gwinnett, Clayton, Cobb, Rockdale, Newton, Walton, Morgan, Greene, and Taliaferro Counties, Ga., over all available highways with the right to interchange at Atlanta, Ga. Applicant intends to interline at Atlanta, Ga., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: There are approximately 34 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Inter-

state Commerce Commission, 1252 W. Peachtree St., NW., Room 546, Atlanta, Ga. 30309.

WATER CARRIER OF PROPERTY

No. W-1278 (Sub-No. 3TA). By order entered September 2, 1976, the Motor Carrier Board granted Bulk Food Carriers, Inc., San Francisco, California, 180 days temporary authority to engage in the business of transportation by water vessel, in interstate commerce, in the transportation of *aluminum slabs, tees, blooms, sows and billets*, from Bellingham, Wash. and Sacramento, Calif., to Baltimore, Md., Wilmington, Del., and Philadelphia, Pa., via the Panama Canal.

J. Raymond Clark, Suite 1150, 600 New Hampshire Ave., NW., Washington, D.C. 20037, applicant's representative.

Any interested person may file a petition for reconsideration within 20 days of the date of this publication. Within 20 days after the filing of such petition with the Commission, any interested person may file and serve a reply thereto. Petitions and replies should be sent to the Motor Carrier Board, Interstate Commerce Commission, Washington, D.C. 20423.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc. 76-26895 Filed 9-13-76; 8:45 am]

[Notice No. 118]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

SEPTEMBER 8, 1976.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Sec-

retary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 21455 (Sub-No. 43TA), filed August 30, 1976. Applicant: GENE MITCHELL CO., 1106 Division St., West Liberty, Iowa 52776. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and dextrose*, in packages and containers, from points in Illinois, Iowa, Kansas, Minnesota and Missouri, to points in and west of Arkansas, Iowa, Louisiana, Missouri and Wisconsin, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Feaster Foods Company, 4223 Center St., Omaha, Nebr. 68105. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 72524 (Sub-No. 5TA), filed August 31, 1976. Applicant: MARKLE TRUCK LINE, INC., Box 717, Pendleton, Ore. 97801. Applicant's representative: Jerry R. Woods, Suite 1440, 200 Market Bldg., Portland, Ore. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beet pulp pellets*, in bulk, in hopper type equipment, from the plantsite of Amalgamated Sugar Co., at or near Nampa, Idaho, to points in Umatilla County, Ore., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Athena Cattle Feeders, P.O. Box 304, Athena, Ore. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Ore. 97204.

No. MC 113362 (Sub-No. 301TA), filed August 30, 1976. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sweetened condensed whole milk* (except in bulk), from the plantsite and storage facilities utilized by Dairyland Products Co., located at Rice Lake, Wis., to Covington, Tenn., and Freehold, N.J., and (2) *Sweetened condensed whole milk and candy, candy equipment, materials and supplies* used in the manufacture of candy (except in bulk), from the plantsite and storage facilities of Charms Candy Co., located at Civington, Tenn., to Freehold, N.J., Restriction: Parts (1) and (2) are restricted to traffic originating at the above-named origins and destined to the above-named destination points, for 180 days. Applicant has also

filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Charms Co., Halls Mill Road, Freehold, N.J. 07728. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Bldg., Des Moines, Iowa 50309.

No. MC 114552 (Sub-No. 120TA), filed August 30, 1976. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., P.O. Box 1267, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials, and materials and supplies* used in the distribution or installation of roofing and roofing material (except in bulk), from the facilities of Flintkote Company, at or near Peachtree City, Ga., to points in Alabama, Mississippi, Florida, North Carolina, South Carolina, Tennessee, Virginia, Louisiana, Kentucky, Arkansas, West Virginia, Georgia, and the District of Columbia, for 180 days. Supporting shipper: The Flintkote Company, 480 Central Ave., East Rutherford, N.J. 07073. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 117119 (Sub-No. 594TA), filed August 17, 1976. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals, viz: ammoniacal liquor or aqua ammonia; ammonium, persulfate; chemicals, NOI: chrome sulphate solution; copper sulphate (blue vitriol); nickel plating solution;* (2) *cleaning compounds, viz: (a) cleaning, scouring or washing compounds, or soap, liquid;* (b) *cleaning, scouring or washing compounds, or soap, other than liquid or soap power;* (3) *paints, viz: compounds, paint, lacquer, varnish, gum, resin, plastic or adhesive increasing, reducing, removing, thickening or thinning;* (4) *pumice stone*, from Westwood, Newton and Salem, Mass., to points in Texas and California. Restriction: (1), (2), (3), and (4), above are restricted against the transportation of commodities in bulk and are further restricted to when moving in vehicles equipped with mechanical refrigeration, for 180 days. Supporting shipper: Shipley Company, Inc., 2300 Washington St., Newton, Mass. 02162. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Bldg., 700 West Capitol, Little Rock, Ark. 72201.

No. MC 118142 (Sub-No. 131TA), filed August 30, 1976. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, Kans. 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, Kans. 67202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*,

meat products and meat byproducts, and articles distributed by meat packing houses, from the plantsite of Farmland Foods, Inc., Garden City, Kans., to points in Connecticut, Delaware, the District of Columbia, Kentucky, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Vermont, Virginia, and West Virginia, for 180 days. Supporting shipper: Farmland Foods, Inc., P.O. Box 597, Garden City, Kans. 67846. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 118159 (Sub-No. 178TA) (Correction), filed July 8, 1976, published in the FEDERAL REGISTER issue of July 21, 1976, and republished as corrected this issue. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366-Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Metal containers, and return of empty pallets, other dunnage materials, and returned, refused, or rejected merchandise in the reverse direction, from Richmond, Va., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Missouri, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Washington, Oregon, Idaho, Utah, Nevada, California, and Arizona, for 180 days. Supporting shipper: Reynolds Metals Company, P.O. Box 27003, Richmond, Va. 23216. Send protests to: Joe Green, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 240 Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102. The purpose of this republication is to add Kansas as a destination point in this proceeding.

No. MC 118159 (Sub-No. 182TA), filed August 30, 1976. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366-Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, fresh or frozen; meat products; and products produced by meat packinghouses, from the plantsite of Farmland Foods, Inc., at or near Garden City, Kans., to points in Kentucky, Tennessee, Ohio, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, Connecticut, Rhode Island, Maine, New York, Vermont, New Hampshire, Massachusetts, New Jersey, and the District of Columbia, for 180 days. Supporting shipper: Farmland Foods, Inc., P.O. Box 597, Garden City, Kans. 67846. Send protests to: Joe Green, District Supervisor, Room 240 Old Post Office Bldg., 215 Northwest Third St., Oklahoma City, Okla. 73102.

No. MC 119880 (Sub-No. 86TA), filed August 27, 1976. Applicant: DRUM

TRANSPORT, INC., 617 Chicago St., P.O. Box 2056, East Peoria, Ill. 61611. Applicant's representative: B. N. Drum (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Alcohol and grain neutral spirits, in bulk, in tank vehicles, from Peoria, Ill., to Louisville, Ky., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hiram Walker & Sons, Inc., D. J. Anderson, General Traffic Manager, Foot of Edmund St., Peoria, Ill. 61601. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1386, Chicago, Ill. 60604.

No. MC 124821 (Sub-No. 20TA), filed August 31, 1976. Applicant: WILLIAM GILCHRIST, 509 Susquehanna Ave., Old Forge, Pa. 18518. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1267, Arlington, Va. 22210. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Roofing and roofing materials, and materials and supplies used in the distribution or installation of roofing and roofing materials, from the facilities of Flintkote Company, at or near Peachtree City, Ga., to points in Alabama, Mississippi, Florida, North Carolina, South Carolina, Tennessee, Virginia, Louisiana, Kentucky, Arkansas, West Virginia, Georgia, and the District of Columbia, for 180 days. Supporting shipper: The Flintkote Company, 480 Central Ave., East Rutherford, N.J. 07073. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 127187 (Sub-No. 17TA), filed August 31, 1976. Applicant: FLOYD DUENOW, INC., 1728 Industrial Park Blvd., Fergus Falls, Minn. 56537. Applicant's representative: James B. Hovland, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Agricultural chemicals (except in bulk), from Des Moines, Iowa, and the plantsite and warehouse facilities of Monsanto Company, at or near Muscatine, Iowa, to ports of entry located on the International Boundary between Canada and the United States in Montana, North Dakota, and Minnesota, restricted to transportation of shipments destined to points in Alberta, Sasatchewan, and Manitoba, for 180 days. Supporting shipper: Monsanto Company, 800 North Lindbergh Blvd., St. Louis, Mo. 63166. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 128375 (Sub-No. 146TA), filed August 31, 1976. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's repre-

applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Paper and paper products, from Taylorville, Ill., and its commercial zone, to points in Iowa, Kansas, Nebraska, and Kansas City, Mo., under a continuing contract with Western Paper Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: W. R. Hershman, President, Western Paper Co., P.O. Box 12210, Overland Park, Kans. 66204. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 129615 (Sub-No. 21TA), filed August 31, 1976. Applicant: AMERICAN INTERNATIONAL DRIVEWAY, P.O. Box 545, 123 N. First St., Decatur, Ind. 46733. Applicant's representative: E. Drayson Helmer (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Motor homes and van conversions, in motor carrier service, from Macomb and Sanilac Counties, Mich., on the one hand, and, on the other, points in the United States, Alaska, Hawaii, and Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Travco, Inc., 26750 23 Mile Road, Mt. Clemens, Mich. 40427. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne St., Room 204, Fort Wayne, Ind. 46802.

No. MC 133666 (Sub-No. 16TA), filed August 31, 1976. Applicant: JACOBSON TRANSPORT, INC., 1112 Second Ave., South, P.O. Box 368, Wheaton, Minn. 56296. Applicant's representative: Samuel Rubenstein, 301 North Fifth St., Minneapolis, Minn. 55403. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Anhydrous ammonia, in bulk, in tank vehicles, from the facilities of N-Ren Corporation, located at or near Dilworth, Minn., to points in North Dakota and South Dakota, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: N-Ren Corporation, 256 McCullough St., Cincinnati, Ohio 45226. Send protests to: Marion L. Cheney, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Bldg. & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 140827 (Sub-No. 5TA), filed August 31, 1976. Applicant: MARKET TRANSPORT, LTD., 33 N.E. Middlefield Road, Portland, Ore. 97211. Applicant's representative: Philip G. Skofstad, N.E. 13th & Linden St., Gresham, Ore. 97030. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Bananas and commodities otherwise exempt from economic regulations under Section 203(b)(6) of the Interstate Commerce Act when moving in mixed shipments with banan-

as, to points in Klamath Falls, Ashland, Medford, Grants Pass, Coos Bay, Roseburg, Eugene, Albany, Corvallis, Salem, Milwaukie, Portland, Bend, Pendleton, La Grande, and Baker, Oreg.; points in Vancouver, Longview, Chehalis, Centralia, Aberdeen, Olympia, Tacoma, Kent, Renton, Bellevue, Everett, Mt. Vernon, Bellingham, Port Angeles, Yakima, Wenatchee, Pasco, Walla Walla, Spokane, and Seattle, Wash., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Pacific Fruit & Product Co., 4103 Second Ave., South, Seattle, Wash. 98124. Standard Fruit & Steamship Company, 17880 Sky-park Circle, Irvine, Calif. 92714. Fred Meyer, Inc., 2140 N. Webster, Portland, Oreg. 97217. Chiquita Brands, Inc., Prudential Center, Boston, Mass. 02199. Send protests to: W. J. Huetig, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 141247 (Sub-No. 4TA), filed August 31, 1976. Applicant: LAWRENCE PILGRIM, doing business as PILGRIM TRUCKING COMPANY, P.O. Box 77, Cleveland, Ga. 30528. Applicant's representative: Jeffrey Kohlman, Suite 400, 1447 Peachtree St., NE., Atlanta, Ga. 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Treated lumber and plywood*, from Thomson, Ga., to points in Alabama, Florida, Kentucky, Maryland, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District, under a continuing contract with Dixie Wood Preserving Company, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 1252 W. Peachtree St., NW., Room 546, Atlanta, Ga. 30309.

No. MC 141431 (Sub-No. 1TA), filed August 25, 1976. Applicant: CAL-VALLEY TRANSPORTATION, INC., 7916 West Bellevue, P.O. Box 217, Atwater, Calif. 95301. Applicant's representative: William D. Taylor, 100 Pine St., Suite 2250, San Francisco, Calif. 94111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and vegetables* moving in equipment requiring mechanical refrigeration; (1) from Watsonville and/or Atwater, Calif., to points in the United States (except Alaska, Hawaii, Arizona, Wyoming, Delaware, Maine, Montana, New Hampshire, North Dakota, Rhode Island, and Vermont; and (2) from Bear Lake and/or Decatur, Mich., to points in the United States (except those States referred to in (1) above), under a continuing contract with Big Valley Marketing Corporation, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Big Valley Marketing Corporation, 1666 Broadway, Redwood City, Calif. 94063. Send protests to: Claud W.

Reeves, District Supervisor, 211 Main, Suite 500, San Francisco, Calif. 94105.

No. MC 142382 (Sub-No. 1TA), filed August 30, 1976. Applicant: SCHIERDING TRUCKING CO., 3690 W. Clay, St. Charles, Mo. 63301. Applicant's representative: James E. Schierding (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and empty return containers*, between the facilities of Pabst Brewing Co., at Peoria, Ill., on the one hand, and, on the other St. Charles, Union, and St. Louis, Mo., under a continuing contract with Ed. Windler & Sons, Inc.; Jim's Distributing Company, and Quality Beverage Distributing Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: (1) Ed. Windler & Sons, Inc., 1805 Scherer Parkway, St. Charles, Mo. 63301; (2) Jim's Distributing Company, 314 Marqueta Ave., Union, Mo.; and (3) Quality Beverage Distributing Co., 5121 Manchester Ave., St. Louis, Mo. 63110. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th St., St. Louis, Mo. 63101.

No. MC 142384TA, filed July 21, 1976. Applicant: GERALD L. HAMBRICK, Route 1, Minot, N. Dak. 58701. Applicant's representative: James M. Sanden, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plow sweeps*, from Collierville, Tenn., to Minot, N. Dak., restricted to traffic originating at Collierville, Tenn., and destined to Minot, N. Dak., for 180 days. Supporting shipper: Piper Industries, Inc., Farm Products, Division, 719 Piper St., Collierville, Tenn. 38017. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 142386TA, filed August 30, 1976. Applicant: HEDLEY BENNETT TRUCKING LIMITED, 1681 Pension Lane, London, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wet brewers' grain*, in bulk, in sealed dump vehicles, from ports of entry on the International Boundary Line between the United States and Canada located at or near Buffalo, N.Y., to points in Niagara County, N.Y. Restrictions: (1) The transportation authorized herein is restricted to transportation in foreign commerce. (2) The transportation authorized herein is restricted to transportation performed under a continuing contract or contracts with Miracle Feeds, a Division of Ogilvie Mills Ltd., Ontario, Canada. (3) The transportation authorized herein is restricted to traffic originating at the facilities of Labatt Breweries Ontario Limited, Toronto, Ontario, Canada, and Lon-

don, Ontario, Canada, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Miracle Feeds, a Division of Ogilvie Mills Limited, Sales Manager, Peter Vreuer, 183 Simcoe St., London, Ontario, Canada. Send protests to: James Augustyn, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell, Detroit, Mich. 48226.

No. MC 142387TA, filed August 30, 1976. Applicant: C. V. TRANSPORTATION, INC., 40 Court St., Newport, N.H. 03773. Applicant's representative: Michael M. Patten, P.O. Box 126, Newport, N.H. 03773. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, in closed metal boxes, from points in Massachusetts, and Vermont, to points in Maine, New Hampshire, New York, and Rhode Island. Applicant intends to tack its existing authority with MC 140097, for 180 days. Supporting shipper: Edward A. Davis, 124 South Main St., Baldwinville, Mass. 01436. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 208 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

PASSENGER APPLICATIONS

No. MC 142385TA, filed August 30, 1976. Applicant: VOTRE CHOIX TRANSPORT, INC., 270 Leonidas St., Rimouski, Quebec. Applicant's representative: Stanley Steinman, 111 King St., West Sherbrooke, Quebec. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations beginning and ending at ports of entry on the International Boundary Lines between the United States and Canada and extending to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Gerard Halle, d.b.a. Voyages Gerard Halle, Enr., St.-Donat, Quebec. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 208 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

No. MC 142388TA, filed August 30, 1976. Applicant: TRANSPORT SECURITAIRE ST-PROSPER INC., P.O. Box 142, St-Prospere, Quebec. Applicant's representative: Stanley Steinman, 111 King St., West Sherbrooke, Quebec. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations beginning and ending at ports of entry on the International Boundary Lines between the United States and Canada and extending to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Edgar Caron, d.b.a. Voyages Edgar Caron, Enr., St-Prospere, Quebec. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 208 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

NOTICES

No. MC 142389TA, filed August 30, 1976. Applicant: LES AUTOBUS RIVE NORD LIMITEE, 257 Chemin du Roi, Deschambault, Quebec. Applicant's representative: Stanley Steinman, 111 King St., West Sherbrooke, Quebec. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in round-trip charter operations beginning and ending at ports of entry on the International Boundary Lines between the United States and Canada and extending to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Henri Germain, d.b.a. Voyages Henri Germaine, Enr., Deschambault, Quebec. Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 208 Federal Bldg., 55 Pleasant St., Concord, N.H. 03301.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc. 76-26896 Filed 9-13-76; 8:45 am]

GREEN MOUNTAIN RAILROAD CORP.

[I.C.C. Order No. 173; Amdt. No. 1,
Rev. S.O. No. 994]

Rerouting Traffic

Upon further consideration of I.C.C. Order No. 173 (Green Mountain Railroad Corporation), and good cause appearing therefor:

It is ordered, That I.C.C. Order No. 173 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date*. This order shall expire at 11:59 p.m., October 10, 1976,

unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., September 10, 1976, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., September 7, 1976.

INTERSTATE COMMERCE
COMMISSION,
LEWIS R. TEEPLE,
Agent.

[FR Doc. 76-26898 Filed 9-13-76; 8:45 am]

federal register

TUESDAY, SEPTEMBER 14, 1976



PART II:

COMMODITY FUTURES TRADING COMMISSION



PRIVACY ACT OF 1974

Systems of Records

COMMODITY FUTURES TRADING COMMISSION

Privacy Act of 1974 Systems of Records

The purpose of this notice is to announce the existence and character of the systems of records of the Commodity Futures Trading Commission as required by the Privacy Act of 1974, Public Law 93-579, 5 U.S.C. 552a.

Pursuant to section 552(f) of the Privacy Act, 5 U.S.C. 552 a(f), the Commission, on September 4, 1975, promulgated rules relating to records maintained by the Commission concerning individuals. (40 Fed. Reg. 41056). The rules (17 C.F.R. Part 146) deal with an individual's right to know what information the Commission has in its files concerning him, his right to have access to these records, his right to petition the Commission to have inaccurate or incomplete records amended or corrected, and his right not to have personal information disseminated to unauthorized persons. (1)

Section 552(e)(4) of the Privacy Act, 5 U.S.C. 552a(e)(4) requires further that the Commission publish annually a notice of the existence and character of each system of records it maintains which contains information about individuals. This notice implements this requirement and, when read together with the Commission's rules, will provide individuals with the information they need fully to exercise their rights under the Privacy Act.

(1) The full text of the Commission's rules implementing the Privacy Act should be consulted for a detailed description of the procedures to be followed. In directing inquiries or requests to the Commission under its rules, please take note of the following change of address:

Privacy Unit, Commodity Futures Trading Commission, 2033
K Street, N.W., Washington, D.C. 20581

CONTENT OF SYSTEM NOTICES

Each system notice contains the following information:

1. The name of the system;
2. The categories of individuals on whom records are maintained in the system;
3. The categories of records maintained in the system;
4. Each routine use of the records contained in the system, including the categories of users and the purpose of each use;
5. The policies and practices of the agency regarding storage, retrievability, access controls, retention, and disposal of the records;
6. The title and business address of the agency official who is responsible for the system of records;
7. The agency procedures by which an individual can find out whether the system of records contains a record pertaining to him;
8. The agency procedures by which an individual can find out how he may gain access to any record pertaining to him contained in the system of records, and how he can contest the content of the records; and
9. The categories of sources of records in the system. (2)

(2) Two systems of records, one relating to investigatory material compiled for law enforcement purposes and the other relating to confidential information obtained during employee background investigations, have been exempted in the Commission's rules from certain requirements of the Privacy Act, as authorized under the Privacy Act, 5 U.S.C. 552a(K). Among the requirements from which these systems have been exempted is the requirement that the information listed under items (7), (8), and (9) above, be furnished.

THE LOCATION OF SYSTEMS OF RECORDS

The first and sixth items described above call for the address of the Commission office involved. The Commission maintains offices in the following locations:

2033 K Street, N.W.,
Washington, D.C. 20581.
Telephone: (202) 254-8630.
141 West Jackson Boulevard, Room A-1,
Chicago, Illinois 60604.
Telephone: (312) 353-5990.
356 Board of Trade Building,
4800 Main Street,
Kansas City, Missouri 64112.
Telephone: (816) 374-2994.
61 Broadway, Room 2101,
New York, New York 10006.

Telephone: (212) 264-1028.
Two Embarcadero Center, Suite 975,
San Francisco, California 94111.
Telephone: (415) 556-7503.
510 Grain Exchange Building,
Minneapolis, Minnesota 55415.
Telephone: (612) 725-2025.

Where multiple locations are involved in a system notice, rather than listing each address the notice merely identifies the offices and refers to this introductory section for each address. In the system notice, the Washington office is referred to as the "principal office," the Chicago, Kansas City and New York offices as the "regional offices," and all offices collectively are described as "all CFTC offices."

In many cases records within a system will not all be available at each of the offices listed in the system notice. For example, investigation files are basically maintained in the office where the investigation is being conducted, but certain information may be maintained in other offices as well. Similarly, many but not necessarily all employee records are maintained in the particular office where the employee works. In addition, the Commission's computer is physically located in Chicago, although information in computer printout form may be available in any office.

Of course, it will be the Commission's responsibility, unless otherwise specified in the system notice, to determine where the particular records being sought are located. However, if the individual seeking the records in fact knows the location, it would be helpful to the Commission if he would indicate that location.

SCOPE AND CONTENT OF SYSTEMS OF RECORDS

The Privacy Act applies to personal information about individuals; it does not apply to the extent that the individual is acting in an entrepreneurial capacity. Since the Commission's responsibilities pertain to the regulation of business entities or to individuals who are acting in a business capacity, much of the information contained in the Commission's records does not come within the purview of the Privacy Act.

On the other hand, personal information subject to the provisions of the Privacy Act may sometimes be found in a system of records that might appear to relate solely to commercial matters. For example, the system of records entitled "registration of futures commission merchants" (3) contains essentially business information. However, the application for registration contains a few items of personal information concerning key personnel of the registrant firm. Since the capability exists through the Commission's computer to retrieve information from this system of records not only by use of the name of the futures commission merchant but also by the use of the name of these individuals this information is within the purview of the Privacy Act. (4)

Such a capability would generally not exist, however, in a Commission staff investigation of the activities of the futures commission merchant. Thus, if the investigation were opened under the name of the futures commission merchant, information would be retrievable only under that name. Accordingly, information about principals of a firm under investigation which might be developed during the investigation would generally not be retrievable by the name of the individual, and the provisions of the Privacy Act would not apply.

(3) A futures commission merchant is someone engaged in soliciting or in accepting orders for the purchase or sale of commodity futures in the manner defined in Section 2(a) of the Commodity Exchange Act, 7 U.S.C. 2.

(4) See definition of system of records in footnote 1.

GENERAL STATEMENT OF ROUTINE USES

A principal purpose of the Privacy Act is to restrict the unauthorized dissemination of personal information concerning the individual. In this connection, the Privacy Act and the Commission's rules prohibit all dissemination except for specific purposes. (5)

The Act and the rules specifically provide that disclosure may be made with the consent of the individual to whom the record pertains. Disclosure may also be made to those officers and employees of the Commission who need the record in the performance of their duties. In addition, disclosures are authorized if they are made pursuant to the terms of the Freedom of Information Act, 5 U.S.C. 552.

(5) Individuals should refer to the full text of the Privacy Act, 5 U.S.C. 552a(b) and to the Commission's rules for a complete list of authorized disclosures. Only those arising most frequently have been mentioned herein.

In addition, the Privacy Act and the Commission's rules permit disclosure of individual records if it is for a "routine use," which is defined as a use of a record which is compatible with the purpose for which it was collected. The system notice for each system of records is required to list each of these routine uses.

Many of the routine uses of Commission records are applicable to a number of systems. These included the following:

1. The information in the system may be used by the Commission in any administrative proceeding before the Commission, in any injunctive action authorized under the Commodity Exchange Act or in any other action or proceeding in which the Commission or any member of the Commission or its staff participates as a party or the Commission participates as *amicus curiae*, and may be disclosed in response to a subpoena issued in the course of a proceeding to which the Commission is not a party.

2. The information may be given to the Justice Department, the Securities and Exchange Commission, the U.S. Postal Service, the Internal Revenue Service, the Department of Agriculture, the Civil Service Commission and to other Federal, State or local law enforcement or regulatory agencies for use in meeting responsibilities assigned to them under the law, or made available to any Member of Congress who is acting in his capacity as a Member of Congress.

3. The information may be given to any board of trade designated as a contract market by the Commission if the Commission has reason to believe this will assist the contract market in carrying out its responsibilities under the Commodity Exchange Act, 7 U.S.C. 1, et seq.

4. At the discretion of the Commission staff, the information may be given or shown to anyone during the course of a Commission investigation if the staff has reason to believe that the person to whom it is disclosed may have further information about the matters discussed therein, and those matters appear relevant to the subject of the investigation.

5. The information may be included in a public report issued by the Commission following an investigation, to the extent that this is authorized under Section 8 of the Commodity Exchange Act, 7 U.S.C. 12. Section 8 authorizes publication of such reports but contains restrictions on the publication of certain types of sensitive business information developed during an investigation. In certain contexts some of this information might be considered personal in nature.

6. The information 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 may be relevant to the requesting agency's decision on the matter.

7. The information may be disclosed to a prospective employer in response to its request in connection with the hiring or retention of an employee, to the extent that the information is believed to be relevant to the prospective employer's decision on the matter.

8. The information may be disclosed to any person, pursuant to Section 12(a) of the Commodity Exchange Act, 7 U.S.C. 16(a), when disclosure will further the policies of that Act or of other provisions of law. Section 12(a) authorizes the Commission to cooperate with various other government authorities or with "any person."

To avoid unnecessary repetition of these routine uses, where they are generally applicable the system notice refers the reader to the above description. Unless otherwise indicated, where the system notice contains a reference to the foregoing routine uses all of the eight routine uses listed above apply to that system.

Issued in Washington, D.C. on August 30, 1976.

William T. Bagley,
Chairman.

CFTC-1

System name: Complaint Register and Complaint Indices—CFTC

System location: Records in this system are maintained in the Commission's principal office and in each of the regional offices. Addresses and telephone numbers of these offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Categories of individuals covered by the system: a. Persons alleged to have violated or suspected of having violated the Commodity Exchange Act or the rules and regulations adopted thereunder.

b. Persons lodging complaints with the Commission.

Categories of records in the system: The records in this system include:

a. The complaint register, a summary of complaints received from the public concerning an individual (or business entity) as well as a summary of leads as to possible areas of violation which were developed from other sources. A complaint number is assigned to each case and the record is filed according to that number. The register also, among other matters, names the individual complained about, his employer, the name of the complainant, the type of complaint, the date received, the disposition, the date closed and the investigator assigned.

b. The complaint index, which contains a summary of the same information as the complaint register, but is maintained alphabetically by the name of the person who is the subject of the complaint.

c. The complaint index, which contains a summary of the same information as the complaint register but is maintained alphabetically by the name of the complainant.

Authority for maintenance of the system: Section 8 of the Commodity Exchange Act, 7 U.S.C. 12.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders, in looseleaf binders, or on index cards.

Retrievability: Information in the register is retrievable by assigned complaint number. This is cross-indexed to the individual's name through the complaint index and complainant index.

Safeguards: Records are located in secured rooms or on secured premises with access limited to those whose official duties require access. In appropriate cases the records are maintained in lockable file cabinets.

Retention and disposal: The index is maintained indefinitely. The register is maintained on the premises for 5 years, then in the Federal Records Center for 5 years before being destroyed.

System manager(s) and address: The Director of the Division of Enforcement in the Commission's principal office and the Regional Administrator of each of the regional offices. Addresses of these offices are set forth in the introduction of these system notices under the caption "location of systems of records."

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: Persons submitting complaints to the Commission; other miscellaneous sources including customers, other law enforcement and regulatory agencies, commodity exchanges, various trade sources, and items generated internally by the Commission staff.

CFTC-2

System name: Correspondence Files—CFTC

System location: These records are maintained in the Commission's principal offices at 2033 K Street, NW., Washington, D.C. 20581.

Categories of individuals covered by the system: Persons corresponding with the Commission, directly or through attorneys or other representatives. Persons discussed in correspondence to or from the Commission.

Categories of records in the system: This system contains incoming and outgoing correspondence and indices of correspondence, and certain internal reports and memoranda related to the correspondence.

This system does not include all Commission correspondence, but only those records which are part of a general correspondence file maintained by the office involved. It does not include correspondence indexed by subject matter, by date or by assigned number, unless there is a cross indexing capability by individual name. It does, however, include correspondence files maintained by the Office of Public Information relating to requests by individuals under the Freedom of Information Act and the Privacy Act.

Authority for maintenance of the system: 44 U.S.C. 3101

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders, in looseleaf binders, or on index cards.

Retrievability: By name. This may be the name of the person who sent the letter, the person who received the letter, or the person on whose behalf the letter was sent or received. On occasion it may also be another person who was the principal subject of the letter, where circumstances appear to justify this treatment. See previous discussion concerning the category of records maintained in this system.

Safeguards: Records are located in secured rooms or on secured premises with access limited to those whose official duties require access.

Retention and disposal: These records are maintained indefinitely or for varying periods of time depending on the policies and practices of the offices involved.

System manager(s) and address: The system managers include: a. the General Counsel; b. the Director of the Office of Public Information; c. the Director of the Division of Enforcement; d. the Office of the Secretariat. All are located at 2033 K Street, N.W., Washington, D.C. 20581.

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630. The request should specify the system manager under whose jurisdiction the records are maintained, if known.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: Persons corresponding with the Commission and correspondence and memoranda prepared by the Commission.

CFTC-3

System name: Docket Files—CFTC

System location: The records are maintained in the Office of Hearings and Appeals in the Commission's principal offices at 2033 K Street, N.W., Washington, D.C. 20581.

Categories of individuals covered by the system: Parties and other persons involved in any CFTC proceedings.

Categories of records in the system: The records in this system include all pleadings, motions, applications, stipulations, affidavits, transcripts and documents introduced as evidence, briefs, orders, findings, opinions, and other matters which are part of the record of an administrative proceeding. They also contain related correspondence and indices.

Authority for maintenance of the system: The Commission is authorized or required to conduct hearings under several provisions of the Commodity Exchange Act. The maintenance of these files is a necessary concomitant for the conduct of orderly hearings. See also 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These are public records,

except to the extent the Commission or the assigned hearing officer determines they may be treated as non-public consistent with the provisions of the Freedom of Information Act and that for good cause they should be treated as non-public. Non-public portions may be used for any purpose specifically authorized by the hearing officer who ordered non-public treatment or by the Commission.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: These records are filed by the docket number and cross-indexed by the respondent's name, and his attorney's name.

Safeguards: The information in these files is in most cases a matter of public record. Those items which the Commission or the hearing officer has directed be kept non-public are segregated and precautions are taken to assure that access is restricted only to authorized personnel.

Retention and disposal: These records are maintained in the files of the Commission indefinitely.

System manager(s) and address: Director of the Office of Hearings and Appeals, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: Commission staff members; opposing parties and their attorneys; witnesses in the proceeding; and other miscellaneous sources.

CFTC-4

System name: Employee Leave, Time and Attendance—CFTC

System location: These records are maintained by all CFTC offices at the addresses set forth in the introduction to these system notices under the caption "location of systems of records."

Categories of individuals covered by the system: All CFTC Employees.

Categories of records in the system: This system includes various records reflecting a breakdown of time and attendance of CFTC employees, and a record of leave status.

Authority for maintenance of the system: 5 U.S.C. 6301-6323; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: a. In response to legitimate requests, this information may be provided to other Federal agencies for the purpose of hiring or retaining employees, and may be provided to other prospective employers, to the extent that the information is relevant to the prospective employer's decision in the matter.

b. The information may be provided to the Justice Department or other Federal agencies or used by the Commission in connection with any investigation, or administrative or legal proceeding involving any violation of any Federal law or regulation thereunder.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders or on index cards.

Retrievability: By the name of the employee or by the employee number, cross-indexed by name.

Safeguards: The records are maintained in locked cabinets.

Retention and disposal: Records for current employees are maintained for 3 years; the final record of former employees is maintained for 10 years, then destroyed.

System manager(s) and address: For employees of the Commission's principal office records are maintained by the Budget Officer. For regional office employees, records are maintained by the administrative officer in each of the regional offices. Addresses of these offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 252-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: The individual on whom the record is maintained.

CFTC-5

System name: Employee Personnel Records—CFTC

System location: These records are maintained in the principal office and in each of the regional offices. Addresses and telephone numbers of these offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Categories of individuals covered by the system: All CFTC employees.

Categories of records in the system: Miscellaneous records relating to personnel matters. Information maintained at the local level includes among other matters: a. the service record, containing the employee's name, birth date, social security number, veterans preference, tenure group, service computation date, insurance information, retirement, current residence and phone number, marital status, and emergency phone number; b. other unofficial files including the employment application and related employment papers, copies of Government ID cards such as motor vehicle operator's license, applications for bond withholding, tax withholding and records of other withholding such as life insurance and health benefits.

The records maintained in the principal office for all employees include: a. forms required and records maintained under the Commission's rules of conduct; b. pre-employment inquiries not included within "exempted employee background investigation materials;" c. various summary materials received in computer printout form from the National Finance Center—U.S. Department of Agriculture based on information provided by the Commission from its personnel records; d. card indices reflecting various information contained in other personnel records.

The official personnel records maintained by the Commission are described in the system notices published by the Civil Service Commission, and are not included within this system.

Authority for maintenance of the system: 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: a. In response to legitimate requests, this information may be provided to other Federal agencies for the purpose of hiring or retaining employees, and may be provided to other prospective employers, to the extent that the information is relevant to the prospective employer's decision in the matter. b. the information may be provided to the Justice Department, the Civil Service Commission or other Federal agencies or used by the Commission in connection with any investigation, or administrative or legal proceeding involving any violation of Federal law or regulation thereunder.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and on index cards.

Retrievability: By the name of the employee.

Safeguards: The records are maintained in lockable cabinets.

Retention and disposal: The records are maintained in the current file until the employee is terminated or separated, retained for 2 years thereafter, and then destroyed.

System manager(s) and address: The Personnel Officer of the Commission is the system manager for all records maintained in the Commission's principal office. The system manager for records maintained in the regional offices is the administrative officer in each regional office. Addresses of these offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: Individual on whom the record is maintained; personnel office records; and other miscellaneous sources.

CFTC-6

System name: Employee Travel Records—CFTC

System location: These records are maintained by all CFTC offices at the addresses set forth in the introduction to these system notices under the caption "location of systems of records."

Categories of individuals covered by the system: Any Commission member or employee or any member of an Advisory Committee who travels on official business for the Commission.

Categories of records in the system: Contains the name, address, destination, itinerary, mode and purpose of travel, dates, expenses, amounts advanced, amounts claimed, amounts reimbursed. Includes travel authorizations, travel vouchers, copies of government transportation requests, receipts and other records.

Authority for maintenance of the system: Budget and Accounting Act of 1921, 31 U.S.C. 1 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information may be provided to the Justice Department or other Federal agencies or used by the Commission in connection with any investigation, or administrative or legal proceeding involving any violation of Federal law or regulation thereunder.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: By the name of the employee; by employee number.

Safeguards: The records are maintained in lockable cabinets.

Retention and disposal: Records are maintained for 3 years and then destroyed.

System manager(s) and address: For employees in the Commission's principal office the records are maintained by the Budget Officer. For other employees, records are maintained by the administrative officer in each regional office. Addresses of these offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: The individual on whom the record is maintained.

CFTC-7

System name: Employee Records Maintained by the National Finance Center/USDA—CFTC.

System location: National Finance Center, U.S. Department of Agriculture, New Orleans, Louisiana 70160.

Categories of individuals covered by the system: All CFTC employees.

Categories of records in the system: The National Finance Center is used by the Commission to provide data processing capability for various personnel payroll and accounting related matters. The records in the system include:

- a. General records relating to the employee including information from the notification of personnel action (Form 350 and 350A) prepared and submitted by the CFTC, and other related sources. The information includes the name, social security or other employee number, birth date, veteran's preference, tenure, leave group, insurance coverage, retirement coverage, type of employment, date service commenced and ended, grade and step, base salary, duty station, various computation dates, leave codes and status, employing office and other miscellaneous information.
- b. Various payroll related information for CFTC employees, including payroll and leave data for each employee relating to rate and amount of pay, leave, and hours worked, and leave balances, tax and retirement deductions, life insurance and health insurance deductions, savings allotments, savings bond and charity deductions, mailing addresses and home addresses. This includes copies of the CFTC time and attendance reports as well as authorizations relating to deductions.
- c. Travel vouchers and related material.

Authority for maintenance of the system: 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information from these records is transmitted to the U.S. Treasury to effect reimbursement of travel expenses and issuance of paychecks, as well as distribution of pay to other sources according to employee instructions. Appropriate information from these records is also forwarded to taxing authorities and others receiving proceeds from the employee's pay.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Indexed by social security number or equivalent employee number and by name of employee.

Safeguards: Protection is afforded by limiting access to the offices where the records are maintained. Certain records are kept in lockable file cabinets.

Retention and disposal: Records are maintained indefinitely on tape; paper records are sent to the Federal Records Center after an appropriate period.

System manager(s) and address: Director, National Finance Center, U.S. Department of Agriculture, Office of Management and Finance, New Orleans, Louisiana 70160.

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: Records furnished by the CFTC.

CFTC-8

System name: Employment Applications—CFTC

System location: These records are maintained in the Commission's principal offices at 2033 K Street, N.W., Washington, D.C. 20581.

Categories of individuals covered by the system: Applicant for positions with the CFTC.

Categories of records in the system: Contains the application form (SF-171) and/or the resume of the person applying.

Authority for maintenance of the system: 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information about these records is used in making inquiries concerning the qualifications of the applicant.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Indexed by the name of the applicant; cross-indexed by interest.

Safeguards: These records are maintained in a locked file cabinet.

Retention and disposal: Applications are maintained two years, then destroyed.

System manager(s) and address: Personnel Officer, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: The individual on whom the record is maintained.

CFTC-9

System name: Exempted Employee Background Investigation Material—CFTC

System location: These records are maintained in the Personnel Office of the Commission's principal offices at 2033 K Street, N.W., Washington, D.C. 20581.

Categories of individuals covered by the system: Employees and prospective employees of CFTC.

Categories of records in the system: The records in this system contain investigatory material compiled for the purpose of determining suitability, eligibility, or qualifications for employment with the CFTC which were obtained under an express promise that the identity of the source would be held in confidence, or which were obtained prior to September 28, 1975, under an implied promise of confidentiality.

Authority for maintenance of the system: 44 U.S.C. 3101; 5 U.S.C. 552a(k)(5).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses" except that general routine use number (3) is not applicable. Disclosure pursuant to the other routine uses may be subject to the consent of the person furnishing the information.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: By the name of the employee.

Safeguards: The records are maintained in lockable cabinets in secured offices or in secured buildings.

Retention and disposal: These records are maintained for 3 years, then destroyed.

System manager(s) and address: Personnel Officer, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

Systems exempted from certain provisions of the act: The records in this system have been exempted by the Commission from certain provisions of the Privacy Act, 5 U.S.C. 552a(k)(5), and the Commission's rules promulgated thereunder, 17 C.F.R. 146.12. These records are exempt from the notification procedures and record access procedures and record contest procedures set forth in the system notices of other record systems, and from the requirement that the sources of records in the system be described.

CFTC-10

System name: Exempted Investigatory Records—CFTC

System location: These records are maintained in the Commission's principal offices and in each of the regional offices. The address and telephone number of each of these offices is set forth in the introduction to these system notices under the caption "location of systems of records."

Categories of individuals covered by the system: a. Individuals whom the staff of the Commission has reason to believe have violated, are violating, or are about to violate the Commodity Exchange Act and the rules, regulations and orders promulgated thereunder.

b. Individuals whom the staff of the Commission has reason to believe may have information concerning violations of the Commodity Exchange Act and the rules, regulations and orders promulgated thereunder.

c. Individuals involved in investigations authorized by the Commission concerning the activities of members of the Commission or its employees based upon formal complaint or otherwise.

d. Individuals filing Form 4 R (registration as an associated person) or Form 94 (biographical information questionnaire) in connection with an application for registration with the Commission.

Categories of records in the system: The records in this system consist of investigatory materials compiled for law enforcement purposes whose disclosure the Commission staff has determined could impair the effectiveness and orderly conduct of the Commission's regulatory and enforcement program, or compromise Commission investigations. This exemption could include all or any part of the records developed during the investigation or inquiry.

Authority for maintenance of the system: Section 8 of the Commodity Exchange Act, 7 U.S.C. 12; 44 U.S.C. 3101; 5 U.S.C. 552a(k)(2).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses" except that general routine use number (5) is not applicable.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: The records are maintained by assigned case number or by the title of the case. Cases filed by number are cross-indexed by case title.

Safeguards: In addition to normal office and building security, certain of these records are maintained in locked file cabinets. All employers are aware of the sensitive nature of the information gathered during investigations.

Retention and disposal: The records are maintained in this system until it is determined that exemption is no longer necessary. They are then returned to the appropriate non-exempt system.

System manager(s) and address: Director of the Office of Enforcement, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

Systems exempted from certain provisions of the act: The records in this system have been exempted by the Commission from certain provisions of the Privacy Act of 1974 pursuant to the terms of the Privacy Act, 5 U.S.C. 552a(k)(2) and the Commission's rules promulgated thereunder, 17 CFR 146.12. These records are exempt from the notification procedures, record access procedures and record contest procedures set forth in the system notices of other record systems.

CFTC-11

System name: Fitness Files—CFTC

System location: These files are maintained in the Commission's regional offices, at the addresses set forth in the introduction to these system notices under the caption "location of systems of records."

Categories of individuals covered by the system: Applicants for and registrants as: (1) floor brokers; (2) general partners, sole proprietors, officers, major stockholders, directors, branch office managers, and agents of futures commission merchants; (3) partners, sole proprietors, officers, directors of and persons performing similar functions for commodity trading advisors; (4) partners, sole proprietors, officers, directors, and persons performing similar functions for commodity pool operators.

Categories of records in the system: Contains various information pertaining to the fitness of the above-described persons to engage in business subject to the Commission's jurisdiction. The system includes the biographical information questionnaire (Form 94) received from applicants and registrants as part of the registration process (see the system notices for the various types of registration under the Commodity Exchange Act.) It also includes correspon-

dence between the Commission and the applicant, the commodity exchanges, other government agencies and other persons relating to the individual's fitness. In addition, certain ancillary records, such as card indices, are maintained summarizing the status and result of fitness checks.

Authority for maintenance of the system: Sections 8a(2)(B) and 4n(1) of the Commodity Exchange Act, 7 U.S.C. 12a(2)(B) and 7 U.S.C. 6n(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction to these uses under the caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and on index cards.

Retrievability: By name of the individual.

Safeguards: Protection of records is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose official duties require access. In appropriate cases the records are maintained to lockable file cabinets.

Retention and disposal: Primary records are maintained permanently on the premises as long as the individual is registered or is associated with a registrant in one of the capacities specified in the previous description of the category of individuals. These records are updated periodically. Other records are maintained on the premises for five years, then held in the Federal Records Center for five years before being destroyed.

System manager(s) and address: The Regional Administrator of the region where the records are located. Addresses of these offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: The individual on whom the record is maintained, his employer, commodity and stock exchanges, other government agencies, and other persons with relevant information concerning an individual's fitness.

CFTC-12

System name: Fitness Investigations—CFTC

System location: These records are located in the Division of Trading and Markets in the Commission's principal offices at 2033 K Street, N.W., Washington, D.C. 20581.

Categories of individuals covered by the system: Applicants for and registrants as (1) partners, sole proprietors, officers, directors, major stockholders, branch office managers and agents of future commission merchants; (2) associated persons of futures commission merchants or their agents; (3) floor brokers; (4) partners, sole proprietors, officers, directors, and persons performing similar functions for commodity trading advisors; (5) partners, sole proprietors, officers, directors, persons performing similar functions for commodity pool operators.

Categories of records in the system: Contains various information pertaining to the fitness of the above described persons to engage in business subject to the Commission's jurisdiction. The file includes the application for registration as an associated person (Form 4-R) or the biographical information questionnaire (Form 94). It also includes correspondence, reports and memoranda reflecting information developed from various sources outside the agency. This system contains records reflecting a somewhat more in-depth investigation than does the regional office inquiry included in the "Fitness Files" and "Registration and Fitness of Associated Persons" systems of records.

Authority for maintenance of the system: Section 8a(2)(B) of the Commodity Exchange Act, 7 U.S.C. 12a(2)(B).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: By the name of the individual.

Safeguards: Records are maintained in locked cabinets. Further protection is afforded by limiting access to the office where the record is maintained to those whose official duties require access.

Retention and disposal: The records are maintained on the premises for 5 years, then held in the Federal Records Center for 5 years before being destroyed.

System manager(s) and address: Director, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: The individual on whom the record is maintained, his employer, Federal, State and local regulatory and law enforcement agencies, commodity and stock exchanges, National Association of Security Dealers, and other miscellaneous sources.

CFTC-13

System name: Interpretation Files—OGC—CFTC

System location: These files are maintained in the Office of the General Counsel, 2033 K Street, N.W., Washington, D.C. 20581.

Categories of individuals covered by the system: Persons who have requested the Office of the General Counsel to provide them with its interpretation of provisions of the Commodity Exchange Act or various rules and regulations adopted by the Commission. The requests may have been made directly by the individual, or through his attorney or other representative.

Categories of records in the system: This file contains the interpretation letters furnished, the request for an interpretation, and any related internal memoranda and supporting documents.

Authority for maintenance of the system: Section 2(a)(4) of the Commodity Exchange Act, 7 U.S.C. 4a(c); 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: a. Interpretation letters and the related requests for interpretation which discuss matters of general applicability may be made public and may be published by the Commission, or the Commission may otherwise make information public concerning matters raised therein. However, portions of such letters or information will be deleted or omitted to the extent necessary to prevent a clearly unwarranted invasion of personal privacy or to the extent they otherwise contain material considered nonpublic under the Freedom of Information Act and the Commission's rules implementing that Act.

b. Information in these files may be used as a reference in responding to later inquiries from the same party or in following up on earlier correspondence involving the same persons.

c. Other routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: The records are maintained under the name of the futures commission merchant, floor broker, commodity pool operator, commodity trading advisor or associated person if the request

is made by them or on their behalf. If it is made on behalf of another individual, it will be filed by the name of the individual. If the identity of these persons is not known, the record will be maintained in the name of the attorney or other representative filing the request.

Safeguards: Protection of records is afforded by general office security measures. Access to records in the Office of the General Counsel is limited to those whose official duties require access.

Retention and disposal: These files are maintained indefinitely in the Office of the General Counsel.

System manager(s) and address: General Counsel, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: The requests are submitted by the person seeking the interpretation or his attorney or other representative. The responses are prepared by attorneys in the Office of the General Counsel based on information furnished by the person making the request, as well as the attorney's own experience and information developed from other sources.

CFTC-14

System name: Investigation Files—CFTC

System location: These records are maintained in the Commission's principal office and in the regional offices. Files concerning pending investigations may be located in other Commission offices when the investigation is being conducted by those offices. Addresses of Commission offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Categories of individuals covered by the system: a. Individuals whom the staff of the Commission has reason to believe have violated, are violating, or are about to violate the Commodity Exchange Act and the rules, regulations, and orders promulgated thereunder, or the rules and regulations of any board of trade designated as a contract market.

b. Individuals whom the staff of the Commission has reason to believe may have information concerning violations of the Commodity Exchange Act and the rules, regulations, and orders promulgated thereunder, or the rules and regulations of any board of trade designated as a contract market.

c. Individuals involved in investigations authorized by the Commission concerning the activities of members of the Commission or its employees based upon formal complaint or otherwise.

Categories of records in the system: Contains anything obtained during the course of an investigation, including data from Commission reporting forms, account statements and other trading records, exchange records, bank records and credit information, business records, reports of interviews, transcripts of testimony, exhibits to transcripts, affidavits, statements by witnesses, contracts and agreements. Also contains internal memoranda, reports of investigation, subpoenas, warning letters, stipulations of compliance, correspondence and other miscellaneous matters. The nature of the personal information contained in these files varies according to what is considered relevant to the attorney assigned to the case based on the circumstances of the particular case under investigation. For example, the file may contain personal background information about the individual involved, his education and employment history, information on prior violations, and a wide variety of financial information, as well as detailed examination of the individual's activities during the period in question.

Authority for maintenance of the system: Section 8 of the Commodity Exchange Act, 7 U.S.C. 12; 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applica-

ble to this system of records are set forth in the introduction of these system notices under the caption "general statement of routine uses." In addition, information concerning traders and their activities may be disclosed and made public by the Commission to the extent permitted by law when deemed appropriate to further the practices and policies of the Commodity Exchange Act. Furthermore, information collected during the investigation may be included in a public report to be issued by the Commission following an investigation, to the extent that this is authorized under Section 8 of the Commodity Exchange Act, 7 U.S.C. 12.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Filed by assigned case number, cross referenced to case name. Except where the name of the individual is included in the case name, information about individuals involved in the investigation is not retrievable by name.

Safeguards: In addition to normal office and building security, certain of these records are maintained in locked file cabinets. All employees are aware of the sensitive nature of the information gathered during investigations.

Retention and disposal: Regional office records are maintained on the premises for 5 years, then sent to the Federal Records Center for 5 years, before being destroyed. The records in the Office of the General Counsel are generally maintained until the investigation is closed and any action arising therefrom has been completed, including all review at the appellate level. Thereafter, certain basic information may be retained and sent to the Federal Records Center, while the remaining information is either returned to the person from whom it was obtained or destroyed.

System manager(s) and address: The General Counsel and the Director of the Division of Enforcement in the Commission's principal office. The Regional Administrator of the Region where the investigation is being conducted. Addresses of CFTC offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: a. Reporting forms and other information filed with the Commission; b. boards of trade; c. futures commission merchants, commodity trading advisors, commodity pool operators, floor brokers; d. Federal, State and local regulatory and law enforcement agencies; e. banks, credit organizations and other institutions, pursuant to subpoena or otherwise; f. corporations, pursuant to subpoena or otherwise; g. individuals having knowledge of the facts, pursuant to subpoena or otherwise; h. attorneys; i. publications; j. courts; and k. other miscellaneous sources.

CFTC—15

System name: Large Trader Report Files—CFTC

System location: Copies of original reports and related correspondence are maintained in the CFTC office where they are filed. See further description below. Ancillary records and information in computer printout form may be located in some or all CFTC offices. Addresses and telephone numbers of CFTC offices are set forth in the introduction to these system notices under the caption "location of system of records."

Categories of individuals covered by the system: Individuals who have held reportable positions, as defined and described in Part 15 of the Commission's rules and regulations, in any commodity future.

Categories of records in the system: 1. Reports filed by the individual holding the reportable position:

a. Statements of Reporting Trader (CFTC Form 40). Contains information described in Part 18 of the Commission's rules and regulations, including the name, address, number, and principal occupa-

tion of the reporting trader, the kind of commodity futures account, and information about his business associates.

b. Large trader reporting form (Series 03 Form). Contains information described in Part 18 of the Commission's rules and regulations, including the trader's identifying number, his previous open contracts, his trades and deliveries that day, his open contracts at the end of the day, and his classification as to speculation or hedging.

c. Large trader reporting form (Series 04 Form). Contains information described in Part 19 of the Commission's rules and regulations, to be filed by merchants, processors and dealers in certain commodities who hold a reportable position in those commodities on any futures market. Includes trader's identifying number, stocks owned, unfilled fixed price sale commitments. These reports are filed in the CFTC office in the city where the reporting trader is located. If there is no CFTC office in that city, the reports are filed according to specific instructions of the CFTC.

2. Reports to be filed by futures commission merchants and foreign brokers.

a. Identification of "Special Accounts" (CFTC Form 102). Contains material described in Part 17 of the Commission's rules and regulations. Includes the name, address, and occupation of a customer whose accounts have reached the reporting level.

Also includes the account number which the futures commission merchant uses to identify this customer on the firm's 01 report (see next paragraph), and whether the customer has control or manages accounts of other traders.

b. Large trader reporting form (Series 01 Form). Contains material described in Part 17 of the Commission's rules and regulations, for each "special account." Shows customer account number and reportable position held in each commodity future. These reports are filed in the CFTC office in the city where the contract market involved is located. If there is no CFTC office in that city, they are filed in the office where the CFTC instructs that they be filed.

3. Computer records prepared from information on the forms described in items (1) and (2) above. The computer system is located in Chicago. Printouts may be located in some or all of the Commission's offices and suboffices.

4. Correspondence and memoranda of telephone conversation between the Commission and the individual or between the Commission and other agencies dealing with matters of official business concerning the individual.

5. Other miscellaneous information, including intra-agency correspondence and memoranda concerning the individual and documents relating to official actions taken by the Commission against the individual.

Authority for maintenance of the system: Sections 4g, 4i, and 8 of the Commodity Exchange Act, 7 U.S.C. 6g, 6i and 12.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information concerning traders and their activities may be disclosed and made public by the Commission to the extent permitted by law when deemed appropriate to further the practices and policies of the Commodity Exchange Act. Other routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders, computer records in computer memory and in computer printout form.

Retrievability: Form 40, Form 102, correspondence and other miscellaneous information are maintained directly under the name of the reporting trader. The Series 01, 03, and 04 forms are maintained by identifying code number. However, information from these forms is included in the computer and retrievable by individual name from the computer.

Safeguards: Protection of records is afforded by general office security measures, with recent trading reports stored in lockable file cabinets. Access is limited to those whose official duties require access.

Retention and disposal: CFTC Form 40, CFTC Form 102, correspondence, memoranda, etc. are retained on the premises until the account has been inactive for 10 years and then destroyed. Form 01, 03 and 04 reports are maintained for 2 years on the premises and then held at the Federal Records Center for 3 years before being destroyed. The computer file is maintained for 10 years for Form 01, 03 and 04 reports. The computer memory on other items of information is maintained indefinitely.

System manager(s) and address: The Regional Administrator of the region where the records are located. Addresses of CFTC offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630. The individual should include the code number assigned to him by the Commission for filing such reports, the name of the futures commission merchant through whom he trades, and the time period for which information is sought.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: The individual on whom the record is maintained and futures commission merchants through whom the individual trades. Correspondence and memoranda prepared by the Commission or its staff. Correspondence from firms, agencies, or individuals requested to provide information on the individual.

CFTC-16

System name: Litigation Files—CFTC

System location: Files in this system of records are maintained in the Commission's principal office and in the regional offices. For pending litigation, files may also be located in other offices participating in the litigation. Addresses and telephone numbers of CFTC offices are set forth in the introduction to the system notices under the caption "location of systems of records."

Categories of individuals covered by the system: Persons or firms against whom the Commission has issued a complaint based on violations of the Commodity Exchange Act or the rules and regulations promulgated thereunder.

Categories of records in the system: The file contains copies of various papers filed by or with the Commission or the courts in connection with administrative proceedings or injunctive actions brought by the Commission. It includes, as a minimum, a copy of the complaint and the final decision and order, and may contain other documents as well.

Authority for maintenance of the system: The maintenance of these files is necessary to the orderly and effective conduct of various litigation authorized under the Commodity Exchange Act and other Federal statutes. See e.g., Section 6c of the Commodity Exchange Act, 7 U.S.C. 13a-1, authorizing injunctive actions, and various provisions in that Act authorizing administrative actions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in these files is generally a matter of public record and may be disclosed without restriction. In other cases the routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in folders or binders.

Retrievability: Administrative proceedings are maintained by docket number, cross-indexed by the name of the individual or firm named as respondent, and by the section of the Commodity Exchange Act which has been violated. Other actions are filed alphabetically by the caption of the case.

Safeguards: Protection of non-public records is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose official duties require access.

Retention and disposal: These files are maintained indefinitely, although when the action is completed they are usually reduced to only the complaint and the final decision and order.

System manager(s) and address: These records are maintained by the Director of the Division of Enforcement at the Commission's principal office and by the Regional Administrator for the region where the records are located. Addresses and telephone numbers of CFTC offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: The information is generally obtained from the parties or their attorneys, or from the Commission's Office of Hearings and Appeals or the relevant court.

CFTC-17

System name: Litigation Files—OGC—CFTC

System location: Files in this system are maintained in the Office of the General Counsel in the Commission's principal office at 2033 K Street, N.W., Washington, D.C. 20581.

Categories of individuals covered by the system: Parties involved in litigation with the Commission or litigation in which the Commission has an interest including, but not limited to:

- administrative proceedings before the Commission;
- injunctive actions brought by the Commission;
- other Federal courts cases to which the Commission is a party;
- litigation in which the Commission is participating as amicus curiae;

e. other cases involving issues of concern to the Commission, including those brought by other law enforcement and regulatory agencies and those brought by private parties.

Categories of records in the system: These files consist primarily of papers comprising or included in the record of the case and briefs and correspondence related to that action. There may be included also other documents pertaining to the matter being litigated, including internal memoranda.

Authority for maintenance of the system: The Commodity Exchange Act, 7 U.S.C. 1 et seq. entrusts the Commission with broad regulatory responsibilities over commodity futures transactions. In this connection, the Commission is authorized to bring both administrative proceedings and injunctive actions where there appear to have been violations of the Act. Furthermore, to effectuate the purposes of the Act, it is necessary that the Commission staff be familiar with developments in other actions brought by others which have implications in the commodity law areas.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information in these files is generally a matter of public record and may be disclosed without restriction. In other cases the routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Cases are classified according to type, i.e., administrative proceedings, injunctive actions brought by the Commission, and other litigation. Within those classifications, actions are filed by caption of the case.

Safeguards: Protection of non-public records is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose official duties require access.

Retention and disposal: The record is maintained until the action is completed, including final review at the appellate level. Thereafter, a skeletal record of pleadings, briefs, findings and opinions and other particularly relevant papers may be maintained indefinitely. Other materials are generally destroyed except insofar as a copy of some of the documents may be kept in the office's "precedent files" for use in later legal research or preparation of filings in other matters.

System manager(s) and address: General Counsel, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trad-

ing Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: The information is generally obtained from the court or regulatory authority before whom the action is pending or from the attorneys for one of the parties named in the action, although it may on occasion come from other sources.

CFTC-18

System name: Logbook on Speculative Limit Violations—CFTC

System location: Records in this system are located in the Commission's regional offices in Chicago and New York. Addresses and telephone numbers of CFTC offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Categories of individuals covered by the system: Individuals who have exceeded speculative limits in a particular fiscal year.

Categories of records in the system: This record consists of a listing, by year, of the violations of speculative limits imposed by the Commission and the exchanges. It includes the trader's assigned code number, the commodity involved, the name of the trader, the type of violation, the date of violation, the date the violation ceased, and the action taken. Copies of warning letters and replies pertaining to the violations listed are maintained with the logbook.

Authority for maintenance of the system: Sections 4(i) and 8 of the Commodity Exchange Act, 7 U.S.C. 6i and 7 U.S.C. 12.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: Listed by fiscal year, and within each year may be retrieved by the name of the violator.

Safeguards: Protection against unauthorized disclosure is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose official duties require access.

Retention and disposal: The records are maintained on the premises for 5 years, then held in Federal Records Centers for 15 years before being destroyed.

System manager(s) and address: Regional Administrator, Commodity Futures Trading Commission, 141 West Jackson Blvd., Room A-1, Chicago, Illinois 60604; Regional Administrator, Commodity Futures Trading Commission, 61 Broadway, Room 2101, New York, New York 10006.

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: Series '03 reports filed by traders. Correspondence prepared by the Commission or by the individual or his representative.

CFTC-19

System name: Petitions and Rulings

System location: These records are maintained in the Office of Hearings and Appeals in the Commission's principal office located at 2033 K Street, N.W., Washington, D.C. 20581.

Categories of individuals covered by the system: All persons named in an Application for Institution of a Proceeding before the CFTC or its predecessors.

Categories of records in the system: This system contains the application and supporting documentation of the person submitting the application.

Authority for maintenance of the system: The maintenance of these records is ancillary to the Commission's authority to institute administrative proceedings. See also 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: The records in this system are maintained by the number and caption assigned to the application. Generally, the caption will be the name of a firm, organization, or person against whom the applicant complains.

Safeguards: Protection against unauthorized disclosure is afforded by limiting access to the office where the record is maintained.

Retention and disposal: The files are retained indefinitely.

System manager(s) and address: Director of the Office of Hearings and Appeals, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581.

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C., 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: Persons submitting an Application for Institution of a Proceeding.

CFTC-20

System name: Registration of Commodity Pool Operators—CFTC

System location: The primary files are maintained in the New York office. All CFTC offices have summary information in computer printout form. Addresses and telephone numbers of these offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Categories of individuals covered by the system: Partners, sole proprietors, officers, directors and persons performing similar functions for a commodity pool operator.

Categories of records in the system: Contains various information pertaining to registration as a commodity pool operator. The New York office maintains the application for registration (Form 6-R) and supplements, as well as all correspondence between the individual and the agency relating to registration. A computer system is maintained by the Chicago office. The computer memory consists of name, firm affiliations, title, date of birth, place of birth, social security number, fitness and address of each individual engaged as partner, sole proprietor, officer, and director and persons performing similar functions. Computer printouts prepared quarterly list all individuals so engaged. This printout, as well as non-confidential portions of the application for registration, are considered public records and available to any person for inspection and copying.

Authority for maintenance of the system: Section 4n(1) of the Commodity Exchange Act, 7 U.S.C. 6n(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in manual form in file folders, in computer memory, and in computer printout form.

Retrievability: The application, correspondence and other primary records are filed by the name of the commodity pool operator. The computer records are maintained by the name of the individual officer, partner, proprietor, etc. The computer serves as a cross-index by the name of the individual to the relevant commodity trading advisor file.

Safeguards: Protection of non-public records is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose official duties require access. In appropriate cases the records are maintained in lockable file cabinets.

Retention and disposal: Applications and correspondence are maintained on the premises for 3 years from the end of calendar year, then held in Federal Records Center for 7 years before being destroyed. The computer memory is maintained permanently on the premises and updated periodically as long as the individual remains associated with a registered commodity pool operator. The printouts are maintained on the premises for six months and destroyed.

System manager(s) and address: The Regional Administrator of the region where the records are located. Addresses and telephone numbers of CFTC offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: The application is submitted by the commodity pool operator. Correspondence is generally prepared either by the Commission or its staff or by the commodity pool operator or its representative. The computer record is prepared from the application, and from the biographical information questionnaire (Form 94), and other information in the fitness files (see "Fitness Files" system of records).

CFTC-21

System name: Registration of Commodity Trading Advisors—CFTC

System location: Primary files are maintained in the New York office. All CFTC offices have summary information on computer printouts. Addresses and telephone numbers of CFTC offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Categories of individuals covered by the system: Partners, sole proprietors, officers, directors and persons performing similar functions for a commodity trading advisor.

Categories of records in the system: Contains various information pertaining to registration as a commodity trading advisor. The New York office maintains the application for registration (Form 5-R) and supplements, as well as all correspondence between the commodity trading advisor and the Commission relating to registration. A computer system is maintained by the Chicago office. The computer memory consists of name, firm affiliations, title, date of birth, place of birth, social security number, fitness, and address of each individual engaged as partner, sole proprietor, officer, and director and persons performing similar functions. Computer printouts prepared quarterly list all such individuals so engaged. This printout, as well as non-confidential portions of the application for registration, are considered public records and are available to any person for inspection and copying.

Authority for maintenance of the system: Section 4n(1) of the Commodity Exchange Act, 7 U.S.C. 6n(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in manual form in file folders, in computer memory, and in computer printout form.

Retrievability: The applications, correspondence and other related matters are filed under the name of the commodity trading advisor. The computer records are maintained in the name of the individual partner, officer, director, etc. The computer serves as a cross-index by the name of the individual to the relevant commodity trading advisor file.

Safeguards: Protection of non-public records is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose official duties require access. In appropriate cases the records are maintained in lockable file cabinets.

Retention and disposal: Applications and correspondence are maintained on the premises for 3 years from end of calendar year, then held in Federal Records Center for 7 years before being destroyed. The computer memory is maintained permanently on the premises and updated periodically as long as the individual remains associated with a registered commodity trading advisor. Computer printouts are maintained on the premises for six months and destroyed.

System manager(s) and address: The Regional Administrator of the region where the primary records and the computer are located. Addresses and telephone numbers of these offices are set forth in these system notices under the caption "location of systems of records."

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records.

CFTC-22

System name: Registration of Floor Brokers—CFTC

System location: The primary records are maintained by that regional office which has territorial jurisdiction over the floor broker's place of business. All CFTC offices have summary information in computer printout form. Addresses and telephone numbers of CFTC offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Categories of individuals covered by the system: Persons who have applied to the Commission for registration as floor brokers.

Categories of records in the system: Contains various information pertaining to registration as a floor broker. The system includes the application for registration (Form 2-R), plus supplements and all correspondence between the floor broker and the Commission relating to registration. A computerized system, consisting primarily of information taken from the application is maintained by the Chicago office. The computer memory includes the name, date of birth, place of birth, social security number, fitness, membership affiliations, business address, and residence address of each registered floor broker. Computer printouts, prepared monthly, list the names, business addresses, and membership affiliations of all registered floor brokers. This printout, as well as non-confidential portions of the application for registration are considered public records and available to any person for inspection and copying. In addition certain ancillary records, such as card indexes, are maintained, summarizing information contained in the system regarding each floor broker.

Authority for maintenance of the system: Section 4(1) of the Commodity Exchange Act, 7 U.S.C. 6(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in manual form in file folders and on index cards, computer memory, and in computer printout form.

Retrievability: By the name of the floor broker.

Safeguards: Protection of non-public records is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose

official duties require access. In appropriate cases the records are maintained in lockable file cabinets.

Retention and disposal: Applications for registration and related correspondence are maintained on the premises for 3 years. They are then held in the Federal Records Center for 7 years and destroyed. The computer memory is maintained permanently on the premises and updated periodically as long as the individual is registered. Printouts and indices are maintained on the premises for 5 years and then in the Federal Records Center for 5 years before being destroyed.

System manager(s) and address: The Regional Administration of the region where the records are located. Addresses and telephone numbers of CFTC offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: The application is submitted by the floor broker on whom the record is maintained. The computerized record is prepared from: the application, including supplements, and from information contained in other systems of records, including the fitness files (see "Fitness Files" system of records). Correspondence is generally prepared either by the Commission or by the floor broker or his representative.

CFTC-23

System name: Registration of Futures Commission Merchants—CFTC

System location: The primary records are maintained by that regional office which has territorial jurisdiction over the state where the firm's principal office is located, or where the audit is performed. All CFTC offices have summary information in computer printout form. Addresses and telephone numbers of CFTC offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Categories of individuals covered by the system: Officers, partners, sole proprietors, branch office managers, agents, or 10 per cent stockholders of a futures commission merchant.

Categories of records in the system: Contains various information pertaining to registration as a futures commission merchant. The system includes the application for registration (Form I-R), plus supplements, and all correspondence between the futures commission merchant and the Commission relating to registration. A computerized record is maintained for each individual engaged as an officer, partner, sole proprietor, branch office manager, agent or 10 per cent stockholder of a futures commission merchant, as listed in the application. The computer memory consists of the name, firm affiliation, title, date and place of birth, social security number, fitness, and business address of each individual. Quarterly printouts are prepared listing all individuals currently engaged in the capacities indicated above. This printout, as well as non-confidential portions of the application for registration, are considered public records, and are available to any person for inspection and copying.

Authority for maintenance of the system: Section 4f(1) of the Commodity Exchange Act, 7 U.S.C. 6f(1).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in manual form in file folders, in computer memory, and in computer printout form.

Retrievability: Applications, correspondence, and other related matters are filed under the name of the registrant futures commission merchant. Computer records are maintained by the name of

the individual officer, partner, shareholder, etc., and serve as a cross-index to the primary registration file.

Safeguards: Protection of non-public records is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose official duties require access. In appropriate cases the records are maintained in lockable file cabinets.

Retention and disposal: Applications for registration and related correspondence are maintained on the premises for three years. Records are then held in Federal Records Center for seven years and destroyed. The computer memory is maintained permanently on the premises and updated periodically as long as the individual remains associated as a principal with a registered futures commission merchant. Printouts are maintained on the premises for six months and destroyed.

System manager(s) and address: The Regional Administrator of the Region where the records are located. Addresses and telephone numbers of CFTC offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: The application is submitted by the futures commission merchant. The computerized record is prepared from the application, including supplements, and from information contained in other systems of records, including the fitness files (see "Fitness Files" system of records). Correspondence is generally prepared by the Commission or by the futures commission merchant or its representatives.

CFTC-24

System name: Registration and Fitness of Associated Persons—CFTC

System location: The primary files are maintained in the Chicago office. All CFTC offices have summary information in computer printout form. Addresses and telephone numbers of CFTC office are set forth in the introduction to these system notices under the caption "location of systems of records."

Categories of individuals covered by the system: Persons who have applied to the Commission for registration as a person associated with a futures commission merchant or with any agent of a futures commission merchant. This includes partners, officers, or employees acting in any capacity which involves the solicitation or acceptance of customers' orders for futures contracts or supervision of individuals so engaged. It also includes anyone occupying a similar status or performing similar functions.

Categories of records in the system: Contains various information pertaining to the applicant's registration as an associated person. The system includes the application for registration (Form 4-R) and supplements, as well as correspondence between the associated person and the Commission. It also includes correspondence relating to the fitness of the individual to be engaged in the business. A computerized record is kept of information concerning each registrant. This includes his name, firm affiliation, date of birth, place of birth, social security number, education, fitness, experience, and home address. Regular computer printouts show the name and firm affiliation of all individuals engaged as associated persons. This printout, as well as non-confidential portions of the application for registration, are considered public records and are available to any person for inspection and copying.

Authority for maintenance of the system: Section 4k(2) of the Commodity Exchange Act, 7 U.S.C. 6k(2).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction to these notices under caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in manual form in file folders, in computer memory, and in computer printout form.

Retrievability: By the name of the associated person. The computer cross-indexes the record to the name of the futures commission merchant with whom the individual is associated.

Safeguards: Protection of non-public records is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose official duties require access. In appropriate cases the records are maintained in lockable file cabinets.

Retention and disposal: Applications and correspondence are maintained on the premises for three years. They are then held in Federal Records Center for seven years and destroyed. The computer memory is maintained permanently on the premises and updated periodically as long as the individual is registered. Computer printouts are maintained on the premises for five years, then held in the Federal Records Center for five years, and then destroyed.

System manager(s) and address: Regional Administrator, Commodity Futures Trading Commission, 141 West Jackson Blvd., Room A-1, Chicago, Illinois 60604, Telephone: (312) 353-5990.

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: The application is submitted by the associated person. Correspondence may be prepared by the Commission, the associated person, the commodity exchanges, other government agencies, and other persons having knowledge about the individual. The computer record is prepared from the application and supplement, and from information developed during the fitness inquiry.

CFTC-25

System name: Stipulation of Compliance File—CFTC

System location: Records in this system are maintained by the Division of Enforcement in the Commission's principal office and by regional offices. Addresses and telephone numbers of CFTC offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Categories of individuals covered by the system: Any person or firm who has signed a stipulation of compliance with the Commission.

Categories of records in the system: This system consists of stipulations of compliance and related indices.

Authority for maintenance of the system: The obtaining of stipulations of compliance is ancillary to the duties and responsibilities of the Commission to enforce the provisions of the Commodity Exchange Act and the rules and regulations adopted thereunder. See also 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None. The stipulations of compliance are a matter of public record.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders or three-ring binders.

Retrievability: The records are filed according to a stipulation of compliance number. They are cross-indexed to the name of the person signing the stipulation or on whose behalf the stipulation is signed.

Safeguards: Protection is afforded by general office security measures. Records are located in secured rooms or on secured premises with access limited to those whose official duties require access.

Retention and disposal: The records are maintained indefinitely on the premises, unless otherwise ordered by the System Manager.

System manager(s) and address: The Director of the Division of Enforcement in the Commission's principal office, and the Regional

Administrator of each of the regional offices. Addresses and telephone numbers of CFTC offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: The individual signing the stipulation of compliance.

CFTC-26

System name: Subpoena File—CFTC

System location: Records in this system are maintained in the Commission's New York Regional Office at 61 Broadway, Room 2101, New York, New York 10006, and in the Chicago Regional Office at 141 West Jackson Blvd., Room 1-A, Chicago, Illinois 60604.

Categories of individuals covered by the system: Individuals who have been subpoenaed by the Commission.

Categories of records in the system: This file contains copies of subpoenas issued to individuals and a covering memorandum explaining the purpose of subpoena. It also contains other memoranda, correspondence, and miscellaneous materials relating to the subpoena.

Authority for maintenance of the system: Section 6(b) of the Commodity Exchange Act, 7 U.S.C. 15.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of routine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders.

Retrievability: By the name of the person to whom the subpoena was issued.

Safeguards: Protection is afforded by general office security measures. Records are located in secured rooms or in secured premises with access limited to those whose official duties require access.

Retention and disposal: The records are retained for 5 years, and then destroyed.

System manager(s) and address: Regional Administrator, Commodity Futures Trading Commission, 141 West Jackson Blvd., Room A-1, Chicago, Illinois 60604. Regional Administrator, Commodity Futures Trading Commission, 61 Broadway, Room 2101, New York, New York 10006.

Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: Subpoenas and related memoranda prepared by the Commission staff. Correspondence between the Commission and the person to whom the subpoena was issued or his attorney or other representative.

CFTC-27

System name: Violation Follow-up Files—CFTC

System location: Records in this system are maintained by the Division of Enforcement in the Commission's principal office and by the regional offices. Addresses and telephone numbers of CFTC offices are set forth in the introduction to these system notices under the caption "location of systems of records."

Categories of individuals covered by the system: Persons who have had criminal, civil or administrative action taken against them, or who have been sent compliance or warning letters regarding violations of the Commodity Exchange Act or the rules and regulations thereunder.

Categories of records in the system: This system of records contains various documentation relating to official actions taken against individuals based on violations of the Commodity Exchange Act and the rules and regulations adopted thereunder. These include:

1. Copies of indictments and records of conviction or other disposition in criminal actions.
2. Decisions and orders in administrative proceedings before the Commission.
3. Warning letters, compliance letters, and stipulations of compliance.
4. Permanent and preliminary injunctive and temporary restraining orders based on complaints filed by the Commission.
5. Exchange findings of violations of exchange rules where the acts also constitute violations of the Commodity Exchange Act and rules and regulations adopted thereunder. As part of the system a cross-index of violations is also maintained, listing all administrative and criminal actions instituted against the individual.

Authority for maintenance of the system: The maintenance of these records is ancillary to the Commission's responsibility to enforce the provisions of the Commodity Exchange Act. See also 44 U.S.C. 3101.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The routine uses applicable to this system of records are set forth in the introduction to these system notices under the caption "general statement of rou-

tine uses."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Paper records in file folders and in looseleaf binders.

Retrievability: By the name of the individual violator.

Safeguards: Protection against unauthorized disclosure is afforded by limiting access to the office maintaining the record, to those whose official duties require access.

Retention and disposal: The records are retained on the premises for 10 years and then destroyed unless otherwise ordered by the System Manager. The index is maintained indefinitely.

System manager(s) and address: The Director of the Division of Enforcement in the Commission's principal office, and the Regional Administrator of each of the regional offices. Addresses and telephone numbers of CFTC offices are set forth in the introduction to these system notices under the caption "location of systems of records."

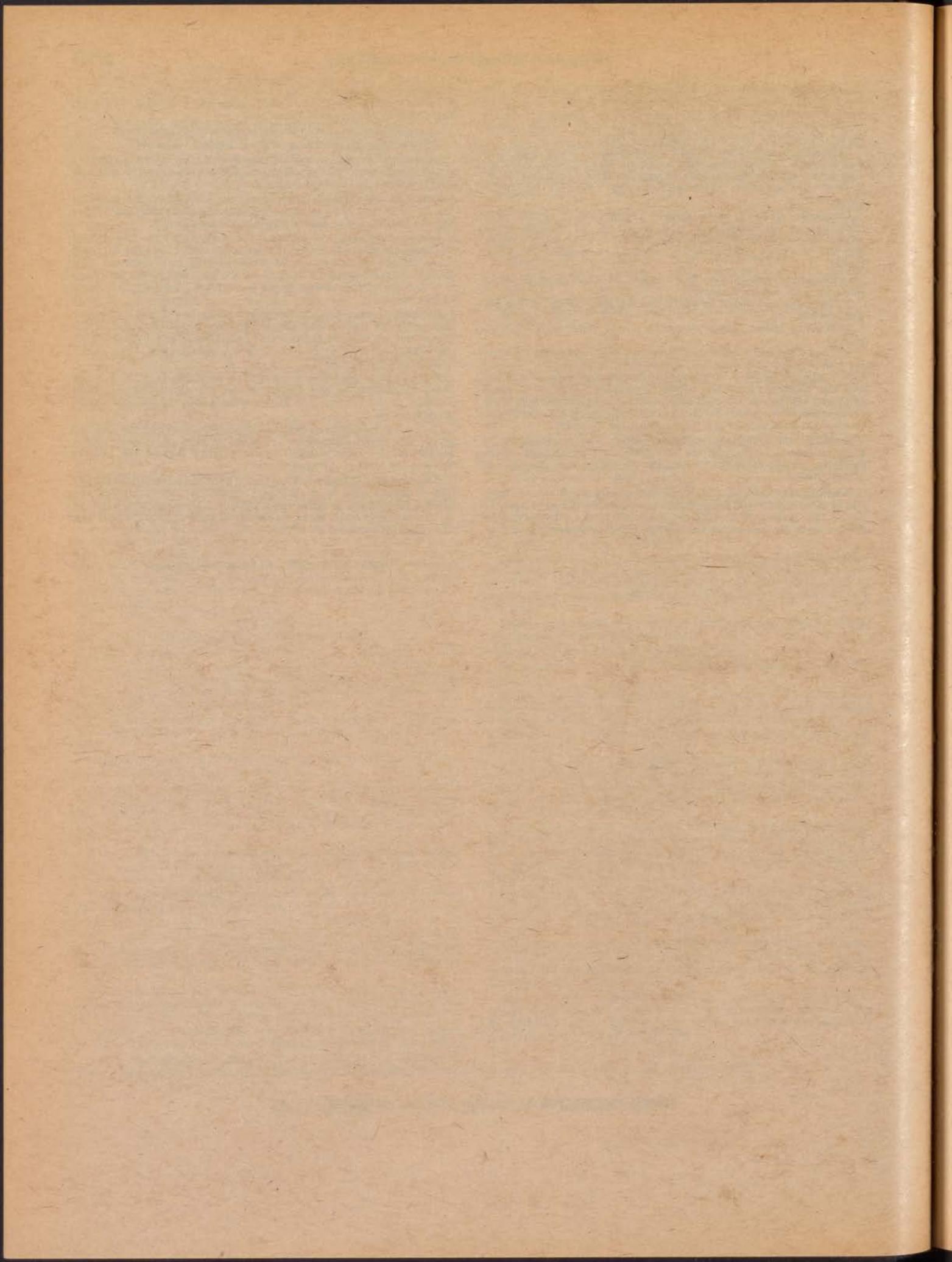
Notification procedure: Individuals seeking to determine whether this system of records contains information about them should address their inquiries to the Privacy Unit, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone (202) 254-8630.

Record access procedures: Individuals seeking access to records about themselves in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Contesting record procedures: Individuals contesting the content of records about themselves contained in this system of records should address their inquiries to the Privacy Unit at the address listed in the notification section above.

Record source categories: The issuing courts; the parties to the action or their attorneys or their representatives; the exchanges; the official files of the Commission's Office of Hearings and Appeals; the Commission staff, based on results of investigations, audits and any other pertinent action taken.

[FR Doc.76-25697 Filed 8-30-76;11:24 am]



federal register

TUESDAY, SEPTEMBER 14, 1976



PART III:

FEDERAL HOME LOAN BANK BOARD



PRIVACY ACT OF 1974

Systems of Records

FEDERAL HOME LOAN BANK BOARD

(No. 76-612)

PRIVACY ACT OF 1974 Systems of Records

August 18, 1976.

Whereas, the Federal Home Loan Bank Board on August 20, 1975 adopted, and approved for publication in the Federal Register, twenty-nine systems of its records, which were so published on August 27, 1975; and,

Whereas, the Privacy Act of 1974 (5 U.S.C. 552a(e)(4)) requires that notice as to existing systems of records be published at least annually; and,

Whereas, it is necessary to amend the previously published systems of records to reflect the changes described below; now, therefore, it is hereby

Resolved, That the following changes be and they hereby are approved in the published system of records of the Board:

FHLBB-1**Systems and Internal Office Personnel Files**

The list of "system manager(s) and address" is amended by adding the "Personnel Liaison Officer, Industry Data Division".

Retention and disposal: Amended to read as follows: Transfer to inactive file upon termination of employment. Destroy 60 days after transfer.

FHLBB-2**Manpower/Budget System**

Retention and disposal: Amended to read as follows: Transfer to inactive at end of each fiscal year. Destroy five years after transfer.

FHLBB-4**Systems and Employee Record Cards (SRC)**

This system of records should be deleted.

FHLBB-5**Home Owners' Loan Corporation Home Loan Records (HOLC)**

Retention and disposal: Amended to read as follows: Permanent. Offer to National Archives 50 years after repayment of loan.

FHLBB-6**District Bank Officers' Biography Files**

Retention and disposal: Amended to read as follows: Permanent. Transfer to Federal Records Center upon retirement or separation of individual. Offer to National Archives five years after transfer.

FHLBB-7**District Bank Officers' Salary Cards**

Retention and disposal: Amended to read as follows: Permanent. Offer to National Archives 25 years after termination of employment.

FHLBB-8**Candidates for Employment**

Retention and disposal: Amended to read as follows: Transfer application to official personnel folder for candidates selected and destroy index card. Destroy files for other candidates after position has been filled.

FHLBB-9**Candidates for Appointed Directorships of Federal Home Loan Banks**

Retention and disposal: Amended to read as follows: Destroy three years after appointments are made. For candidates appointed, transfer to the District Bank Board of Directors' Biography file.

FHLBB-10**Depositors/Account Holders in Defaulted Associations**

Retention and disposal: Amended to read as follows: Retain in office ten years after payment of last claimed account, then destroy.

FHLBB-11**Biographical File of Federal Home Loan Bank Directors**

Retention and disposal: Amended to read as follows: Permanent. Transfer to Federal Records Center upon retirement or separation

of individual. Offer to National Archives five years from date of transfer.

FHLBB-13**Office of Examination and Supervision Training Records**

Retention and disposal: Amended to read as follows: Destroy 30 days after termination of employment.

FHLBB-15**Discrimination Complaint System**

Retention and disposal: Amended to read as follows: Destroy four years after final adjustment for cases resolved within the agency. Transfer other cases to Civil Service Commission.

FHLBB-16**Upward Mobility Program (Career Development)**

Retention and disposal: Amended to read as follows: Destroy 30 days after employee completes or terminates the program.

FHLBB-18**Travel Records**

Retention and disposal: Amended to read as follows: Transfer to inactive file at end of second fiscal year. Destroy three years after cutoff.

FHLBB-19**Employee Relations File**

Retention and disposal: Amended to read as follows: Destroy four years after final adjustment for cases resolved within the agency. Transfer other cases to Civil Service Commission.

FHLBB-20**Employee Locator File**

Retention and disposal: Amended to read as follows: Destroy or transfer to another agency upon termination of employment.

FHLBB-21**Statements of Employment and Financial Interests**

Retention and disposal: Amended to read as follows: Destroy two years after employee leaves a position in which a statement is required or two years after the employee leaves the agency, whichever is earlier.

FHLBB-22**"Form 587" File—Training Request, Authorization, Notice of Completion of Training**

Retention and disposal: Amended to read as follows: Transfer to inactive at end of each fiscal year. Destroy one year after transfer.

FHLBB-23**Training Log Book**

This system should be deleted; and
It is further resolved, That the systems of records of the Board, as so amended, be published in the Federal Register.
By the Federal Home Loan Bank Board.

J. J. Finn,
Secretary.

FHLBB-1**System name: Internal Office Personnel Files**

System location: See "System Manager".

Categories of individuals covered by the system: Federal Home Loan Bank Board Employees, consultants, and employees of the Federal Savings and Loan Insurance Corporation, and Federal Savings and Loan Insurance Corporation receiverships.

Categories of records in the system: This system consists of a variety of records relating to personnel actions and determinations regarding individuals while employed by the Federal Savings and Loan Insurance Corporation, the Federal Home Loan Bank Board, as consultants to the board, or as employees of a Federal Savings and Loan Insurance Corporation receivership. The records may contain information about an individual relating to: Date of birth; social security number; veterans preference; tenure; physical handicap; past and present salaries, grades, and position titles; and may include letters of commendation, reprimands, charges, and decision on charges; notices of reductions-in-force; accident reports; upward-mobility information; locator files; loans with savings and loans; personnel actions, including but not limited to appointment, promotion, reassignment, demotion, work detail, transfer,

and separation; probationary period; training; minority group indicator; life insurance, health benefits, and designation of beneficiary; application for employment; letters of reference; performance ratings (MBO/KOI or other as applicable); documentation of personnel actions or decisions made about the individual; awards; records of equipment and materials issued to the individual; leave and time-and-attendance records; travel records; and other information regarding the individual.

Authority for maintenance of the system: 5 U.S.C. 1302, 2951, 4118, 4308, 4506, and executive order 10561, dated September 13, 1954.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in these records is used or may be used: (1) By board and receivership officials for review in connection with training, appointments, transfers, promotions, reassignments, adverse actions (including disciplinary actions), determinations of qualifications of an individual, determinations of conflicts of interest, equipment assigned to an individual, entitled benefits, leave authorized and used, travel undertaken, and re-imbursements; (2) By the Civil Service Commission for when a current or former Federal employee questions the validity of a specific document in his record; (3) By the courts to render a decision when an agency has refused to release to a current or former Federal employee a record under the Freedom of Information Act; (4) To provide information to a prospective employer of a current or former Federal employee; (5) To provide data for the automated central personnel data file (CPDF); (6) To provide data to update Federal automated career systems (FACS), the executive inventory file, security investigations, the index on new hires, and materials concerning adverse actions and termination; (7) To provide information to a Federal agency, in response to its request, in connection with hiring or retention of an employee, letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (8) In connection with requests for information from a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if the obtaining of such information is necessary to an agency decision concerning hiring or retention of an employee, issuance of a security clearance, letting of a contract, or issuance of a license, grant, or other benefit; (9) To refer, where there is indication of a violation or potential violation of law (whether civil, criminal, or regulatory), to the appropriate Federal, State, or local agency charged with responsibility for investigating or prosecuting such violation of enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (10) As a data source for management information for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies, and for utilization in response to general requests for statistical information without personal identification of individuals) under the Freedom of Information Act or to locate specific individuals for personnel research or other personnel management functions; and (11) Verification of employment for credit purposes. (12) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of an individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders or on Kardex cards in lockable containers or in secured rooms.

Retrievability: Records are filed by name of individual.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: Transfer to inactive files upon termination of employment. Destroy 60 days after transfer.

System manager(s) and address: The business address of each system manager listed below, unless otherwise indicated, is:

Federal Home Loan Bank Board
320 First Street, NW.
Washington, D.C. 20552

Personnel Liaison Officer, Management Systems Division
Personnel Liaison Officer, Accounting and Fiscal Operation
Branch, Financial Management Division

Personnel Liaison Officer, Industry Data Division
Director, Office of Economic Research
General Counsel, Office of the General Counsel
Director, Federal Savings and Loan Insurance Corporation
Director, Generalized System Research and Design Division
Director, Office of Examinations and Supervision
Director, Office of Housing and Urban Affairs
Director, Administration and Methods Division
Director, Office of Industry Development
Deputy Director, Office of the Federal Home Loan Banks
Personnel Liaison Officer, Information Systems Division

District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board
One Union Street, Fourth Floor
Boston, Massachusetts 02108

District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board
One World Trade Center, Floor 103
New York, New York 10048

District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board
11 Stanwix Street, Room 300
Pittsburgh, Pennsylvania 15222

Assistant District Director—Administration
Office of Examinations and Supervision
Federal Home Loan Bank Board
260 Peachtree Street, NW.
Atlanta, Georgia 30303

Assistant District Director
Silver Spring Area Office
Office of Examinations and Supervision
Federal Home Loan Bank Board
8701 Georgia Avenue, Room 400
Silver Spring, Maryland 20910

Assistant District Director
Charlotte Area Office
Office of Examinations and Supervision
Federal Home Loan Bank Board
4915 Albemarle Road
Charlotte, North Carolina 28205

Assistant District Director
Fort Lauderdale Area Office
Office of Examinations and Supervision
Federal Home Loan Bank Board
1525 South Andrews Avenue
Fort Lauderdale, Florida 33316

District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board
2400 Dubois Tower
511 Walnut Street
Cincinnati, Ohio 45202

Assistant District Director
Cincinnati Area Office
Office of Examinations and Supervision
Federal Home Loan Bank Board
2400 Dubois Tower
511 Walnut Street
Cincinnati, Ohio 45202

Assistant District Director
Nashville Area Office
Office of Examinations and Supervision
Federal Home Loan Bank Board
2209 Crestmoor Road
Nashville, Tennessee 37215

Assistant District Director
Canton Area Office

Office of Examinations and Supervision
Federal Home Loan Bank Board
229 Wells Avenue, NW.
Canton, Ohio 44703

Assistant District Director
Office of Examinations and Supervision
Federal Home Loan Bank Board
2950 Indiana Tower
One Indiana Square
Indianapolis, Indiana 46204

District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board
111 East Wacker Drive, Suite 700
Chicago, Illinois 60601

District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board
714 Second Avenue
Des Moines, Iowa 50309

District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board
634 Harrison Street
Topeka, Kansas 66603

Assistant District Director
Office of Examinations and Supervision
Federal Home Loan Bank Board
Room 379, Post Office Building
10th and Stout Streets
Denver, Colorado 80202

District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board
600 Stewart Street, Suite 610
Seattle, Washington 98101

District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board
600 California Street
San Francisco, California 94108

District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board
1350 Tower Building
Little Rock, Arkansas 72201

Office Supervisor
Dallas Branch Office
Office of Examinations and Supervision
Federal Home Loan Bank Board
1100 Commerce Street, Room 3B-29
Dallas, Texas 75202

Office Supervisor
Houston Branch Office
Office of Examinations and Supervision
Federal Home Loan Bank Board
201 Fannin Street, Room 321
Houston, Texas 77002

Administrative Officer
Federal Savings and Loan Insurance Corporation
10001 West Roosevelt Boulevard
Westchester, Illinois 60153

Receivership Agent
Midwestern Office Receiverships
Federal Savings and Loan Insurance Corporation
10001 West Roosevelt Boulevard
Westchester, Illinois 60153

Manager, Scottsdale Office

Federal Savings and Loan Insurance Corporation
6370 North Scottsdale Road
Scottsdale, Arizona 85252

Receivership Manager
Northwest Guaranty Receivership
Federal Savings and Loan Insurance Corporation
1100 Tower Building
Seattle, Washington 98101

Western Office Manager
Federal Savings and Loan Insurance Corporation
900 Wilshire Boulevard, Suite 840
Los Angeles, California 90017

Notification procedure: Inquiries concerning records shall be made by notifying the appropriate system manager. Such notification must include the individual's name, social security number or employee identification number, date of birth, office of employment (including location), period of employment and the name of the record system.

Record access procedures: Persons wishing to have access to their records or to have such records changed (including modification, addition, and deletion) shall notify the appropriate system manager. Such notification shall include the same information required to be furnished under "Notification", plus a statement setting forth the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures."

Record source categories: Information in this system of records may have been obtained from the individual, his immediate supervisor or persons at other supervisory levels, the personnel office, the payroll office, savings and loan associations, U.S. Civil Service Commission, or other sources.

FHLBB—2

System name: Manpower/Budget System

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Categories of individuals covered by the system: All current employees of the Federal Home Loan Bank Board and the Federal Savings and Loan Insurance Corporation.

Categories of records in the system: Individual employee records are kept by office and agency as follows: Name, title, awards, age, EOD date, service computation date, occupation series, social security number, grade, date of last within-grade raise, date of last promotion, within-grade due-date, and eligibility for promotion. Records are kept for each office (and, where appropriate, for the agency) on number of vacancies, authorized position ceilings, and number of employees.

Authority for maintenance of the system: 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: (1) To provide management with data on current employment, vacancies, and history of employees; (2) For preparation of future personnel actions; (3) For computerized budget projections for 3 fiscal years. (4) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in nylon post-data folders.

Retrievability: Records are filed by name of individual.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: Transfer to inactive file at end of each fiscal year. Destroy 5 years after transfer.

System manager(s) and address: Budget Officer, Financial Management Division. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. Inquiries must include name, social security number, date of birth, office of employment, period of employment, and name of record system.

Record access procedures: Persons wishing to have access to their records or to have their records changed (including modification,

addition, and deletion), shall notify the system manager. Such notification shall include the same information required to be furnished under "Notification," plus a statement of the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Personnel records.

FHLBB-3

System name: Biographies and Photographs

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Categories of individuals covered by the system: Federal Home Loan Bank Board Chairman, Board members, office directors and key personnel; Federal Home Loan Bank Presidents; Federal Savings and Loan Insurance Corporation key personnel; Federal Savings and Loan Advisory Council members; Federal Home Loan Mortgage Corporation; and AMMINET executive staff.

Categories of records in the system: Biographical notes and photographs.

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: (1) Release for media use when the described individuals are invited to make addresses, are appointed to new positions, or leave through resignation, retirement, etc. (2) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are filed by name of individual.

Safeguards: No safeguards are needed, since these records are available for public distribution.

Retention and disposal: One copy of each biography and photograph is retained permanently.

System manager(s) and address: Director, Office of Communications. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager.

Record access procedures: Records may be obtained, changed, or updated by submission of material to the system manager.

Contesting record procedures: See "Access Procedures".

Record source categories: Information is submitted by the individuals whose records are maintained.

FHLBB-4

Reserved

FHLBB-5

System name: Home Owners' Loan Corporation Home Loan Records (HOLC)

System location: Federal Records Center, New York, New York.

Categories of individuals covered by the system: Individuals who had home loans with the HOLC.

Categories of records in the system: Name and address of homeowners; location of property; amount originally loaned and subsequent loan actions; advances, payments to principal, interest, taxes and insurance and balances; loan number.

Authority for maintenance of the system: Act of June 13, 1933, Pub. L. 73-43, section 3, 48 Stat. 130.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To provide to lawyers, title insurance companies, and other interested parties upon request, legal evidence of the satisfaction and release of mortgage interests. (2) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on microfilm and paper at the Federal Records Center.

Retrievability: Records are filed by name, with loan number attached.

Safeguards: Access to home loan records is limited to individuals whose records are maintained, their descendants, others having a legitimate interest in the loan property, and Board personnel whose official duties require such access and who have a need to know the information in such record for a particular job-related purpose.

Retention and disposal: Permanent. Offer to National Archives 50 years after repayment of loan.

System manager(s) and address: Secretary to the Board, Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Notification procedure: Inquiries concerning records shall be made by notifying the system manager. Such notification shall identify the record system and include the individual's name and loan number (where applicable).

Record access procedures: Persons wishing to have access to the records or to have such records changed (including modification, addition, or deletion) shall notify the system manager. Such notification shall include the same information required under "Notification," plus a statement setting forth the desired access or changes and the reason for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Home Owners' Loan Corporation.

FHLBB-6

System name: District Bank Officers' Biography File

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Categories of individuals covered by the system: All Federal Home Loan Bank Officers.

Categories of records in the system: Resumes and appointment histories, including salary information.

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: (1) To provide general background information on bank officers for use by the director, Office of the Federal Home Loan Banks, and the Board. Information other than salary data is furnished to the public upon request. (2) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Storage: Records are maintained in filing cabinets in file folders.

Retrievability: Records are filed by name of individual.

Safeguards: Access to salary data is limited to personnel who have a need to know the information for a job-related purpose.

Retention and disposal: Permanent. Transfer to Federal record center upon retirement or separation of individual. Offer to National Archives 5 years after transfer.

System manager(s) and address: Administrative Assistant (Elections), Office of the Federal Home Loan Banks. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager.

Record access procedures: Persons wishing to have access to the records shall notify the system manager. Salary information is only available to the individual whose record is kept, and a request for such information must include the individual's name, date of birth, social security number, and period of employment. Inquirers wishing to contest records may do so through the system manager.

Contesting record procedures: See "Access Procedures".

Record source categories: Individuals whose records are kept, and the Federal Home Loan Banks.

FHLBB-7

System name: District Bank Officer's Salary Cards

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Categories of individuals covered by the system: All officers of Federal Home Loan Banks.

Categories of records in the system: Salary history.

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: (1) For determination of salary requirements and review of salary history by director, office of Federal Home Loan Banks; board members; Federal Home Loan Bank presidents; and the Federal Reserve Board (upon request, the Federal Reserve Board is furnished salary information by position only). (2) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in a card file.

Retrievability: Records are filed by name of individual.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose. Access is granted by the administrative assistant (elections), office of the Federal Home Loan Banks.

Retention and disposal: Permanent. Offer to National Archives 25 years after termination of employment.

System manager(s) and address: Administrative Assistant (Elections), Office of the Federal Home Loan Banks. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. Individuals inquiring about their own records must supply name, date of birth, social security number, and period of employment.

Record access procedures: Persons wishing to have access to the records shall notify the system manager, furnishing the information required under "Notification" in the case of individual requests. Individuals wishing to have their records changed (including modification, addition, or deletion) shall so notify the system manager, furnishing the information required under "Notification" and a statement of the desired changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Minutes of meetings of the Federal Home Loan Bank Board or of the Boards of Directors of the Federal Home Loan Banks.

FHLBB-8

System name: Candidates for Employment

System location: See "System Manager".

Categories of individuals covered by the system: Candidates for employment by the Federal Home Loan Bank Board.

Categories of records in the system: Resumes, letters of referral, transcripts, and internal agency memoranda.

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: (1) These materials are used by agency officials to evaluate qualifications of candidates for employment. (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 an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (3) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders. An index card summarizing each application is also prepared and filed.

Retrievability: Records are filed by name of candidate.

Safeguards: Access is limited to supervisors and personnel management division employees whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: Transfer application to official personnel folder for candidates selected and destroy index card. Destroy files for other candidates after position has been filled.

System manager(s) and address:

Deputy Director
Office of the Federal Home Loan Banks
Federal Home Loan Bank Board
320 First Street, NW.
Washington, D.C. 20552

Chief, Personnel Operations Branch
Personnel Management Division
Federal Home Loan Bank Board
320 First Street, NW.
Washington, D.C. 20552

Assistant District Director—Personnel Development
Office of Examinations and Supervision
Federal Home Loan Bank Board
260 Peachtree Street, N.W.
Atlanta, Georgia 30303

District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board
Box 828
Topeka, Kansas 66601

Notification procedure: Inquiries concerning records shall be made by notifying the appropriate system manager. Such notification must include name, date of birth, social security number, and name of record system.

Record access procedures: Persons desiring access to their records or to have such records changed (including modification, addition, and deletion) shall notify the appropriate system manager, furnishing him the information required under "notification", plus a statement of the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Individuals whose records are kept; individuals recommending an applicant, agency personnel office, Civil Service Commission, college placement officers.

FHLBB-9

System name: Candidates for Appointed Directorships of Federal Home Loan Banks.

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Categories of individuals covered by the system: Candidates for appointed directorships of the Federal Home Loan Banks.

Categories of records in the system: Resumes of potential candidates referral letters, and internal agency memoranda.

Authority for maintenance of the system: Section 7 of the Federal Home Loan Bank Act (12 U.S.C. 1427).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Information is used by the director of the office of Federal Home Loan Banks and by board members to determine qualifications and availability of candidates being considered as appointed directors of Federal Home Loan Banks. Information from this system may be conveyed to the presidents and staffs of the Regional Federal Home Loan Banks, and to the executive office of the President of the United States. (2) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are filed by name of candidate.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know the information for a particular job-related purpose. Access is gained only through the administrative assistant (elections), office of the Federal Home Loan Banks.

Retention and disposal: Destroy three years after appointments are made. For candidates appointed, transfer to the district bank board of directors' biography file.

System manager(s) and address: Administrative Assistant (Elections), Office of the Federal Home Loan Banks. See "Location" for address.

Notification procedure: Inquiries concerning records shall be made to the system manager. Such notification must include the candidate's name and bank district.

Record access procedures: Persons wishing to have access to their records or to have such records changed (including modification, addition and deletion) shall notify the system manager, furnishing the information required under "Notification", plus a statement of desired access or change and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Potential candidate; letters of reference for appointed director; memoranda.

FHLBB—10

System name: Depositors/Account Holders in Defaulted Associations

System location: See "System Manager".

Categories of individuals covered by the system: Every individual with an account in a defaulted association.

Categories of records in the system: Information pertaining to the account of an individual, including the type of account, account balance, rate of return and interest earned, insurance payment, and other information relating to savings accounts.

Authority for maintenance of the system: 402, 405 of the National Housing Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information contained in this record system may be disclosed: (1) In connection with settlement of insurance claims against defaulted institutions insured by the Federal Savings and Loan Insurance Corporation, to representatives of the Corporation (including a private contractor assisting in insurance settlement activities by providing needed data processing or other services); (2) For credit checks (consistent with the Fair Credit Reporting Act) by individuals, firms, or agencies wishing to verify an individual's financial standing; (3) In the event that a system of records maintained by the Federal Savings and Loan Insurance Corporation to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, or local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; and (4) To Federal, State and local authorities, if necessary for assessment, computation, and collection of Federal, State, and local taxes in accordance with established procedures. (5) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in lockable containers and on magnetic tape or other retrieval devices for use in computer systems.

Retrievability: Records are filed by a combination of name and account number.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: Retain in office 10 years after payment of last claimed account, then destroy.

System manager(s) and address:

Receivership Agent
Midwestern Office Receiverships
Federal Savings and Loan Insurance Corporation
10001 West Roosevelt Boulevard
Westchester, Illinois 60153

Insurance Settlement Office
Federal Savings and Loan Insurance Corporation

10001 West Roosevelt Boulevard 60153
Westchester, Illinois 60153

Manager, Scottsdale Office
Federal Savings and Loan Insurance Corporation
6370 North Scottsdale Road
Scottsdale, Arizona 85252

Receivership Manager
Northwest Guaranty Receivership
Federal Savings and Loan Insurance Corporation
1100 Tower Building
Seattle, Washington 98101

Notification procedure: Inquiries concerning records shall be made to the applicable system manager, furnishing name of the individual, name of institution where account was held, account number, and the name of the record system.

Record access procedures: Persons wishing to have access to their records or to have such records changed (including modification, addition, and deletion) shall notify the appropriate system manager. Such notification shall include the information required under "Notification", plus a statement setting forth the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Defaulted association records, the individual whose record is maintained, and the Federal Savings and Loan Insurance Corporation, its agents and contractors.

FHLBB—11

System name: Biographical File of Federal Home Loan Bank Directors

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Categories of individuals covered by the system: Current Federal Home Loan Bank Directors.

Categories of records in the system: Resumes.

Authority for maintenance of the system: 12 U.S.C. 1427.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To determine that directors are qualified and that appointed directors have no conflicts of interest; (2) Users are members of the Federal Home Loan Bank Board, presidents of the Federal Home Loan Banks, the director of the Office of the Federal Home Loan Banks, and, upon request, the public. (3) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are filed by name of individual.

Safeguards: No safeguards are needed, since these records are available for public distribution.

Retention and disposal: Permanent. Transfer to Federal Records Center upon retirement or separation of individual. Offer to National Archives 5 year from date of transfer.

System manager(s) and address: Administrative Assistant (Elections), Office of the Federal Home Loan Banks. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager.

Record access procedures: Persons desiring access to the records shall notify the system manager. Individuals wishing to update their files shall furnish name, date of birth, and social security number.

Contesting record procedures: See "Access Procedures".

Record source categories: Federal Home Loan Bank directors and bank presidents.

FHLBB—12

System name: Payroll/Personnel

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Categories of individuals covered by the system: All current employees and all former employees whose employment terminated within the current calendar year.

Categories of records in the system: Information pertaining to (1) employee status, grade, salary, pay plan, hours worked, hours of leave taken and earned, hourly rate, gross pay, taxes, deductions, net pay, location, and payroll history; and (2) employee residence, office, social security number, and address.

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: (1) Information contained in these records is available for intra-agency use in determining current employment status of employees, history of payroll/personnel actions, bi-weekly gross pay, taxes, deductions, and net pay, total wages paid to date and deductions paid. (2) In the event that a system of records maintained by the board to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) A record from this system may be disclosed as a routine use to other Federal agencies and the Civil Service Commission if necessary for or incident to the payment of salaries and expenses incident to employment at the Federal Home Loan Bank Board or other Federal employment, or the vesting, computation, and payment of retirement or disability benefits. (4) A record from this system may be disclosed to Federal, State, and local authorities for reasons necessary and incident to the assessment, computation, and collection of Federal, State, and local taxes, in accordance with established procedures. (5) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in computer banks, on magnetic tape, and in file folders.

Retrievability: Records are filed by name or social security number.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: Computer records are retained until the end of the calendar year in which employment is terminated; magnetic tapes are retained for 1 additional calendar year. Records in file folders are retained for 6 years.

System manager(s) and address: Director, Information Systems Division. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. Inquiries must include name, date of birth, social security number, period of employment, and name of record system.

Record access procedures: Persons wishing to have access to the records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a statement of the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Personnel and financial records maintained by the agency.

FHLBB-13

System name: Office of Examinations and Supervision Training Records

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Categories of individuals covered by the system: All current home office and district employees of the Office of Examinations and Supervision.

Categories of records in the system: Listing of training history during board tenure and routine personal data, including educational and general background information.

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: (1) To maintain intra-office information regarding levels of training and education achieved, in order to determine future training needs and to keep accounts of training budget expenditures and staff days spent in training programs. (2) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in locked filing cabinets.

Retrievability: Records are filed by district and name of individuals.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: Destroy 30 days after termination of employment.

System manager(s) and address: Training Coordinator, Office of Examinations and Supervision. See "Location" for address.

Notification procedure: Inquiries concerning the records must be made to the system manager. Inquiries must include name, social security number, date of birth, period of employment, name of record system, and Office of Examinations and Supervision Office location where last employed.

Record access procedures: Persons wishing to have access to their records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a statement of the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Individual whose record is maintained, Office of Examinations and Supervision Training Personnel, Training Requests, and Office of Examinations and Supervision Employee Summary Files.

FHLBB-14

System name: Asset Management System

System location: See "System Manager".

Categories of individuals covered by the system: Individuals having loans with defaulted associations, employees of such associations, agents who manage property owned by or under the control of the Federal Savings and Loan Insurance Corporation, and persons who rent such property.

Categories of records in the system: Records of loans including applications, title insurance policies, financial statements, credit checks, income tax returns, notes, deeds of trust, insurance policies, appraisals, loan settlement statements, disclosures under Fair Credit Reporting Act and regulation Z of the Board of Governors of the Federal Reserve, collection letters, correspondence and memoranda relating to the loan or property in question; records of rentals of FSLIC-owned or managed property, including tenant lists, rental schedules, security deposit information, amounts in arrears, evictions, rental judgments and other related information.

Authority for maintenance of the system: Section 406 of the National Housing Act, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Records maintained in this system are used by Federal Savings and Loan Insurance Corporation personnel and its representatives in connection with management of assets of defaulted associations and are made available in conformance with the Fair Credit Reporting Act to management agents for the Federal Savings and Loan Insurance Corporation, credit inquirers, and attorneys. (2) In the event that a system of records maintained by the Federal Savings and Loan Insurance Corporation to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local,

or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (3) A record from this system may be disclosed as a routine use to Federal, State, and local authorities if necessary and incident to the assessment, computation, and collection of Federal, State, and local taxes in accordance with established procedures, or to the verification of an applicant's need for welfare benefits. (4) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in locked file cabinets.

Retrievability: Records are filed by name of individual.

Safeguards: Access is limited to persons whose duties require such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: Records relating to loans are maintained for 10 years after repayment of the loan. Records relating to rental property are retained for 5 years. Records pertaining to sales of real estate are retained for 5 years after cash sale or 10 years after sale of properties financed by the Federal Savings and Loan Insurance Corporation.

System manager(s) and address:

Receivership Agent
Midwestern receiverships
Federal Savings and Loan Insurance Corporation
10001 West Roosevelt Boulevard
Westchester, Illinois 60153

Manager, Midwestern Office
Federal Savings and Loan Insurance Corporation
10001 West Roosevelt Boulevard
Westchester, Illinois 60153

Manager, Scottsdale Office
Federal Savings and Loan Insurance Corporation
6370 North Scottsdale Road
Scottsdale, Arizona 85252

Receivership Manager
Northwest Guaranty Receivership
Federal Savings and Loan Insurance Corporation
1100 Tower Building
Seattle, Washington 98101

Western Office Manager
Federal Savings and Loan Insurance Corporation
900 Wilshire Boulevard, Suite 840
Los Angeles, California 90017

Notification procedure: Inquiries concerning records shall be made to the appropriate system manager. Notification must include name of individual, name of defaulted association, and, where appropriate, account or loan number, property rented and period rented, association where employed, period of employment, and employment capacity.

Record access procedures: Persons wishing to have access to the records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a statement of the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Defaulted Savings and Loan Associations; individuals whose records are maintained; credit bureaus; Federal Savings and Loan Insurance Corporation reports; Internal Revenue Service and other taxing authorities; title insurance companies; county officials, such as recorders; and individuals' employers, banks, and savings and loan associations.

FHLBB-15

System name: Discrimination Complaint System

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Categories of individuals covered by the system: Any current or former agency employee or applicant who files a formal complaint of discrimination based on race, color, religion, sex, or national origin, or age.

Categories of records in the system: Formal complaints, equal employment opportunity counselors' reports, investigative files, official proposals for resolution, hearing examiners' files, Civil Service Commission appeal files, civil actions (with attendant documentation).

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101; E.O. 11246.d.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Records maintained in this system are used to provide documentation of complaint procedures for both administrative and legal purposes; they are made available to the Equal Employment Opportunity officer and Equal Employment Opportunity staff, the parties involved in the complaint procedure and the Civil Service Commission. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (3) A record from this system may be disclosed to other Federal agencies for uses incident to employment of an individual by the Federal government. (4) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are filed by name of individual.

Safeguards: Access is limited to personnel who have a need to know the information in the record for a job-related purpose, and may be gained only through the director of Equal Employment Opportunity or the Equal Employment Opportunity officer.

Retention and disposal: Destroy 4 years after final adjustment for cases resolved within the agency. Transfer other cases to Civil Service Commission.

System manager(s) and address: Equal Employment Opportunity Officer. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. Inquiries must include name, social security number, date of birth, period of employment and office of employment (including location), and name of record system.

Record access procedures: Persons wishing to have access to the records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a statement of the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Equal Employment Opportunity Officer, Personnel Investigations, the complainant.

FHLBB-16

System name: Upward Mobility Program (Career Development)

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Categories of individuals covered by the system: Any employee currently participating in the career development program, as well as any employee who participated in the program within a preceding 30-day period.

Categories of records in the system: Copies of report of quarterly counseling between participants and supervisors, and final reports upon completion of the program.

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: (1) Records maintained

in this system are used to monitor progress of a participant's training and to monitor effectiveness of the upward mobility program. Users are personnel management division, equal employment opportunity task force, and participant's supervisor. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (3) A record from this system may be disclosed to other Federal agencies for reasons necessary and incident to employment by the Federal government. (4) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are filed by name of individual.

Safeguards: Access is limited to persons whose duties require such access, and who have a need to know the information in a record for a particular job-related purpose; it may be gained only through the equal employment opportunity officer.

Retention and disposal: Destroy 30 days after employee completes or terminates the program.

System manager(s) and address: Equal Employment Opportunity officer. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. Inquiries must include name, social security number, period of employment, position filled while in the program, extent of participation in the program, and name of record system.

Record access procedures: Persons wishing to have access to the records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a statement setting forth the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: The employee whose record is maintained and the employee's supervisor.

FHLBB-17

System name: Payroll

System location: See "System Manager".

Categories of individuals covered by the system: All present employees of the Federal Home Loan Bank Board, the Federal Savings and Loan Insurance Corporation (FSLIC), and persons whose employment with the board, the corporation, or an FSLIC receivership has been terminated less than three years.

Categories of records in the system: Personnel actions (SF50), State employees' withholding exemption certificates, Federal employees' withholding allowance certificates (W4), bond allotment file (SF1192), Federal Employees' Group Life Insurance (SF 2810 & 2811), savings allotment-financial institutions, address file (FHLBB form 108), union dues allotment, time and attendance reports, and individual retirement records (SF 2806); similar information is required for receivership employees.

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: (1) Information contained in records in this system is provided to payroll clerks, technicians and payroll supervisors for preparation of payroll and necessary related reports and to maintain proper records of salary changes for determining retirement benefits. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issues pursuant thereto, the relevant records in the system

of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (3) A record from this system may be disclosed to Federal, State, and local authorities for reasons necessary and incident to the assessment, computation, and collection of Federal, State, and local taxes, in accordance with established procedures. (4) A record from this system may be disclosed as a routine use to other Federal agencies for reasons necessary for the payment of salaries and expenses incident to employment at the Federal Home Loan Bank Board. (5) A record from this system may be disclosed as a routine use to other Federal agencies for reasons necessary for the vesting computation and payment of any retirement or disability benefits. (6) A record from this system may also be disclosed to other Federal agencies for all reasons necessary and incident to employment by the Federal government. (7) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders in locked file cabinets.

Retrievability: Records are filed by office and by name of individual.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: Records are retained at the agency for 3 years after termination of employment and are then transferred to the Federal personnel records center in St. Louis, Missouri. They are destroyed 75 years after the birth of the employee. Receivership file records are retained for 3 years after dissolution of the receivership.

System manager(s) and address:

Director, Accounting and Fiscal Operations
Financial Management Division
Federal Home Loan Bank Board
320 First Street, N.W.
Washington, D.C. 20552

Receivership Agent
Midwestern Office Receiverships
10001 West Roosevelt Boulevard
Westchester, Illinois 60153

Manager, Scottsdale Office
Federal Savings and Loan Insurance Corporation
6370 North Scottsdale Road
Scottsdale, Arizona 85252

Receivership Manager
Northwest Guaranty Receivership
Federal Savings and Loan Insurance Corporation
1100 Tower Building
Seattle, Washington 98101

Western Office Manager
Federal Savings and Loan Insurance Corporation
900 Wilshire Boulevard, Suite 840
Los Angeles, California 90017

Notification procedure: Inquiries concerning the records shall be made to the appropriate system manager. Inquiries must include name, social security number, period and office of employment, date of birth, and name of record system.

Record access procedures: Persons wishing to have access to their records or to have such records changed (including modification, addition, and deletion), shall notify the appropriate system manager. Such notification shall include the information required to be furnished under "Notification," plus a statement of the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: The individual whose record is maintained, the Board's personnel office, and the Financial Management

division; and, with regard to FSLIC receiverships, officials of the receivership.

FHLBB-18

System name: Travel Records

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Categories of individuals covered by the system: All current employees of the Federal Home Loan Bank Board and Federal Savings and Loan Insurance Corporation and all former employees whose employment has been terminated less than 4 years, who travel or have traveled on official government business at government expense.

Categories of records in the system: One copy of all travel vouchers submitted for reimbursement of travel-related expenses incurred on official government business for the board or FSLIC, and other records or memoranda relating to travel advances and repayment.

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: (1) To provide data for determining proper payment of each voucher submitted, and prompt repayment of travel advances to ensure that legal advance balances are maintained and that unused travel advances are repaid before termination of employment. The records are maintained as a part of the accounting records of the certifying officer of the Board. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, or foreign charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (3) A record from this system may be disclosed as a routine use to other Federal agencies for reasons necessary for the payment of salaries and expenses incident to employment at the Federal Home Loan Bank Board. (4) A record from this system may be disclosed as a routine use to Federal, State, and local authorities if necessary for assessment, computation, and collection of Federal, State, and local taxes in accordance with recognized procedures. (5) A record from this system may be disclosed as a routine use to other Federal agencies if necessary to determine the propriety of the travel expense. (6) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders in lockable file cabinets.

Retrievability: Records are filed by office by name of individual.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose, and application must be made to the Director of Accounting and Fiscal Operations.

Retention and disposal: Transfer to inactive file at end of second fiscal year. Destroy 3 years after transfer.

System manager(s) and address: Director of Accounting and Fiscal Operations, Financial Management Division. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. Inquiries must include name, social security number, office of employment, and name of record system.

Record access procedures: Persons wishing to have access to the records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification," plus a statement of the desired access or change and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Employees whose records are maintained.

FHLBB-19

System name: Employee Relations File

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Categories of individuals covered by the system: Individual employees against whom allegations have been made.

Categories of records in the system: (1) Records of supporting materials that document adverse actions, complaints, other actions and appeals.

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: Records maintained in the system are used to review status and history of each action; users are the employee relations specialist and, where appropriate, the Civil Service Commission. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in this system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (3) A record from this system may also be disclosed as a routine use to other Federal agencies for reasons necessary and incident to employment by the Federal government. (4) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in locked filing cabinets in file folders.

Retrievability: Records are filed by name of individual.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose; access may be gained only through the employee relations officer.

Retention and disposal: Destroy 4 years after final adjustment for cases resolved within the agency. Transfer other cases to Civil Service Commission.

System manager(s) and address: Employee Relations Officer, Personnel Management Division. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. Inquiries must include name, social security number, date of birth, office of employment of the person making the inquiry, and name of the record system.

Record access procedures: Persons wishing to have access to the records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such modification shall include the information required to be furnished under "notification," the desired access or changes, and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: The individual whose record is maintained, the personnel management division liaison, the individual's supervisor, complainants, and any officials involved in settlement of the complaint.

FHLBB-20

System name: Employee Locator File

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552

Categories of individuals covered by the system: All present employees of the FHLBB and persons whose employment has been terminated for less than 6 months.

Categories of records in the system: Employee's name, present address, telephone number, and the name, address, and telephone number of another person to notify in case of emergency.

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: (1) Used to verify address of employee on employment forms. (2) To contact designated persons in cases of emergency. (3) To verify addresses of field employees for mailing vacancy announcements. (4) Users are personnel liaison for each Office of the Board, and Personnel Management Division employees. (5) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on index cards.

Retrievability: Records are filed by name of individual.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know information in a record for a particular job-related purpose.

Retention and disposal: Destroy or transfer to another agency upon termination of employment.

System manager(s) and address: Chief, Processing and Records Section, Personnel Management Division. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. Inquiries must include name and address of inquirer and name of record system.

Record access procedures: Persons wishing to have access to the records or to have such records changed or updated (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a statement of the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: The individual whose record is being maintained.

FHLBB-21

System name: Statements of Employment and Financial Interests.

System location: Federal Home Loan Bank Board, 320 First Street, N.W., Washington, D.C. 20552.

Categories of individuals covered by the system: Employees of the Board classified at GS-13 or above, or at a comparable pay level, who are specified under part 511 of chapter V—FHLBB Rules and Regulations and Special Government Employees (12 CFR part 511).

Categories of records in the system: Copies of forms recording employment and financial interests.

Authority for maintenance of the system: 5 U.S.C. 301, 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: (1) Materials contained in records in the system are reviewed by the Office of the General Counsel and/or the Board to determine whether there are any conflicts of interest or other violations of law. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto. (3) A record from the system may be disclosed as a routine use to other Federal agencies for reasons necessary and incident to employment by the Federal government. (4) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders in lockable cabinets.

Retrievability: Records are filed by office by name of individual.

Safeguards: Access is limited to persons authorized under section 511.73535 of the General Regulations of the Board who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: Destroy 2 years after employee leaves a position in which a statement is required or 2 years after the employee leaves the agency, whichever is earlier.

System manager(s) and address: Director of Personnel. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. Inquiries must include name, social security number, office of employment, and name of record system.

Record access procedures: Persons wishing to have access to their records or to have such records changed or updated (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a brief resume or description of the information thought to be included in the record, a statement setting forth the desired access or changes, and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Information submitted by individual whose record is maintained.

FHLBB-22

System name: "Form 587" File—Training Request, Authorization, Notice of Completion of Training.

System location: Federal Home Loan Bank Board, 320 First Street, N.W., Washington, D.C. 20552.

Categories of individuals covered by the system: Employees requesting and completing training.

Categories of records in the system: Employee's name, social security number, date of birth, title, grade, office and division; course dates, course sponsor and address, course location, actual hours in class, on or off duty hours, course title; principal purpose of training, type of training, cost of training, budget source, budget type; signatures of employee supervisor, office director, director of personnel.

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: (1) To notify personnel management of completion of training. (2) To keep a record of all training in the employee's official personnel file. (3) To authorize payment for training by special services and financial management division. (4) User is Personnel Management Division. (5) Information from this file is also provided to the Civil Service Commission for use with the central personnel data file. (6) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders in filing cabinets.

Retrievability: Records are filed by name of individual.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know information contained in a record for a particular job-related purpose, as determined by the Personnel Management Division prior to permitting review of such records.

Retention and disposal: Transfer to inactive at end of each fiscal year. Destroy 1 year after transfer.

System manager(s) and address: Chief, Career Development Branch, Personnel Management Division. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. Inquiries must include name, social security number, date of birth, office of employment, and name of record system.

Record access procedures: Persons wishing to have access to their records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under

"Notification", plus a statement of the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: The employee whose file is maintained, the employee's supervisor, and the personnel management division.

FHLBB—23

Reserved.

FHLBB—24

System name: Assignment History of Examiners.

System location: See "System Manager".

Categories of individuals covered by the system: Current staff of examiners.

Categories of records in the system: History of assignments of each examiner, including name of association, size, whether the individual was the examiner-in-charge or an assistant examiner, number of days, and number of persons on the assignment.

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: (1) Work history of examiners is available to assist in the determination of future personnel actions. (2) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders or in a Kardex file.

Retrievability: Records are filed by name of individual.

Safeguards: Unnecessary because records are made available to all personnel assigned to office.

Retention and disposal: Records are retained for 6 months after termination of employment.

System manager(s) and address:

Assistant District Director—Administration
Office of Examinations and Supervision
Federal Home Loan Bank Board
One World Trade Center, Floor 103
New York, New York 10048

Financial Reports Review Clerk
Office of Examinations and Supervision
Federal Home Loan Bank Board
2400 Dubois Tower
511 Walnut Street
Cincinnati, Ohio 45202

District Director—Examinations
Office of Examinations and Supervision
Federal Home Loan Bank Board
600 Stewart Street, Suite 610
Seattle, Washington 98101

Assistant District Director
Office of Examinations and Supervision
Federal Home Loan Bank Board
600 California Street
San Francisco, California 94108

Notification procedure: Inquiries concerning the records shall be made to the system manager. Inquiries must include name, social security number, office of employment (including field location), and name of record system.

Record access procedures: Persons wishing to have access to their records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a statement of the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Assignment records.

FHLBB—25

System name: Office of the Secretary, Card Files

System location: Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552.

Categories of individuals covered by the system: Board members, officers and employees of the board; directors, officers and counsel of Federal Home Loan Banks; agents of the board; members of Federal Savings and Loan Advisory Council.

Categories of records in the system: Index to individuals referred to in board resolutions and minute entries with regard to assignments, appointments, delegations, travel authorizations, resignations, reassignments, salaries as to those persons not under Civil Service schedules, and other board actions.

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: (1) In addition to intra-agency use, the records in this system may be released upon request to such other Federal, State, and local agencies and authorities which have an interest in establishing the authority, rights, and duties of the above listed individuals. (2) In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto. (3) A record from this system may be disclosed as a routine use to other Federal agencies for reasons necessary and incident to employment by the Federal government. (4) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in a card index file.

Retrievability: Records are filed by name of individual.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: The records are maintained permanently and periodically microfilmed for permanent safekeeping.

System manager(s) and address: Secretary to the Board. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. Inquiries must include name, social security number, period and office of employment, and name of record system.

Record access procedures: Persons wishing to have access to their records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a statement setting forth the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Resolutions and minutes of the board and orders of the chairman of the board.

FHLBB—26

System name: Prospective Organizer of Federal Savings and Loan Association File

System location: Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552.

Categories of individuals covered by the system: Principal individual on an application to organize a Federal Savings and Loan Association.

Categories of records in the system: Nonconfidential and confidential biographical and financial data forms submitted by the individual, credit checks, and FBI reports.

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: (1) Intra-agency use as to confidential data. (2) The nonconfidential biographical and financial data forms are publicly available under 5 U.S.C. 552. (3) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are indexed in a card file. The files are maintained in a secured docket file area or locked file cabinets.

Retrievability: Records are filed by name of individual.

Safeguards: Access to confidential data is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: The card file and applications are retained permanently in the case of successful applicants. Files of applicants who are approved but who fail to obtain charters are retained for 10 years. Unsuccessful applicants' files, except in extraordinary cases, are retained for 5 years.

System manager(s) and address: Secretary to the Board. See "Location" for address. Director, Office of Housing and Urban Affairs. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. Inquiries must include name, social security number, birth date, name and location of prospective association, and name of record system.

Record access procedures: Persons wishing to have access to their records or to have such records changed (including modification, addition, and deletion) shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a statement of the desired access or changes and the reasons for such changes. Access to FBI reports must be requested from that agency.

Contesting record procedures: See "Access Procedures".

Record source categories: The individual whose report is maintained, credit reporting agencies, and FBI reports.

FHLBB-27

System name: Suspensions File

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Categories of individuals covered by the system: Officers and directors of federally chartered savings and loan associations and State-chartered insured institutions.

Categories of records in the system: Official actions of the board and documentation considered by the board in suspending individuals from performance of functions at insured institutions pending the outcome of (1) formal removal procedures under section 407 of the National Housing Act, or (2) criminal proceedings against the individual.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101; section 407 of the National Housing Act; section 5(d) of the Home Owner's Loan Act of 1933, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Release of the board action to the individual who is the subject of suspension proceedings, the institution with which he is associated, and the appropriate Regional Federal Home Loan Bank; in some cases notices of suspension following an indictment are publicly released. (2) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are indexed in a card file.

Retrievability: Records are filed by name of individual.

Safeguards: Access to notices of suspension which are not publicly released is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: The files are retained permanently.

System manager(s) and address: Secretary to the Board. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the system manager. The notification shall contain sufficient information to establish the identity of the individual involved, including name, institutional association, and approximate date of board action.

Record access procedures: Persons wishing to have access to the records shall notify the system manager. Such notification shall include the information required to be furnished under "Notification", plus a statement of the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Official actions of the board.

FHLBB-28

System name: Removal and Prohibitions File

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Categories of individuals covered by the system: Officers and directors of federally chartered savings and loan associations and State-chartered insured institutions.

Categories of records in the system: Resolutions and orders of the board and documentation considered by the board in removing individuals from positions with insured institutions and prohibiting their future activity in the affairs of said institutions.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101; section 407 of the National Housing Act; section 5(D) of the Home Owners' Loan Act of 1933, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Release of the board action to the individual who is the subject of the proceedings, the insured institution with which he was associated, and the regional Federal Home Loan Banks. (2) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are indexed in a card file.

Retrievability: Records are filed by name of individual.

Safeguards: Access is limited to personnel whose official duties require such access and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: The files are retained permanently.

System manager(s) and address: Secretary to the Board. See "Location" for address. Director, Compliance Division, Office of the General Counsel. See "Location" for address.

Notification procedure: Inquiries concerning the records shall be made to the Secretary to the board. The notification shall contain sufficient information to establish the identity of the individual involved in the proceedings, including institutional association, and approximate date of Board action.

Record access procedures: Persons wishing to have access to their records or to have such records changed (including modification, addition, and deletion) shall notify the Secretary to the Board. Such notification shall include the information required to be furnished under "Notification," plus a statement of the desired access or changes and the reasons for such changes.

Contesting record procedures: See "Access Procedures".

Record source categories: Board resolutions and minute entries.

FHLBB-29

System name: Investigatory Records Copy File

System location: Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552.

Categories of individuals covered by the system: Persons under investigation by the Federal Bureau of Investigation.

Categories of records in the system: FBI investigative reports.

Authority for maintenance of the system: 5 U.S.C. 301, 44 U.S.C. 3101; section 5(d) of the Home Owners' Loan Act of 1933, as amended; and section 407(m) of the National Housing Act, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Internal use by personnel engaged in supervisory or enforcement capacity; no distribution outside agency except to supervisory agents of the board at the Federal Home Loan Banks. (2) Disclosure of information may be made to a congressional office from the record of an individual, in response to an inquiry from that office made at the request of the individual, if such information would be available directly to the individual upon request.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in locked files.

Retrievability: Records are filed by name of individual.

Safeguards: Access is limited to personnel engaged in supervisory or enforcement activity whose official duties require such access

and who have a need to know the information in a record for a particular job-related purpose.

Retention and disposal: Records are destroyed 5 years after receipt of the reports unless agency personnel engaged in enforcement activity have continuing interest in the investigation.

System manager(s) and address: Director of the Compliance Division, Office of the General Counsel. See "Location" for address.

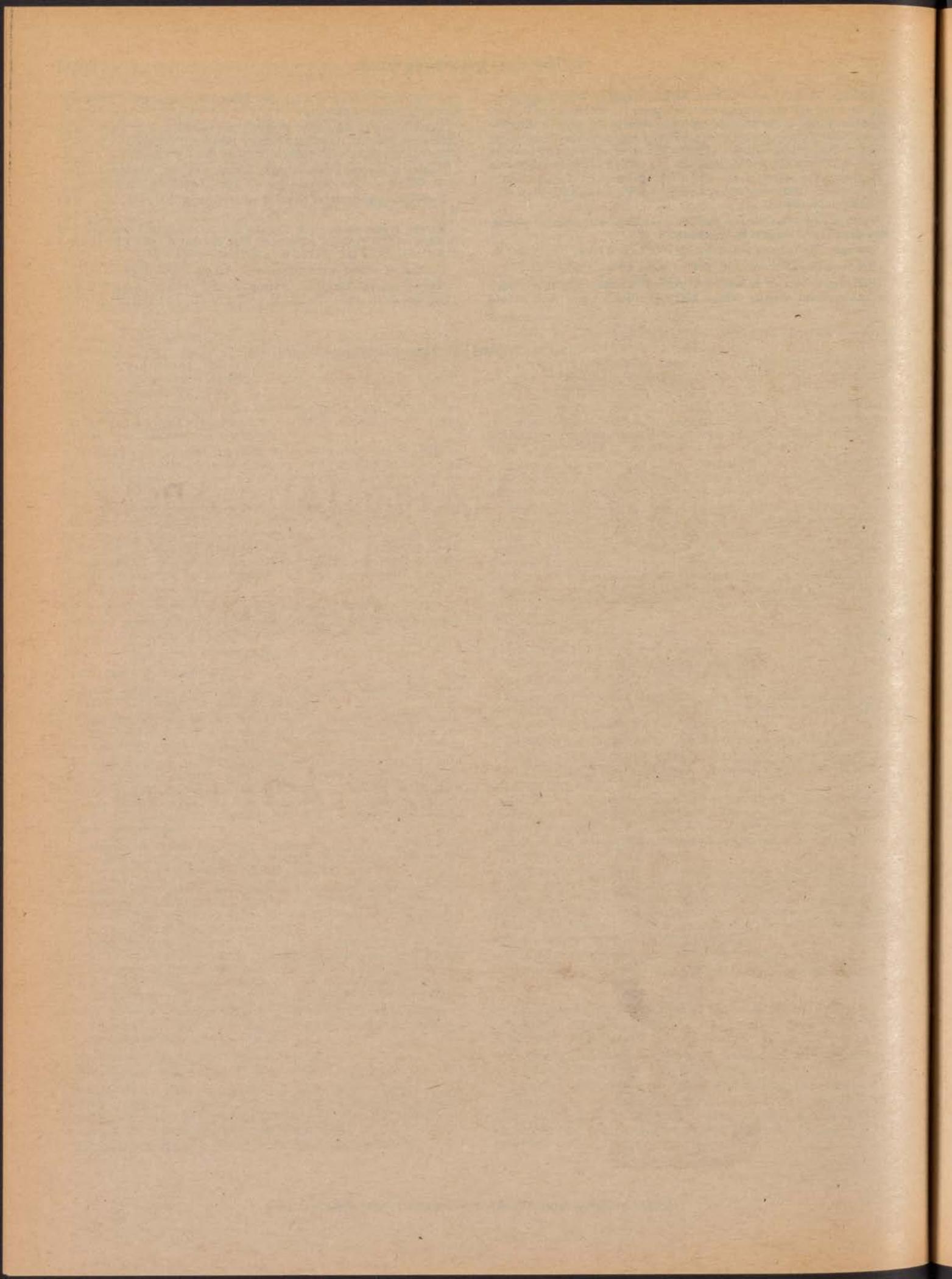
Notification procedure: Exempt system under 5 U.S.C. 552A (j) or (k).

Record access procedures: Request for access to and correction of records in this system, which are files exempt by the FBI under 5 U.S.C. 552 (j) or (k), should be addressed to the FBI.

Contesting record procedures: See "Access Procedures."

Record source categories: Exempt record system under 5 U.S.C. 552(j) or (k).

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federal register

TUESDAY, SEPTEMBER 14, 1976



PART IV:

NATIONAL LABOR RELATIONS BOARD

■
PRIVACY ACT OF 1974

Systems of Records

**NATIONAL LABOR RELATIONS BOARD
PRIVACY ACT OF 1974
Notices of Systems of Records**

Pursuant to the provisions of section (e)(4) of the Privacy Act of 1974, 5 U.S.C. Sec. 552a(e)(4), the National Labor Relations Board publishes the accompanying notices of systems of records maintained by it.

All persons who desire to submit written comment, views, or argument for consideration by the Board in connection with the descriptions of the routine uses of these systems of records should file 10 copies of the same, on or before October 14, 1976, with the Executive Secretary, National Labor Relations Board, Washington, D.C. 20570. Copies of such communications will be available for examination by interested persons during normal business hours in the Office of the Executive Secretary of the Board, Room 701, 1717 Pennsylvania Avenue N.W., Washington, D.C.

In view of the nature of the notices of systems of records and the relatively minor and pro forma changes made by the notices published herewith in those previously published and presently in effect for this Agency, all persons are advised that in the absence of written comment, or of comment, views or argument not viewed by the Board as warranting modification of the notices of systems of records as herewith published, it is the intention of the Board that these notices as here published shall be effective upon expiration of the comment period without further action by this Agency, and without republication or additional notice of adoption. Only in the event that submitted comment, views or argument cause the Board to modify the notice of systems of records, as here published, will an additional publication be placed in the Federal Register concerning the adoption of these notices and the routine uses of these systems of records as set forth therein.

Dated, Washington D.C., August 18, 1976

By direction of the Board.

Robert Volger,
Acting Executive Secretary.

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NLRB—1

System name: Accounting Records—Financial.

System location: Current records are maintained in:

Financial Management Branch, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Each Washington and Field Office is authorized to maintain copies of records relating to reimbursements to employees of that office and other individuals covered within system. See the attached appendix for addresses of these offices. Inactive records are stored at the appropriate Federal records center in accordance with Federal Property Management Regulations of the U.S. General Services Administration (FPMR 101-11.4).

Categories of individuals covered by the system: Individuals reimbursed for expenses in connection with the official functions of the NLRB; i.e., travel on official business, witness fees and transportation expenses, and miscellaneous expenses.

Categories of records in the system: Contains name; home or office address; organizational unit number; purpose, duration, and cost for travel assignments of Agency employees; purpose, duration, points of travel, and cost for witnesses used by the Agency; purpose, category, and cost of miscellaneous expenses incurred by agency employees.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:
 - a. In the processing of claims for reimbursements.
 - b. 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.
2. To respond to general requests for statistical information (without personal identification of individuals).
3. To individuals who need the information in connection with the processing of an appeal, grievance or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.
4. To the U.S. General Accounting Office for audit purposes or determination of validity of claims.
5. To the U.S. Department of Treasury for issuance of checks.
6. To the appropriate agency, whether Federal, state, or local, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.
7. To another agency, whether Federal, state, or local, or private organization where reimbursable arrangements exist between this Agency and such other agency or private organization.
8. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
9. To officials of Labor Organizations recognized under Executive Order 11491, as amended, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Order. Wherever feasible and consistent with responsibilities under the Order, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on original source documents except travel summary cards which are maintained on microfilm.

Retrievability: Chronologically by year, and within each year alphabetically by name.

Safeguards: Original source documents are maintained in file cabinets within the Finance Section office. Microfilm is maintained in a locked fireproof cabinet within the Services and Systems office. During duty hours cabinets are under surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel who have a need for access in order to perform their official functions.

Retention and disposal: Maintained and disposed of in accordance with U.S. General Accounting Office and U.S. General Service Administration retention regulations.

System manager(s) and address:

Finance Officer, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

See the attached appendix for the titles and addresses of officials at other locations responsible for this system at their locations.

Notification procedure:

1. Current NLRB employees inquiring whether this system contains records on them should direct such inquiries to their supervisors.
2. An individual other than a current NLRB employee inquiring whether this system contains a record on such individual should direct such inquiry to the "System Manager" specified above, or to the responsible official designated under "System Manager" as responsible for the system in the geographic area where the expense was incurred.

3. In determining whether this system contains records on the inquirer, the following information is required: the inquirer's name and the year about which inquiry is being made.

Access and contest:

1. An individual seeking to gain access to, or to contest, records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification."

2. In granting access to records in this system, the following information is required: the inquirer's name and the year about which inquiry is being made.

Record source categories: Travel vouchers, witness vouchers, and lodging and miscellaneous receipts submitted by the individual; travel orders submitted by Agency officials; subpoenas; claims for reimbursement; and miscellaneous correspondence and information related thereto.

NLRB—2

System name: Applicant Files for Attorney and Field Examiner Positions, General Counsel's Staff

System location:

Office of Executive Assistant to the Associate General Counsel, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Washington and Field Offices are authorized to maintain the records or copies of the records in connection with processing of applications for employment in the Agency. See the attached appendix for addresses of the Field Offices.

Categories of individuals covered by the system: Applicants for attorney or Field Examiner positions in offices under the General Counsel.

Categories of records in the system: Contains copies of employment applications, educational transcripts, resumes, employment interview reports, and other information relative to employment.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records or information therefrom are disclosed:

1. To Agency officials and employees who have a need for the records or information:

a. To process applications and evaluate applicants.

b. As a data source for management information for production of summary 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.

2. To respond to general requests for statistical information (without personal identification of individuals).

3. To individuals who need the information in connection with the processing of a grievance, appeal, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

4. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. To officials of labor organizations recognized under Executive Order 11491, as amended, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Order. Wherever feasible and consistent with responsibilities under the Order, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on paper including forms, letters, and memoranda.

Retrievability: Alphabetically by name.

Safeguards: Maintained in file cabinets. During duty hours cabinets are under surveillance of personnel charged with custody of the records and after duty hours are behind locked doors. Access to the cabinets is limited to personnel having a need for access to perform their official functions.

Retention and disposal: Retained for an indefinite period of time.

System manager(s) and address:

Executive Assistant to the Associate General Counsel
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Notification procedure: An individual inquiring whether this system contains a record on such individual should direct such inquiry to the System Manager specified above.

Access and contest: An individual seeking to gain access to, or to contest, records in this system pertaining to such individual should contact the System Manager specified above.

Record source categories: Applicants, educational institutions, interviewers, evaluators, references, previous employers.

NLRB—3

System name: Biographical Data File—Presidential Appointee

System location:

Division of Information, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Categories of records in the system: Contains biographical sketches; news releases; news articles on speeches and other newsmaking activities; photographs, and material incidental thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information in the performance of their duties.

2. To the public upon demonstrated interest.

3. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on original sources or related papers in file folders.

Retrievability: Alphabetically by name.

Safeguards: Maintained in file cabinets within the Division of Information offices. During duty hours, cabinets are under the surveillance of office personnel charged with custody of the records, and after duty hours are behind locked doors.

Retention and disposal: Permanently retained.

System manager(s) and address:

Director, Division of Information, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Notification procedure: An individual inquiring whether this system contains a record on such individual should direct such inquiry to the System Manager specified above.

Access and contest: An individual seeking to gain access to, or to contest, records in this system pertaining to such individual should contact the System Manager specified above.

Record source categories: Information in this system is submitted by the individual, written by Agency staff and approved by the individual, and obtained from general news sources.

NLRB—4

System name: Claim Records

System location:

Security and Safety Branch, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Categories of individuals covered by the system: Individuals filing claims under the Federal Tort Claims Act of 1946, the Military Personnel and Civilian Employer Claims Act of 1964 and claims filed under subpart 101-39.8 of the Federal Property Management Regulations.

Categories of records in the system: Contains reports of accidents or other events causing damage or loss; statements of witnesses; claims for damage or loss; investigations of claims, including doctors' reports, if any; records on disposition of claims; and information relative to the above.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:

a. In processing claims against this Agency.

b. 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.

2. To respond to general requests for statistical information (without personal identification of individuals).

3. To the U.S. Department of Justice for purpose of processing or adjudicating claims against the Agency.

4. To a court of competent jurisdiction for adjudicating claims.

5. To investigators utilized by the Agency to obtain information relevant to a claim against the Agency.

6. To the appropriate agency, whether Federal, state, or local, where there is an indication of violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

7. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

8. To individuals who have a need for the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

9. To officials of labor organizations recognized under Executive Order 11491, as amended, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Order. Wherever feasible and consistent with responsibilities under the Order, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on forms, documents, and other papers.

Retrievability: Alphabetically by name.

Safeguards: Maintained in file safe within the office of the Security and Safety Branch. File safe remains locked except during access to records. During duty hours, file safe is under the surveillance of personnel charged with the custody of the records, and after duty hours is behind locked doors. Combination is known only to designated members of Security and Safety staff. Access is limited to personnel who have a need for access to perform their official functions.

Retention and disposal: Retained indefinitely.

System manager(s) and address:

Chief, Security and Safety Branch, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Notification procedure: An individual inquiring whether this system contains records on such individual should direct such inquiries to the System Manager specified above.

Access and contest: An individual seeking to gain access to, or to contest, records in this system pertaining to such individual should contact the System Manager specified above.

Record source categories: Claimants, investigators, and witnesses.

NLRB—5

System name: Employment and Performance Appraisals, Attorneys and Field Examiners, General Counsel's Staff

System location:

Office of Executive Assistant to Associate General Counsel,
NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Each Washington and Field Office is authorized to maintain copies of these records for current and former NLRB employees of that office. See the attached appendix for addresses of the Field Offices.

Categories of individuals covered by the system: Current and former attorneys and Field Examiners in offices under the general supervision of the General Counsel.

Categories of records in the system: Contains copies of employment applications, educational transcripts, resumes, employment interview reports, evaluation reports, career development appraisals, recommendations concerning promotion, correspondence, memoranda, and other information relevant thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records or information therefrom are disclosed:

1. To Agency officials and employees who have a need for the records or information.

2. To individuals who have a need for the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

3. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. To officials of labor organizations recognized under Executive Order 11491, as amended, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Order. Wherever feasible and consistent with responsibilities under the Order, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on paper including forms, letters, and memoranda.

Retrievability: Alphabetically by name.

Safeguards: Maintained in file cabinets. During duty hours cabinets are under the surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel having a need for access to perform their official functions.

Retention and disposal: Retained for an indefinite period of time.

System manager(s) and address:

Executive Assistant to the Associate General Counsel
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

See the attached appendix for titles and addresses of officials at other locations responsible for this system at their locations.

Notification procedure:

1. Current NLRB employees inquiring whether this system contains records on such individuals should direct such inquiries to their supervisors.

2. An individual other than a current NLRB employee inquiring whether this system contains a record on such individual should direct such inquiry to the System Manager specified above, or to the responsible official designated under "System Manager" as responsible for the system in the office where the individual was formerly employed.

Access and contest: An individual seeking access to, or to contest, records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification."

Record source categories: The individual, educational institutions, interviewers, evaluators, references, previous employers, and supervisors.

NLRB—6

System name: Evaluations and Promotion Appraisals of Field Clericals

System location: Records are authorized to be maintained in all Regional, Subregional, and Resident Offices of the Agency at the addresses listed in the attached appendix.

Categories of individuals covered by the system: Current and former field clerical employees.

Categories of records in the system: These records consist of evaluations, memoranda, promotion appraisals, employee responses thereto, and other information relevant to the above.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records or information therefrom are disclosed:

1. To Agency officials and employees who have a need for the records or information to evaluate job performance, developmental needs, potential within the Agency, and readiness for promotion.

2. To individuals who have a need for the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

3. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. To officials of labor organizations recognized under Executive Order 11491, as amended, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Order. Wherever feasible and consistent with responsibilities under the Order, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on paper including forms, letters, and memoranda.

Retrievability: Alphabetically by name.

Safeguards: Maintained in file cabinets in Field Offices. During duty hours under surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access to the cabinets is limited to personnel having a need for access to perform their official functions.

Retention and disposal: Retained and disposed of in accordance with Federal Personnel Manual instructions.

System manager(s) and address: See the attached appendix for the titles and addresses of officials responsible for this system at their locations.

Notification procedure: An individual inquiring whether this system contains a record on such individual should direct such inquiry to the "System Manager" of the office where employed.

Access and contest: An individual seeking access to, or to contest, records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification."

Record source categories: Professional employees, office managers, and individual to whom the record pertains.

NLRB-7

System name: Grievances, Appeals, and Complaints Records

System location: Each Washington and Field Office is authorized to maintain copies of records in this system. See the attached appendix for addresses of Washington and Field Offices.

Categories of individuals covered by the system: Current and former NLRB employees

Categories of records in the system: These records consist of formal or informal grievances, appeals, and complaints, together with information and documents related thereto; letters or notices to the individual; records of hearings when conducted, materials placed in the file to support or contradict the decision or determination on such grievance, appeal, or complaint; affidavits or statements; testimonies of witnesses; investigative reports; and related correspondence and recommendations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records or information therefrom are disclosed:

1. To Agency officials and employees who have a need for the records or information.
2. To respond to general requests for statistical information (without personal identification of individuals).
3. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.
4. To respond to a subpoena and/or refer to an arbitrator or court of competent jurisdiction.
5. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
6. To officials of labor organizations recognized under Executive Order 11491, as amended, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Order. Wherever feasible and consistent with responsibilities under the Order, such information shall be furnished in depersonalized form, i.e., without personal identifiers.
7. To individuals who have a need for the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on forms, documents, letters, memoranda, and other similar papers.

Retrievability: Alphabetically by name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access until the records are required to be made public in support of an agency action or position. These records are maintained in file cabinets which during duty hours are under the surveillance of personnel charged

with custody of the records and after duty hours are behind locked doors.

Retention and disposal: Maintained for an indefinite period of time.

System manager(s) and address:

1. To those employees under supervision of the General Counsel—

Deputy General Counsel, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

2. To those employees under supervision of the Board—

Solicitor, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Notification procedure:

1. Inquiries from current NLRB employees on whether this system contains records on such individuals should be directed to their supervisors.

2. Inquiries from individuals other than current NLRB employees as to whether this system contains records on such individuals should be directed to the appropriate System Manager specified above.

Access and contest:

1. A current NLRB employee seeking to gain access to, or to contest, records in this system pertaining to such employee should contact his or her supervisor.

2. An individual other than a current NLRB employee seeking to gain access to, or to contest, records in this system pertaining to such individual should contact the appropriate System Manager specified above.

Record source categories: Information in this system is obtained from the individual to whom the record pertains; Agency officials; affidavits, statements, and record testimony of individuals; and other documents and memoranda relating to the appeal, grievance, or complaint.

NLRB-8

System name: Health Maintenance Program Records

System location:

Security and Safety Branch, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Categories of individuals covered by the system: Current and former NLRB employees participating in Agency sponsored health maintenance programs, such as blood donor program, diabetes tests, glaucoma tests, and similar programs.

Categories of records in the system: Contains individuals' names and dates of participation in health maintenance programs, and the name of program in which participated. Also, for blood donor program, contains social security number, sex, donor identification number, home address and telephone, date of last donation, medications being taken, blood type, whether accepted or rejected as donor, and information relevant to the above.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:
 - a. In the administration of voluntary health maintenance programs.
 - b. As a data source for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained (without personal identification of individuals).
2. To respond to general requests for statistical information (without personal identification of individuals).
3. To the International Red Cross insofar as the records or information pertain to the blood donor program.
4. To the U.S. Department of Health, Education, and Welfare insofar as the records or information pertain to public health service programs administered by that Department.
5. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on logs, forms, and other papers.

Retrievability: By program name and within each program alphabetically by name.

Safeguards: Maintained in file safe within the office of the Security and Safety Branch. File safe remains locked except during access to records. During duty hours, file safe is under the surveillance of personnel charged with the custody of the records, and after duty hours is behind locked doors. Combination is known only to designated members of Security and Safety staff. Access is limited to personnel who have a need for access to perform their official functions.

Retention and disposal: Retained indefinitely.

System manager(s) and address:

Chief, Security and Safety Branch, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Notification procedure:

1. An individual inquiring whether this system contains records on such individual should direct such inquiries to the System Manager specified above.

2. In determining whether this system contains records on the inquirer, the following information is required: the inquirer's name and the particular health maintenance program about which inquiry is being made.

Access and contest:

1. An individual seeking to gain access to, or to contest, records in this system pertaining to such individual should contact the System Manager specified above.

2. In granting access to records in this system, the following information is required: the inquirer's name and the particular health maintenance program about which inquiry is being made.

Record source categories: Information submitted by individual; officials of the servicing Health Units; International Red Cross.

NLRB—9

System name: Occupational Injury and Illness Records

System location:

Security and Safety Branch, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Each Washington and Field Office is authorized to maintain copies of records in this system. See the attached appendix for addresses of Field Offices.

Categories of individuals covered by the system: Current and former NLRB employees who have reported a work-related injury or illness.

Categories of records in the system: Contains records pertaining to the complete history of the employee's occupational injury or illness, including any doctors' or investigative reports submitted, and the disposition of claims for compensation filed under the Federal Employees Compensation Act and information relative thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:

a. In processing reports of occupational injury or illness and claims for compensation under the Federal Employees Compensation Act.

b. 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.

2. To respond to general requests for statistical information (without personal identification of individuals).

3. To the U.S. Department of Labor for purposes of adjudicating claims for compensation under the Federal Employees Compensation Act.

4. To the U.S. Department of Health, Education and Welfare in the administration of public health services programs.

5. To a court of competent jurisdiction for adjudicating claims arising under the Federal Employees Compensation Act.

6. To an investigator utilized by the Agency to obtain information relevant to a claim arising under the Federal Employees Compensation Act.

7. To the appropriate agency, whether Federal, state, or local, where there is an indication of a violation or potential violation of

law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

8. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

9. To officials of labor organizations recognized under Executive Order 11491, as amended, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Order. Wherever feasible and consistent with responsibilities under the Order, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

10. To individuals who need the information in connection with the processing of an appeal, grievance or complaint. Wherever feasible such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on forms and related correspondence.

Retrievability: Alphabetically by name.

Safeguards: Maintained in file safe within the Security and Safety Office. File safe remains locked except during access. During duty hours file safe is under the surveillance of personnel charged with the custody of the records, and after duty hours is behind locked doors. Combination is known only to designated members of Security and Safety staff. Access is limited to personnel who have a need for access to perform their official functions.

Retention and disposal: Retained indefinitely.

System manager(s) and address:

Chief, Security and Safety Branch, NLRB
1717 Pennsylvania Avenue N.W.
Washington, D.C. 20570

See the attached appendix for the titles and addresses of officials at other locations responsible for this system at their locations.

Notification procedure: An individual inquiring whether this system contains a record on such individual should direct such inquiry to the System Manager specified above.

Access and contest: An individual seeking to gain access to, or to contest, records in this system pertaining to such individual should contact the System Manager specified above.

Record source categories: Forms completed by the employee; witnesses; investigators; employee's supervisor; claims examiners of the U.S. Department of Labor; and doctors' statements, if any.

NLRB—10

System name: Pay Records—Retirement

System location:

Financial Management Branch, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Categories of individuals covered by the system: Current NLRB employees under the Civil Service Retirement System.

Categories of records in the system: Contains name; previous name if any; social security number; sex; birth date; entrance-on-duty date; employment history, including prolonged leave without pay; and monetary contributions to retirement fund made during employment, and information relevant thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:

a. To administer the Civil Service Retirement System within the Agency.

b. 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;

2. To respond to general requests for statistical information (without personal identification of individuals).

3. To the U.S. Civil Service Commission for administering the Civil Service Retirement System.

4. To the U.S. General Accounting Office for audit purposes.

5. To the appropriate agency, whether Federal, state, or local, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

6. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

7. To officials of labor organizations recognized under Executive Order 11491, as amended, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Order. Wherever feasible and consistent with responsibilities under the Order, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

8. To individuals who need the information in connection with the processing of an appeal, grievance or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on employment history cards and source documents.

Retrievability: By organizational unit and within each unit alphabetically by name.

Safeguards: Maintained in file cabinets within the Payroll and Reports Section office. During duty hours file cabinets are under surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel who have a need for access to perform their official functions.

Retention and disposal: Maintained only on current employees. Transferred to the U.S. Civil Service Commission upon termination of service with the Agency.

System manager(s) and address:

Finance Officer, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Notification procedure:

1. An individual inquiring whether this system contains a record on such individual should direct such inquiries to the System Manager designated above.

2. In determining whether this system contains records on the inquirer, the following information is required; the inquirer's name and the organizational unit in which currently employed.

Access and contest:

1. An individual seeking to gain access to, or to contest, records in this system pertaining to such individual should contact the System Manager, specified above.

2. In granting access to records in this system, the following information is required: the inquirer's name and the year about which inquiry is being made.

Record source categories: Personnel Office, timekeepers, and supervisors.

NLRB-11

System name: Payroll-Data Processing File

System location:

Data Systems Branch, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Categories of records in the system: Contains the name; home address; payroll identification number; organizational unit number; pay grade and step, annual salary, for the current pay period, hours worked, base pay, overtime pay, premium pay, and miscellaneous pay; and for the current pay period and year to date, gross earnings, net earnings, and all withholdings from pay including retirement, taxes (Federal, state, and local), FICA, and miscellaneous allotments and deductions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:

a. In providing data conversion services for the Agency.

b. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the functions for which the records are collected and maintained, or for related personnel management functions or manpower studies.

2. To respond to general requests for statistical information (without personal identification of individuals).

3. To the U.S. Department of Treasury for preparation and issuance of payroll checks.

4. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on punched data processing cards.

Retrievability: By employee payroll identification number in conjunction with organizational unit number or by social security number.

Safeguards: Maintained in card file containers within the office of the Operations Unit, Data Processing Section. During duty hours containers are under surveillance of office personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel who have a need for access to perform their official functions. Use of machine for information printouts from cards is restricted to designated personnel.

Retention and disposal: Retained and disposed of in accordance with Federal Property Management Regulations of U.S. General Services Administration (FPMR 101-11.4).

System manager(s) and address:

Chief, Data Systems Branch, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Notification procedure: An individual inquiring whether this system contains a record on such individual should direct such inquiry to the Finance Officer, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

Access and contest: An individual seeking to gain access to, or to contest, records in this system pertaining to such individual should contact the Finance Officer, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

Record source categories: Forms submitted by Financial Management Branch, NLRB.

NLRB-12

System name: Payroll—Finance Records

System location: Current records are maintained in:

Financial Management Branch, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Inactive records are stored at the appropriate Federal records center in accordance with Federal Property Management Regulations of the U.S. General Services Administration (FPMR 101-11.4).

Categories of individuals covered by the system: Current and former employees of the Agency.

Categories of records in the system: Contains name, home address, payroll identification number, organizational unit number, pay grade and step, annual salary, for the current pay period, hours worked, base pay overtime pay, premium pay, and miscellaneous pay, and for the current pay period and year to date, gross earnings, net earnings, and all withholdings from pay including retirement, taxes (Federal, state, and local), FICA, and miscellaneous allotments and deductions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:

a. To compile payroll records.

b. To maintain Agency salary and expense accounts.

c. 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.

d. To transfer information from the records to the individual to whom the record pertains.

2. To respond to general requests for statistical information (without personal identification of individuals).

3. To individuals who need the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

4. To the U.S. Department of the Treasury for payroll purposes.

5. To the U.S. Civil Service Commission concerning pay, benefits, retirement deductions and other information necessary for the Commission to carry out its Government-wide personnel management functions.

6. To state and local authorities for the purposes of verifying tax collections, unemployment compensation claims, and administering public assistance programs.

7. To the U.S. Department of Health, Education, and Welfare for the administration of the social security program.

8. To the U.S. Department of Labor for processing or adjudicating claims under the Federal Employees Compensation Act.

9. To the U.S. General Accounting Office for audit purposes.

10. To the appropriate agency, whether Federal, state, or local, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

11. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

12. To officials of labor organizations recognized under Executive Order 11491, as amended, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Order. Wherever feasible and consistent with responsibilities under the Order, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on original source documents except: employee earning ledgers maintained on magnetic strip cards and microfilm; employee net pay data maintained on punched cards.

Retrievability: Employee payroll file maintained chronologically by year, and within each year by organizational unit, and within each unit alphabetically by name.

Safeguards: Maintained in file cabinets, except microfilm is maintained in a locked fireproof metal cabinet. During duty hours cabinets are under surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel having a need for access to perform their official functions.

Retention and disposal: Payroll records retained and disposed of in accordance with the applicable General Accounting Office and General Services Administration retention schedules. Microfilm and magnetic strip ledgers are maintained for 56 years after the last entry of data.

System manager(s) and address:

Finance Officer, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Notification procedure:

1. An individual inquiring whether this system contains a record on such individual should direct such inquiry to the System Manager specified above.

2. In determining whether this system contains records on the inquirer, the following information is required: the inquirer's name; the year about which inquiry is being made; and, for records other than the payroll file, the organizational unit or units in which employed during that year.

Access and contest:

1. An individual seeking to gain access to, or to contest, records in this system pertaining to such individual should contact the System Manager specified above.

2. In granting access to records in this system, the following information is required: the inquirer's name; the year about which inquiry is being made; and for records other than the payroll file, the organizational unit or units in which employed during that year.

Record source categories: Documents submitted by the individual, the personnel office, timekeepers, and supervisors; U.S. Civil Service Commission bulletins; taxing authority notices; and withholding authorizations.

NLRB-13

System name: Performance Appraisals—Attorneys on Board Members' Staffs, and in the Office of Solicitor

System location:

Office of Executive Secretary, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Categories of individuals covered by the system: Currently employed attorneys on Board Members' staffs or in the Office of the Solicitor

Categories of records in the system: Contains forms completed by supervisors evaluating performance of subordinates, including narrative comments and recommendations on problems.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records or information therefrom are disclosed:

1. To Agency officials and employees who have a need for the records or information in the performance of their duties.

2. To individuals who have a need for the information in connections with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

3. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. To officials of labor organizations recognized under Executive Order 11491, as amended, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Order. Wherever feasible and consistent with responsibilities under the Order, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On performance appraisal forms.

Retrievability: Alphabetically by name.

Safeguards: Maintained in file cabinets in the Office of the Executive Secretary. During duty hours cabinets are under surveillance of personnel charged with custody of the records and after duty hours are behind locked doors. Access is limited to personnel having a need for access to perform their official functions.

Retention and disposal: Retained only while individual is employed on a Board Member's staff or in the Office of the Solicitor.

System manager(s) and address:

Deputy Executive Secretary, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Notification procedure: An individual inquiring whether this system contains a record on such individual should direct such inquiry to the "System Manager" specified above.

Access and contest: An individual seeking to gain access to, or to contest, records in this system pertaining to such individual should contact the "System Manager" specified above.

Record source categories: Supervisors.

NLRB-14

System name: Prefiling Communications

System location: Records are authorized to be maintained in all Field Offices of the Agency, at the addresses listed in the attached appendix, and Office of the General Counsel at 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

Categories of individuals covered by the system: Persons who have sought assistance regarding possible institution of an unfair labor practice, representation, or other civil action or proceeding before the National Labor Relations Board.

Categories of records in the system: These records, consisting of file memoranda detailing the substance of oral communications, letters of inquiry, and responses thereto, may contain information relating to an individual's employment history, job performance, earnings, home address, telephone number, union activity, or other information relevant to a potential action or proceeding before the National Labor Relations Board.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

1. These records or information therefrom are disclosed to Agency officials and employees who have a need for the records or information in the processing of cases before the Agency.

2. These records or information therefrom may be referred, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

3. Disclosures may also be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in paper form in file folders.

Retrievability: Alphabetically by name.

Safeguards: Maintained in file cabinets in the nonpublic area of the office under the immediate control of the System Manager. During duty hours cabinets are under surveillance of personnel charged with custody of the records and after duty hours are behind locked doors.

Retention and disposal: In the event a civil action or proceeding is instituted prior to the record being destroyed, the record is placed in the case file which is not indexed by the name of the individual. In the event no action or proceeding is instituted, the records are destroyed after varying periods of time; however, not longer than 2 years.

System manager(s) and address:

General Counsel, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

See the attached appendix for titles and addresses of officials responsible for this system at their locations.

Notification procedure: An individual inquiring whether this system contains a record on such individual should direct such inquiry to the General Counsel or to the appropriate Regional Director, Officer-in-Charge, or Resident Officer of the Agency office where the individual sought or was referred to for assistance, at the address of that office specified in the attached appendix.

Access and contest: An individual seeking to gain access to, or to contest, records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification."

Record source categories: Individual who seeks assistance.

NLRB-15

System name: Promotion Appraisals Washington—Clericals and Nonlegal Professionals.

System location:

Personnel Branch, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Categories of individuals covered by the system: Applicants for postings for nonlegal professional positions, clerical positions in Washington, and for field positions posted and/or evaluated in Washington, who meet the minimum standards for eligibility for the posted position.

Categories of records in the system: Contains appraisals, including narrative comments, on applicants' promotion potential for the posted positions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records or information therefrom are disclosed:

1. To Agency officials and employees who need the records or information to evaluate and select applicants for posted positions.
2. To individuals who have a need for the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.
3. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
4. To officials of Labor Organizations recognized under Executive Order 11491, as amended, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Order. Wherever feasible and consistent with responsibilities under the Order, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: On promotion appraisal forms, letters, or memoranda.

Retrievability: Alphabetically by name.

Safeguards: Maintained in file cabinet in Personnel Branch. During duty hours cabinets are under surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel having a need for access to perform their official functions.

Retention and disposal: Retained and disposed of in accordance with Federal Personnel Manual instructions.

System manager(s) and address:

Chief, Operations Section
Personnel Branch, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Notification procedure: An individual inquiring whether this system contains a record on such individual should direct such inquiry to the System Manager specified above.

Access and contest: An individual seeking to gain access to, or to contest, records in this system pertaining to such individual should contact the system Manager specified above.

Record source categories: Supervisors.

NLRB-16

System name: Time and Attendance Records, NLRB

System location: Current records are maintained in:

Financial Management Branch, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Each Washington and Field Office maintains a copy of time and attendance records for current employees in that office, and is authorized to retain such records on former employees of that office. See the attached appendix for addresses of these offices.

Inactive records are stored at the appropriate Federal records center in accordance with Federal Property Management Regulations of the U.S. General Services Administration (FPMR 101-11.4).

Categories of individuals covered by the system: Current and former employees of the Agency.

Categories of records in the system: Contains name; home address; organizational unit number; payroll identification number; entrance-on-duty date; time worked, including regular hours, overtime, compensatory time, and premium pay status; leave earned and used; absences without leave; and doctors' certificates, when required.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records or information therefrom are disclosed:

1. To Agency officials and employees who have a need for the records or information:
 - a. In the compilation of biweekly payrolls.
 - b. To maintain leave accounts.
 - c. 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.
2. To respond to general requests for statistical information (without personal identification of individuals).
3. To another Federal Government agency in connection with the transfer of an NLRB employee to that agency.
4. To the U.S. Civil Service Commission for administering the Civil Service Retirement System.
5. To the U.S. General Accounting Office for audit purposes.
6. To another Government agency or private organization in connection with an agreement under the Intergovernmental Personnel Act.
7. To the U.S. Department of Labor for processing or adjudicating claims under the Federal Employees Compensation Act.
8. To the appropriate agency, whether Federal, state, or local, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

9. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

10. To individuals who have a need for the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

11. To officials of labor organizations recognized under Executive Order 11491, as amended, where relevant and necessary to their duties of exclusive representation of NLRB employees under the Order. Wherever feasible and consistent with responsibilities under the Order, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on Standard Form 1130 and related forms and papers, and on microfilm.

Retrievability: Chronologically by year, and within each year by organizational unit, and within each unit alphabetically by name.

Safeguards: Original source documents or copies thereof are maintained in file cabinets. Microfilm is maintained in locked fireproof metal cabinet. During duty hours cabinets are under surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel having a need for access to perform their official functions.

Retention and disposal: Retained and disposed of in accordance with General Accounting Office and General Services Administration retention schedules. Original source documents are retained within the Agency for 3 years and then transferred to the appropriate Federal record center for the balance of the retention period. Microfilm records are maintained within the Agency for the full period specified in the appropriate retention schedule.

System manager(s) and address:

Finance Officer, NLRB
1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

See the attached appendix for the titles and addresses of officials at other locations responsible for this system at their locations.

Notification procedure:

1. Current NLRB employees inquiring whether this system contains records on such individuals should direct such inquiries to their supervisors.

2. An individual other than a current NLRB employee inquiring whether this system contains a record on such individual should direct such inquiry to the "System Manager" specified above, or official designated under "System Manager" as responsible for this system in the office where the individual was previously employed.

3. In determining whether this system contains records on the inquirer, the following information is required: year about which inquiry is being made, and inquirer's name and organizational unit or units in which employed during that year.

Access and Contest:

1. An individual seeking to gain access to, or to contest, records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification."

2. In granting access to records in this system, the following information is required: year about which inquiry is being made, and inquirer's name and organizational unit or units in which employed during that year.

Record source categories: Individual to whom the record pertains, timekeeper or supervisor, doctors' statements.

APPENDIX

Names and Addresses of NLRB Offices referenced in Notices of Record Systems shown above:

NLRB HEADQUARTERS OFFICES

Offices of the Board
Members of the Board
Solicitor
Director, Division of Information
Executive Secretary, Office of the Executive Secretary
Office of the General Counsel
General Counsel
Associate General Counsel, Division of Operations
Management

Associate General Counsel, Division of Advice
Associate General Counsel, Division of Enforcement Litigation
Director, Office of Appeals
Director, Division of Administration
Director, Equal Employment Opportunity
Address: 1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Chief Administrative Law Judge, Division of Administrative Law Judges

Address: 1231—25th Street, N.W.
Washington, D.C. 20037

West Coast Presiding Judge (San Francisco office) Division of Administrative Law Judges

Address: Suite 12054, Federal Building
450 Golden Gate Avenue, Box 36006
San Francisco, California 94102

NLRB FIELD OFFICES

Regional Director
National Labor Relations Board
Region 1
12th Floor, Keystone Building
99 High Street
Boston, Massachusetts 02110

Regional Director
National Labor Relations Board
Region 2
3614 Federal Building
26 Federal Plaza
New York, New York 10007

Regional Director
National Labor Relations Board
Region 3
901 Federal Building
111 West Huron Street
Buffalo, New York 14202

Regional Director
National Labor Relations Board
Region 4
4400 William J. Green Jr., Federal Building
600 Arch Street
Philadelphia, Pennsylvania 19106

Regional Director
National Labor Relations Board
Region 5
1019 Federal Building
Charles Center
Baltimore, Maryland 21201

Regional Director
National Labor Relations Board
Region 6
10th Floor, Porter Building
601 Grant Street
Pittsburgh, Pennsylvania 15222

Regional Director
National Labor Relations Board
300 Patrick V. McNamara Federal Building
477 Michigan Avenue
Detroit, Michigan 48226

Regional Director
National Labor Relations Board
Region 8
1695 Anthony J. Celebrezze Federal Building
1240 East Ninth Street
Cleveland, Ohio 44199

Regional Director
National Labor Relations Board
Region 9
3003 Federal Office Building
550 Main Street
Cincinnati, Ohio 45202

Regional Director
National Labor Relations Board
Region 10
701 Peachtree Building
730 Peachtree Street NE.
Atlanta, Georgia 30308

Regional Director
National Labor Relations Board
Region 11
447 Federal Building
251 North Main Street
Winston-Salem, North Carolina 27101

Regional Director
National Labor Relations Board
Region 12
706 Federal Office Building
500 Zack Street
Tampa, Florida

Regional Director
National Labor Relations Board
Region 13
Everett McKinley Dirksen Building
219 South Dearborn Street
Chicago, Illinois 60604

Regional Director
National Labor Relations Board
Region 14
Room 448
210 North 12th Boulevard
St. Louis, Missouri 63101

Regional Director
National Labor Relations Board
Region 15
2700 Plaza Tower
1001 Howard Avenue
New Orleans, Louisiana 70113

Regional Director
National Labor Relations Board
Region 16
8A24 Federal Office Building
819 Taylor Street
Fort Worth, Texas 76102

Regional Director
National Labor Relations Board
Region 17
616 Two Gateway Center
Fourth at State
Kansas City, Kansas 66101

Regional Director
National Labor Relations Board
Region 18
316 Federal Building
110 South Fourth Street
Minneapolis, Minnesota 55401

Regional Director
National Labor Relations Board
Region 19
2948 Federal Building
915 Second Avenue
Seattle, Washington 98101

Regional Director
National Labor Relations Board
Region 20
13018 Federal Building, Box 36047
450 Golden Gate Avenue
San Francisco, California 94102

Regional Director
National Labor Relations Board

Region 21
600 Eastern Columbia Building
849 South Broadway
Los Angeles, California 90014

Regional Director
National Labor Relations Board
Region 22
1600 Federal Building
970 Broad Street
Newark, New Jersey 07102

Regional Director
National Labor Relations Board
Region 23
920-One Allen Center
500 Dallas Avenue
Houston, Texas 77002

Regional Director
National Labor Relations Board
Region 24
U.S. Courthouse and Federal Building
Avenue Carlos Chardon
Hato Rey, Puerto Rico 00918

Regional Director
National Labor Relations Board
Region 25
232 Federal Office Building
575 North Pennsylvania Street
Indianapolis, Indiana 46204

Regional Director
National Labor Relations Board
Region 26
746 Clifford Davis Federal Building
167 North Main Street
Memphis, Tennessee 38103

Regional Director
National Labor Relations Board
Region 27
260 U.S. Custom House
721 19th Street
Denver, Colorado 80202

Regional Director
National Labor Relations Board
Region 28
The La Torre Building
6107 North Seventh Street
Phoenix, Arizona 85014

Regional Director
National Labor Relations Board
Region 29
Fourth Floor
16 Court Street
Brooklyn, New York 11241

Regional Director
National Labor Relations Board
Region 30
230 Commerce Building
744 North Fourth Street
Milwaukee, Wisconsin 53203

Regional Director
National Labor Relations Board
Region 31
12100 Federal Building
11000 Wilshire Boulevard
Los Angeles, California 90024

Officer-in-Charge
National Labor Relations Board
Subregion 36
310 Six Ten Broadway Building
610 S.W. Broadway
Portland, Oregon 97205

Officer-in-Charge
National Labor Relations Board
Subregion 37
Suite 308
1311 Kapiolani Boulevard
Honolulu, Hawaii 96814

Officer-in-Charge
National Labor Relations Board
Subregion 38
10th Floor
Savings Center Tower
411 Hamilton Avenue
Peoria, Illinois 61602

Resident Officer
National Labor Relations Board
Resident Office—Region 3
New Federal Building
Clinton Avenue at North Pearl Street
Albany, New York 12207

Resident Officer
National Labor Relations Board
Resident Office—Region 5
Gelman Building
2120 L Street, N.W.
Washington, D.C. 20570

Resident Officer
National Labor Relations Board
Resident Office—Region 10
2102 City Federal Building
2026 Second Avenue North
Birmingham, Alabama 35203

Resident Officer
National Labor Relations Board
Resident Office—Region 12
Suite 410, 1570 Madruga Avenue
Coral Gables, Florida 33146

Resident Officer
National Labor Relations Board
Resident Office—Region 12
278 Federal Building
400 West Bay Street, Box 35091
Jacksonville, Florida 32202

Resident Officer
National Labor Relations Board

Resident Office—Region 16
616 Petroleum Building
Fifth & Boulder Streets
Tulsa, Oklahoma 74103

Resident Officer
National Labor Relations Board
Resident Office—Region 19
Hill Building, Room 409
632 West Sixth Avenue
Anchorage, Alaska 99501

Resident Officer
National Labor Relations Board
Resident Office—Region 23
Federal Building, Room A509
727 East Durango Boulevard
San Antonio, Texas 78206

Resident Officer
National Labor Relations Board
Resident Office—Region 26
3511 Federal Building
700 West Capitol Avenue
Little Rock, Arkansas 72201

Resident Officer
National Labor Relations Board
Resident Office—Region 26
Room A-702, Federal Building
U.S. Courthouse
Nashville, Tennessee 37203

Resident Officer
National Labor Relations Board
Resident Office—Region 28
307 Pershing Building
4100 Rio Bravo Street
El Paso, Texas 79902

Resident Officer
National Labor Relations Board
Resident Office—Region 28
Patio Plaza Building, Upper Level
5000 Marble Avenue, NE
Albuquerque, New Mexico 87110

Resident Officer
National Labor Relations Board
Resident Office—Region 31
Room 4-503
300 Las Vegas Boulevard South
Las Vegas, Nevada 98101

[FR Doc.76-24699 Filed 8-30-76;8:45 am]

federal register

TUESDAY, SEPTEMBER 14, 1976



PART V:

DEPARTMENT OF AGRICULTURE

Office of the Secretary



PRIVACY ACT OF 1974

Annual Compilation

**DEPARTMENT OF AGRICULTURE
OFFICE OF THE SECRETARY
Privacy Act of 1974**

Systems of Records

Pursuant to 5 U.S.C. 552a(e)(4), the Department of Agriculture (USDA) hereby publishes notice of the existence and character of the systems of records currently maintained pursuant to the Privacy Act of 1974. These systems were originally published at 40 FR 38897 (Aug. 27, 1975), and have been amended at 40 FR 43466 (Sep. 19, 1975), 40 FR 49886 (Oct. 24, 1975), 40 FR 53283 (Nov. 17, 1975), 41 FR 3495 (Jan. 23, 1976), 41 FR 3766 (Jan. 26, 1976), 41 FR 4051 (Jan. 28, 1976), 41 FR 5412 (Feb. 6, 1976), 41 FR 8519 (Feb. 27, 1976), 41 FR 15816 (Apr. 14, 1976), 41 FR 16928 (Apr. 22, 1976), 41 FR 29456 (July 16, 1976), 41 FR 31247 (July 27, 1976), and 41 FR 34089 (Aug. 12, 1976). The following is a listing of notices of additional systems of records which have not previously been published in the Federal Register:

USDA/OGC-75. Administrative Proceedings brought by the Department, court cases in which the Government is plaintiff, and court cases in which the Government is a defendant, brought pursuant to the United States Warehouse Act, USDA/OGC.

USDA/AMS-5. Administrative proceedings brought pursuant to the authority of section 8c(15)(a) of the Agricultural Marketing Agreement Act of 1937, as amended, USDA/AMS.

USDA/AMS-6. Court cases brought by the Government pursuant to the following Acts, as amended: Agricultural Marketing Agreement Act of 1937, Agricultural Marketing Act of 1946, Agricultural Fair Practices Act, or the United States Grain Standards Act, USDA/AMS.

USDA/AMS-7. Court cases brought pursuant to the authority of the Agricultural Marketing Agreement Act of 1937, as amended, in which the Government is defendant, USDA/AMS.

USDA/AMS-8. Subsidiary Personnel and Pay Records, USDA/AMS.

USDA/ARS-6. Research Medical Records System on Patients and Human Volunteers Participating in Research at the USDA-ARS Human Nutrition Laboratory, USDA/ARS.

USDA/ARS-7. Dosimetry Report on Individuals in USDA Required by Radiological Safety Committee to Wear Radiation Exposure Measuring Film Badges When Appropriate, USDA/ARS.

USDA/ARS-8. Education and Radiation Training and Experiment Report on Persons in USDA Using Radioactive Materials and/or Equipment Which Emits Ionizing Radiation, USDA/ARS.

These systems of records were inadvertently omitted from the original group of notices published at 40 FR 38897 (1975). Although the Privacy Act requires only that the portion of each system which describes the "routine uses" of that system be published for public comment, USDA invites such comment on all portions of these notices.

Interested persons may submit written comments on these notices to: Director, Research and Operations Division, Office of the General Counsel, U.S. Department of Agriculture, Washington, D.C. 20250, on or before October 14, 1976. All comments submitted will be available for public inspection during regular business hours in Room 2321 of the South Building, USDA, 12th Street and Independence Avenue, SW.

These additional notices will be adopted without further publication as set forth below October 14, 1976, unless modified by a subsequent notice to incorporate comments received from the public.

Dated: September 2, 1976.

Earl L. Butz,
Secretary.

USDA/AMS-1

System name: Employment History Records for Licensed Non-federal Employees

System location: Agricultural Marketing Service, USDA, 14th and Independence Avenue, Washington, D.C. 20250.

Categories of individuals covered by the system: Commodity Inspectors, Graders, Weighers, Classers, Collaborators, Licensed Plant Employees, Agents, Appointees, Samplers.

Categories of records in the system: This system consists of such information as applications for license, license files, bonding

records, biographical data, periods of employment, performance ratings, commodities qualified to inspect, grader's powers of attorney, recommendations for reemployment, factors which affect or might affect desirability as an inspector, supervisory potential, declaration sheets, preference sheets, current, expired, and voided licenses, license examinations and score sheets, license renewal score sheets, miscellaneous notes and memoranda, e.g., transfers, cancellations, corrective action letters, letters of caution or warning, inspection/grading performance/productivity data, letters of suspension, indictment, complaint, proposals to revoke license, etc. Content and extent of these records vary by commodity, program and season.

Authority for maintenance of the system: 7 U.S.C. 51-65, 71, 74-79, 84-87h, 241-273, 451-469, 471-476, 491, 493-499, 499a-499s, 511-511q, 601 et seq, 1551-1611, 1621-1627, 2321 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to states or other Federal agencies to determine verification of employment or length of service for retirement purposes; referral to Civil Service Commission for required records and reports; to Government Accounting Office for required records and reports to Department of Justice for required records and reports. Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, notebooks, and cardex files.

Retrievability: Records are indexed by name of licensee and/or license number.

Safeguards: Government office buildings, locked and unlocked file cabinets and locked offices.

Retention and disposal: Records maintained indefinitely or until separation or retirement or in accordance with prescribed retention schedule. They are destroyed in conformance with prescribed retention schedules. These records schedules have been implemented by Agricultural Marketing Service Instruction 270-1, May 24, 1971, Records Management Program.

System manager(s) and address: Each of the following commodity division directors:

Cotton Division
Dairy Division
Grain Division
Fruit and Vegetable Division
Poultry Division
Livestock Division
Tobacco Division
Transportation and Warehouse Division

Notification procedure: Any individual may request information concerning himself from this system from the Office of the Commodity Division Director having custody of his records at the system location.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system that pertains to him by submitting a request to the appropriate Commodity Division Director listed above.

Contesting record procedures: Any individual may obtain information as to the procedure for contesting a record in the system that pertains to him by submitting a request to the appropriate Commodity Division Director listed above.

Record source categories: Information in this System comes primarily from licensees, supervisors, with additional data provided by references and investigative personnel.

USDA/AMS—2

System name: Milk Market Administrators (MMA)—Personnel and Payroll System, USDA/AMS.

System location: Dairy Division, Agricultural Marketing Service, USDA, Washington, D.C. 20250, and Milk Market Administrator's Offices at the following locations:

Arizona

Market Administrator
2617 North 24th Street
Phoenix, AZ 85008
Phone: 602 275-7641

Arkansas

Market Administrator
P.O. Box 4225
Asher Avenue Station
Little Rock, AK 72204
Phone: 501 663-6395

Colorado

Market Administrator
4411 East Kentucky Avenue
Denver, CO 80222
Phone: 303 757-4981

Florida

Market Administrator
P.O. Box 11368
Fort Lauderdale, FL 33306
Phone: 305 565-2583

Georgia

Market Administrator
P.O. Box 49025
Atlanta, GA 30329
Phone: 404 633-8541

Illinois

Market Administrator
72 West Adams Street, Room 800
Chicago, IL 60603
Phone: 312 263-4402

Indiana

Market Administrator
P.O. Box 55527
Indianapolis, IN 46205
Phone: 317 251-1418

Kansas

Market Administrator
P.O. Box 4606
Overland Park, KS 66204
Phone: 913 648-1050

Kentucky

Market Administrator
P.O. Box 18030
Louisville, KY 40218
Phone: 502 451-2040

Louisiana

Market Administrator
P.O. Box 456
Metairie, LA 70004
Phone: 504 835-6403

Massachusetts

Market Administrator
230 Congress Street, Room 403
Boston, MA 02110
Phone: 617 542-5453

Michigan

Market Administrator
2684 West Eleven Mile Road
Berkley, MI 48072
Phone: 313 548-1603

Minnesota

Market Administrator
P.O. Box 62
Duluth, MN 55801
Phone: 218 722-0928
Market Administrator
4550 West 77th Street, Room 360
Minneapolis, MN 55435

Minnesota (Con.)

Phone: 612 831-5292
Market Administrator
909 Sixth Street, N.W.
Rochester, MN 55901
Phone: 507 288-8481

Missouri

Market Administrator
P.O. Box 1485
Maryland Heights, MO 63043
Phone: 312 567-4730

New York

Market Administrator
205 East 42nd Street
New York, NY 10017
Phone: 212 557-0343

Ohio

Market Administrator
P.O. Box 30128
Cleveland, OH 44130
Phone: 216 826-3220
Market Administrator
P.O. Box 29226
Columbus, OH 43229
Phone: 614 888-6700

Oklahoma

Market Administrator
P.O. Box 45563
Tulsa, OK 74145
Phone: 918 622-3411

Oregon

Market Administrator
P.O. Box 23354
Portland, OR 97223
Phone: 503 639-8806

Tennessee

Market Administrator
P.O. Box 3007
Bristol, TN 37620
Phone: 615 968-1148

Texas

Market Administrator
P.O. Box 34689
Dallas, TX 75234
Phone: 214 351-6454

Virginia

Market Administrator
300 North Lee Street, Suite 320
Alexandria, VA 22314
Phone: 703 549-7000

Washington

Market Administrator
16 West Harrison Street
Seattle, WA 98119
Phone: 206 282-1664

Categories of individuals covered by the system: Employees of Milk Market Administrators

Categories of records in the system: This System consists of personnel (Official Personnel Folders, retention lists, appeals, grievances, disciplinary, conflict of interest, health, training, classification and security files), and payroll data needed to conform to all applicable laws, Government Regulations and procedures, and the needs of AMS in carrying out their personnel management responsibilities.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.50

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) Civil Service Commission for required records and reports, (2) Department of Labor for Office of Worker's Compensation Programs and Occupational Safety and Health Administration, (3) Department of Commerce for Distribution of Federal Payrolls, (4) White House for special reports, (5) OMB for special reports, and (6) GAO for special reports. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto.

Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and/or disk or tape storage at the applicable addresses listed above. In addition, summary records on MMA employees are maintained on computer tape and disk storage at the National Finance Center, New Orleans and the New York Market Administrator's Office.

Retrievability: Records are indexed by name of employee and/or by ID number.

Safeguards: Government office buildings, locked offices, locked file cabinets.

Retention and disposal: Records are maintained in conformance with appropriate General Services Administration destruction schedules and implemented by AMS Instruction 270-1 dated May 24, 1971, Records Management Program.

System manager(s) and address: Dairy Division Director and each Milk Market Administrator at the addresses listed in the System location.

Notification procedure: Any individual may request information concerning himself from this system from the appropriate Milk Market Administrator's office having custody of his records. A request for information should be addressed to the Milk Market Administrator, USDA, at the address shown under Location and should contain: Name, address, and particular information requested.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the System which pertains to him by submitting a written request to the appropriate Milk Market Administrator's office referred to in the preceding paragraph.

Contesting record procedures: Any individual may obtain information as to the procedures for contesting a record in the System which pertains to him by submitting a written request to the appropriate Milk Market Administrator's office referred to in the preceding paragraph.

Record source categories: Information in this System comes primarily from the employee with additional data provided by the employee's Milk Market Administrator's office, references, and investigative personnel.

USDA/AMS—3

System name: Milk Market Administrators (MMA) Producer Payroll System, USDA/AMS.

System location: Milk Market Administrator's Offices at the following locations:

Arizona

Market Administrator
2617 North 24th Street
Phoenix, AZ 85008
Phone: 602 275-7641

Arkansas

Market Administrator
P.O. Box 4225

Asher Avenue Station
Little Rock, AK 72204
Phone: 501 663-6395

Colorado

Market Administrator
4411 East Kentucky Avenue
Denver, CO 80222
Phone: 303 757-4981

Florida

Market Administrator
P.O. Box 11368
Fort Lauderdale, FL 33306

Phone: 305 565-2583

Georgia

Market Administrator
P.O. Box 49025
Atlanta, GA 30329
Phone: 404 633-8541

Illinois

Market Administrator
72 West Adams Street, Room 800
Chicago, IL 60603
Phone: 312 263-4402

Indiana

Market Administrator
P.O. Box 55527
Indianapolis, IN 46205
Phone: 317 251-1418

Kansas

Market Administrator
P.O. Box 4606
Overland Park, KS 66204
Phone: 913 648-1050

Kentucky

Market Administrator
P.O. Box 18030
Louisville, KY 40218
Phone: 502 451-2040

Louisiana

Market Administrator
P.O. Box 456
Metairie, LA 70004
Phone: 504 835-6403

Massachusetts

Market Administrator
230 Congress Street, Room 403
Boston, MA 02110
Phone: 617 542-5453

Michigan

Market Administrator
2684 West Elean Mile Road
Berkley, MI 48072
Phone: 313 548-1603

Minnesota

Market Administrator
P.O. Box 62
Duluth, MN 55801
Phone: 218 722-0928

Market Administrator

4550 West 77th Street, Room 360
Minneapolis, MN 55435
Phone: 612 831-5292

Market Administrator

909 Sixth Street, N.W.
Rochester, MN 55901
Phone: 507 288-8481

Missouri

Market Administrator
P.O. Box 1485
Maryland Heights, MO 63043
Phone: 212 557-0343

New York

Market Administrator
205 East 42nd Street
New York, NY 10017
Phone: 212 557-0343

Ohio

Market Administrator
P.O. Box 30128
Cleveland, OH 44130
Phone: 216 826-3220

Market Administrator

P.O. Box 29226
Columbus, OH 43229
Phone: 614 888-6700

Oklahoma

Market Administrator
P.O. Box 45563
Tulsa, OK 74145
Phone: 918 622-3411

Oregon

Market Administrator
P.O. Box 23354

Portland, OR 97223
 Phone: 503 639-8806
 Tennessee
 Market Administrator
 P.O. Box 3007
 Bristol, TN 37620
 Phone: 615 968-1148
 Texas
 Market Administrator
 P.O. Box 34689
 Dallas, TX 75234
 Phone: 214 351-6454
 Virginia
 Market Administrator
 300 North Lee Street, Suite 320
 Alexandria, VA 22314
 Phone: 703 549-7000
 Washington
 Market Administrator
 16 West Harrison Street
 Seattle, WA 98119
 Phone: 206 282-1664

Categories of individuals covered by the system: Dairy farmers delivering producer milk to regulated handlers.

Categories of records in the system: This system consists of information pertaining to the quantities and value of milk delivered to regulated handlers by individual dairy farmers.

Authority for maintenance of the system: 7 U.S.C. 601 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto.

Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Manual card files or automated disk or tape files.

Retrievability: Records are indexed by name of producer and/or by ID number.

Safeguards: Government office building, locked offices, locked files cabinets.

Retention and disposal: Records are maintained and destroyed in accordance with retention schedule number II NNA-1588 approved by the 84th Congress, first session, on July 13, 1955.

System manager(s) and address: Each Market Administrator at the address listed above.

Notification procedure: Any individual may request information about himself from the appropriate Market Administrator at the address listed above. The request should indicate the individual's name, address and type of information being sought.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the System which pertains to him by submitting a written request to the appropriate offices referred to in the preceding paragraph.

Contesting record procedures: Any individual may obtain information as to the procedure for contesting a record in the System which pertains to him by submitting a written request to the appropriate offices referred to in the preceding paragraph.

Record source categories: Information in this system comes primarily from regulated handlers and cooperative associations. Some additional data is provided by health authorities with respect to Grade A quality standards and investigative personnel.

USDA/AMS-4

System name: Perishable Agricultural Commodities Act (PACA)—History Files of Principals

System location: Regulatory Branch, Fruit and Vegetable Division, Agricultural Marketing Service, USDA, Washington, D.C. 20250

Categories of individuals covered by the system: Partners of General or limited partnerships, individual proprietors, officers, directors and holders of more than ten percent of outstanding stock of a corporate entity subject to the PACA.

Categories of records in the system: Card files used to identify the partnership, corporate entity in which the principal is or was 'responsibly connected' as defined by the PACA. This system also contains felony and bankruptcy information relating to the principal.

Authority for maintenance of the system: 7 U.S.C. 499a-499s.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto.

Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Unlocked card file cabinets.

Retrievability: Alphabetical by name.

Safeguards: Government office building.

Retention and disposal: Records are maintained and destroyed in accordance with retention schedule number NN 165-106 approved by the 89th Congress, first session on April 1, 1965.

System manager(s) and address: Chief, Regulatory Branch at the address listed above.

Notification procedure: Any individual may request information concerning himself from the system manager listed at the address above.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system that pertains to him by submitting a request to the system manager at the address above.

Contesting record procedures: Any individual may obtain information as to the procedure for contesting a record in the system that pertains to him by submitting a request to the system manager at the address above.

Record source categories: Individuals, partners, and authorized officers of corporate entities.

USDA/AMS-5

System name: Administrative proceedings brought pursuant to the authority of section 8c(15)(a) of the Agricultural Marketing Agreement Act of 1937, as amended, USDA/AMS.

System location: Agricultural Marketing Service, United States Department of Agriculture; Washington, D.C. 20250 and Milk Market Administrator's Offices at locations listed in USDA/AMS-2.

Categories of individuals covered by the system: Individuals regulated by the subject Act who file a petition with the Secretary of Agriculture pursuant to the authority of the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intra- and interdepartmental recommendations.

Authority for maintenance of the system: 7 USC 601 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation of potential viola-

tion of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations. (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Government office buildings, locked offices, or locked file cabinets.

Retention and disposal: Records are maintained in conformance with appropriate General Services Administration destruction schedules and implemented by AMS Instruction 270-1, Records Management Program.

System manager(s) and address: Fruit and Vegetable Division Director or Dairy Division Director and each Milk Market Administrator at the addresses cited in the System location.

Notification procedure: Any individual may request information concerning himself from this system from Fruit and Vegetable Division Director or from the appropriate Milk Market Administrator's office having custody of his records. A request for information should be addressed to Director, Fruit and Vegetable Division or to the Milk Market Administrator, United States Department of Agriculture, as appropriate, at the address shown under Location and should contain: Name, address, and particular information requested.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the System which pertains to him by submitting a written request to the Director, Fruit and Vegetable Division or to the appropriate Milk Market Administrator's office, as appropriate, referred to in the preceding paragraph.

Contesting record procedures: Any individual may obtain information as to the procedures for contesting a record in the System which pertains to him by submitting a written request to the Director, Fruit and Vegetable Division or to the appropriate Milk Market Administrator's office referred to in the preceding paragraph.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/AMS-6

System name: Court cases brought by the Government pursuant to the following Acts, as amended: Agricultural Marketing Agreement Act of 1937, Agricultural Marketing Act of 1946, Agricultural Fair Practices Act, Cotton Research and Promotion Act of 1966, Egg Products Inspection Act, or the United States Grain Standards Act, USDA/AMS.

System location: Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 and Milk Market Administrator's Offices at the locations listed in USDA/AMS-2.

Categories of individuals covered by the system: Individuals who are regulated by the subject Acts and who may be investigated for possible violations of the Acts and/or against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consist of investigatory material which may include intra- and interdepartmental recommendations pertaining to an alleged violation of the subject Acts.

Authority for maintenance of the system: 7 USC 71 et seq, 7 USC 601 et seq, 1621 et seq, 2101 et seq, and 2301 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, or local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, law, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations. (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate, or administrative tribunal. (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in the file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Government office buildings, locked offices or locked file cabinets.

Retention and disposal: Records are maintained in conformance with appropriate General Services Administration destruction schedules and implemented by AMS Instruction 270-1, Records Management Program.

System manager(s) and address: Cotton, Dairy, Fruit and Vegetable, Grain, Livestock, and Poultry Division Directors and each Milk Market Administrator at the addresses cited in the System location.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 USC 552a(k)(2) from the requirements of 5 USC 552a(c)(3), (d), (e)(1), (e)(4)(g), (h), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and Procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/AMS-7

System name: Court cases brought pursuant to the authority of the Agricultural Marketing Agreement Act of 1937, a amended in which the Government is defendant, USDA/AMS.

System location: Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 and Milk Market Administrator's Offices at the locations listed in USDA/AMS-2.

Categories of individuals covered by the system: Individuals regulated or not regulated by the subject Act who bring suit against the Government or a Government official pursuant to, or as a consequence of the Department's administration of, the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intra- and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 USC 601 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto. (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any

record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations. (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. (4) disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Government office buildings, locked offices, or locked file cabinets.

Retention and disposal: Records are maintained in conformance with appropriate General Services Administration destruction schedules and implemented by AMS Instruction 270-1, Records Management Program.

System manager(s) and address: Fruit and Vegetable Division Director or Dairy Division Director and each Milk Market Administrator at the addresses cited in the System location.

Notification procedure: Any individual may request information concerning himself from this system from the Fruit and Vegetable Division Director or from appropriate Milk Market Administrator's office having custody of his records. A request for information should be addressed to the Director, Fruit and Vegetable Division or to the Milk Market Administrator, United States Department of Agriculture, as appropriate, at the address shown under Location and should contain: Name, address, and particular information requested.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the System which pertains to him by submitting a written request to the Director, Fruit and Vegetable Division, or to the appropriate Milk Market Administrator's office referred to in the preceding paragraph.

Contesting record procedures: Any individual may obtain information as to the procedures for contesting a record in the System which pertains to him by submitting a written request to the Director, Fruit and Vegetable Division or to the appropriate Milk Market Administrator's office referred to in the preceding paragraph.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/AMS-8

System name: Subsidiary Personnel and Pay Record, USDA/AMS.

System location: Agricultural Marketing Service, United States Department of Agriculture, Washington, D.C. 20250 and Region, District, Area, Main Station, and Field Offices at locations listed in the Agricultural Marketing Service Field Office Listing publication.

Categories of individuals covered by the system: Present and former employees and applicants for employment with the Agricultural Marketing Service.

Categories of records in the system: The system consists of copies of materials maintained in Official Personnel Folders, such as personnel action documents, applications for employment, education and training data, performance and appraisal ratings, as well as time and attendance reports, earnings statements, and service record cards.

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: (1) By agency officials for purposes of review of connection with appointments, promotions, within-grade increases, training, transfers, and determination of qualifications of an individual. (2) to provide information to a prospective employer of a Federal Government employee or former Federal Government employee or to an organization at the request of the individual. (3) Referral to the Civil Service Commission, Department of Labor, and Office of Management and Budget for required records and reports. (4) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or

of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto. (5) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within this system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (6) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. (7) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and on file cards at the applicable addresses listed above.

Retrievability: Records are indexed by name of the individual

Safeguards: Government office buildings, locked offices, or locked file cabinets.

Retention and disposal: Records are maintained in conformance with appropriate General Services Administration disposal schedules and implemented by AMS Instruction 270-1, Records Management Program.

System manager(s) and address: Personnel Division Director.

Notification procedure: Any individual may request information concerning himself from this system from the Personnel Division Director or from the individual's supervisor at the appropriate office having custody of his records. A request for information should be addressed to Director, Personnel Division or to the Officer-in-Charge, as appropriate, at the address shown under Location and should contain: Name, address, and particular information requested.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the System which pertains to him by submitting a written request to the Director, Personnel Division or to the appropriate Officer-in-Charge referred to in the preceding paragraph.

Authority for maintenance of the system: Any individual may obtain information as to the procedures for contesting a record in the System which pertains to him by submitting a written request to the Director, Personnel Division or to the appropriate Officer-in-Charge referred to in the preceding paragraph.

Record source categories: Information in this System comes from the individual to whom it applies or is derived from information the individual supplied except information provided by agency officials on performance, appraisal, pay, leave, and allowance records.

USDA/ARS-1

System name: Biographical material and nominating statements on ARS employees proposed for major awards, USDA/ARS.

System location: Programs and Reports Branch, Information Division, Agricultural Research Service, USDA, Washington, D.C. 20250.

Categories of individuals covered by the system: ARS employees who have been proposed, or actually nominated, by ARS for major national or international awards in science, administration, and public service.

Categories of records in the system: The system consists of biographical information, material on the nature and significance of the individual's achievements, and file copies of nominating statements prepared for the Administrator of ARS.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Preparation of nominating statements on ARS employees for major national and international awards, and references to nominations previously prepared, for submission to the U.S. Civil Service Commission, the Executive Office of the President, the National Civil Service League, the Junior Chamber of Commerce, and various educational or public service foundations which administer national or international awards. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed alphabetically by name of employee.

Safeguards: Stored in offices within Government office building protected by security guards.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Chief, Programs and Reports Branch, Information Division, Agricultural Research Service, USDA, Washington, D.C. 20250. (202-447-4048)

Notification procedure: Any individual may request information about this system of records, or information as to whether the system contains records pertaining to him, from the System Manager.

Record access procedures: Any individual may obtain a copy of information pertaining to him by submitting a written request to the System Manager.

Contesting record procedures: Any individual may contest information in the system which pertains to him by submitting pertinent written information to the System Manager.

Record source categories: Information in this system comes primarily from supervisors and colleagues of the employees, scientific publications and other material provided by the individuals themselves, and nominations and articles related to previous awards.

USDA/ARS—2

System name: Biographical material on persons related to science or agriculture, USDA/ARS.

System location: Programs and Reports Branch and Information Services Branch, Information Division, Agricultural Research Service, USDA, Washington, D.C. 20250, and Regional Information Office, USDA-ARS-Northeastern Region, Room 251, Building 003, Beltsville Agricultural Research Center-West, Beltsville, Maryland 20705.

Categories of individuals covered by the system: Persons whose training, position, or achievements make them prominent in either science or agriculture, or both.

Categories of records in the system: The system consists of clippings, press releases, newsletters, articles, editorials, biographical sketches, speeches, letters of commendation, award citations, and other similar materials.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Background and illustrations for speeches, introductions, articles, press releases, scripts, and slide presentations, which may be presented to the general public, news media, and professional, fraternal, and social organizations and Government agencies. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by first letter of person's name.

Safeguards: Stored in offices within Government office building protected by security guards.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Chief, Programs and Reports Branch, and Chief, Information Services Branch, Information Division, Agricultural Research Service, USDA, Washington, D.C. 20250 (telephone 202-447-4048), and Regional Information Officer, USDA-ARS-Northeastern Region, Room 251, Building 003, Beltsville Agricultural Research Center-West, Beltsville, Maryland 20705 (telephone 301-344-2050).

Notification procedure: Any individual may request information about this system of records, or information as to whether the system contains records pertaining to him, from the System Manager.

Record access procedures: Any individual may obtain a copy of information pertaining to him by submitting a written request to the System Manager.

Contesting record procedures: Any individual may contest information in the system which pertains to him by submitting pertinent written information to the System Manager.

Record source categories: Information in this system comes primarily from newspapers, magazines, standard reference sources, correspondence circulated in the agency, information materials prepared for public release, and material provided by the individuals themselves.

USDA/ARS—3

System name: USDA/ARS Manpower File.

System location: Personnel Division, Agricultural Research Service, Federal Building, Hyattsville, Maryland 20782.

Categories of individuals covered by the system: All employees of the Agricultural Research Service.

Categories of records in the system: The system consists of a skeletal personnel record of each employee for organizational, grade analysis, strength accounting, and statistical purposes.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Numerical, statistical, and other special reports, to Civil Service Commission, Office of Management and Budget, General Services Administration, and General Accounting Office; preparation of ARS telephone directory. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained on computer disks and tapes at the USDA Computer Centers in Washington, D.C. and New Orleans, Louisiana.

Retrievability: Records are indexed by the employee's social security numbers.

Safeguards: Records are kept in secured computer tape or disk storage rooms and information requests are accepted only from specifically authorized personnel or high level ARS management officials.

Retention and disposal: Records are maintained in current files for as long as an employee remains on ARS rolls, and statistical information since July 1972 is retained indefinitely.

System manager(s) and address: Director, Personnel Division, ARS, USDA, Hyattsville, Maryland 20782 (telephone 301-436-8100).

Notification procedure: Any individual may request information concerning himself from this system from the System Manager by submitting a request which should include: Name, Agency, address, and particular information requested.

Record access procedures: Any individual may obtain information about the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the System Manager.

Contesting record procedures: Any individual may contest information in the system which pertains to him by submitting pertinent written information to the System Manager.

Record source categories: Information in this system comes primarily from the employees' personnel office, but may also come from the employees or their supervisors.

USDA/ARS—4

System name: Solicitation of bids or proposals for procurement contracts, USDA/ARS.

System location: Office of the Director, General Services Division, USDA/Agricultural Research Service (ARS), Hyattsville, Maryland 20782, and Regional Administrative Offices, ARS, at the following locations:

Regional Administrative Officer
USDA-ARS-Northeastern Region
Room 329, Bldg. 003, BARC-W
Beltsville, Maryland 20705
(301) 344-3646
Regional Administrative Officer
USDA-ARS-Western Region
2850 Telegraph Avenue
Berkeley, California 94705
(415) 486-3367; FTS 449-3367
Regional Administrative Officer
USDA-ARS-Southern Region

P.O. Box 53326
 New Orleans, Louisiana 70153
 (504) 589-2584; FTS 682-2584
 Regional Administrative Officer
 USDA-ARS-North Central Region
 2000 W. Pioneer Parkway
 Peoria, Illinois 61614
 (309) 671-7162; FTS 360-7162

Categories of individuals covered by the system: Individuals who submit bids or proposals to furnish supplies or perform services under contract with USDA/ARS.

Categories of records in the system: The system consists of files of all bids or offers received and awards made in regard to solicitations issued by USDA/ARS, including copies of actual bids or offers and modifications thereto, and reports or statements by bidders or offerors about their financial and professional or technical capabilities of furnishing the supplies or rendering the services described in the solicitation.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This information is also sometimes used in deciding courses of action in the event of contractor default and in handling protests made by other competing bidders or offerors when the capabilities of the successful bidder or offeror is the basis of the protest. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by solicitation number, by contract number, and by name of contractor.

Safeguards: Records are kept in a locked office when not in custody of procurement officers or their subordinates.

Retention and disposal: Records are maintained until 6 years after contract termination or final contract payment is made.

System manager(s) and address: The Director, General Services Division, USDA/ARS, Hyattsville, Maryland 20782, or the Regional Administrative Officers at the address given herein.

Notification procedure: Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from the appropriate System Manager. If the specific location of the record is not known, the individual should address his request to the Director, General Services Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the date of the solicitation giving rise to the records, date bid or offer was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information about the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate System Manager.

Contesting record procedures: Any individual may contest a record in the system which pertains to him by submitting pertinent written information to the appropriate System Manager.

Record source categories: Information in this system comes from the business firm or individual concerned or the Small Business Administration in the case of small business set-aside procurements, and previous USDA/ARS records of procurement contracts in which the business firm or individual was the principal party to the contract.

USDA/ARS—5

System name: Training file, USDA/ARS.

System location: Personnel Division, Agricultural Research Service, Federal Building, Hyattsville, Maryland 20782.

Categories of individuals covered by the system: All employees of the Agricultural Research Service, and any State or local Government employee or other Federal agency employee who receives supervisory training through ARS.

Categories of records in the system: The system consists of a skeletal record of each ARS employee and each non-ARS employee who receives supervisory training, for training analysis and statistical purposes.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Identification of employees who have received, or who must receive, mandatory training courses such as Supervisory Training and Specific Labor Management Relations Training; numerical, statistical, and other special training reports to Civil Service Commission, Office of Management and Budget, and General Accounting Office. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained on computer disks and tapes at the USDA Computer Centers in Washington, D.C. and New Orleans, Louisiana.

Retrievability: Records are indexed by the employee's social security numbers.

Safeguards: Records are kept in secured computer tape or disk storage rooms and information requests are accepted only from specifically authorized personnel or high level ARS management officials.

Retention and disposal: Records are maintained in current files for as long as an employee remains on ARS rolls, and statistical information since July 1972 is retained indefinitely.

System manager(s) and address: Director, Personnel Division, ARS, USDA, Hyattsville, Maryland 20782 (telephone 301-436-8100).

Notification procedure: Any individual may request information concerning himself from this system from the System Manager by submitting a request which should include: Name, Agency, address, and particular information requested.

Record access procedures: Any individual may obtain information about procedures for gaining access to a record in the system which pertains to him by submitting a written request to the System Manager.

Contesting record procedures: Any individual may contest information in the system which pertains to him by submitting pertinent written information to the System Manager.

Record source categories: Information in this system comes primarily from the employees' personnel office, but may also come from the employees or their supervisors.

USDA/ARS—6

System name: Research Medical Records System on Patients and Human Volunteers Participating in Research at the USDA-ARS Human Nutrition Laboratory, USDA/ARS.

System location: U.S. Department of Agriculture, Agricultural Research Service, Human Nutrition Laboratory, North Central Region, 2420 Second Avenue North, Grand Forks, North Dakota 58201.

Categories of individuals covered by the system: Individuals participating in human research carried out by the staff of the Human Nutrition Laboratory.

Categories of records in the system: Medical and nutritional histories, medical and nutritional examinations, diagnostic and treatment data, information of social and economic data, laboratory data, statistical summaries, correspondence.

Authority for maintenance of the system: 5 USC 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Analysis of research findings and report of research findings. The identification of individuals who participate in the research is not revealed in the report of research findings. (2) To provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of the individual. (3) Referral to an appropriate Agency, whether Federal, State, or Local, charged with the responsibility for investigating or prosecuting a violation of law, rule, regulation, or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto. (4) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (5) Referral to the Department of Justice for

the defense of suits against the United States or its officers, or for the institution of suits for the recovery of claims by the United States Department of Agriculture.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders, magnetic tapes, punch cards, punch paper tape.

Retrievability: Individuals are identified by identification number and name.

Safeguards: Locked storage area, personnel training and instruction. USDA-ARS policy on release of information, job description responsibility.

Retention and disposal: Scientific records are maintained indefinitely.

System manager(s) and address: Director, USDA, ARS, Human Nutrition Laboratory, North Central Region, 2420 Second Avenue North, Grand Forks, North Dakota 58201.

Notification procedure: Any individual may request information about this system of records, or information as to whether the system contains records pertaining to him, from the System Manager.

Record access procedures: Any individual may obtain a copy of information pertaining to him by submitting a written request to the System Manager.

Contesting record procedures: Any individual may contest information in the system which pertains to him by submitting pertinent information to the System Manager.

Record source categories: Individual, health care personnel, other hospitals and physicians, employers, social agencies.

USDA/ARS—7

System name: Dosimetry Report on Individuals in USDA Required by Radiological Safety Committee to Wear Radiation Exposure Measuring Film Badges When Appropriate, USDA/ARS.

System location: Radiological Safety Staff, Agricultural Research Service, USDA, Room 226, Building 001, BARC-West, Beltsville, Maryland 20705.

Categories of individuals covered by the system: All individuals who use radioactive material and/or radiation equipment which emit strong beta particles, neutrons, gamma rays or x-rays.

Categories of records in the system: The system indicates individual's name, date of birth and social security number, issue date, monthly beta, gamma, neutron and X-ray dosages, classification of dosages as penetrating or non-penetrating, and cumulative totals for the calendar quarter and calendar year.

Authority for maintenance of the system: 42 USC 2111 and 42 USC 2201(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system permits the maintenance of a monthly and cumulative record of each film badge wearer's radiation exposure. This information may be:

1. Disclosed to the Nuclear Regulatory Commission for review, compliance, and investigation purposes.
2. Disclosed to a doctor, hospital, or other competent medical authority in event of a medical emergency involving radiation exposure.
3. Disclosed to the Department of Labor; Veterans Administration; Social Security Administration; U.S. Civil Service Commission; Department of Defense; Federal agencies which may have special civilian employee retirement programs; national, State, county, municipal, or other publicly recognized charitable or social security administration agency to adjudicate a claim for benefits under the Bureau of Retirement, Insurance, and Occupational Health or the recipient's benefit program(s), or to conduct an analytical study of benefits being paid under such programs.
4. Disclosed to health insurance carriers or plans participating in Federal Employees' Health Benefits Program in support of a claim for health insurance benefits involving radiation exposure.
5. Disclosed to Federal Employees' Group Life Insurance Program in support of a claim for life insurance benefits involving radiation exposure.
6. Disclosed to an organization to which the individual is transferred, upon written request of that organization.
7. Used to provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of the individual.

8. Referred to an appropriate Agency, whether Federal, State, Local, charged with the responsibility for investigating or prosecuting a violation of law, rule, regulation, or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

9. Referred to a court, magistrate or administrative tribunal, or opposing counsel in a proceeding before any of the above, of a record within the system which constitutes evidence in the proceeding, or which is sought in the course of discovery.

10. Referred to the Department of Justice for the defense of suits against the United States or its officers, or for the institution of suits for the recovery of claims by the United States Department of Agriculture.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Storage: Current system is maintained in file drawers in Radiological Safety Staff office. Past reports maintained in Federal Records Center. Microfilms of past reports maintained in file cabinet Radiological Safety Staff office.

Retrievability: By assigned individual Code Number, City, or State.

Safeguards: Stored in metal file cabinets within Government building protected by security guards.

Retention and disposal: U.S. Nuclear Regulatory Commission requires retention of records until such time the Commission authorizes their disposition.

System manager(s) and address: Radiological Safety Office USDA, Agricultural Research Service, Radiological Safety Staff Room 226, Building 001, BARC-West, Beltsville, Maryland 20705.

Notification procedure: Any individual may request information concerning himself from this system, or information as to whether the system contains records pertaining to him, by writing to the System Manager.

Record access procedures: Any individual may obtain a copy of the information pertaining to him by submitting a written request to the System Manager.

Contesting record procedures: Any individual may contest information in the system which pertains to him by submitting pertinent written information to the Chairman, Radiological Safety Committee, USDA, Agricultural Research Service, Room 307A, Building 005, BARC-West, Beltsville, Maryland 20705.

Record source categories: Personal information about each individual is provided by the individual. Dosimetry information provided by a commercial film badge supplier under contract with USDA who routinely receives, processes, and evaluates the film packets and furnishes the System Manager the appropriate information.

USDA/ARS—8

System name: Education and Radiation Training and Experience Report on Persons in USDA Using Radioactive Materials and/or Equipment Which Emits Ionizing Radiation USDA/ARS.

System location: Radiological Safety Staff, Agricultural Research Service, USDA, Room 226, Building 001, BARC-West, Beltsville, Maryland 20705.

Categories of individuals covered by the system: All persons in USDA who are responsible for, or independent users of, radioactive materials and/or equipment which emits ionizing radiation.

Categories of records in the system: The system consists of information on a person's educational background including formal courses and on-the-job training in radiation; experience in actual use of radioactive materials and/or equipment which emits ionizing radiation; experience in the use of radiation detection and measuring instrumentation; and additional information such as pertinent publications, speeches, etc., which will assist in the evaluation of person's qualifications to safely use radioactive materials and/or equipment which emits ionizing radiation to protect his health and to minimize danger to life or property.

Authority for maintenance of the system: 42 USC 2111 and 42 USC 2201(b).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used

the Department's Radiological Safety Committee and Radiological Safety Staff in its determination to approve or deny a person's procurement and use of potentially hazardous radioactive materials and/or equipment which emits ionizing radiation. When applicable, the system supplies information for maintenance of required radiation exposure records on persons who are required to wear personnel monitoring devices while using radioactive materials and/or equipment which emits ionizing radiation. The information may be:

1. Disclosed to the Nuclear Regulatory Commission for review, compliance, and investigation purposes.

2. Disclosed to the Department of Labor; Veterans Administration; Social Security Administration; U.S. Civil Service Commission; Department of Defense; Federal agencies which may have special civilian employee retirement programs; national, State, county, municipal, or other publicly recognized charitable or social security administration agency to adjudicate a claim for benefits under the Bureau of Retirement, Insurance, and Occupational Health, or the recipient's benefit program(s), or to conduct an analytical study of benefits being paid under such programs.

3. Disclosed to health insurance carriers or plans participating in Federal Employees' Health Benefits Program in support of a claim for health insurance benefits involving radiation exposure.

4. Disclosed to Federal Employees' Group Life Insurance Program in support of a claim for life insurance benefits involving radiation exposure.

5. Disclosed to an organization to which the individual is transferred, upon written request of that organization.

6. Used to provide information to a congressional office from the record of an individual in response to an inquiry from a congressional office made at the request of the individual.

7. Referred to an appropriate Agency, whether Federal, State, or Local, charged with the responsibility for investigating or prosecuting a violation of law, rule, regulation, or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto.

8. Referred to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery.

9. Referred to the Department of Justice for the defense of suits against the United States or its officers, or for the institution of suits for the recovery of claims by the United States Department of Agriculture.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: System is maintained in files in Radiological Safety Staff office.

Retrievability: Alphabetically by name.

Safeguards: Stored in the Radiological Safety Staff office within Government building protected by security guards.

Retention and disposal: Records are maintained until the Radiological Safety Staff knows that the individual is no longer using radioactive materials and/or equipment which emits ionizing radiation, has retired, or is deceased. Records are disposed of by shredding.

System manager(s) and address: Radiological Safety Officer, USDA, Agricultural Research Service, Radiological Safety Staff, Room 226, Building 001, BARC-West, Beltsville, Maryland 20705.

Notification procedure: Any individual may request information about this system of records, or information as to whether the system contains records pertaining to him, from the System Manager.

Record access procedures: Any individual may obtain a copy of the information pertaining to him by submitting a written request to the System Manager.

Contesting record procedures: Any individual may contest information in the system which pertains to him by submitting pertinent information to the Chairman, Radiological Safety Committee, USDA, Agricultural Research Service, Room 307A, Building 005, BARC-West, Beltsville, Maryland 20705.

Record source categories: Information for system is supplied directly by the individual applying to the Radiological Safety Committee for authority to procure and use radioactive materials and/or equipment which emits ionizing radiation. The individual signs and dates the form.

USDA/ASCS—1

System name: Acknowledgement of Responsibility for Docket Security, USDA/ASCS

System location: Commodity Credit Corporation Staff-Dockets USDA/ASCS, Room 6975S, 14th & Independence Ave., S.W., Washington, D.C. 20250.

Categories of individuals covered by the system: Individuals who have responsibility for drafting, reviewing, approving or signing Commodity Credit Corporation Dockets.

Categories of records in the system: Executed form CCC-131

Authority for maintenance of the system: 15 U.S.C. 714-714p

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folder in office listed above.

Retrievability: Indexed by individual name.

Safeguards: Stored in locked file. Office is locked when not attended.

Retention and disposal: Maintained in active files as long as individuals handles dockets in his official duty. Maintained for 6 years after it becomes inactive. Destroyed as waste paper.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records and Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Ave., S.W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: Name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Directly from the individual involved.

USDA/ASCS—2

System name: Advisory Committee Files, USDA/ASCS

System location: USDA/ASCS, Legislation and Committee Management, Room 228W, Administration Building, Washington, D.C. 20250.

Categories of individuals covered by the system: Individuals who are nominated and agree to serve as members of the advisory committees.

Categories of records in the system: Biographical data sheets, clearance letter from Office of Secretary, letter requesting the individual to serve, and his letter of acceptance.

Authority for maintenance of the system: 7 U.S.C. Sec. 1911-1913

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Biographical data used in press releases to announce membership of the committee. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in individual file folders.

Retrievability: By individual's name.

Safeguards: Kept in file cabinets in Government office building.

Retention and disposal: Retained in active file as long as individual serves on the committee. Maintained in inactive file indefinitely.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Record access procedures: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Contesting record procedures: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Record source categories: From individual.

USDA/ASCS—3

System name: Biographical Background, USDA/ASCW

System location: Deputy Administrator, Management, USDA/ASCS, 14th & Independence Ave., S.W., Washington, D.C. 20250; Data Systems Field Office, USDA/ASCS, 8930 Ward Parkway, Kansas City, Missouri 64114; Prairie Village Commodity Office, Brymar Office Center, 2400 W. 75th Street, Prairie Village, Kansas 66208.

Each State ASCS office at address listed in local telephone directory under the heading "United States Government, Department of Agriculture, Agricultural Stabilization and Conservation Service."

Categories of individuals covered by the system: Individuals who hold key positions in ASCS. Guest speakers and recipients of ASCS awards.

Categories of records in the system: Brief resume of individuals personal history.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.65.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To use in introduction of individual at speaking engagements. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Indexed by individual name.

Safeguards: Records are kept in locked office.

Retention and disposal: Indefinite.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records and Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Ave., S.W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: Name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Directly from the individual.

USDA/ASCS—4

System name: CCC Producer Loan Records, USDA/ASCS

System location: County ASCS office which services particular farm. The address of each county ASCS office can be found in the local telephone directory under the heading "United States Government, Department of Agriculture, Agricultural Stabilization and Conservation Service."

Categories of individuals covered by the system: Individuals who have applied for commodity, storage structure or drying equipment loans. Includes all commodities for which price support loans are available.

Categories of records in the system: Complete files and records pertaining to the loans such as original loan note, collateral, credit ratings, lien searches, financial statements, applications, and disbursement documents.

Authority for maintenance of the system: 15 U.S.C. 714-714p.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in individual folders.

Retrievability: Indexed by individual name or loan number.

Safeguards: Records are kept in locked fireproof file cabinets in Government office building.

Retention and disposal: Upon liquidation, original loan note is returned to producer. All other records destroyed 6 years after liquidation.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records and Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Ave., S.W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: Name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Individuals in system, county court records, audit bureaus and ASCS program documents.

USDA/ASCS—5

System name: Commodity Brokers, USDA/ASCS

System location: Prairie Village Commodity Office, Brymar Office Center, 2400 West 75th Street, Prairie Village, Kansas 66208; Chicago Branch Office, Room 106, 226 W. Jackson Blvd., Chicago, Illinois 60604; Minneapolis Branch Office, Room 310, Grain Exchange Building, Minneapolis, Minnesota 55415; Houston Branch Office, 2320 LaBranch Street, Houston, Texas.

Categories of individuals covered by the system: Individuals who merchandise CCC owned commodities.

Categories of records in the system: Name, address, phone number, volume of CCC business, record of adverse situations, letter of credit.

Authority for maintenance of the system: 15 U.S.C. 714-714p.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Documents maintained in file folders. Working list maintained in binders.

Retrievability: By individual name.

Safeguards: Stored in Government office buildings, which are locked after working hours.

Retention and disposal: List updated continuously. Folders maintained 6 years and disposed under normal operations of Federal Records Center.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records and Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Ave., S.W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: Name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: From companies, individuals in system, regulatory authorities, and merchandizing records of Prairie Village ASCS Commodity Office and branch offices.

USDA/ASCS—6

System name: Consultants File, USDA/ASCS

System location: USDA/ASCS, Room 3405 Auditors Building, 14th & Independence Ave., S. W., Washington, D.C. 20250.

Categories of individuals covered by the system: Individuals who perform consultant service for ASCS.

Categories of records in the system: Summary of negotiations, executed contract, work schedule, work performed, and purchase order.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.65.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued Pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in files at office listed above.

Retrievability: Indexed by name and contract number.

Safeguards: Filed in standard file cabinets and stored in Government office building with security guard.

Retention and disposal: 6 years after fiscal year contract is negotiated.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, 14th & Independence Ave., S. W., Washington, D.C. 20250.

Notification procedure: Same as System Manager Procedure.

Record access procedures: Same as System Manager Procedure.

Contesting record procedures: Same as System Manager Procedure.

Record source categories: Individual and ASCS employees.

USDA/ASCS—7

System name: Cotton Loan Clerks, USDA/ASCS

System location: County ASCS office in county where approved clerks will execute loan documents. The address of each county ASCS office can be found in the local telephone directory under the heading "United States Government, Department of Agriculture, Agricultural Stabilization and Conservation Service".

Categories of individuals covered by the system: Individuals who request permission to process loan documents.

Categories of records in the system: Agreement between the clerk and CCC, executed, signed and dated by applicant and the CCC contracting officer.

Authority for maintenance of the system: 7 U.S.C. 1281-1393; 7 CFR 2.65.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: List furnished to lending agencies that participate in CCC Cotton Loan Program. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Indexed by name of individual.

Safeguards: Kept in locked Government office building.

Retention and disposal: 6 years after agreement is cancelled or suspended.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records & Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Ave., S. W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the Procedure for gaining access to a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Records Access Procedure.

Record source categories: Individuals making application.

USDA/ASCS—8

System name: County Office Employees Administrative Expense File, USDA/ASCS

System location: Data Systems Field Office, USDA/ASCS, 8930 Ward Parkway, Kansas City, Missouri 64114.

Categories of individuals covered by the system: ASCS county and community committeemen, and employees who are employed in county ASCS offices on a full or part-time basis.

Categories of records in the system: The system contains the names of all county ASCS committeemen and employees and information such as: identifying number (Social Security Number), race code, sex code, State code, county code, biweekly amount of payroll check including deduction amounts for FICA, Federal, State, and local withholding, FEHBA, FEGLI (Optional), NASCO dues, and bonds. Also records of the date of birth, CO Grade and step, service computation, date last WGI, health code, cumulative and current retirement deduction, date severance pay ceases.

Authority for maintenance of the system: 7 U.S.C. 1281-1393; 15 U.S.C. 714-714p; 16 U.S.C. 590.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) Internal Revenue Service for total annual income as required by the Internal Revenue Code; (2) State Revenue Board and local tax authorities for tax withholding or required by Internal Revenue Code; (3) Civil

Service Commission for fringe benefits withholdings 5 U.S.C. 8331, 8701, 8901. (4) Social Security Administration for FICA withholdings; (5) General public in annual directories of county committeemen; (6) the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto; of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (7) a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; (8) Summary data produced on microfilm sent to Federal Civilian Personnel Records Center, St. Louis, Missouri, annually as a permanent record of employee's service with ASCS. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape by the Kansas City Computer Center, 8930 Ward Parkway, Kansas City, Missouri 64114.

Retrievability: Records are indexed by social security number.

Safeguards: Records are kept in a fireproof vault in a secured area of the building.

Retention and disposal: Maintained indefinitely on a currently updated basis.

System manager(s) and address: Director, Data Systems Division, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any county office employee, county committeemen, or community committeemen may request information on this system of records or information as to whether the system contains records pertaining to him (her) from the Chief, Kansas City Data System Field Office, ASCS/USDA, 8930 Ward Parkway, Kansas City, Missouri 64114, telephone 816-926-6502. A request for information pertaining to an individual should contain his (her) name, address, social security number, and ASCS county office(s) where employee/committeemen is employed.

Record access procedures: Any county office employee, county committeeman, may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him (her), by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Records Access Procedure.

Record source categories: Information in this system comes primarily from scannable documents prepared by the ASCS county office where individual is employed.

USDA/ASCS—9

System name: County Personnel Records, USDA/ASCS

System location: County ASCS office by which individual is employed. The address of each county ASCS office can be found in the local telephone directory under the heading "United States Government, Department of Agriculture, Agricultural Stabilization & Conservation Service".

Categories of individuals covered by the system: ASCS county and community committeemen, and employees who are employed in county ASCS offices on a full or part-time basis.

Categories of records in the system: Official record of county ASCS employee. Contains application, oath of office, personnel action, job description, performance data, life and health insurance forms, annual pay status record, retirement record card, and any other documents, letters, or records which serve as proof of individual employment from 1933 to date.

Authority for maintenance of the system: 5 U.S.C. 8331, 8701, 8901.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Verification of employment and salary furnished to lending agencies and credit bureaus; (2) executed information given to prospective employers, both private and Governmental referrals; (3) State employment bureaus, if applicable, to Bureau of Employee Compensation to support injury claims; (4) State organizations of National Association

State and County Office Employees when employee request dues be withheld from salary, (5) local banks when saving bonds are purchased and local taxing authority when local tax is withheld; (6) referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; 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. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in folders prescribed by CSC as "Official Personnel folders".

Retrievability: Indexed by individual name and social security number.

Safeguards: Kept in locked fireproof file in Government office building.

Retention and disposal: Maintained on site for duration of employment. Transferred to Civilian Personnel Record Center, St. Louis, Missouri, after separation.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records and Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Ave., S. W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Records Access Procedure.

Record source categories: Individual employee, agency initiated documents, reference sources.

USDA/ASCS—10

System name: Defense Executive Reserve File, USDA/ASCS

System location: Personnel Division, USDA/ASCS, Room 4754S, 14th & Independence Ave., S. W., Washington, D.C. 20250.

Categories of individuals covered by the system: Individuals in private industry who agree to work for ASCS in case of national emergency.

Categories of records in the system: SF-60 agreement between ASCS and individual including security clearance; copy of transmittal of Civil Defense Identification card.

Authority for maintenance of the system: Executive Order 1179 dated 8/22/64.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Indexed by name of individual.

Safeguards: Records are kept in locked file.

Retention and disposal: Indefinite.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records and Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Ave., S.W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: Name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information obtained from the individual.

USDA/ASCS—11

System name: Emergency Livestock Feed Program, USDA/ASCS

System location: County ASCS office where farm is located for administrative purposes. The address of each county ASCS office can be found in the local telephone directory under the heading "United States Government, Department of Agriculture, Agricultural Stabilization and Conservation Service."

Categories of individuals covered by the system: Individual requesting authorization to purchase livestock feed.

Categories of records in the system: Complete description of emergency on which eligibility and quantity determinations and actual deliveries are based.

Authority for maintenance of the system: 7 U.S.C. 1281-1393.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File Folders.

Retrievability: Indexed by name of individual applicant.

Safeguards: Locked office.

Retention and disposal: Disposed of 6 years after end of program year.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records and Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Ave., S.W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: Name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Individual applicant.

USDA/ASCS—12

System name: Employee Resources Master File, USDA/ASCS

System location: Data Systems Field Office, USDA/ASCS, 8930 Ward Parkway, Kansas City, Missouri 64114.

Categories of individuals covered by the system: Federal employees (career, career conditional, temporary, general schedule, and waoe board) who are presently employed in the Data Systems Field Office.

Categories of records in the system: Contains names of all individuals identified in the preceding paragraph and such information as social security number, date of birth, service date (for retirement and annual leave), pay plan, grade, step, occupational series, and annual salary, daily salary rate, hourly salary rate, overtime hourly rate, trainino course number, course sponsor, course title, hour credit, and completion date.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.65.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: Records are indexed by employee name.

Safeguards: Records are kept in a fireproof vault in a secured area of Government office building.

Retention and disposal: Maintained indefinitely on a currently updated basis.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any DSFO employee may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him (her), by submitting a written request to the System Manager.

Record access procedures: Any DSFO employee may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him(her), by submitting a written request to the System Manager.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Summary of data maintained in the Official Personnel Folder.

USDA/ASCS—13

System name: EEO Committee and Counselors, USDA/ASCS

System location: Office of the Administrator, USDA/ASCS, 14th & Independence Ave., S.W., Washington, D.C. 20250.

Categories of individuals covered by the system: Individuals who have been selected or considered to serve on EEO Committee or to be an EEO counselor.

Categories of records in the system: Resume of individual's qualifications.

Authority for maintenance of the system: 42 U.S.C. 2000D and 2000E-16

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders at office listed above. Indexed by individual name.

Safeguards: Kept in locked Government office building.

Retention and disposal: Destroyed 2 years after individual ceases to serve as a committeeman or counselor.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the of-

file where the records are located. If the specific location of the record is not known, the individual should address his request to Records & Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Ave., S. W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Records Access Procedure.

Record source categories: Individual.

USDA/ASCS—14

System name: EEO Complaints and Discrimination Investigation, USDA/ASCS

System location: USDA/ASCS, Office of the Administrator, 14th & Independence, Ave., S. W., Washington, D.C. 20250, and in offices of each EEO counselor at address posted on bulletin boards in Washington, D.C. 20250.

Categories of individuals covered by the system: Individuals who have been investigated for alleged discrimination as the result of a complaint and subsequent audit.

Categories of records in the system: Audit and investigation reports and supporting material. Individual files containing notes on meetings between counselor and employee.

Authority for maintenance of the system: Executive Order 11179 dated 8/22/64.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referred to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Indexed by individual name.

Safeguards: Filed in locked files in Government office building.

Retention and disposal: Destroyed when case is closed.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records & Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Ave., S. W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Records Access Procedure.

Record source categories: Individual, audit and investigation reports.

Systems exempted from certain provisions of the act: Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures, and of the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/ASCS—15

System name: Farm Record File (Automated), USDA/ASCS

System location: Data Systems Field Office, USDA/ASCS, 8930 Ward Parkway, Kansas City, Missouri 64114.

Categories of individuals covered by the system: Farm owners, operators, and other producers.

Categories of records in the system: Contains producer identification number, commodity ID, farm number, State code, county code, disaster identification, CCC draft number, CCC draft amount, refund amount, net amount, allotment acres, yield per acre, silage tonnage, and program year.

Authority for maintenance of the system: 16 U.S.C. 590, 1301-1311, 1501-1510; 7 U.S.C. 1281-1393, 1421-1449, 1292 (note), 1691-1736, 1781-1787, 1801-1839, 4501-4504; 40 U.S.C. 1, 2, 203; 7 CFR 2.65.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: Records are indexed by State, county, and farmer identification number.

Safeguards: Tapes are kept in a fireproof vault in a secured part of Government office building.

Retention and disposal: Maintained throughout the program year on a currently updated basis. Prior program year tapes are retained for history purposes.

System manager(s) and address: Director, Data Systems Division, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information on this system of records or information as to whether the system contains records pertaining to him (her) from Chief, Kansas City Data Systems Field Office, ASCS/USDA, 8930 Ward Parkway, Kansas City, Missouri 64114, telephone number 816-926-6502. A request for information pertaining to an individual should contain full name, address and zip code.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting record in the system which pertains to him (her), by submitting a written request to the appropriate official referred to in the preceding paragraph. Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from documents submitted by the ASCS county office maintaining farm records on the individual producer. Information in these records is obtained directly from the individuals in the system.

USDA/ASCS—16

System name: Farm Records File (Manual), USDA/ASCS

System location: County ASCS office which services particular farm. The address of each county ASCS office can be found in the local telephone directory under the heading "United States Government, Department of Agriculture, Agricultural Stabilization and Conservation Service."

Categories of individuals covered by the system: Farm owners, operators, and other producers.

Categories of records in the system: Contains complete documentation of participation in active programs as well as discontinued programs. Includes but not necessarily limited to farm allotments, bases, and history, compliance data, production and marketing data, appeals, new grower applications, conservation program

documents, program participation and payments, appraisals, leases, and data for farm reconstitutions.

Authority for maintenance of the system: 16 U.S.C. 590, 1301-1311, 150-510; 7 U.S.C. 1281-1393, 1421-1449, 169-736, 1781-1787, 1801-1839, 4501-4504; 40 U.S.C. 1, 2, 203; 7 CFR 2.65.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any records within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; (3) Farm allotment and quota data for marketing quota crops is made available for public inspection as required by The Agricultural Act of 1938, as amended (7 U.S.C. 1281-1393); 7 CFR Parts 722-726, and 728-730; (4) Tobacco sales bills referred to appropriate loan associations when tobacco is placed under government loan; (5) Name, address, farm number and pounds of quota designated to Flue Cured Tobacco Stabilization Corporation which uses this data to assist in administering the flue cured tobacco warehouse designation program, labs for making chemical analysis of tobacco. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

USDA/ASCS—16 Farm Record File (Manual). Referral to State Forester for technical service on forestry practices.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders at applicable location above.

Retrievability: Indexed by individual name or farm identification number.

Safeguards: Records are kept in locked office.

Retention and disposal: 5 years after end of program year, except long term agreement conservation records which are 5 years after program year in which a practice is completed.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records and Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Ave., S.W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: Name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Individual farmer, agency executed documents.

USDA/ASCS—17

System name: Farmer's Name and Address Master File (Automated) USDA/ASCS

System location: Data Systems Field Office, ASCS-USDA, 8930 Ward Parkway, Kansas City, Missouri 64114

Categories of individuals covered by the system: All known farmers who reside in area served by the local county ASCS office.

Categories of records in the system: Contains names and addresses and zip codes of all farmers and other information, such as, social

security or producer identification number, race code, State and county code on farmers who participate.

Authority for maintenance of the system: 7 U.S.C. 1281-1393; 7 U.S.C. 1427; 7 U.S.C. 1781-1787; 26 U.S.C. 6209; 7 CFR 26 U.S.C. 6109; 7 CFR 2.65.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Furnished to (1) Internal Revenue Service to report total annual payments to each producer; (2) approved Cooperative Marketing Associations for price support loan eligibility; (3) State and county taxing authorities and (4) Commodity Promotion Boards where producer funds are withheld by ASCS. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on mag-tape by the Kansas City Computer Center at the address shown above.

Retrievability: Records are indexed by the producer identification number of the individual farmer, in State and county sequence.

Safeguards: Records are kept in a fire-proof vault in a secured area of Government office building.

Retention and disposal: Records of current producers are maintained indefinitely. Additions, deletions and corrections are made periodically.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250. Any individual may request information regarding this system of records, or information as to whether the system contains records pertinent to him, from the Chief, Kansas City, Missouri 64114, telephone 816-926-6502. A request for information pertaining to an individual should contain: name, address, producer identification number(s) and the ASCS county office(s) where the farm records are maintained.

Record access procedures: Any individual may obtain information as to the Procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the official referred to in the preceding paragraph.

Contesting record procedures: Same as Records Access Procedure.

Record source categories: Directly from individual and from documents submitted by the ASCS county office.

USDA/ASCS—18

System name: Farmers' Name and Address Master File (Manual), USDA/ASCS

System location: County ASCS office where the farmer's farm is located for administrative purposes at address listed in the local telephone directory under the heading of "United States Government, Department of Agriculture, Agricultural Stabilization & Conservation Service".

Categories of individuals covered by the system: Farmers who participate in farm programs administered by ASCS, or who are known to the local ASCS office.

Categories of records in the system: Contains names and addresses and ZIP codes of all farmers including such information as social security number and producer identification number, race, State and county code, and farm data.

Authority for maintenance of the system: 7 U.S.C. 1281-1393; 7 U.S.C. 1427; 7 U.S.C. 1781-1787; 26 U.S.C. 6109; 7 CFR 2.65

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used in contacting farmers in carrying on business of ASCS. Appropriate lists are furnished to (1) suppliers of material and services, eligible voters in same county, (2) cotton buyers, and to cotton, rice, and peanut cooperatives. USDA/ASCS—18, Farmers' Name and Address Master File (Manual). Referral to Commodity Promotion Boards when producer funds are withheld by ASCS. Referral to local taxing authorities and professional appraisal companies or consultants working under contract with such taxing authorities for tax appraisal purposes.

USDA/ASCS—31, Tort, Program and Civilian Employee Claims. Referral of list of producer names on claim record debt register to Cotton Loan Clerks for offsetting. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on addressograph plates and imprinter plates, at applicable locations above.

Retrievability: Records are indexed by name of individual.

Safeguards: Records are kept in locked Government office.

Retention and disposal: Maintained as a current record until superseded by updated address.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records & Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Ave., S.W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Record Access Procedure.

Record source categories: From individuals, postal department, and county courthouse, if necessary to locate absentee owner of farm.

USDA/ASCS—19

System name: Indemnity and Incentive Programs—USDA/ASCS

System location: County ASCS Office which services particular farm. The address of each county ASCS office can be found in the local telephone directory under the heading "United States Government, Department of Agriculture, Agricultural Stabilization & Conservation Service".

Categories of individuals covered by the system: Individual filing application for Wool, Mohair, Incentive payments, Milk and Bee Indemnity program payments.

Categories of records in the system: Contains complete file on which eligibility for payment determinations are based.

Authority for maintenance of the system: 7 U.S.C. 1781-1787; 15 U.S.C. 714-714p; 7 CFR 2.65

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

USDA/ASCS—18, Farmers' Name and Address Master File (Manual). Referral to Commodity Promotion Boards when producer funds are withheld by ASCS. Referral to local taxing authorities and professional appraisal companies or consultants working under contract with such taxing authorities for tax appraisal purposes.

Storage: Records are maintained in file folders.

Retrievability: Indexed by individual producer's name.

Safeguards: Kept in locked file in Government Office Building.

Retention and disposal: Disposed of 6 years after end of program year.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records and Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Avenue, S.W. Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: Name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Record Access Procedure.

Record source categories: Individual furnishes information when making application for payment.

USDA/ASCS—20

System name: Investigation and Audit Reports—USDA/ASCS

System location: USDA/ASCS, 14th and Independence Ave., S.W., Washington, D.C. 20250. Prairie Village Commodity Office, USDA/ASCS, Brymar Office Center, 2400 W. 75th, Prairie Village, Kansas 66208. State ASCS offices at address listed in local telephone directory under United States Government, ASCS/USDA.

Categories of individuals covered by the system: Individuals who are the subject of a formal investigation relative to alleged program or administrative irregularities.

Categories of records in the system: Contains complete files on individual investigations, including program documents, investigation reports, statements of witnesses, accident reports, and agency reports.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.65.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, issued thereto; Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above. Records are indexed by name of individual being investigated and investigation case number.

Safeguards: Kept in locked files in Government office building.

Retention and disposal: Destroyed when case is closed.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a (c)(3) (d), (e)(1), (e)(4) (G), (H), and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures, and of the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/ASCS—21

System name: Maximum Payment Limitations, USDA/ASCS

System location: County ASCS Office which services particular farm. The address of each county ASCS office can be found in the local telephone directory under the heading "United States Government, Department of Agriculture, Agricultural Stabilization & Conservation Service."

Categories of individuals covered by the system: Individual subject to Program Payment Limitation.

Categories of records in the system: Financial statement and applicable farm information as well as tax statements, will & trust documents and corporation charters.

Authority for maintenance of the system: 7 U.S.C. 1281-1393.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by rule, regulation or order issued pursuant thereto; Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Indexed by name of individual.

Safeguards: Kept in locked file in Government office building.

Retention and disposal: Destroyed 5 years after end of Program year.

System manager(s) and address: Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records & Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Avenues, S. W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Record Access Procedure.

Record source categories: Information furnished by individual producer.

USDA/ASCS—22

System name: Power of Attorney & Designated Agents, USDA/ASCS

System location: County ASCS Office which services particular farm. The address of each county ASCS office can be found in the local telephone directory under the heading "United States Government, Department of Agriculture, Agricultural Stabilization & Conservation Service."

Categories of individuals covered by the system: Individuals giving powers of attorney and individuals securing the powers to act as agent.

Categories of records in the system: Documents authorizing an individual to act as a representative of a producer or company.

Authority for maintenance of the system: 7 U.S.C. 1281-1393; 15 U.S.C. 714a-714p; 7 CFR 2.65

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be

made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: In file folders

Retrievability: Indexed by name of individual.

Safeguards: Kept in locked file in Government office building.

Retention and disposal: Destroyed 6 years after authority is cancelled or suspended.

System manager(s) and address: Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records & Communications Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Avenues, S. W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Record Access Procedure.

Record source categories: Producer or company which authorized the agent to conduct business.

USDA/ASCS—23

System name: Producer Appeals, USDA/ASCS

System location: ASCS, Appeals Staff, Room 3720 So., Building, 14th & Independence Avenue, S.W., Washington, D.C.

Categories of individuals covered by the system: Farm owners, operators or producers who file program appeals on prior determinations made by State ASCS Committees or the Deputy Administrator, Programs.

Categories of records in the system: The system consists of complete files on appeals including farm records, correspondence, investigations and audit reports, statements of witnesses, record and verbatim transcript of hearing.

Authority for maintenance of the system: 7 U.S.C. 1281-1393; 7 CFR 2.65

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by rule, regulation or order issued pursuant thereto; Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which is sought in the course of discovery.

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 of individual.

Safeguards: Kept in office attended by authorized personnel.

Retention and disposal: Maintained 6 years after case is closed.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records & Communication Management Branch, Administrative

Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th I Independence Avenues, S.W. Washington, D.C. 20250., telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Records Access Procedure.

Record source categories: Individual, witnesses ASCS county personnel.

Systems exempted from certain provisions of the act: Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures, and of the existence and identity of confidential sources of information, would hamper law enforcement activity.

USDA/ASCS—24

System name: Producer Payment Reporting File 365 and 368—USDA/ASCS

System location: Data Systems Field Office, USDA/ASCS, 8930 Ward Parkway, Kansas City, Missouri 64114

Categories of individuals covered by the system: Farmers who participate in Programs administered by ASCS.

Categories of records in the system: Contains names and addresses of all participating farmers including ZIP code, concerned with ASCS farm programs, including such information as: social security number or producer identification number, State and County codes, and program payment data.

Authority for maintenance of the system: IRS Regulations (68-38)

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Furnished to (1) Internal Revenue Service for total annual payment to each producer; IRS regulations (68-38); (2) Farmers for record of payments received by him (her) and reported to IRS. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: Indexed by name of individual.

Safeguards: Kept on magnetic tape in a fireproof vault in a secured area of Government office building.

Retention and disposal: Maintained indefinitely on a currently updated basis.

System manager(s) and address: Deputy Administrator, Management, ASCS/USDA, Washington D.C. 20250.

Notification procedure: Any individual may request information on this system of records or information as to whether the system contains records pertaining to him (her) from Chief, Kansas City, Data Systems Field Office, ASCS/USDA, 8930 Ward Parkway, Kansas City, Missouri, 64114, telephone number 816-926-6502. A request for information pertaining to an individual should contain name, address and ASCS county office(s) where farm records are maintained.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him (her), by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedure.

Record source categories: Documents submitted by the ASCS county office maintaining farm records on the individual producer and submitted primarily by such producers to the county office.

USDA/ASCS—25

System name: Producer Record for Pre-pilot Counties—USDA/ASCS

System location: Data Systems Field Office, USDA/ASCS, 8930 Ward Parkway Kansas City, Missouri, 64114

Categories of individuals covered by the system: All known farmers who reside in area served by the local county ASCS office.

Categories of records in the system: Contains names, addresses, race, sex, employee flags, spouse ID, spouse name, and producer's date of birth on all farmers in the following States and Counties: Pinal County, Arizona; Tift County, Georgia; Lafayette County, Louisiana; Sunflower County, Mississippi; Cooper County, Missouri; Seneca County, New York; Lubbock County, Texas; Adams County, Washington.

Authority for maintenance of the system: 7 U.S.C. 1201-1393, 1427, 1781-1787; 26 U.S.C. 6109; 7 CFR 2.65

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic disc by the Kansas City Computer Center, 8930 Ward Parkway, Kansas City, Missouri 64114.

Retrievability: Indexed by producer's identification number.

Safeguards: Discs are kept in a fireproof vault, in a secured area of Government office building.

Retention and disposal: Maintained indefinitely on disc on a currently updated basis. Inactive records are periodically removed from disc and recorded on magnetic tape.

System manager(s) and address: Director, Data Systems Division, ASCS/USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information on this system of records or information as to whether the system contains records pertaining to him (her) from Chief, Kansas City Data Systems Field Office, ASCS/USDA, 8930 Ward Parkway, Kansas City, Missouri 64141, telephone number 816-926-6502. A request for information pertaining to an individual should contain: name, address, social security number, and county where farm is located.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him (her), by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Records Access Procedure.

Record source categories: Documents submitted by the ASCS Pre-pilot county office maintaining farm records on the individual producer who is the primary source of the data.

USDA/ASCS—26

System name: Rice Cross-Compliance System—USDA/ASCS

System location: Data Systems Field Office, USDA/ASCS, 8930 Ward Parkway, Kansas City, Missouri 64114.

Categories of individuals covered by the system: Rice Producers

Categories of records in the system: Contains information on eligible and ineligible rice producers, including (1) producer identification number, (2) farm number (3) interest in other farms—estates corporate holdings, partnerships, exceptional corporations, trusts and exceptional trusts, and a joint owner.

Authority for maintenance of the system: 7 U.S.C. 1281-1393; 1441; 7 CFR 2.65

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Furnished to rice cooperatives showing names, addresses, and producer's identification for eligible and ineligible rice producers. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: Indexed by producer identification number within State and county.

Safeguards: Kept in a fireproof vault in a secured area of Government office building.

Retention and disposal: Maintained on a currently updated basis indefinitely.

System manager(s) and address: Deputy Administrator, Management, USDA/ASCS, Washington, D.C. 20250.

Notification procedure: Any individual may request information on this system of records or information as to whether the system contains records pertaining to him (her) from the Chief, Kansas City Data Systems Field Office, ASCS/USDA, 8930 Ward Parkway, Kansas City, Missouri 64114, telephone 816-926-6502. A request for information pertaining to an individual should contain name, address, and ASCS county office(s) where farm records are maintained.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which certains to him (her), by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Records Access Procedure.

Record source categories: Documents submitted by the ASCS county offices maintaining farm records on the individual rice producer and other data gathered by the county office from other sources.

USDA/ASCS—27

System name: Shorn and Unshorn Wool and Mohair—USDA/ASCS

System location: Data Systems Field Office, USDA/ASCS, 8930 Ward Parkway, Kansas City, Missouri 64114

Categories of individuals covered by the system: Farmers who participate in the shorn and unshorn wool and mohair incentive programs administered by ASCS.

Categories of records in the system: Contains names and addresses of all farmers participating in the ASCS Wool and Mohair incentive program for the current marketing year, and other data such as: Social security number and wool production data.

Authority for maintenance of the system: 7 U.C. 1781-1787; 7 CFR 2.65

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Furnished to (A) Idaho Sheep Commission to report number of head shorn. (B) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (C) Navaho Indian Agency, Bureau of Indian Affairs sight drafts and payment statements for individual payments for Navaho program participants. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: Indexed by name of individual producer in State and county sequence.

Safeguards: Kept in a fireproof vault in a secured area of Government office building.

Retention and disposal: Retained for three prior marketing years and disposed of by re-using the obsolete magnetic tapes.

System manager(s) and address: Director, Data Systems Division, ASCS/USDA, Washington, D.C. 20250

Notification procedure: Any wool producer may request information on this system of records or information as to whether the system contains records pertaining to him (her) from Chief, Kansas City Data Systems Field Office, USDA/ASCS/8930 Ward Parkway, Kansas City, Missouri 64114, telephone 816-926-6502. A request for information pertaining to an individual should contain name, address, social security number, and county where farm is located.

Record access procedures: Any wool producer may obtain information as to the procedures for gaining access to and contesting a

record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Records Access Procedure.

Record source categories: Information in this system comes primarily from applications for wool and mohair payments documents submitted by the ASCS county offices maintaining farm records on the individual wool producer who is the primary source of the data.

USDA/ASCS—28

System name: Subsidiary Personnel, Pay, and Travel Records—USDA/ASCS

System location: Any ASCS office where individual is employed at address shown in the local telephone directory under United States Government, USDA/ASCS.

Categories of individuals covered by the system: Individuals employed by ASCS, except county office employees and committeemen.

Categories of records in the system: Agency copies of personnel actions, training records, performance ratings, earning statements, time and attendance reports, travel authorizations and vouchers, payroll deduction records, service record cards, record of accountable documents charged to employee, appeal cases, and conflict of interest statements.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.65

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Answer inquiries from prospective employers when employee gives immediate supervisor or co-worker as reference.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders at address shown above.

Retrievability: Indexed by name of individual employee.

Safeguards: Kept in locked file cabinets at address shown above.

Retention and disposal: Maintained in active status during the employee's tenure at the organizational entity. After transfer or separation maintained in inactive status to be used to answer employment inquiries. Conflict of interest statement retained 2 years after employee is separated.

System manager(s) and address: Deputy Administrator, Management, ASCS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records & Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Avenues, S. W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Records Access Procedure.

Record source categories: Employee, CSC, agency initiated documents.

USDA/ASCS—29

System name: Supervisor's Notes on Employees—USDA/ASCS

System location: At all ASCS Offices

Categories of individuals covered by the system: ASCS Employees.

Categories of records in the system: Documentation of discussions with employees on performance, attendance, behavior, etc., copies of memos from immediate supervisor to employee, employee's rebuttal, if any; documentation supporting nominations for awards.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.65

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: May be furnished to CSC if employee appeals a disciplinary action.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Most are maintained in file folders, some in binders or note books.

Retrievability: Indexed by name of employee.

Safeguards: If derogatory, maintained in locked desk as locked file.

Retention and disposal: Retained until no longer needed and then destroyed.

System manager(s) and address: Deputy Administrator, Management, ASCS/USDA Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records & Communications Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Avenues, S.W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Record Access Procedure.

Record source categories: Supervisor's observation, work measurement reports, employees completed work.

USDA/ASCS—30

System name: Tobacco (Flue-cured, Burley) Farm History Master File, USDA/ASCS

System location: Data Systems Field Office, LSDA/ASCS, 8930 Ward Parkway Kansas City, Missouri 64114

Categories of individuals covered by the system: Farmers who participate in the flue-cured or burley tobacco programs.

Categories of records in the system: Contains names and addresses of all participating tobacco farmers and such information as State, county, farm number, allotments and quotas, production and marketing data, lease and transfer data.

Authority for maintenance of the system: 16 U.S.C. 590; 7 U.S.C. 1281-11393; 7 O.S.C. 1421-1449; 7 CFR 2.65

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Furnished to Congress upon request from members and Congressional Agencies; Cooperative marketing associations for price support and marketing data; and Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Magnetic tape.

Retrievability: Indexed by State, county, farm number, community number and producer's name.

Safeguards: Kept in fireproof vault in a secured area of Government office building.

Retention and disposal: Maintained indefinitely on a currently updated basis.

System manager(s) and address: Director, Data Systems Division, ASCS/USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information on this system of records or information as to whether the system contains records pertaining to him from Chief, Kansas City Data Systems Field Office, ASCS/USDA, 8930 Ward Parkway, Kansas City, Missouri 64114, telephone 816-926-6502. A request for information pertaining to an individual should contain name, address, and county where tobacco farm is located.

Record access procedures: Any tobacco producer may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedure.

Record source categories: Documents submitted by the ASCS county office maintaining farm records on the individual producer and submitted primarily by him (her) to the county office.

USDA/ASCS—31

System name: Tort, Program, and Civilian Employee Claims, USDA/ASCS

System location: Any ASCS office having jurisdiction over the claim at the location listed in the local telephone directory under United States Government, USDA/ASCS.

Categories of individuals covered by the system: Individual by whom or against whom claim involving ASCS or CCC has been filed.

Categories of records in the system: Complete files on individual claims, including claim forms, police reports, investigation and accident reports, statement of witnesses, and agency reports.

Authority for maintenance of the system: 7 U.S.C. 1281-1393; 5 U.S.C. 8101-8193; 7 CFR 2.65

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Department of Labor for those arising under the Federal Employees Compensation Act; and (3) insurance companies where necessary for resolution of claim. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Individual claim folders.

Retrievability: Indexed by name of claimant number.

Safeguards: Kept in locked file cabinets in Government office building.

Retention and disposal: Retained after settlement for 6 years if CCC and 5 years if appropriated funds involved.

System manager(s) and address: Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding a system of records, or information as to whether the system contains records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records & Communication Management Branch, Administrative Services Division, ASCS/USDA, Room 3116 Auditors Building, 14th & Independence Avenues, S. W. Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain: name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Records Access Procedure.

Record source categories: Information in this system comes primarily from claimants, witnesses, agency employees, and investigative personnel.

USDA/ASCS—32

System name: Warehouse Business Agents—USDA/ASCS

System location: Prairie Village Commodity Office, Brymar Office Center, 2400 West 75th St., Prairie Village, Kansas 66208; Minneapolis Branch Office, Room 310, Grain Exchange Building, Minneapolis, Minnesota 55415

Categories of individuals covered by the system: Individuals operating as agents for a warehouse or a group of warehouses.

Categories of records in the system: Warehouseman's authority to do business with agent; copy of agreement between the warehouse and agent, name and address of agent, special instructions for warehouseman's business, and normal business correspondence.

Authority for maintenance of the system: 15 U.S.C. 714-714p

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: List published as part of the official Government publication warehouse directory which is made available upon request. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Filed in folders.

Retrievability: By name of agent.

Safeguards: Kept in file in Government office building.

Retention and disposal: Disposed under normal operation of Federal Records Center 6 years after agent ceases to represent warehouse.

System manager(s) and address: Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250

Notification procedure: Any individual may request information regarding a system of records pertaining to him from the head of the office where the records are located. If the specific location of the record is not known, the individual should address his request to Records & Communication Management Branch, Administrative Services Division, USDA/ASCS, Room 3116 Auditors Building, 14th & Independence Avenues, S.W., Washington, D.C. 20250, telephone 202-447-6763, who if necessary will refer it to the appropriate office. A request for information pertaining to an individual should contain; name, address, name of system of records, year of records in question, any other pertinent information to help identify the file.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him, by submitting a written request to Deputy Administrator, Management, ASCS/USDA, Washington, D.C. 20250.

Contesting record procedures: Same as Record Access Procedure.

Record source categories: Warehouse officials and the agent.

USDA/APHIS—1

System name: Meat and Poultry Inspection Program—Slaughter, Processing and Allied Industries Compliance Records System, USDA/APHIS

System location: Compliance Staff, Meat and Poultry Inspection Program, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

Categories of individuals covered by the system: Individuals engaged in the slaughter of meat or poultry animals; or the preparation, transportation, storage, or distribution of meat or poultry products; or similar activities are included in this system of records.

Categories of records in the system: The system consists of: investigatory files concerning alleged violations of the Federal Meat and Poultry Inspection Acts and related laws; investigatory files compiled for enforcement of provisions of the Federal Meat and Poultry Inspection Acts concerning detention or seizure of alleged violative product; correspondence, allegations, inquiries, reports of actions taken, complaints and similar records concerning alleged violations of enforcement actions; records compiled to carry out provisions of 21 U.S.C. 671 and 21 U.S.C. 467 concerning the refusal to provide or withdrawal of inspection service from unfit

applicants as defined by law; includes application forms, notations of past violations, court records, and other documentation; files, microfilm and computer records concerning systematic reviews conducted at the places of business of individuals covered by the records system.

Authority for maintenance of the system: 21 U.S.C. 451 et seq., 601 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto. (2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (3) Referral to the Department of Justice for the defense of suits against the United States or its officers, or for the institution of suits for the recovery of claims by the United States Department of Agriculture. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, cards, microfilm, magnetic tape and computer printouts.

Retrievability: All categories of records concerning enforcement actions are cross referenced through an alphabetical name index system. Files on violations and other enforcement actions are indexed alphabetically by name and by year of violation. Printouts and microfilm records are alphabetically arranged with unique number identifiers assigned as well.

Safeguards: Records are maintained in locked file cabinets with attendants on duty during normal operating hours.

Retention and disposal: Active records are maintained indefinitely. Closed cases are retired to records storage centers after 3 years unless reopened. Microfilm and computer records are maintained indefinitely. Computer printouts are destroyed after 6 months.

System manager(s) and address: Deputy Administrator, Meat and Poultry Inspection Program, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). See 7 CFR 1.23. Individual access to these records would impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action to escape prosecution. Any individual who feels, however, that he has been denied any right, privilege or benefit for which he would otherwise be eligible as a result of the maintenance of such material may request access to the material. Such requests should be addressed to: APHIS Privacy Act Coordinator, Legislative and Special Assignments Staff, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

USDA/APHIS—2

System name: Plant Protection and Quarantine Programs—Regulatory Actions, USDA/APHIS

System location: Plant Protection and Quarantine Programs - USDA/APHIS, Room 633, Federal Building, Hyattsville, MD 20782

Categories of individuals covered by the system: Violators and alleged violators of plant protection and plant quarantine laws and regulations.

Categories of records in the system: The system consists of case files on violators and contains copies of violation report forms, compliance agreements, employee or other witness statements, warning notices, Office of the General Counsel (OGC) recommendations to the U.S. Department of Justice and court disposition documents.

Authority for maintenance of the system: 7 U.S.C. 150gg, 163.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto. (2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (3) Referral to the Department of Justice for the defense of suits against the United States or its officers, or for the institution of suits for the recovery of claims by the United States Department of Agriculture. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders in metal file cabinets.

Retrievability: Records are manually retrieved by alphabetized name of the individual violator.

Safeguards: Records are maintained in locked files with APHIS employees in attendance during working hours.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Deputy Administrator, Plant Protection and Quarantine, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). See 7 CFR 1.23. Individual access to these records would impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action to escape prosecution. Any individual who feels, however, that he has been denied any right, privilege or benefit for which he would otherwise be eligible as a result of the maintenance of such material may request access to the material. Such requests should be addressed to: APHIS Privacy Act Coordinator, Legislative and Special Assignments Staff, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

USDA/APHIS—3

System name: Veterinary Services Programs—Records of Accredited Veterinarians, USDA/APHIS

System location: Room 801, Federal Building, Veterinary Services, USDA/APHIS, Hyattsville, MD 20782

Categories of individuals covered by the system: Private veterinary practitioners who are accredited by the Federal and State governments to issue health certificates for the interstate and international movement of livestock and participate in cooperative State/Federal animal health programs.

Categories of records in the system: (1) Record includes name of accredited veterinarian, State in which accredited, State license number, college and date of graduation, and score on accreditation examination. (2) Record also includes material pertaining to alleged violations of accreditation standards. If allegations are proven true the record includes the disposition of the case which may be revocation of accreditation.

Authority for maintenance of the system: 21 U.S.C. 105, 111-114a-1, 116, 125, 134b, 134f.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to State Animal Health Officials to certify that a particular individual is indeed accredited. (2) Referral to State Veterinary Examining Boards to certify that a particular individual is indeed accredited. (3) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto. (4) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (5) Referral to the Department of Justice for the defense of suits against the United States or its officers or for the institution of suits for the recovery of claims by the United States Department of Agriculture. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and on 3x5 cards.

Retrievability: Records are manually retrieved by alphabetized names.

Safeguards: Records are kept locked in files with APHIS employees in attendance during working hours.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Deputy Administrator, Veterinary Services, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

Notification procedure: All inquiries should be addressed to: APHIS Privacy Act Coordinator, Legislative and Special Assignments Staff, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

Record access procedures: All inquiries should be addressed to the APHIS Privacy Act Coordinator.

Contesting record procedures: All inquiries should be addressed to the APHIS Privacy Act Coordinator.

Record source categories: Material is transcribed from documents submitted by the individual. Material is verified by State and Area Animal Health Officials which sometimes results in additional source material submitted by such officials.

Systems exempted from certain provisions of the act: The portions of this system which consist of investigatory material compiled for law enforcement purposes have been exempted pursuant to 5 U.S.C. 552a(k)(2) from the provisions of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). See 7 CFR 1.23. Individual access to these records would impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action to escape prosecution. Any individual who feels, however, that he has been denied any right, privilege or benefit for which he would otherwise be eligible as a result of the maintenance of such material may request access to the material. Such requests should be addressed to: APHIS Privacy Act Coordinator, Legislative & Special Assignments Staff, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

USDA/APHIS—4

System name: Veterinary Services Programs—Animal Quarantine Regulatory Actions, USDA/APHIS

System location: Program Services, Veterinary Services Program, USDA/APHIS, Federal Center Building, Hyattsville, MD 20782

Categories of individuals covered by the system: Veterinarians; Livestock Market Operators; Livestock Haulers; Livestock Dealers, Buyers and Brokers; Livestock Owners and Producers.

Categories of records in the system: Investigatory and case files of alleged violations of quarantine laws contain the alleged violator's name and address, type of infraction, and documentation of the alleged infraction. The file includes closed cases as well as the current status of those cases remaining unresolved.

Authority for maintenance of the system: 21 U.S.C. 101-105, 111-134.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto. (2) Referral to

a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (3) Referral to the Department of Justice for the defense of suits against the United States or its officers, or for the institution of suits for the recovery of claims by the United States Department of Agriculture. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders in metal file cabinets.

Retrievability: Numbered cases are cross-indexed by alphabetized names. Files are manually retrieved.

Safeguards: Records are maintained in locked files with APHIS employees in attendance during working hours.

Retention and disposal: After three years closed cases are sent to the Federal Records Center where they are retained indefinitely. Open cases are retained indefinitely in the Program Services Office.

System manager(s) and address: Deputy Administrator, Veterinary Services, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). See 7 CFR 1.23. Individual access to these records would impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action to escape prosecution. Any individual who feels, however, that he has been denied any right, privilege or benefit for which he would otherwise be eligible as a result of the maintenance of such material may request access to the material. Such requests should be addressed to: APHIS Privacy Act Coordinator, Legislative and Special Assignments Staff, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

USDA/APHIS—5

System name: Veterinary Services Programs—Animal Welfare and Horse Protection Regulatory Actions, USDA/APHIS

System location: Animal Care Staff, Veterinary Services, USDA/APHIS, Room 700, Federal Building, Hyattsville, MD 20782

Categories of individuals covered by the system: Dealers, exhibitors, and other individuals required to be licensed or registered under the Federal Laboratory Animal Welfare Act of 1966, as amended. Operators of research facilities and other individuals required to be registered under the Federal Laboratory Animal Welfare Act of 1966, as amended. Horse trainers, owners, exhibitors, and other individuals subject to the Horse Protection Act of 1970.

Categories of records in the system: Investigatory and case files contain the alleged violators name and address, type of infraction, and documentation of the alleged infraction. The files include closed cases as well as the current status of those cases not resolved.

Authority for maintenance of the system: 7 U.S.C. 2131 et seq.; 15 U.S.C. 1821 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto. (2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on index cards and in file folders in metal file cabinets.

Retrievability: Numbered cases are cross indexed by alphabetized names. Files are manually retrieved.

Safeguards: Records are maintained in locked files with APHIS employees in attendance during working hours.

Retention and disposal: Files are retained indefinitely.

System manager(s) and address: Deputy Administrator, Veterinary Services, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). See 7 CFR 1.23. Individual access to these records would impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action to escape prosecution. Any individual who feels, however, that he has been denied any right, privilege or benefit for which he would otherwise be eligible as a result of the maintenance of such material may request access to the material. Such requests should be addressed to: APHIS Privacy Act Coordinator, Legislative and Special Assignments Staff, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

USDA/APHIS—6

System name: Veterinary Services Programs—Candidates for Animal Disease Control Positions in Foreign Countries

System location: International Operations Staff, Emergency Programs, Veterinary Services, USDA/APHIS, Hyattsville, MD 20782

Categories of individuals covered by the system: Animal health scientists

Categories of records in the system: Resumes of previous job and educational experience.

Authority for maintenance of the system: 21 U.S.C. 114b.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Advise U.S. scientists in animal health and related field of potential use of their qualifications by international organizations and/or foreign governments. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders in metal file cabinets.

Retrievability: Records are retrieved manually by alphabetized name.

Safeguards: Records are maintained in locked files with APHIS employees in attendance during normal working hours.

Retention and disposal: After 3 years records are sent to the Federal Records Center where they are destroyed after 10 years.

System manager(s) and address: Deputy Administrator, Veterinary Services, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

Notification procedure: All inquiries regarding this system of records should be addressed to: APHIS Privacy Act Coordinator, Legislative and Special Assignments Staff, USDA/APHIS, 14th & Independence Avenue, S.W., Washington, D.C. 20250

Record access procedures: All inquiries should be addressed to the APHIS Privacy Act Coordinator.

Contesting record procedures: All inquiries should be addressed to the APHIS Privacy Act Coordinator.

Record source categories: All information in this system of records is obtained directly from the individual concerned.

USDA/OA—1

System name: Employee Records, USDA/OA

System location: The OA Headquarters Office in the Agriculture Administration Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250, and in the following regional offices:

Northeast
Room 422 Federal Building
Hyattsville, Maryland 20782;
Southeast
Room 900, 1447 Peachtree St., N.E.

Atlanta, Georgia 30309;
Midwest
Room 800, 1 North Wacker Drive
Chicago, Illinois 60606;
Southwest
3916 South General Bruce Drive
Temple, Texas 76501;
Great Plains
8930 Ward Parkway
Kansas City, Missouri 64141;
Western
Room 522, 555 Battery Street
San Francisco, California 94111

Categories of individuals covered by the system: OA permanent and temporary employees, former employees, and applicants for employment.

Categories of records in the system: These records show personnel management and work-related information, including: personal history statements; annual and individual job performance evaluations; data on training and development needs and accomplishments; personnel actions; accident reports; records of accountable property; position descriptions; statements of location preference; records of service, pay, pay rates, addresses and phone numbers; awards and commendations; audit assignments; travel records; employment applications and various correspondence on personnel and administrative matters. Also included are records of employee complaints and grievances, complaints against employees, reports of investigation, and records of adverse actions or other disciplinary actions.

Many of these records are included in the Employee Development folder described in OA directives and many are copies of records included in the Official Personnel Folder maintained by the USDA Office of Personnel.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.81

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Provided upon request to the Civil Service Commission and General Accounting Office for reviewing personnel management and OA operations. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are cards or sheets of paper and are maintained in file folders, notebooks, and card file boxes.

Retrievability: Information is retrieved by name of employee.

Safeguards: Available to management and supervisory personnel on official need-to-know basis. Most records are kept in locked file cabinets when not in use and are kept, after office hours, in locked offices within official Government office buildings.

Retention and disposal: Records are maintained while the individual is employed by OA or under active consideration for employment and are retired or destroyed in conformance with General Services Administration and USDA records retirement and/or destruction schedules.

System manager(s) and address: Assistant to the Director for Administration, OA, USDA, Washington, D.C. 20250, or the appropriate Regional Director at the address specified above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him, from the appropriate System Manager. If the specific location of the record is not known, the individual should address his request to the Assistant to the Director for Administration, who, if necessary, will refer it to the appropriate regional office. A request for information pertaining to an individual should contain: Name, address, and particular information requested.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate System Manager.

Contesting record procedures: Same as access procedures described above.

Record source categories: Information in this system comes primarily from the employee, supervisory personnel, co-workers, references and investigative personnel.

System name: Management Information System, USDA/OA

System location: Office of Automated Data Systems, Washington Computer Center located in the Agriculture South Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250. Print-outs are kept in the Headquarters Office, Office of Audit, USDA, and in the following regional offices:

Northeast
Room 422 Federal Building
Hyattsville, Maryland 20782;
Southeast
Room 900, 1447 Peachtree St., N.E.
Atlanta, Georgia 30309;
Midwest
Room 800, 1 North Wacker Drive
Chicago, Illinois 60606;
Southwest
3916 South General Bruce Drive
Temple, Texas 76501;
Great Plains
8930 Ward Parkway
Kansas City, Missouri 64141;
Western
Room 522, 555 Battery Street
San Francisco, California 94111

Categories of individuals covered by the system: Current OA professional employees.

Categories of records in the system: USDA/OA Management Information System: The system provides OA Management with a wide range of information on OA operations including data that can be used to evaluate the job performance of all OA professional employees. The system identifies individual audit assignments of employees and provides information on direct and indirect time spent on each assignment, when the assignment began and ended, travel cost, the number of audit findings, the significance of the findings and the identity of all the professionals who participated in the assignment.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.81

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Provided upon request to the General Accounting Office for reviewing OA operations. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Computer discs.

Retrievability: Information in the system can be retrieved by audit report number, employee social security number, geographic location and assignment code numbers.

Safeguards: Normal computer security is maintained over access to computer discs. Print-outs are available within USDA as necessary. Print-outs are kept under lock when not in use.

Retention and disposal: Discs and print-outs are cleared, retired or destroyed when no longer useful in accordance with General Services Administration and USDA retirement and/or destruction schedules.

System manager(s) and address: Assistant to the Director for Administration, OA, USDA, Washington, D.C. 20250, or the appropriate Regional Director at the address specified above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him, from the appropriate System Manager. If the specific location of the record is not known, the individual should address his request to the Assistant to the Director for Administration, who, if necessary, will refer it to the appropriate regional office. A request for information pertaining to an individual should contain: Name, address, and particular information requested.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate System Manager.

Contesting record procedures: Same as access procedures described above.

Record source categories: Information in the system comes entirely from OA employees.

USDA/CSRS-1

System name: Biographical Information—Office of Information, USDA/CSRS

System location: Cooperative State Research Service, USDA, Washington, D.C. 20250

Categories of individuals covered by the system: Individuals who are associated with the U. S. Department of Agriculture, State Agricultural Experiment Stations, Cooperating Schools of Forestry, Colleges of 1890 and Tuskegee Institute, and individuals who are associated with the Land-Grant universities.

Categories of records in the system: This system consists of all information that has been collected on individuals as it relates to significant accomplishments, positions held, and honors received.

Authority for maintenance of the system: 7 U.S.C. 361a-i, 450i; 16 U.S.C. 582a582a-7; 7 CFR 2.7 and 2.58

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: For resource material in preparing news items for the Cooperative State Research Service's weekly newsletter and for responding to requests for biographic information about an individual. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in a file cabinet in CSRS Office of Information at the address listed above.

Retrievability: Majority of records are indexed by name of individual. Some are filed by institution.

Safeguards: Official government office building with security guards.

Retention and disposal: Biographic information is retained as long as it is deemed necessary to carry out responsibilities of the agency. Disposal of outdated material in the file is at the discretion of the Director responsible for maintaining the file.

System manager(s) and address: Director, Office of Information, Cooperative State Research Service, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from the System Manager listed above. A request of information pertaining to an individual should contain: name, address, and particulars involved.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to the system which pertains to him by submitting a written request to the official referred to in the preceding paragraph.

Contesting record procedures: Same as procedures for access described above.

Record source categories: Information for this system comes from published articles or correspondence with the individual or from any individual or institutional source that wishes to bring the special achievements of an individual to the attention of CSRS.

USDA/CSRS-2

System name: Biographical Information on McIntire-Stennis Advisory Board and Advisory Committee Members, USDA/CSRS

System location: Cooperative State Research Service, USDA, Washington, D.C. 20250.

Categories of individuals covered by the system: Individuals serving as members of the McIntire-Stennis Cooperative Forestry Act Advisory Board or Advisory Committee.

Categories of records in the system: This system consists of biographic information on the members on the McIntire-Stennis Advisory Board and members on the McIntire-Stennis Advisory Committee.

Authority for maintenance of the system: 16 U.S.C. 582a-7, 7 CFR 2.7 and 2.58

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Press releases or response to requests from public. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in a folder in a file cabinet at the above listed address.

Retrievability: Biographical information on each individual is contained in a folder entitled "Biographical Sketches on Advisory Board and Advisory Committee Members." Information is retrieved by name of the individual.

Safeguards: Official government office building with security guards.

Retention and disposal: Records are maintained as long as needed to carry out agency responsibilities. Disposal of out-of-date material is at the discretion of the Deputy Administrator responsible for the file.

System manager(s) and address: Deputy Administrator, Natural Resources and Special Reports, CSRS, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager. A request for information pertaining to an individual should contain: name, address, and particulars involved.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as procedures for access described above.

Record source categories: Information on this system comes primarily from the individuals themselves or the institutions they are associated with.

USDA/CSRS-3

System name: Current Research Information System, USDA/CSRS

System location: Cooperative State Research Service, 14th Street and Independence Avenue, Washington, D.C. 20250.

Categories of individuals covered by the system: Scientist listed on research projects entered into the Current Research Information System (CRIS).

Categories of records in the system: Research projects of USDA agencies and research projects of those State institutions receiving CSRS administered funds in support of research.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.7, 2.58

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Documentation and reporting of research activities conducted by USDA agencies and documentation and reporting of research activities conducted by State institutions receiving CSRS administered funds for research. (2) Referral to contractors for preparation in a form that can be entered into the computer. (3) Referral to the Smithsonian Science Information Exchange, Inc. (4) Referral to research scientists and Administrators of all Government agencies and affiliated institutions in connection with information retrieval requests in special subject areas. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Storage: Records are maintained on computer tape at the USDA Washington Computer Center.

Retrievability: By name of project leader.

Safeguards: Access to tape storage area limited to Washington Computer Center personnel.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Director, Current Research Information System, CRIS-CSRS, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from the System Manager. A request for information pertaining to an individual should contain: name, address, and agency or institution.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to the system which pertains to him, by submitting a written request to the Director, Current Research Information System.

Contesting record procedures: Same as procedures for access described above.

Record source categories: Information in this system primarily comes from USDA research agencies and State institutions receiving CSRS administered funds for research.

USDA/ERS—2

System name: Rappahannock Land Information System

System location: National Resource Economics Division
Economic Research Service,
Washington, D.C. 20250

Categories of individuals covered by the system: Owners of land in Rappahannock County, Virginia.

Categories of records in the system: Name and address, whether or not legal resident of county, acreage, location and assessed value of land owned in county.

Authority for maintenance of the system: U.S.C. 1621-1627

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referred to County Board of Supervisors of Rappahannock County, Virginia and related administrative offices such as Commissioner of Revenue County Treasurer, and County Zoning office, Department of Taxation, State of Virginia, Richmond, Virginia, for use in their regular administrative functions. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Punched cards in boxes and computer printout in book cases.

Retrievability: Information is retrieved by land parcel number, by geo-code and by name.

Safeguards: Information maintained in guarded Government office building.

Retention and disposal: Basic file is updated periodically and obsolete cards and computer printout are converted to trash when new computer printout is available.

System manager(s) and address: Director, Natural Resource Economics Division, United States Department of Agriculture, Washington, D.C. 20250

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager listed above. A request for information pertaining to an individual should contain name and address.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him by submitting a written request to the official referred to in the preceding paragraph.

Contesting record procedures: Any individual may obtain information as to the procedure for contesting a record in the system which pertains to him by submitting a written request to the official referred to in the preceding paragraph.

Record source categories: Information in this system comes from public records maintained by county officials in Rappahannock County, Virginia.

USDA/OEO—1

System name: Discrimination Complaints Under Title VI of the Civil Rights Act of 1964, USDA/OEO

System location: Office of Equal Opportunity, USDA, Compliance and Enforcement Division, Auditor's Building, Rm. 4123, Washington, D.C. 20250

Categories of individuals covered by the system: Individuals who file complaints alleging discrimination are recipients of USDA benefit programs.

Categories of records in the system: The system consists of complete files (i.e., complaint, agency response to complaint, related correspondence, inquiries and investigatory reports) on initial inquiries made by personnel of OEO and the agency complained about. The file, where appropriate, may consist of investigatory reports conducted and compiled by the Office of Investigation.

Authority for maintenance of the system: 42 U.S.C. 2000d et. seq., 7 CFR 15, Secy's Memo 1662, Supp 2 and Secy's Memo 1756.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) To initiate corrective

action or possible referral to the Department of Justice if voluntary compliance is not achieved. (2) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto. (3) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, or any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of complainant, agency and address.

Safeguards: Records are kept in a locked office.

Retention and disposal: Records are maintained for a period of 3 years, after which they are sent to the National Archives and Records Service, Washington, D.C. 20408.

System manager(s) and address: Richard J. Peer, Chief, Compliance and Enforcement Division, Office of Equal Opportunity, USDA, Auditor's Building, Rm. 4123, Washington, D.C. 20250

Notification procedure: Any individual may request information regarding this system of records from the System Manager as set forth in the preceding paragraph.

Record access procedures: A request for access to a record from the system shall be in writing with the envelope and letter marked "Privacy Access Request." Access requests will be directed to the System Manager listed above.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories: Information in this system comes primarily from agency personnel, complainant, witnesses, participants and nonparticipants, investigative personnel and community leaders.

USDA/ES—1

System name: Cooperative Extension Personnel Records System, USDA/ES.

System location: Personnel Staff, Extension Service, Room 6438, South Building, 14th & Independence Ave., SW, Washington, D.C. 20250.

Categories of individuals covered by the system: All employees of State Extension Services who hold an Excepted Federal Appointment without compensation.

Categories of records in the system: Microfiche copies of personnel actions taken by individual states under delegated personnel authority to support entitlement of employees to the benefit areas of retirement, life and health insurance, workman's and unemployment compensation.

Authority for maintenance of the system: 5 U.S.C. 301; 7 U.S.C. 341, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Civil Service Commission and Department of Labor are supplied supporting documentation for benefit claims of employees and Cooperative Extension Service Personnel Offices are supplied specific assistance upon request. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on microfiche at the address listed.

Retrievability: Records are indexed by name of employee.

Safeguards: In authorized locked cabinet.

Retention and disposal: Records are disposed of in accordance with General Services Administration retirement and/or destruction schedules.

System manager(s) and address: Chief, Cooperative Personnel, Personnel Staff, Extension Service, U. S. Department of Agriculture, Washington, D.C. 20250.

Notification procedure: Any individual may request information concerning himself from this system. A request for information should be addressed to the Director, Personnel Staff, Extension Service, USDA, at the address shown under Location and should contain: Name, address and particular information requested.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the System which pertains to him by submitting a written request to the Director, Personnel Staff, Extension Service.

Contesting record procedures: Use same procedures as for requesting access.

Record source categories: Information in this System comes primarily from the employee with additional data provided by the employee's personnel office.

USDA/ES—2

System name: State Cooperative Extension Service Employees, USDA/ES

System location: Reports and Analysis Branch, Management Operations Staff, Extension Service, USDA, Room 6020, South Building, 14th and Independence Ave., SW, Washington, D.C. 20250.

Categories of individuals covered by the system: All professional employees of the State Cooperative Extension Services from 1968 to present.

Categories of records in the system: Magnetic tapes are made from punch cards on information from the personnel records taken and submitted by State Cooperative Extension Services.

Authority for maintenance of the system: 5 U.S.C. 301; 7 U.S.C. 341, et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tape at the address listed.

Retrievability: Records are entered by social security number or other unique State identifying number.

Safeguards: Authorization must be obtained from the Deputy Administrator of Operations, ES, USDA or Director of Personnel, ES, USDA, before information is released. All printed matter is kept in locked rooms.

Retention and disposal: Records are retained indefinitely.

System manager(s) and address: Chief, Reports and Analysis Branch, Management Operations Staff, Extension Service, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information concerning himself from this system. A request for information should be addressed to the Director, Personnel Staff, Extension Service, USDA, Washington, D.C. and should contain: Name, address, social security number, and the particular information requested.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the System which pertains to him by submitting a written request to the Director, Personnel Staff, Extension Service, USDA.

Contesting record procedures: Use same procedures as for requesting access.

Record source categories: Information in this System comes primarily from the employee with additional data provided by the employee's personnel office.

USDA/FCS—1

System name: Director's Study, USDA/FCS

System location: Farmer Cooperative Service
Assistant Administrator
USDA, 500 12th St., Washington, D.C. 20250

Categories of individuals covered by the system: Individuals who have voluntarily responded to a mail survey of cooperative directors are included in this system of records.

Categories of records in the system: This system consists of a file of questionnaires completed by individuals covering personal characteristics and their attitudes and opinions toward directorship responsibilities.

Authority for maintenance of the system: 7 U.S.C. 451-457 1621-1627.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in files at the applicable address listed above.

Retrievability: Records are indexed by name of individual and cooperative membership.

Safeguards: Records are kept in a locked cabinet in official Government office building.

Retention and disposal: Records are summarized, analyzed and disposed of within one year.

System manager(s) and address: Assistant Administrator, FCS
USDA, Washington, D.C. 20250

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager. A request for information pertaining to an individual should contain: Name, address, and Cooperative Represented.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the System Manager.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, the reasons for contesting it, and the proposed amendment to the information.

Record source categories: Information in this system was voluntarily supplied by directors of a nation-wide sample of farmer cooperatives.

USDA/FCS—2

System name: Ohio Livestock Producers Survey, USDA/FCS

System location: Farmer Cooperative Service
Assistant Administrator
USDA, 500 12th St., S.W., Washington, D.C. 20250

Categories of individuals covered by the system:

2 Individualstate Office files. A list of State Offices and any additional States for which an office is responsible follows:

Montgomery, AL
Phoenix, AZ
Little Rock, AR
Woodland, CA—HI, NV
Denver, CO
Newark, DE—MD, NJ
Gainesville, FL
Athens, GA
Boise, ID
Champaign, IL
Indianapolis, IN
Des Moines, IA
Topeka, KS
Lexington, KY
Alexandria, LA
Orono, ME
East Lansing, MI
St. Paul, MN
Jackson, MS
Columbia, MO
Bozeman, MT
Lincoln, NE
Albuquerque, NM
Syracuse, NY
Raleigh, NC
Bismarck, ND

Columbus, OH
 Stillwater, OK
 Portland, OR—AK
 Harrisburg, PA
 Santurce, PR—VI
 Columbia, SC
 Huron, SD
 Nashville, TN
 Temple, TX
 Salt Lake City, UT
 Montpelier, VT—CT, MA, NH, RI
 Richmond, VA
 Wenatchee, WA
 Morgantown, WV
 Stevens Point, WI
 Casper, WY

The addresses of State and County Offices are listed in the telephone directory of the appropriate city or town under the heading "United States Government, Department of Agriculture, Farmers Home Administration." The Finance Office is located at 1520 Market Street, St. Louis, Missouri 63103.

Categories of individuals covered by the system: Present and former FmHA borrowers/grantees and applicants including members of associations.

Categories of records in the system: The system consists of files containing applicant's/borrower's or grantee's characteristics such as gross and net income, sources of income, capital, assets and liabilities, net worth, age, observed race, number of dependents, marital status, credit report, reference material, and operating plans. In addition, a running record of observations concerning the operations of the person being financed is included at the County Office level. A record of deposits in and withdrawals from a person's supervised bank account is also contained in those files where appropriate or, in some County Offices, maintained in a separate folder containing only information relating to activity within supervised bank accounts. Some items of information are extracted from the person's file and placed in a card file for quick reference.

Authority for maintenance of the system: 7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., 42 U.S.C. 2706.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto.

Information contained in borrowers' files may also provide the basis for USDA news releases citing borrowers' progress.

Referral to employers, businesses, landlords, creditors and others to determine repayment ability and eligibility for FmHA programs.

"Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the State, County, and National Office. A limited subset of personal, financial, and characteristics data required for effective management of the programs and borrower repayment status is maintained on disc or magnetic tape at the Finance Office, accessible by each appropriate office.

Retrievability: Records are indexed by name, identification number and type of loan or grant. Data may be retrieved from paper records. A limited subset of data is available through telecommunications capability ranging from telephones to intelligent terminals. The telecommunications capability is available to all FmHA offices.

Safeguards: Records are kept in locked offices at the State, County, and National Office. A limited subset of data is also maintained in a properly managed tape and disc library and an online retrieval system at the Finance Office. Access is restricted to authorized FmHA personnel. A system of operator and terminal passwords and code numbers is used to restrict access to the online system. These codewords and numbers are changed as necessary.

Retention and disposal: Records are maintained subject to the Federal Records Disposal Act of 1943 (44 U.S.C. 366-380) and in accordance with FmHA's disposal schedules. Disposal of records at the State, County, and National Office is accomplished through deposit in office waste containers. Records at the Finance Office are disposed of by overprinting.

Applications which are rejected, withdrawn, or otherwise terminated are kept in the County Office one full fiscal year after the fiscal year in which final action was taken on the application.

The records of borrowers who have paid or otherwise satisfied their obligation are retained in the County Office one full fiscal year. In those instances where real estate has been acquired by the FmHA through foreclosure, conveyance of title, etc., and subsequently sold to a borrower not eligible for FmHA programs, the State Office folder for this borrower will be transferred to the National Office after the account has been paid in full. The folder will be retained at the Federal Records Center for 10 years. Correspondence records at the National Office which concern borrowers and applicants are retained for 3 fiscal years after the last year in which there was correspondence.

System manager(s) and address: The County Supervisor at the County Office level, the State Director at the State Office level, the Director of the Finance Office for Finance Office records, and the Administrator, FmHA, for the National Office file.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate System Manager. If the specific location of the record is not known, the individual should address his request to the Administrator, (Attention: Freedom of Information Officer), USDA/FmHA, Washington, D.C. 20250, telephone (202) 44702211. A request for information pertaining to an individual should contain: Name, address, FmHA office where loan/grant was applied for/approved and particulars involved (i.e., date of request/approved, which FmHA program, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to one of the System Managers referred to in the preceding paragraph.

Contesting record procedures: Same as access.

Record source categories: Information in this system comes primarily from the applicant/borrower/grantee.

USDA/FmHA—2

System name: Biographical Sketch File, USDA/FmHA

System location: USDA/FmHA

14th & Independence Avenue, S.W.
 Washington, D.C. 20250

Categories of individuals covered by the system: All employees and former employees of FmHA at or above the Division Director level and all current and former State Directors.

Categories of records in the system: The system consists of files containing information concerning employee's educational and employment history, awards, marital status, number of children, present employment, place of birth and current residence. The employee knows the file is maintained and has approved the biography.

Authority for maintenance of the system: 7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: This information is furnished to the news media, Congressional committees, organizations to which the employee will be speaking and other interested parties. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the National Office.

Retrievability: Records are indexed by name.

Safeguards: Records are kept in a building with full-time security.

Retention and disposal: Indefinite.

System manager(s) and address: Administrator, USDA/FmHA
 14th & Independence Avenue, S.W.
 Washington, D.C. 20250

Notification procedure: Any individual may request information concerning this system of records, or information as to whether the system contains records pertaining to him from the System Manager. A request for information pertaining to an individual should contain: Name, address, position(s) held in FmHA and dates of employment.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him by submitting a written request to the System Manager.

Contesting record procedures: Same as access.

Record source categories: Information in this system is provided by the employee, or is taken from his record with his concurrence.

USDA/FmHA—3

System name: Credit Report File, USDA/FmHA

System location: Each borrower's/grantee's or applicant's credit report file is located in the County Office through which application for credit was made, the State Office responsible for that county, and the National Office. The addresses of FmHA County Offices are listed in the telephone directories of appropriate municipalities under the heading "United States Government, Department of Agriculture, Farmers Home Administration." A listing of State Offices and any additional States for which an office is responsible is included under the system titled "USDA/FmHA Applicant, Borrower or Grantee File."

The National Office is located at 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Categories of individuals covered by the system: All FmHA borrowers, grantees and recent applicants are included in this system.

Categories of records in the system: This system consists of credit reports and personal references from credit agencies, lenders, and individuals.

Authority for maintenance of the system: 7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in the borrower's/grantee's, or applicant's file folders at all levels.

Retrievability: Records are indexed by name and borrower's number.

Safeguards: Records are kept in locked offices and access is limited to authorized FmHA personnel.

Retention and disposal: Records are maintained subject to the Federal Records Disposal Act of 1943 (44 U.S.C. 366-380) and in accordance with FmHA's disposal schedules. Credit reports and references relating to applications which are rejected, withdrawn or otherwise terminated are retained one full fiscal year after the fiscal year in which the action was taken.

Credit reports concerning borrowers who have paid or otherwise satisfied their obligations are retained as above.

System manager(s) and address: The County Supervisor at the County Office level, the State Director at the State Office level, and the Administrator, FmHA, for the National Office file.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate System Manager. If the specific location of the record is not known, the individual should address his request to the Administrator, (Attention Freedom of Information Officer), USDA/FmHA, Washington, D.C., telephone (202) 447-2211, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, State

and county where loan was applied for/approved and particulars involved (i.e., date of request/approval, type of loan, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him by submitting a written request to one of the System Managers referred to in the preceding paragraph.

Contesting record procedures: Same as access.

Record source categories: Information in this system comes primarily from credit agencies and creditors.

Systems exempted from certain provisions of the act: Information contained in this system which is based on frank statements obtained from sources under express or implied promise that the identity of the source will be held in confidence and is exempt from the provisions of 5 U.S.C. a (d) (1) on the basis of 5 U.S.C. 552 a (k) (5).

USDA/FmHA—4

System name: Designated Attorney and Escrow Agent File, USDA/FmHA

System location: Each designated attorney or escrow agent file is located in the County Office and State Office in the State in which he is designated. In addition, all designated attorneys and escrow agents are listed at the National Office.

A list of State Offices and any additional States for which an office is responsible is included under the system titled "USDA/FmHA Applicant, Borrower, or Grantee File." The addresses of State and County Offices are listed in the telephone directory of the appropriate city or town under the heading "United States Government, Department of Agriculture, Farmers Home Administration."

Categories of individuals covered by the system: All FmHA designated attorneys and escrow agents including those whose designations have expired within the last year.

Categories of records in the system: The system consists of a list of names of designated attorneys and escrow agents, and may include comments as to whether their performance has been satisfactory.

Authority for maintenance of the system: 7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto. Information is also provided to FmHA borrowers prior to loan closing and to other interested parties upon request. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the appropriate location.

Retrievability: Records are indexed by name.

Safeguards: Records are kept in locked offices at all levels. Access at all levels is restricted to authorized FmHA personnel.

Retention and disposal: Records are maintained subject to the Federal Records Disposal Act of 1943 (44 U.S.C. 366-380) and in accordance with FmHA's disposal schedules. Records are destroyed one year after termination of the designation.

System manager(s) and address: The County Supervisor at the County Office level, the State Director at the State Office level, and the Administrator, FmHA, for the National Office file at the following address: USDA/FmHA, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate System Manager. If the specific location of the record is not known, the individual should address his request to the Administra-

tor, USDA/FmHA, 14th & Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447-2211, (Attention Freedom of Information Officer). A request for information pertaining to an individual should contain: Name, address, State and county in which the individual was a designated attorney or escrow agent.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to one of the System Managers referred to in the preceding paragraph.

Contesting record procedures: Same as access.

Record source categories: Information comes primarily from the subject of the file.

USDA/FmHA—5

System name: Graduation File, USDA/FmHA

System location: Each borrower's graduation file is located in the County Office through which the borrower obtained his loan, and in some cases, at the State Office responsible for that County Office.

A list of State Offices and any additional States for which an office is responsible is included under the system titled "USDA/FmHA Applicant, Borrower or Grantee File." The addresses of State and County Offices are listed in the telephone directory of the appropriate city or town under the heading "United States Government, Department of Agriculture, Farmers Home Administration."

Categories of individuals covered by the system: All FmHA borrowers whose loans are eligible for review to determine whether the borrower should obtain credit from other sources. All borrowers who have been in debt for at least two years on an emergency loan, three years on an operating loan, or five years on a real estate loan are considered eligible for review.

Categories of records in the system: The system consists of files containing names of borrowers eligible for review, type of loan, whether graduation is advisable, and any communications with the borrower concerning whether the loan has been paid off or if the borrower is unable to refinance, as well as comments of the County Committee and the County Supervisor.

Authority for maintenance of the system: 7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are kept in locked offices at all levels, and access is restricted to authorized FmHA personnel.

Retention and disposal: Records are retained for three years after the list of borrowers eligible for review was received by the County Supervisor.

System manager(s) and address: The County Supervisor and the State Director at the appropriate levels.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate System Manager. If the specific location of the record is not known, the individual should address his request to the Administrator, (Attention Freedom of Information Officer), USDA/FmHA, 14th & Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447-2211. A request for information pertaining to an individual should contain: Name, address, State and county where loan was applied for or approved and particulars involved (i.e., date of request/approval, type of loan, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to one of the System Managers referred to in the preceding paragraph.

Contesting record procedures: Same as access.

Record source categories: Information in this system comes primarily from the borrower.

USDA/FmHA—6

System name: Housing Contractor Complaint File, USDA/FmHA

System location: Complaints concerning housing contractors may be filed in the County and State Offices in any State or county in which the contractor had conducted business.

A list of State Offices and any additional State for which an office is responsible is included under the system titled "USDA/FmHA Applicant, Borrower or Grantee File." The addresses of State and County Offices are listed in the telephone directory of the appropriate city or town under the heading "United States Government, Department of Agriculture, Farmers Home Administration."

Categories of individuals covered by the system: All housing contractors who have performed work for FmHA borrowers and about whom the borrower has seen fit to file a complaint.

Categories of records in the system: The system consists of files containing borrowers' complaints concerning contractors.

Authority for maintenance of the system: 7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto. In addition, prospective FmHA borrowers and other interested parties may obtain information. Further, information contained in this file may be obtained for use in civil or administrative proceedings. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by the contractor or name of the construction company.

Safeguards: Records are kept in locked offices at all levels. Access at all levels is restricted to authorized FmHA personnel.

Retention and disposal: Records are maintained subject to the Federal Records Disposal Act of 1943 (44 U.S.C. 366-380) and in accordance with FmHA's disposal schedules. Records are retained for three fiscal years after the fiscal year of the complaint.

System manager(s) and address: The County Supervisor at the County Office level, and the State Director at the State Office level.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate System Manager. If the specific location of the record is not known, the individual should address his request to the Administrator, (Attention Freedom of Information Officer), USDA/FmHA, 14th & Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447-2211. A request for information pertaining to an individual should contain: Name, address, and location where work was performed for FmHA borrowers.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to one of the System Managers referred to in the preceding paragraph.

Contesting record procedures: Same as access.

Record source categories: Information in this system comes primarily from the complainants.

USDA/FmHA—7

System name: Reserved Mineral Interests, USDA/FmHA

System location: This system is maintained at the National Office at the following address: USDA/FmHA, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Categories of individuals covered by the system: All FmHA borrowers who purchased land with a FmHA loan prior to 1951 where FmHA retained mineral interests.

Categories of records in the system: The system consists of files containing borrower's name, county where property is located, fair market value of mineral interest at the time such interests were offered for sale, date of acceptance or rejection of governmental offer for sale of mineral interest, percentage of mineral interest owned by Federal Government, the date on which the borrower made a deposit for the purchase of the mineral interest, and the date on which such a deposit was refunded. Additionally, the file contains remarks generally pertaining to additional names which have been added to the title.

Authority for maintenance of the system: 7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto. The information is also available to interested parties. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are kept in locked offices. Access at all levels is restricted to authorized FmHA personnel.

Retention and disposal: Records are maintained subject to the Federal Records Disposal Act of 1943 (44 U.S.C. 366-380) and in accordance with FmHA's disposal schedules. Records will be retained permanently.

System manager(s) and address: The Administrator, Farmers Home Administration, USDA, 14th and Independence Avenue, S.W., Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager. A request for information pertaining to an individual should contain: Name, address, State and county loan was applied for/approved and particulars involved (i.e., date of request/approval, type of loan, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to one of the System Managers referred to in the preceding paragraph.

Contesting record procedures: Same as access.

Record source categories: Information in this system comes primarily from the borrower.

USDA/FmHA—8

System name: Tort Claims File, USDA/FmHA

System location: Each claimant's file is located in the office of the employee against whom the action was filed, the applicable State Office, and the National Office. A list of State Offices and any additional States for which an office is responsible is included under the system titled "USDA/FmHA Applicant, Borrower or Grantee File." The addresses of State and County Offices are listed in the telephone directory of the appropriate city or town under the heading "United States Government, Department of Agriculture, Farmers Home Administration." The National Office is located at the following address: USDA/FmHA, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Categories of individuals covered by the system: All claimants who have filed civil suits against employees of FmHA, or against the Federal Government including those filed under the Tort Claims

Act as a result of circumstances involving the Farmers Home Administration.

Categories of records in the system: The system consists of files containing information as to the circumstances of the loss for which the claimant is seeking relief, opinions of the Office of General Counsel, USDA, and disposition of the case.

Authority for maintenance of the system: 7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by claimant's name.

Safeguards: Records are kept in locked offices at all levels. Access at all levels is restricted to authorized FmHA personnel.

Retention and disposal: Records are maintained subject to the Federal Records Disposal Act of 1943 (44 U.S.C. 366-380) and in accordance with FmHA's disposal schedules. Records are retained for five years after the last written report or document was placed in the file.

System manager(s) and address: The County Supervisor at the County Office level, the State Director at the State Office level, and the Administrator, FmHA, for the National Office file.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate System Manager. If the specific location of the record is not known, the individual should address his request to the Administrator (Attention Freedom of Information Officer), USDA/FmHA, 14th & Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447-2211. A request for information pertaining to an individual should contain: Name, address, defendant in the action, and date of the initiation of the action.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to one of the System Managers referred to in the preceding paragraph.

Contesting record procedures: Same as access.

Record source categories: Information in this file comes primarily from the claimant.

USDA/FmHA—9

System name: Training Files, USDA/FmHA

System location: Training files may be located at the FmHA Training Center, 1408 Asp Avenue, Norman, Oklahoma 73069, or the FmHA National Office, 14th & Independence Avenue, S.W., Washington, D.C. 20250.

Categories of individuals covered by the system: All persons who have received or applied for training at the FmHA Training Center and other locations if such training was to be at FmHA expense.

Categories of records in the system: Name of individual, date(s) of training, and course(s) taken or applied for are included in this record.

Authority for maintenance of the system: 7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 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 a card file at Norman, Oklahoma and in file folders at the National Office.

Retrievability: Records are indexed by the name of the individual receiving/applying for training.

Safeguards: Records are kept in a locked office.

Retention and disposal: Retention is indefinite.

System manager(s) and address: Resident Manager, FmHA Training Center; Administrator, FmHA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate System Manager. Requests should include name and address.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the System Manager.

Contesting record procedures: Same as access.

Record source categories: Information in this system comes from the applicant.

USDA/FmHA—10

System name: Travel Records, USDA/FmHA

Security classification: Each traveler's file is located in the County Office in which he is employed, the State Office responsible for that County Office, or in the National or Finance Office if the traveler is employed at either of those levels.

A list of State Offices and any additional States for which an office is responsible is included under the system titled "USDA/FmHA Applicant, Borrower or Grantee File." The addresses of State and County Offices are listed in the telephone directory of the appropriate city or town under the heading "United States Government, Department of Agriculture, Farmers Home Administration."

Categories of individuals covered by the system: All FmHA employees and former employees whose travel expenses have been paid for by the Farmers Home Administration.

Categories of records in the system: The system consists of files containing employees' itineraries and travel vouchers.

Authority for maintenance of the system: 7 U.S.C. 1921 et. seq., 42 U.S.C. 1471 et. seq., and 5 U.S.C. 301.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name.

Safeguards: Records are kept in locked offices at all levels. Access at all levels is restricted to authorized FmHA personnel.

Retention and disposal: Records are maintained subject to the Federal Records Disposal Act of 1943 (44 U.S.C. 366-380) and in accordance with FmHA's disposal schedules. Records are disposed of two years after the fiscal year in which the travel occurred.

System manager(s) and address: The County Supervisor at the County Office level, the State Director at the State Office level, the Director of the Finance Office for Finance Office records, and the Administrator, FmHA, for the National Office file.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate System Manager. If the specific location of the record is not known, the individual should address his request to the Administrator (Attention: Freedom of Information Officer), USDA/FmHA,

14th & Independence Avenue, S.W., Washington, D.C. 20250, telephone (202) 447-2211. A request for information pertaining to an individual should contain: Name, address, and dates and places of employment.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to one of the System Managers referred to in the preceding paragraph.

Contesting record procedures: Same as access.

Record source categories: Information in this system comes primarily from the employee.

USDA/FCIC—1

System name: Accounts Receivable, USDA/FCIC

System location: National Service Office, Federal Crop Insurance Corporation, 8930 Ward Parkway, Kansas City, Missouri 64114. A copy is also maintained in the applicable Sales Center for the state, and the office for the county of the Federal Crop Insurance Corporation, as well as the ASCS County Offices of the United States Department of Agriculture. Addresses of these field offices may be obtained from the Director, National Service Office, Kansas City, Missouri 64114.

Categories of individuals covered by the system: Individuals who are indebted to the Federal Crop Insurance Corporation.

Categories of records in the system: System consists of a master list of indebtedness by county and individual.

Authority for maintenance of the system: 7 U.S.C. 1501-1520; 7 CFR 2.67.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto.

(2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on computer printouts, magnetic tape, microfiche, and also in a card index in county ASCS offices.

Retrievability: Records are indexed by state, county, and name of individual.

Safeguards: Records are accessible only to authorized personnel and are maintained in offices which are locked during nonduty hours.

Retention and disposal: Records are maintained until the indebtedness is paid. Paper records for disposal are delivered to custodial services for disposal as waste paper. Magnetic tape records are erased.

System manager(s) and address: Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.

Notification procedure: An individual may request information regarding this system of records or information as to whether the system contains records pertaining to himself from the office for the county. Addresses of locations where records are maintained may be obtained from the Director, National Service Office, Federal Crop Insurance Corporation, 8930 Ward Parkway, Kansas City, Missouri 64114. The request for information should contain: (1) Individual's name and address, (2) state(s) and county(ies) where he farms, and (3) the individual policy number, if known.

Record access procedures: An individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the Director, National Service Office, at the address in the preceding paragraph.

Contesting record procedures: Same as access procedure.

Record source categories: Information in this system comes from the individual debtor.

USDA/FCIC—2

System name: Inspector's Report (FCIC-26), USDA/FCIC

System location:

Regional Underwriting Offices and Regional Offices located below:

Southwest Region: 50th & North Pennsylvania, Suite 1210, 50 Penn Place, Oklahoma City, Oklahoma 73118.

Northwest Region: 2602 First Avenue North, Room 217, Billings, Montana 59101.

Southeast Region: Room M-116, 401 North Patterson Street, U.S. Post Office and Federal Building, Valdosta, Georgia 31601.

North Central Region: Federal Building and U.S. Courthouse, 600 East Monroe Street, Room 106, Springfield, Illinois 62701.

Regional Offices:

Fresno, California

Indianapolis, Indiana

Des Moines, Iowa

Manhattan, Kansas

St. Paul, Minnesota

Jackson, Mississippi

Billings, Montana

Lincoln, Nebraska

Raleigh, North Carolina

Bismarck, North Dakota

Columbia, South Carolina

Nashville, Tennessee

College Station, Texas

Spokane, Washington

Addresses of each Regional Office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Federal Crop Insurance Corporation."

Categories of individuals covered by the system: Policyholders whose land productivity and/or farming practices are found to warrant a change in their actuarial classification or individuals who have filed applications for insurance with the total anticipated liability which substantially exceeds the average for the area.

Authority for maintenance of the system: 7 U.S.C. 1501-1520; 7 CFR 2.67.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether arising by general statute or particular program statute, or by rule, regulation or order issued pursuant thereto.

(2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by State, county, and policy number.

Safeguards: Records are accessible only to authorized personnel and are maintained in offices which are locked during nonduty hours.

Retention and disposal: Records are normally retained for two years following the crop year in which the reports were prepared. Records for disposal are delivered to custodial services for disposal as waste paper.

System manager(s) and address: Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.

Notification procedure: An individual may request information regarding this system of records, or information as to whether the system contains records pertaining to himself from the Director, Actuarial Division, Federal Crop Insurance Corporation, USDA, 8930 Ward Parkway, Kansas City, Missouri 64114, or the Regional

Underwriting Supervisor at the appropriate address previously furnished. A request for information pertaining to an individual should contain (1) individual's name and address, (2) state(s) and county(ies) where farm(s) is located, and (3) the individual's policy number(s), if known.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as access procedure.

Record source categories: Information in this system comes sometimes from the applicant for insurance, the FCIC employee inspecting the farming operation, and in some cases, acreage and yield data obtained from the Agricultural Stabilization and Conservation Service.

USDA/FCIC—3

System name: Crop Insurance Actuarial Listing, USDA/FCIC

System location: Regional Underwriting Offices, Valdosta, Georgia; Springfield, Illinois; Oklahoma City, Oklahoma; Billings, Montana; Contract Service Centers located in

Fresno, California

Indianapolis, Indiana

Des Moines, Iowa

Manhattan, Kansas

St. Paul, Minnesota

Jackson, Mississippi

Lewistown, Montana

Lincoln, Nebraska

Raleigh, North Carolina

Bismarck, North Dakota

Columbia, South Carolina

Nashville, Tennessee

College Station, Texas

Spokane, Washington

Also individual offices for the county of the Federal Crop Insurance Corporation.

Addresses of each field office may be obtained from the telephone directories under United States Government, Department of Agriculture, Federal Crop Insurance Corporation.

Categories of individuals covered by the system: Individuals who produce specific crop(s) in the county.

Categories of records in the system: The system contains the name and address of the owner or operator of a farm, ASCS farm serial number, allotment or planted acres of the crop, and the actuarial classification for the crop(s).

Authority for maintenance of the system: 7 U.S.C. 1501-1520; 7 CFR 2.67.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto.

(2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery.

(3) Information in the system of records is on file and available to the public for inspection in the office for the county. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by state, county, crop, and name of operator/owner or ASCS farm serial number.

Safeguards: Records are available for public inspection in offices for the county. These offices are locked during nonduty hours.

Retention and disposal: Indefinite.

System manager(s) and address: Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.

Notification procedure: An individual may request information regarding this system of records or information as to whether the system contains records pertaining to himself from the office for the county. The addresses of the individual office for the county may be obtained from the Director, National Service Office, Federal Crop Insurance Corporation, 8930 Ward Parkway, Kansas City, Missouri 64114. A request for information pertaining to an individual should contain (1) Individual's name and address, (2) state(s) and county(ies) where farm(s) is located, (3) whether owner or operator, and (4) ASCS farm serial number.

Record access procedures: An individual may obtain information as to procedures for gaining access to a record in this system which pertains to him by submitting a written request to the Director, Actuarial Division, Federal Crop Insurance Corporation, 8930 Ward Parkway, Kansas City, Missouri 64114.

Contesting record procedures: Same as access procedure.

Record source categories: Information in this system comes from county ASCS offices, data obtained from producers and from Corporation records of producers' insurance experience.

USDA/FCIC—4

System name: Contact Report File—USDA/FCIC

System location: County Federal Crop Insurance Corporation offices throughout the United States. To obtain addresses of field offices contact: Manager, Federal Crop Insurance Corporation, U. S. Department of Agriculture, Washington, D.C. 20250.

Categories of individuals covered by the system: Prospective policyholders.

Categories of records in the system: This system of records is comprised solely of the Contact Report (Form FCI-18) prepared by FCIC representatives during the sales presentation.

Authority for maintenance of the system: 7 U.S.C. 1501-1520; 7 CFR 2.67.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto. (2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in the office for the county in separate files or in the contract files.

Retrievability: Records are indexed by state, county, and individuals' names.

Safeguards: Records are accessible only to authorized personnel and are maintained in offices which are locked during nonduty hours.

Retention and disposal: These forms are retained for 3 years. Records for disposal are delivered to custodial services for disposal as waste paper.

System manager(s) and address: Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.

Notification procedure: An individual may request information regarding this system of records, or information as to whether the system contains records pertaining to himself from the Director, Marketing Division, FCIC, USDA, Washington, D.C. 20250, or the office representative at the appropriate office for the county. Addresses of locations where records are maintained may be obtained from the above office. A request for information pertaining to an individual should contain: (1) An individual's name and address, and (2) state(s) and county(ies) where farm(s) is located.

Record access procedures: An individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as access procedure.

Record source categories: Information in this system comes from prospective insureds and representatives of the Federal Crop Insurance Corporation.

USDA/FCIC—6

System name: Insurance Contract Analysis, USDA/FCIC

System location: National Service Office, Federal Crop Insurance Corporation, 8930 Ward Parkway, Kansas City, Missouri; Regional Underwriting Offices in Valdosta, Georgia, Springfield, Illinois, Oklahoma City, Oklahoma, Billings, Montana; Contract Service Centers at 14 different locations, and individual offices for the county of the Federal Crop Insurance Corporation. Addresses of each field office may be obtained from the Director, National Service Office, Federal Crop Insurance Corporation, USDA, Kansas City, Missouri 64114.

Categories of individuals covered by the system: Individuals who have, or have had in the past, insurance with the Federal Crop Insurance Corporation.

Categories of records in the system: The system contains the name, crops insured by crop years, the amount of premium paid by the insured, the amount of indemnity paid to the insured, the cause of loss, loss ratio of each crop insured under the policy, the number of years no loss, the wheat bushel balance for premium discount purposes, the total number of years a premium was earned, and the number of years an indemnity was paid.

Authority for maintenance of the system: 7 U.S.C. 1501-1520; 7 CFR 2.67.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto.

(2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in bound books and on magnetic tape.

Retrievability: Records are indexed by state, county, and policy number.

Safeguards: Records are accessible only to authorized personnel and are maintained in offices which are locked during nonduty hours.

Retention and disposal: Records are maintained for 3 years after a policy is cancelled, except indefinite retention applies where the loss ratio for an individual crop was 1.20 or greater. Paper records for disposal are delivered to custodial services for disposal as waste paper. Magnetic tape records are erased.

System manager(s) and address: Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.

Notification procedure: An individual may request information regarding this system of records or information as to whether the system contains records pertaining to himself from the office for the county. Addresses of locations where records are maintained may be obtained from the Director, National Service Office, Federal Crop Insurance Corporation, Kansas City, Missouri 64114. A request for information should contain: (1) Individual's name, (2) state(s) and county(ies) where farm(s) is located, and (3) the individual policy number(s), if known.

Record access procedures: An individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as access procedure.

Record source categories: Information in this system is a summary of data obtained from insured producers.

USDA/FCIC—7

System name: Insurance Contract Files, USDA/FCIC

System location: National Service Office, Federal Crop Insurance Corporation, 8930 Ward Parkway, Kansas City, Missouri 64114, and/or various offices for the county throughout the United States. To obtain addresses of the field offices, contact: Manager, Federal Crop Insurance Corporation, U. S. Department of Agriculture, Washington, D.C. 20250.

Categories of individuals covered by the system: Individual farmers who participate in the Federal Crop Insurance program are included in this system of records.

Categories of records in the system: This system consists of a complete file containing all basic insurance documents; i.e., the application for insurance, the annual acreage report, inspection reports, claim forms, miscellaneous correspondence, etc. Selected data obtained from the basic insurance documents is also maintained on magnetic tape.

Authority for maintenance of the system: 7 U.S.C. 1501-1520; 7 CFR 2.67.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto.

(2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in individual file folders and on magnetic tape.

Retrievability: Records are indexed by state, county, and policy number.

Safeguards: Records are accessible only to authorized personnel and are maintained in offices which are locked during nonduty hours.

Retention and disposal: Records are maintained for 3 years following cancellation of the policy, except where there is an outstanding debt the file is retained 5 years following the year of the debt. Paper records for disposal are delivered to custodial services for disposal as waste paper. Magnetic tape records are erased.

System manager(s) and address: Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.

Notification procedure: An individual may request information regarding this system of records, or information as to whether the system contains records pertaining to himself from the Director, National Service Office, Federal Crop Insurance Corporation, USDA, 8930 Ward Parkway, Kansas City, Missouri 64114.

Addresses of locations where records are maintained may be obtained from the above office or Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.

A request for information pertaining to an individual should contain: (1) Individual's name and address, (2) state(s) and county(ies) where farm(s) is located, and (3) the individual policy number(s), if known.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as access procedure.

Record source categories: Information in this system comes primarily from individual insureds, Federal Crop Insurance Corporation employees and investigative personnel.

USDA/FCIC—8

System name: List of Ineligible Producers, USDA/FCIC

System location: National Service Office, Federal Crop Insurance Corporation, 8930 Ward Parkway, Kansas City, Missouri 64114; Regional Underwriting Offices; Offices of Contract Service Center Directors; and each office for the county of the Federal Crop Insurance Corporation. Addresses of each field office may be obtained from the Director, National Service Office, Federal Crop Insurance Corporation, USDA, Kansas City, Missouri 64114.

Categories of individuals covered by the system: Individuals who have been determined as not eligible for Federal Crop Insurance on specific crop(s) due to excessive losses, questionable farming practices, or who have had contracts voided due to suspected or apparent fraud.

Categories of records in the system: Record contains only lists of names of producers and prior policy numbers, if any, for a specific state and county.

Authority for maintenance of the system: 7 U.S.C. 1501-1520; 7 CFR 2.67.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto.

(2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders by county, and on magnetic tape.

Retrievability: Records are indexed by state, county, and name of individual.

Safeguards: Records are accessible only to authorized personnel and are maintained in offices which are locked during nonduty hours.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.

Notification procedure: An individual may request information regarding this system of records, or information as to whether the system contains records pertaining to himself from the Director, National Service Office, Federal Crop Insurance Corporation, USDA, 8930 Ward Parkway, Kansas City, Missouri 64114.

Addresses of locations where records are maintained may be obtained from the above office or Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.

A request for information pertaining to an individual should contain: (1) Individual's name and address, (2) state(s) and county(ies) where farm(s) is located, and (3) the individual policy number(s), if known.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as access procedure.

Record source categories: Information in this system comes from reports of inspections made by FCIC personnel of producers' operations and from records of previous insurance experience.

USDA/FCIC—9

System name: Listing of Indemnities Paid, USDA/FCIC

System location: National Service Office, Federal Crop Insurance Corporation, 8930 Ward Parkway, Kansas City, Missouri 64114. A copy is also sent to the applicable County Courthouse and ASCS County Office of the United States Department of Agriculture. Addresses of these offices may be obtained from the Director, National Service Office, Kansas City, Missouri.

Categories of individuals covered by the system: Persons who were paid an indemnity by the Federal Crop Insurance Corporation for the crop year.

Categories of records in the system: Record contains name of policyholder who was paid an indemnity, policy number, and total amount of indemnity(ies) paid for the crop year.

Authority for maintenance of the system: 7 U.S.C. 1501-1520; 7 CFR 2.67.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to county courthouses for posting on public bulletin boards. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on bulletin boards.

Retrievability: Records are indexed by policy number and name of insured.

Safeguards: None.

Retention and disposal: County courthouse retention is at the discretion of county judge. Records in ASCS office are maintained for one year.

System manager(s) and address: Manager, Federal Crop Insurance Corporation, USDA, Washington, D.C. 20250.

Notification procedure: An individual may determine whether or not there is information pertaining to him on the list by inspecting the posted list in the county courthouse or county ASCS office.

Record access procedures: An individual may gain access to records pertaining to him as specified above.

Contesting record procedures: He may contest the record by contacting the Manager, Federal Crop Insurance Corporation, at the address above.

Record source categories: Information in this system comes from data supplied by insured producers.

USDA/FNS—1

System name: Civil Rights Complaints and Investigations—USDA/FNS

System location: Civil Rights Staff, Food and Nutrition Service, United States Department of Agriculture, 500 12th St., S.W., Room 750, Washington, D.C. 20250, and FNS Regional Offices located in: Atlanta, Georgia which covers the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee; Boston, Massachusetts which covers (after September 1, 1975) the States of Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont; Chicago, Illinois which covers the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin; Dallas, Texas which covers the States of Arkansas, Colorado, South Dakota, Texas, Utah, and Wyoming; Princeton, New Jersey which covers (until September 1, 1975, includes States listed under Boston Regional Office) the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia; and San Francisco, California which covers the States of Alaska, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, American Samoa, Trust Territories of the Pacific, and Washington.

The address of each Regional Office is listed in the telephone directory of the respective cities listed above under the heading "United States Government, Department of Agriculture, Food and Nutrition Service."

Categories of individuals covered by the system: Included in this system are (1) files of persons who have alleged discrimination of the type prohibited by Title VI of the Civil Rights Act of 1964 and subsequent regulations; (2) files, names and case numbers, and case file information regarding State or local agency compliance with Title VI (includes names and case numbers referencing individuals who have been contacted or whose case files have been reviewed to ascertain a State's compliance).

Categories of records in the system: The system consists of records on individual complaints alleging discrimination and includes: (1) Evidentiary information to disprove or substantiate the allegations; (2) Sources of information; (3) Statements from witnesses; and (4) Statistical data supplied by the State or local agency.

Authority for maintenance of the system: 42 U.S.C. 2000 d-1.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation, or order issued pursuant thereto; (2) Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; and (3) Staff evaluations of the availability of FNS food assistance programs without regard to race, color, national origin, religious belief, or political affiliation. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable addresses listed above.

Retrievability: Civil Rights complaints are indexed by State and complainant's name. Office of Investigation reports are indexed by complainant's name and investigation number.

Safeguards: Records are kept in either locked filing cabinets or in locked offices.

Retention and disposal: Closed cases are retained for one fiscal year following the end of the fiscal year in which they are closed. Thereafter, they are transferred to Federal Records Centers and maintained for three additional fiscal years before disposal.

System manager(s) and address: Director, Civil Rights Staff, Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250 (202-447-8410), or the appropriate Regional Administrator at the address listed above.

Notification procedure: An individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate manager as set forth in the preceding paragraph.

A request for information pertaining to an individual should contain the name and address of the individual, and whether the records were compiled as a result of a complaint or an FNS compliance review.

Record access procedures: An individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate system manager listed above. The envelope and the letter should be marked "Privacy Act Request."

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, the reasons for contesting it, and the proposed amendment to the information.

Record source categories: Information in this system comes primarily from complainants, witnesses, agency employees, and investigative personnel.

Systems exempted from certain provisions of the act: This material has been exempted in 7 C.F.R. 1.23 pursuant to 5 U.S.C. 552 a(k)(2) from the requirements of subsections (c)(3), (d), (G), and (H). The above system contains information received under an express or implied promise of confidentiality, or investigative techniques, processes, or procedures, the disclosure of which could be detrimental to legitimate agency functions.

USDA/FNS—2

System name: Food Stamp Program Inquiries and Complaints—USDA/FNS

System location: FNS Regional Offices located in: Atlanta, Georgia which covers the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee; Boston, Massachusetts which covers (after September 1, 1975) the States of Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont; Chicago, Illinois which covers the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin; Dallas, Texas which covers the States of Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah,

and Wyoming; Princeton, New Jersey which covers (until September 1, 1975, includes States listed under Boston Regional Office) the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia; and San Francisco, California which covers the States of Alaska, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, American Samoa, Trust Territories of the Pacific, and Washington.

The address of each Regional Office is listed in the telephone directory of the respective cities listed above under the heading "United States Government, Department of Agriculture, Food and Nutrition Service."

Categories of individuals covered by the system: Recipients and other persons dissatisfied with or seeking information about local Food Stamp Program policy and procedures.

Categories of records in the system: The system consists of copies of each complaint or inquiry and the resulting documentation gathered in responding to it.

Authority for maintenance of the system: 78 STAT. 703 as amended; 7 U.S.C. 2011-2025; and 7 CFR 270,271.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Serves as a record of action taken and as resource information to determine trends and patterns; (2) Referral to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation, or order issued pursuant thereto; and (3) Referral to court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the addresses listed above.

Retrievability: Records are indexed by State, name of individual, and food stamp project area.

Safeguards: Records are kept either in locked file cabinets or locked offices.

Retention and disposal: Cases remain in the agency's files until the end of the fiscal year following the fiscal year in which they are closed; thereafter they are transferred to Federal Records Centers and maintained for three additional years before disposal.

System manager(s) and address: Regional Food Stamp Program Directors at the addresses listed above.

Notification procedure: Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from the appropriate system managers as set forth in the preceding paragraph. A request for information should contain name, address, and particulars involved (i.e., the date of action giving rise to the inquiry, complaint, etc.)

Record access procedures: An individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate system manager as set forth in the preceding paragraph. The envelope and the letter should be marked "Privacy Act Request".

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, the reasons for contesting it, and the proposed amendment to the information.

Record source categories: Information in this system comes primarily from recipient and non-recipient inquiries and complaints, case file reviews, collateral contacts, and investigative reports.

USDA/FNS—3

System name: Claims Against Food Stamp Recipients—USDA/FNS

System location: Claims Branch, Finance and Program Accounting Division, Food and Nutrition Service, United States Department of Agriculture, Room 105, West Auditors Building, Washington, D.C. 20250, and FNS Regional Offices located in: Atlanta, Georgia which covers the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee; Boston, Massachusetts which covers (after September 1, 1975) the States of Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont; Chicago, Illinois which covers the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin; Dallas, Texas which covers the States of Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming; Princeton, New Jersey which covers (until September 1, 1975, includes States listed under Boston Regional Office) the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia; San Francisco, California which covers the States of Alaska, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, American Samoa, Trust Territories of the Pacific, and Washington.

The address of each Regional Office is listed in the telephone directory of the respective cities listed above under the heading "United States Government, Department of Agriculture, Food and Nutrition Service."

Categories of individuals covered by the system: Individuals who have received food stamps to which they are not entitled due to excess income, excess resources, household size reported incorrectly, etc.

Categories of records in the system: The system consists of Claim Determinations and supporting documents prepared by the State showing amounts due FNS and the basis for the claim. An individual file is maintained on each recipient showing amount of claim and a running balance of amounts paid until claim is paid in full.

Authority for maintenance of the system: 78 STAT. 703 as amended; 7 U.S.C. 2011-2025; 7 CFR 271.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Establish accounts receivable for money due FNS; (2) Referral to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation, or order issued pursuant thereto; and (3) Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the addresses listed above.

Retrievability: Records are filed by name of recipient, County, and State.

Safeguards: Records are kept either in locked file cabinets or in locked offices.

Retention and disposal: Cases remain in the active files until the end of the fiscal year following the fiscal year in which they are closed. Thereafter they are transferred to Federal Records Centers and maintained for three additional fiscal years before disposal.

System manager(s) and address: Director, Finance and Program Accounting Division, Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250 (202-447-6990), or the appropriate Regional Food Stamp Program Director at the addresses listed above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate system manager as set forth in the preceding paragraph. A request for information pertaining to an individual should contain: Name,

address, and particulars involved (i.e., the date of action giving rise to claim date claim was filed, correspondence, etc.)

Record access procedures: An individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate system manager listed above. The envelope and letter should be marked "Privacy Act Request."

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, the reasons for contesting it, and the proposed amendment to the information.

Record source categories: Information in this system comes primarily from investigations made by Office of Investigation, audits conducted by Office of Audit, food stamp application and participation records, collateral contacts, and State agency personnel.

Systems exempted from certain provisions of the act: This material has been exempted in 7 C.F.R. 1.23 pursuant to 5 U.S.C. 552 a(k)(2) from the requirements of subsections (c)(3), (d), (G), and (H). The above system contains information received under an express or implied promise of confidentiality, or investigative techniques, processes, or procedures, the disclosure of which could be detrimental to legitimate agency functions.

USDA/FNS—4

System name: Food Stamp Recipient Refunds—USDA/FNS

System location: Claims Branch, Finance and Program Accounting Division, Food and Nutrition Service, United States Department of Agriculture, Room 105 West Auditors Building, Washington, D.C. 20250, and FNS Regional Offices located in: Atlanta, Georgia which covers the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee; Boston, Massachusetts which covers (after September 1, 1975) the States of Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont; Chicago, Illinois which covers the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin; Dallas, Texas which covers the States of Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming; Princeton, New Jersey which covers (until September 1, 1975, includes States listed under Boston Regional Office) the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia; San Francisco, California which covers the States of Alaska, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, American Samoa, Trust Territories of the Pacific, and Washington.

The address of each Regional Office is listed in the telephone directory of the respective cities listed above under the heading "United States Government, Department of Agriculture, Food and Nutrition Service."

Categories of individuals covered by the system: Individuals who request refunds from FNS of: (1) The proportionate purchase price paid for food stamps purchased but not used; or (2) The amount they have been inadvertently overcharged for their food stamps.

Categories of records in the system: (1) Form FNS-288, Request for Reimbursement for Unused Food Coupons, required documentation and signatures, as applicable, to the specific reason for the request; and Issuance, required documentation and signatures, as applicable to the refund.

Authority for maintenance of the system: 78 STAT. 703 as amended; 7 U.S.C. 2011-2025; 7 CFR 271.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Establish eligibility for reimbursement to recipient or agent; (2) Referral to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation, or order issued pursuant thereto; and (3) Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders and file cabinets at the address listed above.

Retrievability: Records are filed by date and month of payment and by name of recipient or his agent.

Safeguards: Records are kept either in locked cabinets or locked offices.

Retention and disposal: Closed cases are retained for one fiscal year following the end of the fiscal year in which they are closed. Thereafter, they are transferred to Federal Records Centers and maintained for three additional fiscal years before disposal.

System manager(s) and address: Director, Finance and Program Accounting Division, Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250 (202-447-6990), or the appropriate Regional Food Stamp Program Director at the addresses listed above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the appropriate system manager as set forth in the preceding paragraph. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the date of action giving rise to claim, date claim was filed, correspondence, etc.)

Record access procedures: An individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate system manager. The envelope and letter should be marked "Privacy Act Request."

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, the reasons for contesting it, and the proposed amendment to the information.

Record source categories: Information in this system comes primarily from State agency records and collateral contacts by claims reviewers.

USDA/FNS—5

System name: Investigations of Fraud, Theft, or Other Unlawful Activities of Individuals Involving Food Stamps—USDA/FNS

System location: Director, Food Stamp Division, Food and Nutrition Service, United States Department of Agriculture, 500 12th St., S.W., Room 650, Washington, D.C. 20250, and FNS Regional Offices located in: Atlanta, Georgia which covers the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee; Boston, Massachusetts which covers (after September 1, 1975) the States of Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont; Chicago, Illinois which covers the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin; Dallas, Texas which covers the States of Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming; Princeton, New Jersey which covers (until September 1, 1975, includes States listed under Boston Regional Office) the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia; San Francisco, California which covers the States of Alaska, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, American Samoa, Trust Territories of the Pacific, and Washington.

The address of each Regional Office is listed in the telephone directory of the respective cities listed above under the heading "United States Government, Department of Agriculture, Food and Nutrition Service."

Categories of individuals covered by the system: Individuals who have been investigated for fraudulently obtaining food stamps, stealing food stamps or engaged in other unlawful activities involving food stamps are included in this system of records.

Categories of records in the system: The system consists of files on individuals, including investigation reports, police reports, court records, agency reports, and claim determinations as appropriate.

Authority for maintenance of the system: 78 STAT. 703 as amended; 7 U.S.C. 2011-2025; and 7 CFR 271-273.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local, or foreign, charged

with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation, or order issued pursuant thereto; (2) Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; (3) Referral to Finance and Program Accounting Division, FNS for appropriate fiscal action; and (4) Analysis of patterns, trends, and problem areas. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the locations previously named.

Retrievability: Records are indexed by name, State, and fiscal year of receipt.

Safeguards: Records are kept in either locked file cabinets or in locked offices. Only persons who have specific responsibility in their use have access to them.

Retention and disposal: Cases remain in the active files until the end of the fiscal year following the fiscal year in which they are closed. Thereafter, they are transferred to Federal Records Centers and maintained for three additional fiscal years before disposal.

System manager(s) and address: Director, Food Stamp Division, Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250 (202-447-8982), or the appropriate Regional Food Stamp Program Director at the addresses listed above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the system manager as set forth in the preceding paragraph, or the appropriate Regional Food Stamp Program Director at the addresses listed above. A request for information pertaining to an individual should contain the name and address of the individual and whether it involved a complaint or has reference to a compliance review which may have been conducted.

Record access procedures: An individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate system manager listed above. The envelope and letter should be marked "Privacy Act Request."

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, the reasons for contesting it, and the proposed amendment to the information.

Record source categories: Information in this system comes primarily from complainants, witnesses, agency employees, and investigative personnel.

Systems exempted from certain provisions of the act: This material has been exempted in 7 CFR 1.23 pursuant to 5 U.S.C. 552 a (k)(2) from the requirements of subsection (c)(3), (d), (G), and (H). The above system contains information received under an express or implied promise of confidentiality, or investigative techniques, processes, or procedures, the disclosure of which could be detrimental to legitimate agency functions.

USDA/FNS—6

System name: Personnel Security Clearance Status Files—USDA/FNS

System location: Management Services Division, Food and Nutrition Service, United States Department of Agriculture, 500 12th St., S.W., Washington, D.C. 20250

Categories of individuals covered by the system: Individuals on whom security clearance has been secured and approved.

Categories of records in the system: The system consists of letters signed by individuals acknowledging receipt of United States Department of Agriculture and Food and Nutrition Service Security regulations (upon approval of clearance); and security debriefing secrecy agreements (when applicable).

Authority for maintenance of the system: 5 USC 7311 and 7531; USDA 1 AR 507 and USDA Records Security Regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Updating of current security clearance; (2) Identification for Emergency Preparedness Program and Executive Teams; (3) Identification for Provisional Delegations of Authority. The System Manager is prohibited from advising other agencies or establishments outside of the Department of Agriculture concerning the level of security clearance of an employee. Such information shall be furnished only by the Department Security Officer, USDA 14th and Independence Avenue, S.W., Washington, D.C. 20250 (202-447-7654). "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in alphabetical groupings of file folders at the address listed above.

Retrievability: Records are maintained alphabetically by name of individual within the applicable alphabetical grouping.

Safeguards: Records are kept in a locked file.

Retention and disposal: Disposed of 2 years after transfer or separation of individual.

System manager(s) and address: Director, Management Services Division (Agency Records Security Officer), Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250 97 (202-447-8974) or Deputy Records Security Officer at the same address (202-447-8278).

Notification procedure: An individual may request information regarding this system of records from either system manager as set forth in the preceding paragraph.

Record access procedures: An individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to either system manager listed above. The envelope and letter should be marked "Private Act Request."

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, the reasons for contesting it, and the proposed amendment to the information.

Record source categories: Information in this system comes primarily from Office of Personnel, United States Department of Agriculture, and Personnel Division, Food and Nutrition Service.

USDA/FNS—7

System name: Quality Control Subsample of Nonassistance Households Participating in the Food Stamp Program—USDA/FNS

System location: Quality Control and Evaluation Branch, Food Stamp Division, Food and Nutrition Service, United States Department of Agriculture, 500 12th St., S.W., Room 678, Washington, D.C. 20250 and FNS Regional Offices located in: Atlanta, Georgia which covers the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee; Boston, Massachusetts which covers (after September 1, 1975) the States of Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont; Chicago, Illinois which covers the States of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin; Dallas, Texas which covers the States of Arkansas, Colorado, Louisiana, Montana, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming; Princeton, New Jersey which covers (until September 1, 1975, includes States listed under Boston Regional Office) the States of Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania, Puerto Rico, Virginia, Virgin Islands, and West Virginia; San Francisco, California which covers the States of Alaska, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, American Samoa, Trust Territories of the Pacific, and Washington.

The address of each Regional Office is listed in the telephone directory of the respective cities listed above under the heading "United States Government, Department of Agriculture, Food and Nutrition Service."

Categories of individuals covered by the system: Nonassistance households (those in which not all members are receiving public assistance) which are participating in the Food Stamp Program or those households which have been terminated from the program or denied benefits.

Categories of records in the system: The system consists of subsamples of records containing personal household circumstances and financial information originally obtained from selected samples of individual households by each State's food stamp quality control staff and validated by FNS quality control personnel.

Authority for maintenance of the system: 78 STAT. 703 as amended; 7 U.S.C. 2011-2025; 7 CFR 271.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Assessing the operation of State food stamp quality control system as a basis for improvement; (2) Testing the validity of State quality control findings; (3) Projecting national error rates; (4) Identifying trends toward potential system problems and high error areas; (5) Referral to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation, or order issued pursuant thereto; and (6) Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in the proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable addresses listed above.

Retrievability: Records are indexed by State and household name.

Safeguards: Records are kept in either locked filing cabinets or in locked offices.

Retention and disposal: Records are retained for one fiscal year following the end of the fiscal year in which the reviews are completed. Thereafter, they are transferred to Federal Records Centers and maintained for three additional fiscal years before disposal.

System manager(s) and address: Director, Food Stamp Division, Food and Nutrition Service, United States Department of Agriculture, Washington, D.C. 20250 (202-447-8982) or the appropriate Regional Food Stamp Program Director at the addresses listed above.

Notification procedure: An individual may request information regarding this system or records, or information as to whether the system contains records pertaining to him from the system manager as set forth in the preceding paragraph, or the appropriate Regional Food Stamp Program Director at the address listed above. A request for information pertaining to an individual should contain name, address, dates of participation in the Food Stamp Program, and date of contact by the Federal reviewer, if available.

Record access procedures: An individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate system manager listed above. The envelope and letter should be marked "Privacy Act Request."

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the system manager listed above, the reasons for contesting it, and the proposed amendment to the information.

Record source categories: Information in this system comes primarily from participants in the Food Stamp Program and through collateral contacts by quality control reviewers to verify financial and other circumstances as they relate to the household's application for, or participation in, the Food Stamp Program.

USDA/FAS—1

System name: Applicant Files for Employment with International Organizations, USDA/FAS.

System location: International Organization Affairs, Foreign Agriculture Service, United States Department of Agriculture, 14th and Independence Avenue, Washington, D.C. 20250.

Categories of individuals covered by the system: U.S. Citizens who have applied for specific post or indicated an interest in employment with international organizations. Occasionally includes person who has been only suggested as a possible candidate by someone else.

Categories of records in the system: Resumes and/or employment application forms solicited and unsolicited letters of recommendation, reference checks, interview notes, and correspondence with candidates; communications to and from U.S. Missions and International organizations concerning applicant's candidacy; letters of referral to and from Federal Agencies and other recruitment sources and users.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.68.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Resume or application referred to international organizations and other Federal Agencies involved in the recruitment of candidates for international organizations. Referral in rare instances made when private foundations or other Federal Agencies request assistance in locating specialized candidates. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Storage: Records are maintained in file folders at the address listed above.

Retrievability: Records are indexed by name of individual.

Safeguards: Records are kept in file cabinet in official Government office building with security guards.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Personnel Staffing Specialist, International Organization Affairs, Foreign Agricultural Service, United States Department of Agriculture, 14th and Independence Avenue, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him by contacting the System Manager.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the System Manager.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories: Information in this system comes primarily from candidates themselves, educational institutions, previous employers, Federal Agencies, non-Governmental organizations private foundations, and professional associations.

USDA/FAS—2

System name: Cooperator Employee Data, USDA/FAS.

System location: Program Services Branch, Planning and Evaluation Division, Foreign Agricultural Service, U.S. Department of Agriculture, 14th and Independence Avenue, Washington, D.C. 20250.

Categories of individuals covered by the system: U.S. citizens stationed overseas who supervise the operation of U.S. Cooperator foreign offices.

Categories of records in the system: The system consists of files on individual employment contracts, overseas assignment letters which include authorized salary allowances, various correspondence on individual personnel actions, position descriptions, employment applications, etc.

Authority for maintenance of the system: 7 U.S.C. 1704 (b) (1), 7 U.S.C. 1761, and 7 CFR 2.68.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: It is essential that FAS maintain this data since Government funds are used to pay a portion of the salaries. The data is provided to the U.S. Cooperator who is employing the individual. Personal data is also required on U.S. citizens in order to determine allowances, such as housing allowances and post allowances which are paid with funds made available by the U.S. Government. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the address listed above.

Retrievability: Records are indexed by name of individual and Cooperator.

Safeguards: Records are kept in a locked file cabinet in official Government office building with security guards.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Chief, Program Services Branch, Planning and Evaluation Division, Foreign Agricultural Service, U.S. Department of Agriculture, 14th and Independence Avenue, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him by contacting the System Manager.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the System Manager.

Contesting record procedures: Individuals desiring to contest or amend information maintained in the system should direct their request to the System Manager listed above, the reasons for contesting it, and the proposed amendment to the information sought.

Record source categories: Information in this system comes primarily from Cooperator officials, agricultural attaches, agency employees and trade officials.

USDA/EAS-3

System name: Visa and Passport Clearance Information Data, USDA/EAS

System location: Foreign Travel Section, Management Services Division, Foreign Agricultural Service, USDA, 14th and Independence Avenue, S.W., Washington, D.C. 20250.

Categories of individuals covered by the system: The System consists of a card index containing information required by foreign countries to grant visas.

Authority for maintenance of the system: 22 U.S.C. 213; 7 AR 557j.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Maintenance of this data expedites issuance of passports and visas. The information is transferred from the card to visa forms required by various foreign countries to issue entrance visas. The visa forms are sent to the respective foreign country's embassy located in Washington, D.C.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file boxes in file cabinet at above address.

Retrievability: Records are filed by name of individual applying for Official and Diplomatic passports.

Safeguards: Records are kept in file cabinet in locked office in Government building with security guards.

Retention and disposal: Records are maintained indefinitely as long as valid passport is maintained.

System manager(s) and address: Head, Foreign Travel Section, MSD, Foreign Agricultural Service, USDA, 14th and Independence Avenue, S.W., Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him by contacting the System Manager.

Contesting record procedures: Amended, corrected or new cards can be submitted at any time to System Manager listed above. Old card will be destroyed and new one inserted in its place.

Record source categories: Information in this system is provided by the individual applying for Official and Diplomatic passports.

USDA/FS-1

System name: Appeals and Administrative Reviews, USDA/FS

System location: Records in this system are maintained at the Forest Service Headquarters in Washington, DC, the 9 Regional Offices, 123 Forest Supervisor Offices, 673 District Ranger Offices. The address for the Headquarters is Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue, S.W., Washington, DC, 20250. The addresses of the 9 Regional Offices are: Region 1, Forest Service, USDA Federal Building, Missoula,

MT, 59801; Region 2, Forest Service, USDA 11177 West 8th Avenue, Lakewood, CO 80225; Region 3, Forest Service, USDA, New Federal Building, Albuquerque, NM, 87102; Region 4, Forest Service, USDA, 324-25th Street, Ogden, UT, 84401; Region 5, Forest Service, USDA, 630 Sansome Street, San Francisco, CA, 94111; Region 6, Forest Service, USDA, 319 S.W. Pine Street, Portland, OR, 97208; Region 8, Forest Service, USDA, 1720 Peachtree Road, N.W., Atlanta, GA, 30309; Region 9, Forest Service, USDA, 633 West Wisconsin Avenue, Milwaukee, WI, 53203; Region 10, Forest Service, USDA, Federal Office Building, Juneau, AK, 99802. The addresses of all other Forest Service offices may be found in 36 CFR 200.2, Subpart A, or in the telephone directory of the applicable locality under the heading, United States Government, Department of Agriculture, Forest Service.

Categories of individuals covered by the system: Any person who has appealed or formally requested review or reconsideration of a decision or action by a Forest Service officer in any contract involving the Forest Service. Does not include personnel matters which are excluded. The appeal, administrative review, or reconsideration request may have been submitted directly to an officer of the Forest Service or through the Board of Forest Appeals.

Categories of records in the system: The record includes information regarding the circumstances of the matter under appeal. This may involve information on the appellant, his use of National Forest lands, effects of the decision being appealed on his activities, and other information supplied by appellant on his behalf. Information is also provided by the Forest Service Officer whose decision is under appeal, review, or reconsideration.

Authority for maintenance of the system: 5 U.S.C. 22 and 301; 7 U.S.C. 1011(f); 15 U.S.C. 714(b)(g) and (h); 16 U.S.C. 551; 40 U.S.C. 486(c); 7 CFR 24; 36 CFR 211.20 thru 211.37

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Vertical file folders

Retrievability: Records are maintained under file designation 1570, identified by the appellant's name, date of appeal, review, or reconsideration request, and/or Forest Service Docket Number (if case docketed by the Board of Forest Appeals).

Safeguards: Normal security for routine file material. Locked office of file room.

Retention and disposal: Upon final decision case is closed. Transferred to closed files at end of fiscal year. Cases reaching National level are retained 25 years, Regional level is 5 years, and other levels maintained 3 years. Transfer to Federal Records Center after 3 years.

System manager(s) and address: Chief, Forest Service, U.S. Department of Agriculture, Washington, D.C. 20250 or the appropriate Regional Forester, Forest Supervisor, or District Ranger at the address listed above.

Notification procedure: Address inquiries to the office at which the individual filed his original notice of appeal or request for review or reconsideration. Identifying information should include name, date of appeal or request, Forest Service Docket (if applicable), and date of decision and by whom issued (if applicable).

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information obtained from appellant on his behalf, witnesses or experts solicited by appellant, Forest Service Officers, and witnesses and technical experts solicited by Forest Service.

USDA/FS-2

System name: Blaster's Certification Program, USDA/FS

System location: Forest Service Regional Headquarters and/or Forest Supervisor Headquarters where individual is or was employed. The addresses for these offices are listed in 36 CFR 200., Subpart A.

Categories of individuals covered by the system: Forest Service employees who have applied for a Forest Service Blaster's certificate are included in this system of records.

Categories of records in the system: This system consists of complete files on individual applications for the Forest Service Blaster's certificate including examination results, application form (FS 6100-24), and certificate issued or revoked.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.60 and 29 CFR 1926.901

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Standard Forest Service Form 6100-24 and supporting documents.

Retrievability: System is indexed by name and organizational location.

Safeguards: Records are maintained in standard filing system and are available only to authorized Forest Service personnel. Offices are locked during non-working hours.

Retention and disposal: Records are maintained for the duration of individual's employment and thereafter filed in the Federal Records Center and disposed of in accordance with the Agency's approved retention schedule.

System manager(s) and address: Regional Forester and/or Forest Supervisor in charge of the unit where the individual is or was employed.

Notification procedure: Any employee (past or present) may request information as to whether or not the system contains records pertaining to him from the appropriate Regional Forester or Forest Supervisor. A request for information should be in writing and should include the individual's full name and address; approximate date of application and place of employment at that time.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system comes primarily from written, oral, and applied examinations.

USDA/FS-3

System name: Casual Firefighter Data, USDA/FS

System location: Fort Collins Computer Center, Fort Collins, CO 80521

Categories of individuals covered by the system: Casual (pick-up) Firefighters - Individuals hired to fight forest fires. Short term employment during emergency.

Categories of records in the system: The system consists of employee's name, social security number, gross earnings, the period earned, and the State in which earned.

Authority for maintenance of the system: 23 U.S.C. 3304; 20 CFR 618.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To furnish earnings data to States for use in determining eligibility for unemployment assistance benefits. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tape at computer center.

Retrievability: Records are indexed by social security number and/or name.

Safeguards: Tapes are stored in locked buildings. Records on magnetic tape are accessible by special code.

Retention and disposal: Records are maintained for 52 weeks prior to current date.

System manager(s) and address: Director, Fiscal and Accounting Management, Forest Service, U.S. Department of Agriculture, Room 4017 South Building, 12th and Independence Avenue, S.W., Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system from the System Manager, or by contacting the nearest Forest Office. The request should contain the individual's name, social security number, dates last employed as firefighter, and current address if reply by mail is desired.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system comes from data supplied by the individual and records maintained by crew boss and timekeeper.

USDA/FS-4

System name: Certification of Engineering Personnel, USDA/FS

System location: At the Forest Service Headquarters Offices of the Chief, Regional Foresters, and Forest Supervisors as listed in 36 CFR 200.2, Subpart A, where individual is or was employed, and at the Ft. Collins Computer Center, 3825 East Mulberry St., Fort Collins, CO, 80521.

Categories of individuals covered by the system: Forest Service employees who are professionals or para-professionals working in activities normally assigned to Engineering Staff units.

Categories of records in the system: Consists of a skills inventory for all employees defined in the preceding paragraph and written and oral examination results, certificates issued, and training requirements for each Forest Service employee defined in the preceding paragraph and who has participated in the Certification Program.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.60

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Forest Service Skills Inventory form, examination results, and supporting documents. Skills data also on magnetic tape.

Retrievability: Manual system is indexed by name and location. ADP System is indexed by individual Social Security numbers.

Safeguards: Records are maintained in standard filing system and on magnetic tape. They are available only to authorized personnel.

Retention and disposal: Records are maintained for the duration of individual's employment and thereafter filed in the Federal Records Center in accordance with standard procedures. Entries on magnetic tape are eliminated when employee leaves the organization.

System manager(s) and address: Director of Engineering, Forest Service, U.S. Department of Agriculture, Washington, DC, 20250 or the appropriate Regional Forester, Forest Supervisor in charge of the unit where the individual is or was employed.

Notification procedure: Any employee (past or present) may request information as to whether or not the system contains records pertaining to him from the appropriate system manager listed in the preceding paragraph. A request for information should be in writing and should include the individual's full name, address, and social security number; approximate date of last skills inventory record and place of employment at that time.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system comes primarily from written, oral, and applied examinations and a skills inventory form.

USDA/FS-5

System name: Certified Cost Collectors, USDA/FS

System location: Office of the Regional Forester, Forest Service, 630 Sansome St., San Francisco, CA, 94111.

Categories of individuals covered by the system: Forest Service employees who have completed the necessary training to qualify as Cost Collectors.

Categories of records in the system: Name and date of individual's certification.

Authority for maintenance of the system: 16 U.S.C. 476

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by organization and name of individual certified.

Safeguards: Records are kept in a locked office.

Retention and disposal: Records are maintained until superseded.

System manager(s) and address: Director of Timber Management, Forest Service, 630 Sansome St., San Francisco, CA, 94111.

Notification procedure: Any employee may request information regarding the system of records or information as to whether the system contains records pertaining to him from the System Manager. A request for information should contain name and date of certification.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Forest Service records of accounting experience and training obtained from information in the employee's personnel file.

USDA/FS-6

System name: Certified Scalars, USDA/FS

System location: At headquarters of nine Regional Offices as listed in 36 CFR 200.2, Subpart A.

Categories of individuals covered by the system: Forest Service employees who have completed the necessary training to qualify.

Categories of records in the system: Name, grade, date of certification, and organization. Includes record of certification action.

Authority for maintenance of the system: 16 U.S.C. 476

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by organization and name of individual certified.

Safeguards: Records are kept in a locked office.

Retention and disposal: Records are maintained until superseded.

System manager(s) and address: Director of Timber Management in each of the nine Regional Offices referred to above.

Notification procedure: Any employee may request information regarding the system of records, or information as to whether the system contains records pertaining to him from the System Manager. A request for information should contain the name, grade, date of certification, and organization.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Forest Service records of scaling experience and training obtained from information in the employee's personnel file and check scale records filed in the office.

USDA/FS-7

System name: Certified Silviculturists, USDA/FS

System location: At headquarters of nine Regional Offices as listed in 36 CFR 200.2, Subpart A.

Categories of individuals covered by the system: Forest Service employees who have completed the necessary training to qualify.

Categories of records in the system: Name, grade, date of certification, and organization. Includes record of certification action.

Authority for maintenance of the system: 16 U.S.C. 476

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by organization and name of individual certified.

Safeguards: Records are kept in a locked office.

Retention and disposal: Records are maintained until superseded.

System manager(s) and address: Director of Timber Management in each of the nine Regional Offices referred to above.

Notification procedure: Any employee may request information regarding the system of records, or information as to whether the system contains records pertaining to him from the System Manager. A request for information should contain the name, grade, date of certification, and organization.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Forest Service records of silviculture experience and training obtained from information in employee's personnel file.

USDA/FS-8

System name: Check-Before-Using Pilot List, USDA/FS

System location: Records in this system are presently maintained at the Forest Service headquarters of the nine Regional Offices as listed in 36 CFR 200.2, Subpart A, where information is disseminated to concerned forests or neighboring Regions. The record will soon be coordinated by the Director of Aviation Management, Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue, S.W., Washington, DC, 20250, and disseminated to all Regional Air Officers at above mentioned locations.

Categories of individuals covered by the system: Pilots who have performed unsatisfactorily, while working under a contract for services.

Categories of records in the system: The record contains the pilot's name, FAA pilot's license number and the Region or area which reported the unsatisfactory performance.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.60

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are maintained in file folders.

Retrievability: Records are indexed by the name of the individual.

Safeguards: Records are kept in the general files in a locked office.

Retention and disposal: Records are updated currently as needed and then filed in the National Archives in accordance with standard procedures. Names may be added or deleted from the list, as appropriate.

System manager(s) and address: The Director of Aviation Management Forest Service, U.S. Department of Agriculture 12th and Independence Avenue, S.W., Washington, DC, 20250, has the responsibility for preparing the list with appropriate input from Regional Air Officers at Regional Offices as listed in 36 CFR 200.2, Subpart A.

Notification procedure: Any individual may request information as to whether he is on the list by writing the System Manager. He will be furnished information as to who he may contact at the Regional Offices to obtain additional information as to why his name appears on the list. A request for information pertaining to an individual should contain name, FAA pilot license number, and information as to previous employers while performing services for the agency.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system comes from Regional Aviation Officers, Contracting Officers, and pilot inspectors.

USDA/FS—9

System name: Employee Assistance Program CONCERN, USDA/FS

System location: The records in this system are maintained in the Forest Service Headquarters in Washington, D.C. and in nine Regional Offices, ten Experiment Station Offices, and the Forest Products Laboratory. The addresses of these offices are listed in 36 CFR 200.2, Subpart A.

Categories of individuals covered by the system: Any employee with problems affecting their job performance.

Categories of records in the system: Documentation of referral; notes supervisory or employee discussions; therapy progress records.

Authority for maintenance of the system: 5 U.S.C. 7901 and 42 U.S.C. 4551

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in the system is referred to the professional counselor working with the employee. Information is used only as a background for counseling or advising the employee and/or work supervisor. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File folders.

Retrievability: Records are indexed by name of employee and/or program number.

Safeguards: Folders are maintained in locked file cabinet or drawers. Only Program Advisor has access to information.

Retention and disposal: Record is maintained through any treatment and/or rehabilitation therapy, and destroyed upon completion of treatment by tearing up or shredding devices, if available.

System manager(s) and address: CONCERN Program Administrator, Forest Service, U.S. Department of Agriculture, 12th and Independence, S.W., Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the CONCERN Program Coordinator for the appropriate Region or Station, the Forest Products Laboratory, or the Washington Office. If the specific location of the record is not known, the individual should address his request to the System Manager, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain the employee's name, address and the unit on which he/she works.

Record access procedures: To gain information on procedures of gaining access, employee may call CONCERN telephone numbers shown in published brochure or posters.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in the system comes from confidential discussions with employee and/or supervisor, discussions with the professional counselor on his report on employee progress.

USDA/FS—10

System name: Employee Development Record, USDA/FS

System location: Records are maintained at all official duty stations of Forest Service (FS) employees. Addresses of the individual offices are listed in the telephone directories for the city or town in which they are located under the heading United States Government, Department of Agriculture, Forest Service.

Categories of individuals covered by the system: All Forest Service employees with a permanent appointment.

Categories of records in the system: A Biographical Section relating to the education, experience, physical capacity and career desires of the employee. Summary sheets or forms such as SF-171, Employee Performance Appraisals, etc., and an ADP printout, if available. A Special Qualification Section containing information on

specialized qualifications of the employee. Examples of such material are driver-qualification records, blasting or other skill certificates, letters of commendation, employee suggestions, special requests from the employee, and records of special assignments on committees, boards, etc. A Development Section containing the current individual Employee Development Plan and other records of training such as copies of AD-281's, reports of training meetings attended, copies of previous individual development plans and records of details and other training assignments.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.60

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Responding to reference checks by potential employers or supervisors, and referral to selection groups considering candidates for special training. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Folders are kept by the immediate supervisor usually in his desk or immediate office.

Retrievability: By name.

Safeguards: Since this has been a nonrestricted file, it has not been kept in a locked file.

Retention and disposal: Maintained as long as an employee is under permanent appointment. Folder is sent through channels to the appointing office when an employee is transferring to another location in the Forest Service. When an employee is separated, the material in the Employee Development Record is mutilated and destroyed.

System manager(s) and address: Director, Personnel Management Staff; Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue, S.W., Washington, DC, 20250.

Notification procedure: Any individual may request information concerning himself from his present or former immediate supervisor at the official duty station shown on his latest employment action.

Record access procedures: Immediate supervisor, or unit head or Personnel Officer of a District, Forest, Region, Research Project, Research Station, Area, or Washington Office.

Contesting record procedures: Same as for requesting Access.

Record source categories: Information in this folder comes from the employee and his supervisor.

USDA/FS—11

System name: Employee Emergency Information, USDA/FS

System location: Records are maintained at all official duty stations of Forest Service (FS) employees. Addresses of the individual offices are listed in the telephone directories for the city or town in which they are located under the heading United States Government, Department of Agriculture, Forest Service.

Categories of individuals covered by the system: All Forest Service employees.

Categories of records in the system: This is an optional system which some offices may choose not to use. The record contains the employee's home address and phone, and the name, address and phone of the person designated by the employee to be contacted in case of emergency. Some offices also include the name and phone of the employee's physician and special health information such as blood type, allergy or disease which may affect the kind of emergency treatment given.

Authority for maintenance of the system: 5 U.S.C. 301, 7 CFR 2.60.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in work supervisor's office.

Retrievability: Records are indexed alphabetically by name of employee.

Safeguards: Records are kept in a locked office.

Retention and disposal: Card record is updated at least semi-annually or more often when there is a change in information. Record is destroyed when employee transfers, retires, or is separated.

System manager(s) and address: Head of the Operating Office at the employee's duty station.

Notification procedure: Individual employee initially prepares and makes revision to the record. Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to her/him from the System Manager at the address listed above.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system comes exclusively from the employee.

USDA/FS—12

System name: Fire Qualification and Experience Records, USDA/FS

System location: Records are presently kept by the respective Regional Office and Forest Supervisor's Office where the individual is presently employed. The records are currently being entered into an automatic data processing system at the Fort Collins Computer Center, Fort Collins, CO, 80521.

Categories of individuals covered by the system: Forest Service employees with sufficient fire experience to qualify for supervisory positions.

Categories of records in the system: The system contains a record of the actual fire experience, fire related training received, age, physical condition, training needed and an evaluation of fire overhead positions in which he has been deemed qualified to perform. An evaluation of his performance may also be included.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.60

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The records are currently stored on file cards at each respective Regional Office and Forest Supervisor's Office. An ADP system is being devised and all records will be placed on magnetic tape at Fort Collins Computer Center.

Retrievability: The system is currently indexed by the individual's last name, but it will also be cross-referenced by social security number when it is placed in the ADP system.

Safeguards: The records do not contain any information considered to be of a confidential or personal nature, therefore, they are kept in a general file and in an ADP storage system without access restrictions.

Retention and disposal: The records are kept for the entire employment period of the individual, which could be up to 35 years, or until he is unable to perform fire related work due to health or lack of current experience or training.

System manager(s) and address: The Regional Forester, Forest Supervisor, or his designated representative, at appropriate office where the individual is employed.

Notification procedure: An employee can obtain the information from the Supervisor's Office or Regional Office under which he is or had been employed. If the specific location of the record is not known, the individual should direct his request to the Director of Fire Management, in the Regional Office of the respective geographic area where he was employed. A request for information pertaining to an individual should contain name, social security number, place and period of employment, and position held.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: The information in this system comes primarily from the individual, from other in-service documents, or from supervisory personnel.

USDA/FS—13

System name: Geometronics Skills Inventory, USDA/FS

System location: This system of records is maintained by the Director of Engineering, Forest Service, U.S. Department of Agriculture, Washington, DC 20250, the Fort Collins Computer Center, 3525 East Mulberry St., Fort Collins, CO 80521, the Geometronics Service Center and Regional offices. The addresses for the Regional Headquarters offices are listed in 36 CFR 200.2, Subpart A.

Categories of individuals covered by the system: Forest Service employees who are professional or para-professional and are assigned to Geometronics activities.

Categories of records in the system: This system contains the series, grade, and skills of each Forest Service employee who is identified by the preceding paragraph.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.60

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Skill data is stored on the FCC computer on magnetic tape and in Section X of the Geometronics annual reports.

Retrievability: The system is indexed by organizational unit, name, grade, series, or key word for a particular skill.

Safeguards: Records are maintained in standard filing systems and on mag-tape. They are available only to authorized personnel. The buildings are locked when unoccupied.

Retention and disposal: Records are maintained for the duration of the individual's employment and purged from the system.

System manager(s) and address: Director of Engineering, Forest Service, U.S. Department of Agriculture, Washington, DC 20250, the Director of Geometronics Service Center, and the appropriate Regional Forester, at the addresses specified above.

Notification procedure: Any Forest Service employee (past or present) may request information as to whether or not the system contains records pertaining to him from the appropriate system manager listed in the preceding paragraph. Request for information should be in writing. The request should include the individual's name, address, and his organizational unit.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system comes primarily from Section X of the Geometronics Annual Report and Supervisory evaluation of the individual as recorded in the employee's personnel folder.

USDA/FS—14

System name: Grazing Permits, Individual, National Forest System, USDA/FS

System location: The records in this system are maintained in the headquarters offices of the Forest Supervisors. The addresses of these offices are listed in 36 CFR 200.2, Subpart A.

Categories of individuals covered by the system: Individuals who hold permits to graze livestock on Forest Service administered land are included in this system of records.

Categories of records in the system: The system contains information on names and post office addresses of permittees, numbers and kinds of livestock permitted, kinds of permits (term or temporary), periods of use, grazing allotments (areas) involved.

Authority for maintenance of the system: 5 U.S.C. 301; 36 CFR 231.3

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name of individual grazing permittee.

Safeguards: Records are kept in locked government offices.

Retention and disposal: Records are maintained in open file while permit is active, transferred to closed files for 3-year period following cancellation, and then sent to Federal Records Center for permanent retention.

System manager(s) and address: Director of Ranger Management, Forest Service, U.S. Department of Agriculture, Washington, D.C. 20250; and/or the appropriate Regional Forester or Forest Supervisor.

Notification procedure: Any individual may request information from this system or information as to whether the system contains records pertaining to himself from the appropriate System Manager. If specific locations are known, requests should be made to the Forest Supervisor involved.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in the system comes from individual grazing permittees and Forest Service records concerning grazing allotments and permitted livestock.

USDA/FS-15

System name: Manpower Programs, USDA/FS

System location: The records for this system are located in Forest Service offices out of which enrollees worked. The addresses of these offices are the same as listed for the Appeals and Administrative Review system described above.

Categories of individuals covered by the system: Persons performing work for the Forest Service but not employed by the agency. Includes volunteers on the National Forests, persons sponsored by other organizations under the Comprehensive Employment and Training Act, and persons under employment and/or training programs, such as College Work Study, who are assigned to the Forest Service.

Categories of records in the system: File may contain any of a variety of documents relating to the enrollee, such as: correspondence about the individual, application form; timekeeping records, emergency notification data, driver qualification record, receipt for property issued, compensation for injury forms, performance evaluation, and other materials.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 260

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Forest Service officials for all necessary purposes pertaining to the individual's work for the Forest Service. This may include reporting time worked and other information to the sponsoring organization, providing employment confirmation and recommendations to other organizations, and data to the Office of Worker's Compensation Programs in the event of a compensation for injury claim. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Documents are maintained in regular file folders.

Retrievability: Stored alphabetically by name of person.

Safeguards: Kept in locked cabinets or locked offices.

Retention and disposal: Files are destroyed 2 years after the person has ceased to perform work for the Forest Service unless they become part of another system (such as Official Personnel Folder or Compensation for Injury Claim) which is governed by other authorities.

System manager(s) and address: Director, Division of Manpower and Youth Conservation Programs, U.S. Department of Agriculture, Forest Service, Washington, DC, 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him, from the organizational unit for which he performed work. A request for information pertaining to an individual should contain the name, address, dates when work was performed, program under which enrolled, and location where work was performed.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system comes primarily from the individual himself, the sponsoring organization, work supervisors, and other Forest Service officials.

USDA/FS-16

System name: Mineral Lessees and Permittees, USDA/FS

System location: At the Forest Service headquarters offices of the Chief, Regional Foresters, and Forest Supervisors as listed in 36 CFR 200.2, Subpart A.

Categories of individuals covered by the system: Parties who have applied for or hold mineral leases or permits issued by the Bureau of Land Management or the Forest Service covering National Forest System lands.

Categories of records in the system: The system consists of inter- and intra-agency, Secretarial, Presidential and Congressional correspondence, leases, permits, sale contracts, environmental reports, mineral evaluations, operating plans, reclamation plans, and pleadings.

Authority for maintenance of the system: 16 U.S.C. 520, and 30 U.S.C. 181, 351 and 601

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law or enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute, or by rule, regulation or order issued thereto. Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by the name of the individual lessee, permittee, or purchaser.

Safeguards: Records are kept in a locked office.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Director, Watershed and Minerals Area Management, Forest Service, U.S. Department of Agriculture, Washington, DC 20250.

Notification procedure: Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from the System Manager. A request for information pertaining to an individual should contain name, address, State in which the lease, permit, or sale exists, and identification number, if any.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system comes from the records developed during the processing of applications, evaluations made during course of lease or permit, and from data furnished by the individual.

USDA/FS-17

System name: Mineral Operators, USDA/FS

System location: At the Forest Service headquarters offices of the Chief, Regional Foresters, and Forest Supervisors as listed in 36 CFR 200.2, Subpart A.

Categories of individuals covered by the system: Parties who have filed operating plans or notices of intention to operate under authority of the 1872 mining law or who intends to exercise mineral rights pursuant to mineral reservations on National Forest System lands.

Categories of records in the system: The system consists of inter- and intra-agency, Secretarial, Presidential and Congressional correspondence, notices of intention to operate, operating plans, reclamation plans, mineral evaluations, environmental reports and pleadings.

Authority for maintenance of the system: 16 U.S.C. 478, 486, 518, 551; 36 CFR 252

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law or enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by rule, regulation or order issued pursuant thereto. Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by the name of the individual operator.

Safeguards: Records are kept in a locked office.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Director, Watershed and Minerals Area Management, Forest Service, U.S. Department of Agriculture, Washington, DC 20250.

Notification procedure: Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from the System Manager listed above. A request for information pertaining to an individual should contain name, address, and State in which mineral operations are located.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system is provided by the individual, agency staff personnel, and other organizations.

USDA/FS-18

System name: Mining Claimants, USDA/FS

System location: At the Forest Service headquarters offices of the Chief, Regional Foresters, and Forest Supervisors as listed in 36 CFR 200.2, Subpart A.

Categories of individuals covered by the system: Parties who have filed or hold mining claims on public domain National Forest System lands.

Categories of records in the system: The system consists of inter- and intra-agency, Secretarial, Presidential, and Congressional correspondence, reports of mineral examination, and pleadings.

Authority for maintenance of the system: 30 U.S.C. 22

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, of any record within this system when information available indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute, or by rule, regulation or order issued pursuant thereto. Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by the name of the individual claimant.

Safeguards: Records are kept in a locked office.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Director, Watershed and Minerals Area Management, Forest Service, U.S. Department of Agriculture, Washington, DC 20250.

Notification procedure: Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from the System Manager. A request for information pertaining to an individual should contain name, address, and State in which mining claims are located.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system is provided by the individual, agency staff personnel, and other organizations.

USDA/FS-19

System name: Person Interested in Forestry and Related Programs, USDA/FS

System location: All Forest Service field locations. Addresses of Forest Service offices are listed in the telephone directories of the respective cities under the heading United States Government, Department of Agriculture, Forest Service.

Categories of individuals covered by the system: Persons in communications, industry, conservation, elected office, and communities who are known (or expressed) to have an interest in obtaining up to date information about Forest Service activities in forestry or natural resource related matters.

Categories of records in the system: Record includes name, address, and kind of Forest Service activities and programs, i.e., wood, forage, water, recreation, wildlife, land use planning, wilderness, etc., in which the individual has demonstrated a special interest.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.60

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Keep interested persons informed concerning current forestry or natural resource related activities. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File cards, folders, computer

Retrievability: Indexed by name of individual for whom address is written.

Safeguards: File cabinets.

Retention and disposal: Retained as long as there is a current address or evidence of continuing interest in forestry and natural resource related matters.

System manager(s) and address: Chief, Forest Service, U.S. Department of Agriculture, 12th and Independence, S.W., Washington, DC 20250 or responsible line officer at each field unit.

Notification procedure: An individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from any Forest Service office, with the one in proximity to requester's home address most likely.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Respondents on public involvement issues, meetings, hearings, conversations, correspondence, telephone, and published directories.

USDA/FS-20

System name: Public Correspondence Concerning Timber Management, USDA/FS

System location: Records in this system are maintained by the Director of Timber Management, Forest Service, U.S. Department of Agriculture 12th & Independence Ave., S.W., Washington, 20250.

Categories of individuals covered by the system: Individuals who correspond with the Washington Office of the Forest Service regarding timber management affairs.

Categories of records in the system: Contains the writer's name, who the original letter was addressed to, subject matter, record of final disposal of letter, including author of response and date of response.

Authority for maintenance of the system: 7 U.S.C. 1010-1031a, 16 U.S.C. 460, 471-594, 616, 694, and 1131-1136; and 33 U.S.C. 701.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in a data terminal in a locked room.

Retrievability: Records are indexed by name of individual correspondent.

Safeguards: Records are kept in a data terminal in a locked room.

Retention and disposal: Records are retained in the data base for 1 year. An annual printout is then prepared and stored in a file.

System manager(s) and address: Director of Timber Management, Forest Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Notification procedure: Any individual may request information from this system, or information as to whether the system contains records pertaining to himself from the System Manager.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information is obtained from letters addressed directly to the Forest Service, Division of Timber Management or referred to it by others for reply.

USDA/FS—21

System name: Public Involvement Respondents on Forest Service Activities, USDA/FS

System location: Records in this system are maintained at Forest Service Headquarters in Washington, DC, the 9 Regional Offices, 123 Forest Supervisor Offices, and 673 District Ranger Offices. The address for the Headquarters is Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue, S.W., Washington, DC, 20250; the addresses for Regional Foresters and Forest Supervisors are listed in 36 CFR 200.2, Subpart A; and addresses for District Rangers are in the telephone directory of the applicable locality under the heading, United States Government, Department of Agriculture, Forest Service.

Categories of individuals covered by the system: Volunteer respondents in public involvement efforts related to natural resource management issues.

Categories of records in the system: May include one or more elements of: Correspondence, news clippings, questionnaires, response forms, summary address lists.

Authority for maintenance of the system: Executive Order No. 11514, March 5, 1970, and 42 U.S.C. 4321

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: By issue on published documents; key-sort cards, magnetic tape; punched cards; original correspondence.

Retrievability: By Issue.

Safeguards: File Cabinets.

Retention and disposal: Records are kept until after decisional stage on issue, and then destroyed.

System manager(s) and address: Director of the Office of Information, Forest Service, U.S. Department of Agriculture, Washington, DC, 20250, or the appropriate Regional Forester, Forest Supervisor, or District Ranger at the addresses specified under Location above.

Notification procedure: Any Forest Service field office or the WO, where the respondent gave or mailed comment or any Forest Service office to which such comments might have been sent for review or analysis. Identifying information should be by public involvement issue and approximate year.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Respondents voluntarily give the information to agency in meetings, hearings, and by correspondence.

USDA/FS—22

System name: Sawtooth National Recreation Area Certifications, USDA/FS

System location: Headquarters, Sawtooth National Recreation Area, Ketchum, ID, 83340

Categories of individuals covered by the system: Any person who has requested a certification from the Area Ranger concerning use of private lands within the Sawtooth National Recreation Area.

Categories of records in the system: Includes an application for Certification form and supplemental information provided by the appellant. Information obtained by the Area Ranger and staff may also be included. The data will describe the applicant's privately owned land, his plans for the land, and other information relating to the effect of the applicant's request on NRA resource values and objectives.

Authority for maintenance of the system: 5 U.S.C. 301; 36 CFR 292.14-292.16

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Vertical file folders.

Retrievability: Files are maintained under 5400 designation, identified by the applicant's name, date of application, and sequential application number.

Safeguards: Normal security for routine file material. Locked office or file room.

Retention and disposal: Permanent.

System manager(s) and address: Area Ranger, Sawtooth National Recreation Area, Ketchum, ID, 83340.

Notification procedure: Any individual may request information regarding this system of records or information as to whether this system contains records by writing to the Area Ranger, Sawtooth NRA. Identifying information should include the individual's name, date of certification application, and application number.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information obtained from applicant, experts or consultants acting on behalf of applicant, Area Ranger and Staff through field investigation, county records, and experts and consultants solicited by Forest Service.

USDA/FS—23

System name: Skill Needs Inventory Program (R-6), USDA/FS

System location: This system of records is maintained by the Forest Service Headquarters Office of Region 6 at 319 S.W. Pine St., Portland, OR, 97208, the Fort Collins Computer Center, 3825 East Mulberry St., Fort Collins, CO, 80521, and the Region 6 Forest Supervisor offices. The addresses for Forest Supervisor Offices are listed in 36 CFR 200.2, Subpart A.

Categories of individuals covered by the system: System involves Region 6 Forest Service employees who have permanent full time or when-actually-employed appointments.

Categories of records in the system: The system consists of a skills inventory written and oral examination results, certificates issued, and training requirements for each Forest Service employee defined under category of individuals.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.60

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Data is stored on magnetic tapes and on FS-6100-2 (Employee Career Development Plan) and AD-281 (Request, Authorization and Record of Training) forms.

Retrievability: Data on individual is indexed by Social Security Number. Existing skills and skill needs are indexed by a numeric series code which converges for an alpha readout. Data is retrieved by computer terminals.

Safeguards: When an employee leaves the Forest Service, data concerning him is erased from the tape, or transferred to another Government Agency upon written request by the individual stating his name, Social Security Number, address, and last Agency location. Access to data on the computer is limited to those authorized and having an assigned access code for data only within their unit. The buildings are locked when not occupied.

Retention and disposal: Records are maintained for the duration of the individual's employment and thereafter filed in the Federal Record Center in accordance with approved retention schedules. Entries on magnetic tape are eliminated when the employee leaves the organization.

System manager(s) and address: Region 6 Regional Forester, 319 S.W. Pine St., Portland, OR 97208 or the appropriate Region 6 Forest Supervisor.

Notification procedure: An employee (past or present) may request information as to whether or not the system contains records pertaining to him from the appropriate Regional Forester or Forest Supervisor. A request for information should be in writing and should include the name, address, Social Security Number, approximate date of last skill needs inventory record, and place of employment at that time.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information stored in the system comes from direct input by the employee and his work supervisor and is based on development plans, certification exams, observed training needs, and needs identified through the development of the program of work.

USDA/FS—24

System name: Special Use Permits, Easements, and Licenses, USDA/FS

System location: Records in this system are maintained at Forest Service Headquarters in Washington, D.C., the 9 Regional Offices, 123 Forest Supervisor Offices, and 673 District Ranger Offices. The address for the Headquarters is Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue, S.W., Washington, D.C., 20250; the addresses for Regional Foresters and Forest Supervisors are listed in 36 CFR 200.2, Subpart A; and addresses for District Rangers are in the telephone directory of the applicable locality under the heading, United States Government, Department of Agriculture, Forest Service.

Categories of individuals covered by the system: Any person holding a special use permit, easement, or license authorizing use or occupancy of National Forest land or land administered for National Forest purposes.

Categories of records in the system: The record includes information on the specific use or activity which the individual is authorized to conduct as reflected in inspections of the use or activity, qualifications and competence to perform the use or activity, and financial resources such as liability insurance and performance bonds. Other circumstances reflecting the conduct of the activity or use, negotiations on tenure and performance, etc., may be included.

Authority for maintenance of the system: 16 U.S.C. 472 and 551; 36 CFR 251.1 thru 251.65

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Primarily vertical file folders. Some case files or parts of files may be maintained on microfilm, aperture cards, etc.

Retrievability: Files are maintained under various sub-parts of 2700; identified by the kind of case (special use permit, easement, license, etc.), permittee's name, and date of permit (etc.) issuance. Applications and pending permits are maintained in the same manner except are designated Pending or Application.

Safeguards: Normal security for routine file material. Locked office or file room.

Retention and disposal: Upon termination of use or activity, case is closed. Transferral to closed files at end of fiscal year. Majority of cases are retained permanently although some issued under Ranger District or Forest Supervisor authority are specified for disposal from 5 to 50 years depending upon type of use (etc.).

System manager(s) and address: Director of Recreation, Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue, S.W., Washington, D.C., 20250, and the appropriate Regional Forester, Forest Supervisor, or District Ranger.

Notification procedure: Any individual may request information regarding the system of records, or information as to whether it contains records about him by writing to the office at which the individual's special use permit, easement, or license was issued. Identifying information should include the kind of case (special use permit, easement, or license), permittee's name, date of issuance, and location of permitted use or activity.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information obtained from individual, consultants contracted by the individual, Forest Service personnel in course of inspection and administration of activity or use, and Forest Service consultants and technical experts.

USDA/FS—25

System name: Temporary Employee Performance and Training Record, USDA/FS

System location: Records in this system are maintained at Forest Service Headquarters in Washington, D.C., the 9 Regional Offices, 8 Forest and Range Experiment Stations, the Forest Products Laboratory, the Institute of Tropical Forestry, 123 Forest Supervisor Offices, and 673 District Ranger Offices. The address for the Headquarters is Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue, S.W., Washington, D.C., 20250; the addresses for Regional Foresters, Forest and Range Experiment Stations, Forest Products Laboratory, Institute of Tropical Forestry, and Forest Supervisors are listed in 36 CFR 200.2, Subpart A; and addresses for District Rangers are in the telephone directory of the applicable locality under the heading, United States Government, Department of Agriculture, Forest Service.

Categories of individuals covered by the system: Forest Service Employees with temporary appointment.

Categories of records in the system: Performance evaluations; training planned and completed on a crew or group basis as well as individually; may also include an employment history and a copy of the latest hiring action. The system is similar to the Employee Development Record but less formal.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.60

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Respond to reference checks from potential employers or supervisors, and referral of performance records to schools or colleges when the individual was recruited through a special student employment program. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Folders in files of the unit where individual worked.

Retrievability: By name.

Safeguards: Kept in locked files in locked offices.

Retention and disposal: Upon termination of employment, record is transferred to closed files where it is retained for 3 years and then destroyed.

System manager(s) and address: Director, Personnel Management Staff; USDA Forest Service; 1621 N. Kent St., Arlington, Virginia 22209. (Mailing address—USDA Forest Service, Washington, D.C. 20250.)

Notification procedure: Any individual may request information concerning himself from this system from the unit where he worked.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system comes from the temporary employee and his supervisors.

USDA/FS—26

System name: Trespass and Claims, USDA/FS

System location: At the Forest Service headquarters offices of the Chief and the Regional Foresters. The addresses of these offices are listed in 36 CFR 200.2, Subpart A.

Categories of individuals covered by the system: Individuals who file claims against Forest Service pursuant to the Federal Tort Claims Act, the Military Personnel and Civilian Claims Act and the various Forest Service Claims Act; also individuals against whom the Forest Service has filed claims pursuant to the Federal Claims Collection Act; and individuals who claim title to National Forest System lands pursuant to the Adjustment of Land Titles Act, Quit Claim Act, Color of Title Act, Wisconsin Land Title Act or the Real Property—Quiet Title Act.

Categories of records in the system: The system consists of complete files on individual claims, including claim forms, police reports, investigation and accident reports, statement of witnesses, agency reports, and financial data of individuals subject to a claim of the Forest Service.

Authority for maintenance of the system: 7 U.S.C. 2253; 16 U.S.C. 502, 556c and 574; 28 U.S.C. 2409a and 2671-2680; 31 U.S.C. 240-243 and 951-953; and 43 U.S.C. 872, 1068 and 1221.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to Office of the General Counsel for advice, settlement; referral to Department of Justice for defense of a land suit brought against the United States or its officers, or the filing of suit for the recovery of claims by USDA. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders.

Retrievability: Records are indexed by name of individual claimant or trespasser.

Safeguards: Records are kept in a locked office.

Retention and disposal: Records are retained until the statutory limitations for the filing of such claim or suit arising therefrom has expired; then they are destroyed.

System manager(s) and address: Director, Fiscal and Accounting Management, Forest Service, U.S. Department of Agriculture, Washington, D.C. 20250, or the appropriate Regional Director of Fiscal and Accounting Management at the address specified above.

Notification procedure: Any individual may request information regarding this system of record or information as to whether the system contains record pertaining to him from the Director, Fiscal and Accounting Management, Forest Service, U.S. Department of Agriculture, Washington, D.C., telephone 202-447-6697, or the appropriate Regional Director of Fiscal and Accounting Management at the address listed above. If the specific location of the record is not known, the individual should address his request to the Director of Fiscal and Accounting Management, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain name, address, and particulars involved (i.e., the date of the action giving use to the claim or trespass, date claim or trespass was filed, correspondence, etc.)

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system comes primarily from claimant's witnesses, agency employees, and investigative personnel.

USDA/FS—27

System name: Youth Conservation Corps (YCC) Enrollee Medical Records, USDA/FS

System location: Forest Service Office responsible for administration of the YCC camp. Addresses of these offices are the same as listed under 36 CFR 200.2, Subpart A.

Categories of individuals covered by the system: Current and former YCC enrollees.

Categories of records in the system: Medical History Forms, Accident Injury and Medical Treatment Forms, and Parental Permission portion of the application forms.

Authority for maintenance of the system: 16 U.S.C. 1703

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Disclosure 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. (2) Disclosure 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. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Indexed by name of enrollee.

Safeguards: Stored in metal filing cabinets in locked office.

Retention and disposal: Manual records are maintained for 3 years. Everything is then destroyed, except accident forms and medical treatment forms. These are retained permanently or until such time as enrollee may submit a claim.

System manager(s) and address: Director, Staff of Manpower and Youth Conservation Programs, U.S. Department of Agriculture, Forest Service, Washington, D.C., 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Forest Service organizational unit where the YCC camp was located. The addresses for these offices are in 36 CFR 200.2, Subpart A. A request for information pertaining to an individual should contain name, address, dates when work was performed, program under which enrolled, and location where work was performed.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system comes primarily from the individual himself, medical doctor, and camp official compiling accident or injury information.

USDA/FS—28

System name: Youth Conservation Corps (YCC) Enrollee Payroll Records, USDA/FS

System location: YCC Administrative Services Center, Bureau of Reclamation, P.O. Box 11568, Salt Lake City, UT, 84147

Categories of individuals covered by the system: Current and former YCC Enrollees.

Categories of records in the system: UC-507, Pay Notification Form information on magnetic tapes

Authority for maintenance of the system: 16 U.S.C. 1703

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Payroll purposes for current enrollees. (2) Disclosure to a Federal, State or local agency maintaining Civil, Criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to any agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (3) Disclosure 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 benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Current and past UC-507 Forms information on magnetic tape and printouts.

Retrievability: Tapes heels are coded by number.

Safeguards: Tapes are stored in a tape file and vault while printouts are stored in locked metal filing cabinets.

Retention and disposal: Current payroll information is purged from magnetic tapes at the termination of the program after being transferred to a single magnetic tape which is retained permanently. Printouts are destroyed after 5 years.

System manager(s) and address: Director, Staff of Manpower and Youth Conservation Programs, U.S. Department of Agriculture, Forest Service, Washington, D.C., 20250; Director, Office of Manpower Training and Youth Activities, Department of the Interior, Office of the Secretary, Washington, D.C., 20240.

Notification procedure: Any individual may obtain information about the system of records, or whether it contains records about him by writing to the appropriate System Manager listed above. Inquiries should state name, address, and camp in which enrolled.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: The records in this system originated from the individual on whom the record is maintained and from camp staff.

USDA/FS—29

System name: Youth Conservation Corps (YCC) Enrollee Records, USDA/FS

System location: Forest Service Office responsible for administration of the YCC camp. Addresses of these offices are the same as listed under 36 CFR 200.2, Subpart A.

Categories of individuals covered by the system: Current and former YCC enrollees.

Categories of records in the system: Current enrollees: Application Forms, Medical History Forms; copies of UC-507 Forms; Evaluation of enrollee's performance by camp staff; Accident and Injury Forms. Past enrollees: list of names and addresses. Current alternates: Application Forms.

Authority for maintenance of the system: 16 U.S.C. 1702

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Enrollee participation record for school credit. (2) Disclosure 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. (3) Disclosure 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. "Disclosure may be made to a congressional office from the record of an individual

in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in file folders.

Retrievability: Indexed by name of enrollee.

Safeguards: Stored in metal filing cabinets in locked office.

Retention and disposal: Records are maintained until the end of the current program. At termination, a list of the names and addresses of enrollees is retained, while the parental permission portion of the Application Form, Medical History Form and any Accident Forms are retained. All other information in the system of records is destroyed. The list of enrollee names and addresses is retained for 5 years and then destroyed. The application forms of current alternates are destroyed at the termination of the current program.

System manager(s) and address: Director, Staff of Manpower and Youth Conservation Programs, U.S. Department of Agriculture, Forest Service, Washington, D.C., 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him, from the organizational unit for which he performed work. A request for information pertaining to an individual should contain: name, address, dates when work was performed, program under which enrolled, and location where work was performed.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system comes primarily from the individual himself, the sponsoring organization, work supervisors, and other Forest Service officials.

USDA/FS—30

System name: Youth Conservation Corps (YCC) Recruitment System, USDA/FS

System location: Office of the YCC recruiter in each State. Address of the State recruiters may be obtained each year by writing to the System Managers as listed below.

Categories of individuals covered by the system: Youth between the ages of 15 and 18 who file an application to attend a Forest Service, Department of the Interior, or State grant YCC camp with one of the named recruiters.

Categories of records in the system: The system consists of application forms submitted by eligible youth.

Authority for maintenance of the system: 16 U.S.C. 1703

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Selection is made from among applications of all eligible applicants. Persons selected are either offered employment in a YCC camp or placed on a substitute list to be used in case of declinations. Applications of those selected are sent to camps operated by the Forest Service, Department of the Interior, States, Counties, Cities, and other sub-grantees for use in the YCC Enrollee File subsystem.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Medium of storage is the applications themselves. HK Applications are filled alphabetically by name of individual applicant.

Safeguards: Records are kept in office files available to responsible officials only.

Retention and disposal: Records on non-selected applicants are disposed of by September 31 of each year.

System manager(s) and address: Director, Division of Manpower and Youth Conservation Programs, U.S. Department of Agriculture, Forest Service, Washington, D.C. 20250; and Director, Office of Manpower Training and Youth Activities, Department of the Interior, Office of the Secretary, Washington, D.C., 20240.

Notification procedure: Any individual may request information regarding the system of records, or information as to whether it contains records about him by writing to the appropriate System Managers listed above.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: The YCC application form prepared by the applicant and any additions or corrections thereto, also prepared by the applicant, and additional information as may be added to the file by the State recruiter concerning the applicant's selection, nonselection, or declination.

USDA/FS-31

System name: Youth Conservation Corps (YCC) Research Files
USDA/FS

System location: Institute for Social Research, University of Michigan, Ann Arbor, MI, 48106

Categories of individuals covered by the system: A random sample of 600 1973 YCC enrollees.

Categories of records in the system: The file contains questionnaire responses, environmental education scores, and verbal skills test data.

Authority for maintenance of the system: 16 U.S.C. 1705

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: File is on a magnetic tape.

Retrievability: Data on each person is identified by a case number. It can be retrieved by matching the case number with a mailing list containing case numbers, name and address.

Safeguards: Kept in locked files and only the System Manager and other research staff have access to the mailing list.

Retention and disposal: Files are being retained indefinitely for possible future longitudinal studies of long range benefit.

System manager(s) and address: Donna A. Lingwood, Institute for Social Research, The University of Michigan, Ann Arbor, MI, 48106

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from: Director, Division of Manpower and Youth Conservation Programs, U.S. Department of Agriculture, Forest Service, Washington, D.C., 20250; Director, Office of Manpower Training and Youth Activities, Department of the Interior, Office of the Secretary, Washington, D.C., 20240. A request for information pertaining to an individual should contain name, address, dates when work was performed, program under which enrolled, and location where work was performed.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information in this system comes primarily from the individual himself, the sponsoring organization, work supervisors, and other Forest Service officials.

USDA/FS-32

System name: Professional Registration and Professional Society Affiliation, Engineering—Related Personnel—Eastern Region—USDA/FS

System location: Office of the Regional Forester, Headquarters, Eastern Region, USDA Forest Service, 633 West Wisconsin Avenue, Milwaukee, Wisconsin, and at National Forest Headquarters at the following Location: Allegheny National Forest, Warren, PA; Chequamegon National Forest, Park Falls, WI; Chippewa National Forest, Cass Lake, MN; Green Mountain National Forest, Rutland, VT; Hiawatha National Forest, Escanaba, MI; Huron-Manistee National Forest, Cadillac, MI; Monongahela National Forest, Elkins, WV; National Forests in Missouri, Rolla, MO; Nicolet National Forest, Rhinelander, WI; Ottawa National Forest, Ironwood, MI; Shawnee National Forest, Harrisburg, IL; Superior National Forest, Duluth, MN; Wayne-Hoosier National Forest, Bedford, IN; White Mountain National Forest, Laconia, NH;

Addresses at each field office are listed in the telephone directories of the respective cities listed above under the heading, "United States Government, Department of Agriculture, Forest Service, National Forest Supervisor."

Categories of individuals covered by the system: Forest Service employees of the Eastern Region who presently are Registered Professional Engineers, Engineers-in-Training, Registered Land

Surveyors, Engineers and/or Technicians presently affiliated with an Engineering-related professional or technical society or organization are included in this system of records.

Categories of records in the system: The system consists of a directory listing Registered Professional Engineers, Engineers-in-Training, Registered Land Surveyors, including the name of the State(s) and the Year(s) acquired. The directory also lists the "Professional Society Affiliations" of Land Surveyors and Engineering employees, including society name, category of membership and responsibility.

Authority for maintenance of the system: 5 U.S.C. 0301; 7 CFR 02.60.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Promoting Professional Registration and involvement in Professional and/or Technical societies; and (2) Providing assistance (through the directory listing) to employees currently seeking professional registration; and (3) Providing recognition of employees' efforts in these endeavors.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The directory (records) in the form of a spiral-bound booklet is maintained at the applicable address(s) listed above. Also, each individual whose name appears in the directory receives a copy for his personal use.

Retrievability: The directory (records) is indexed by organizational unit within the Region and by name of individual listed therein.

Safeguards: Since a copy of this directory is sent to all the individuals listed in it, no identifiable safeguards exist. Employees are instructed to treat the directory as an Official Forest Service document for in-service use only.

Retention and disposal: The directory (record) is maintained for the duration of an employee's registration or society affiliation. All information is deleted when (1) The employee is no longer employed within the region; (2) Is no longer registered and/or is no longer affiliated with a professional society.

System manager(s) and address: Director, Engineering Staff Group, USDA—Forest Service, Eastern Region, 633 West Wisconsin Avenue, Milwaukee, Wisconsin 53203.

Notification procedure: Any Eastern Region employee, past or present, may request information regarding this directory system, or information as to whether the system contains records pertaining to him from the Director, Engineering Staff Group, at the address above, Telephone 414-224-3602, or the appropriate Forest Supervisor at the address previously listed. A request for information pertaining to an individual should contain: Name and address, Unit Headquarters and Particulars involved, i.e., Registered Surveyor, Registered Engineer, etc.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Information in this system comes primarily from individual employees, the employee's supervisor, and line and staff officers.

USDA/FS-33

System name: Law enforcement Investigation Records, USDA/FS

System location: Records in this system are maintained at Forest Service Headquarters in Washington, D.C., the nine Regional Offices and 123 Forest Supervisor Offices. The address for the Headquarters is Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue, SW., Washington, D.C., 20250; the addresses for Regional Foresters and Forest Supervisors are listed in 36 CFR 200.2, Subpart A.

Categories of individuals covered by the system: Subjects: Individuals against whom allegations of wrongdoing have been made. Principals: Individuals not named as subjects, but yet may be responsible for alleged violations. Complainants: Those who allege wrongdoing. Others: Those closely connected with the matter of investigation.

Categories of records in the system: Files containing investigative and other reports, correspondence, informal notes, statements of witnesses, names, addresses, social security records and dates of birth.

Authority for maintenance of the system: 16 U.S.C. 559.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to appropriate agency, whether Federal, State, or local, charged with the responsibility for investigating or prosecuting a violation of law, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto. (2) Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (3) Referral to the Department of Justice for the defense of suits against the United States or its officers, or for the institution of suits for the recovery of claims by the United States Department of Agriculture. (4) Referral to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Vertical file folders.

Retrievability: Files are maintained under 5340 designation, identified by the individual's name.

Safeguards: Staff are instructed to allow access to authorized persons only. The files are kept in locked file cabinets.

Retention and disposal: Files are retained indefinitely.

System manager(s) and address: Director, Fiscal and Accounting Management Staff, USDA—Forest Service, Washington, D.C., 20250 or the appropriate Regional Forester or Forest Supervisor at the address specified above.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), (I), and (f). See 7 CFR 1.23. This exemption will only be used to maintain the efficacy and integrity of lawful investigations, and to prevent access to certain law enforcement files which would alert subjects of investigations that their activities are being scrutinized and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Any individual who feels, however, that he has been denied any right, privilege or benefit for which he would otherwise be eligible as a result of the maintenance of such material may request access to the material. Such requests should be addressed to the appropriate system manager.

USDA/FS—34

System name: Land Adjustments (Purchase, Donation, Exchange) USDA/FS

System location: Records in this system are maintained at Forest Service Headquarters in Washington, D.C., the nine Regional Offices, the ten Experiment Station Offices, Forest Supervisor Offices, and District Ranger Offices. The address for the Headquarters is Forest Service, U.S. Department of Agriculture, 12th and Independence Avenue, SW., Washington, D.C. 20250, the addresses for Regional Foresters, Station Directors and Forest Supervisors are listed in 36 CFR 202.2, Subpart A; and addresses for District Rangers are in the telephone directory of the applicable locality under the heading, United States Government, Department of Agriculture, Forest Service.

Categories of individuals covered by the system: Individuals who sell, donate, or exchange lands or interests in lands to or with the United States through the Forest Service, USDA.

Categories of records in the system: The system consists of complete files on individual land adjustment cases, including appraisal reports and justification statements for the land adjustment action being taken.

Authority for maintenance of the system: 40 U.S.C. 257, 16 U.S.C. 515-517, 16 U.S.C. 485-486; 16 U.S.C. 569, 16 U.S.C. 555, 40 U.S.C. 258a, 7 U.S.C. 1010, 1011(c), 7 U.S.C. 428a(a), 43 U.S.C. 315g-1, 16 U.S.C. 555a, 16 U.S.C. 1131-1136, 16 U.S.C. 4601-9, 16 U.S.C. 484a, 42 U.S.C. 4601(6), 4601(8), 4621, 4622, 4651, 4653, National Trails 16 U.S.C. 1241-1249, Wild and Scenic Rivers 16 U.S.C. 1271-1287, National Recreation Areas 16 U.S.C. 460p et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referred to (1) Department of Justice for (a) filing condemnation in court and (b) for information in suits filed against the Government, (2) Bureau of Land Management for review of cases involving exchange of public domain lands, (3) Bureau of Outdoor Recreation for review in authorizing use of land and water conservation funds, (4) Treasury Department for tax purposes, (5) Federal Power Commission for licensing of Federal Power Commission projects, (6) Environmental Protection Agency for preparation of environmental statements, (7) Corps of Engineers for information on joint land acquisition projects, (8) General Accounting Office for review of specific cases, (9) Congressional Committees and members of congress for (a) National Forest Reservation Commission for approval of Weeks Law purchases or exchanges, and (b) to appropriation committees for budget purposes, (10) State and local governments for (a) compliance with OMB Circular A-95 and (b), for compliance with the Rare and Endangered Species Act and the Historic and Cultural Preservation Act.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable field offices and the Washington Office.

Retrievability: Records are indexed by name of individual involved in land adjustment case.

Safeguards: Records are kept in a locked official government office.

Retention and disposal: Records are retained at the applicable office until the cases are closed, at which time one combined record is retained by the applicable Regional Office for a period of twenty-five years, except for deeds and title papers which are retained permanently at the applicable Field Offices.

System manager(s) and address: Director, Lands, Forest Service, USDA, Washington, D.C., 20250 and designees at Region, Station, Forest, Ranger, Research Work Units and Project Headquarters Offices when applicable.

Notification procedure: Any individual may request information regarding this system of record or information as to whether the system contains a record pertaining to him from the Director, Lands, Forest Service, USDA, Washington, D.C., telephone 703-235-8212. He will advise the individual of the locations of any records and the local designated individual responsible for those records at the appropriate Field Offices. A request for information pertaining to an individual should contain:

Name, address, and any available particulars involved in the specific case, i.e., name of owner of properties, location of property and dates of any correspondence, if available, etc.

Record access procedures: Use same procedures as for requesting notifications.

Contesting record procedures: Use same procedures as for requesting notification.

Record source categories: Information in this system comes primarily from individual landowners, employees of the agency or agencies to which cases are referred and contract real property appraisers or consultants which they hire.

USDA/OGC—1

System name: Cases against the Department under the Federal Meat Inspection Act, the Poultry Products Inspection Act, the voluntary inspection and certification provisions of the Agricultural Marketing Act of 1946, and related laws, USDA/OGC.

System location: Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals regulated or not regulated by the subject Acts who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Acts.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to the subject Acts.

Authority for maintenance of the system: 21 U.S.C. 601 et seq., 21 U.S.C. 451 et seq., 7 U.S.C. 1621 et seq., and 7 U.S.C. 450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged

with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, APHIS Division, OGC, USDA, Washington, D.C., telephone 202-447-5550. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/OGC—2

System name: Cases against the Department under the Horse Protection Act of 1970, USDA/OGC.

System location: Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to the subject Act.

Authority for maintenance of the system: 15 U.S.C. 1821 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presenta-

tion, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, APHIS Division, OGC, USDA, Washington, D.C., telephone 202-447-5550. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/OGC—3

System name: Cases against the Department under the Humane Methods of Livestock Slaughter law (i.e., the Act of August 27, 1958), USDA/OGC.

System location: Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to the subject Act.

Authority for maintenance of the system: 7 U.S.C. 1901-1906.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, APHIS Division, OGC, USDA, Washington, D.C., telephone 202-447-5550. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/OGC—4

System name: Cases against the Department under the Laboratory Animal Welfare Act, as amended, USDA/OGC.

System location: Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to the subject Act.

Authority for maintenance of the system: 7 U.S.C. 2131 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, APHIS Division, OGC, USDA, Washington, D.C., telephone 202-447-5550. A request for information pertaining to an individual

should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/OGC—5

System name: Cases against the Department under the 28 Hour Law, as amended, USDA/OGC.

System location: Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to the subject Act.

Authority for maintenance of the system: 45 U.S.C. 71-74.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, APHIS Division, OGC, USDA, Washington, D.C., telephone 202-447-5550. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/OGC—6

System name: Cases against the Department under the various Animal Quarantine and related laws, USDA/OGC.

System location: Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals regulated or not regulated by the subject Acts who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Acts.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to the subject Acts.

Authority for maintenance of the system: 21 U.S.C. 101-135b, 19 U.S.C. 1306, 1202, 46 U.S.C. 466a-466b, and 7 U.S.C. 450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, APHIS Division, OGC, USDA, Washington, D.C., telephone 202-447-5550. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/OGC—7

System name: Cases against the Department under the various Plant Protection and Quarantine and related laws, USDA/OGC.

System location: Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals regulated or not regulated by the subject Acts who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Acts.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to the subject Acts.

Authority for maintenance of the system: 7 U.S.C. 145, 147a, 148-148e, 149, 150-150g, 150aa-150jj, 151-165, 167, 166, 281-282, 450, 1651-1656, 2801-2813.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, APHIS Division, OGC, USDA, Washington, D.C., telephone 202-447-5550. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/OGC—8

System name: Cases by the Department under the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the voluntary inspection and certification provisions of the Agricultural Marketing Act of 1946, USDA/OGC.

System location: Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Acts and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Acts.

Authority for maintenance of the system: 21 U.S.C. 601 et seq., 21 U.S.C. 451 et seq., and 7 U.S.C. 1621 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the ap-

appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a (k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—9

System name: Cases by the Department under the Horse Protection Act of 1970, USDA/OGC.

System location: Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 15 U.S.C. 1821 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a (k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—10

System name: Cases by the Department under the Humane Methods of Livestock Slaughter law (i.e., the Act of August 27, 1958), USDA/OGC.

System location: Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 1901-1906.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a (k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled

for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—11

System name: Cases by the Department under the Laboratory Animal Welfare Act, as amended, USDA/OGC.

System location: Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 2131 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a (k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—12

System name: Cases by the Department under the 28 Hour Law, as amended, USDA/OGC.

System location: Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 45 U.S.C. 71-74.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a (k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—13

System name: Cases by the Department under the various Animal Quarantine and related laws, USDA/OGC.

System location: Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Acts and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Acts.

Authority for maintenance of the system: 21 U.S.C. 101-135b, 19 U.S.C. 1306, 1202, and 46 U.S.C. 466a-466b.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of

any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a (k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—14

System name: Cases by the Department under the various Plant Protection and Quarantine and related laws, USDA/OGC.

System location: Office of the General Counsel, APHIS Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Acts and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Acts.

Authority for maintenance of the system: 7 U.S.C. 145, 147a, 148-148e, 149, 150-150g, 150aa-150jj, 151-165, 167, 166, 281-282, 1651-1656, 2801-2813.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, APHIS Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a (k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—15

System name: Community Development Division Litigation, USDA/OGC

System location: Office of the General Counsel, USDA 14th and Independence Ave., S. W., Washington, D.C. 20250, and offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santerce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma; Temple, Texas. Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Past and present parties to litigation involving FmHA program participants and parties against whom litigation was proposed but not commenced.

Categories of records in the system: The system consists of records on individual litigation cases, sometimes including FmHA loan dockets, copies of documents filed with State and Federal agencies, court records, legal opinions, correspondence, investigation reports, contracts, and related documents.

Authority for maintenance of the system: 5 U.S.C. 201, 42 U.S.C. 1471-1490; 4401-19; 4453-55 and 7 U.S.C. 1921-29.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto. (2) Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, or any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (3) Referral to Department of Justice for suits against the United States or its officers or instrumentalities concerning USDA activities. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders in file cabinets.

Retrievability: Records are indexed by name; sometimes cross-indexed.

Safeguards: Files stored in Attorney's office.

Retention and disposal: Files sent to Federal Records Center when cases are closed, some retained indefinitely for research purposes.

System manager(s) and address: Director, Community Development Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney-in-Charge at the address specified above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the

system contains records pertaining to him from the System Manager, or the appropriate Regional Attorney or Attorney-in-Charge. A request should indicate the name, address and particulars involved.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the System Manager or appropriate Regional Attorney or Attorney-in-Charge.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Records in this system come from Federal and State courts, witnesses, agency employees, attorneys, title companies, Farmers Home Administration loan, grant, and applicant dockets, and the Department of Justice.

Systems exempted from certain provisions of the act: Those records in this system which consist of investigatory material compiled for law enforcement purposes have been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—16

System name: Farmers Home Administration (FmHA) General Case Files, USDA/OGC.

System location: Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma; Temple, Texas.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Primarily applicants for FmHA financial assistance and FmHA borrowers and grantees; in some regional offices also parties to litigation, purchasers of FmHA security property, vendors to FmHA borrowers, contractors and builders of FmHA financed projects, packagers of FmHA loan dockets, real estate salesmen and brokers dealing with FmHA property applicants or having a security interest in property owned or financed or to be financed by FmHA or to whom FmHA notes are assigned, present and former owners and holders of an interest in real property serving as security for FmHA loans, third party converters, and individuals who file claims against FmHA.

Categories of records in the system: Records on individual applicant, borrower or grantee cases, sometimes including FmHA loan dockets, copies of promissory notes and security instruments, title evidence, legal opinions, correspondence, investigation reports, contracts, pleadings, legal documents covering foreclosures and loan or grant making or servicing, title opinions, contracts, closing instructions, notices, and related documents.

Authority for maintenance of the system: 5 U.S.C. 301, 42 U.S.C. 1471-1490, 4401-19, 4453-55 and 7 U.S.C. 1921-92.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral of certain records to trustees for reconveyance or foreclosure of deeds of trust, or correction of errors, to appropriate State and County officials for recording or filing of legal documents, to title companies or Bureau of Indian Affairs for title clearance, to appropriate agencies and individuals for institution of nonjudicial foreclosure and other loan servicing and liquidation actions, and to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto. (2) Referral to a court,

magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, or any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (3) Referral to Department of Justice for suits against the United States or its officers or instrumentalities concerning USDA activities. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the addresses listed above.

Retrievability: Records are usually indexed by the name of the individual on whom the file is maintained. In some instances records are maintained in numerical order corresponding to the FmHA account number. In some instances they are also cross-indexed by the names of individuals mentioned in the files.

Safeguards: Records are kept in locked offices. Secretive materials such as Office of Investigation reports are kept in locked drawers or file cabinets.

Retention and disposal: Records are usually retained for 12 to 18 months after the case is closed. In some Regional Offices certain records are maintained indefinitely, primarily for research value.

System manager(s) and address: Appropriate Regional Attorney or Attorney-in-Charge.

Notification procedure: Any individual may request information regarding this system of records, or information whether the system contains records pertaining to him from the appropriate System Manager. A request should contain the name and address of the individual involved and as much other identifying information as possible.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request for same to the appropriate System Manager at the above address.

Contesting record procedures: Same as Records Access Procedures.

Record source categories: Information in this system comes primarily from applicants, borrowers, grantees, FmHA or other USDA employees, attorneys, credit reporting agencies, title companies, and State and Federal government agencies.

Systems exempted from certain provisions of the act: Those records in this system which consist of investigatory material compiled for law enforcement purposes have been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—17

System name: Claims by and Against USDA under the Food Assistance Legislation, USDA/OGC.

System location: Office of the General Counsel, Food and Nutrition Division, USDA, Washington, D.C. and Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Missoula, Montana; Ogden, Utah; Portland, Oregon; Raleigh, North Carolina; San Francisco, California; Santurce, Puerto Rico; Stillwater, Oklahoma; Temple, Texas.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals who seek to participate in the Food Stamp Act of 1964, National School Lunch Act, or Child Nutrition Act of 1966, and individuals reported to be in violation of one or more of these acts.

Categories of records in the system: The system consists of files on all individual cases, including investigation reports, pleadings, transcripts, legal correspondence, statements of witnesses, and related documents.

Authority for maintenance of the system: 7 U.S.C. 2011-2026; 42 U.S.C. 1751-1763; 42 U.S.C. 1771-1786.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. (2) Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto. (3) Referral to the Department of Justice for defense of suits brought against the United States or its officers, and for institution of suit for recovery of claims by USDA. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable locations listed above.

Retrievability: Records are indexed by the name of the individual involved.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained for a length of time left to the discretion of the Director of the Food and Nutrition Division or Regional Attorney or Attorney-in-Charge, after legal action has been concluded.

System manager(s) and address: Director, Food and Nutrition Division, OGC, USDA, Washington, D.C. 20250. Each Regional Attorney or Attorney-in-Charge at the locations specified above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Food and Nutrition Division, OGC, USDA, Washington, D.C., telephone 202-447-4631, or the appropriate Regional Attorney or Attorney-in-Charge at the locations specified above. A request for information pertaining to an individual should contain his name, address, and the particulars involved (i.e. the date of any action complained of, date a claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may obtain information concerning the process for contesting a record in the system that pertains to him by following the procedures referred to directly above.

Record source categories: Information in this system comes primarily from claimants, witnesses, agency employees, and investigative personnel.

Systems exempted from certain provisions of the act: The portions of the system consisting of investigatory material that has been compiled for law enforcement purposes have been exempted pursuant to 5 U.S.C. 552a(k)(2), from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f). Individual access to these files could impair investigations and alert the subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action. Disclosure of investigative technique and procedures, and of the identity of confidential sources of information, would hamper law enforcement activity.

USDA/OGC—18

System name: Perishable Agricultural Commodities Act, USDA/OGC—disciplinary proceedings to deny issuance of a license to an applicant thereunder or to suspend or revoke a license already issued, or to publish the facts and circumstances of violations of the Act.

System location: Office of the General Counsel, Food and Nutrition Division, USDA, Washington, D.C., and offices of Regional Attorneys and Attorneys-in-charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Missoula, Montana; Atlanta, Georgia; Ogden, Utah; Chicago, Illinois; Portland, Oregon; Denver, Colorado; Harrisburg, Pennsylvania; San Francisco, California; Santurce, Puerto Rico; Little Rock, Arkansas; Shawnee Mission, Kansas; Milwaukee, Wisconsin; Stillwater, Oklahoma; Temple, Texas.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals who apply for or who hold licenses to do business in the perishable agricultural commodities industry in their individual capacities; partners of partnerships which apply for or which hold licenses to do business in the perishable agricultural commodities industry; officers, directors and holders of 10 percent or more of the stock of corporations which apply for or hold licenses to do business in the perishable agricultural commodities industry under the Perishable Agricultural Commodities Act of 1930, as amended, are included in this system of records.

Categories of records in the system: The system consists of reports of investigation, statements of witnesses, agency reports.

Authority for maintenance of the system: 7 U.S.C. 499a et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Use by the Office of the General Counsel for (1) administrative proceedings pursuant to the Administrative Procedure Act to deny the issuance of a license to an applicant therefor to do business in the perishable agricultural commodities industry; (2) administrative proceedings pursuant to the Administrative Procedure Act to suspend or revoke an already existent license, or alternatively to have the facts and circumstances of violations published for violations thereof by the holder of such license. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the addresses listed above.

Retrievability: Records are indexed by name of individual license applicant or holder.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Director, Food and Nutrition Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney-in-charge at the addresses specified above.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or to escape administrative procedures to deny to them the issuance of a license or to suspend or revoke such license, or to have published the facts and circumstance of the violations. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—19

System name: Agricultural Stabilization and Conservation Service (ASCS), Foreign Agricultural Service (FAS), and Commodity Credit Corporation (CCC) cases, USDA/OGC

System location: Office of the General Counsel, Washington, D.C., and/or Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma; Temple, Texas.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals who apply for and/or receive marketing quotas or acreage allotments from ASCS, or loans, payments, credits or indemnities from ASCS, FAS, or CCC; or who apply for and/or enter into contracts or agreements with ASCS, FAS, or CCC or participate in programs financed or administered by ASCS, FAS or CCC, or who violate or may have violated ASCS, FAS, or CCC regulations, federal or state laws, or who may otherwise be involved in litigation with ASCS, FAS or CCC.

Categories of records in the system: Contains files on individual cases, including but not limited to the original or copies of loan applications, program forms, security agreements, mortgages, notes, program participation agreements, repayment records, financial status reports, statements of account, collector's contact report, agency recommendations for making, servicing or liquidating loans, collection of civil penalties, readjustment of allotments and quotas, contracts, closing instructions, legal opinions, title evidence, investigation reports, agency recommendation for the institution of civil or criminal action, records of telephone calls, various correspondence and material, intra-departmental memos and inter-departmental letters, pleadings, transcripts of hearings, and other legal documents.

Authority for maintenance of the system: 7 U.S.C. 135b note, 442-449, 612c-3, 624, 1110-1162, 1282-1292, 1301-1393, 1421-1449, 1692, 1701-1710, 1721-1725, 1731-1736e, 1707a, 1781-1787, 1851-1857; 15 U.S.C. 713a, 714-714p; 16 U.S.C. 590g-590q, 1501-1510; 18 U.S.C. 286-287, 371, 1001; 19 U.S.C. 1202 Note, 31 U.S.C. 231-235; 7 C.F.R. 2.31, Part 6, Part 17, Part 20, Part 700-896, Chap. XIV, 22 C.F.R. Part 211.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the U.S. Department of Justice for defense of suits brought against the United States, its agencies or its officers, and for institution of suits for recovery of claims by USDA or CCC; (2) referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (3) referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable addresses listed above.

Retrievability: Records are indexed by name of individual on whom the file is primarily maintained. In some instances, they are also cross indexed by the names of other individuals mentioned in the files.

Safeguards: Records are kept in a locked office, locked file cabinet or locked drawers.

Retention and disposal: Records are maintained until case is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Foreign Agricultural and Commodity Stabilization Division, OGC, USDA, Washington, D.C., 20250, or the appropriate Regional Attorney or Attorney-in-Charge at the address specified above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Foreign Agricultural and Commodity Stabilization Division, OGC, USDA, Washington, D.C., 20250, telephone 202-447-2562, or the appropriate Regional Attorney or Attorney-in-Charge at the address

listed above. If the specific location of the record is not known, the individual should address his request to the Director, Foreign Agricultural and Commodity Stabilization Division, OGC, USDA, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain his name, address, and particulars involved.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request for same to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as record access procedures.

Record source categories: From individuals categorized above, referring agency, employees, farmers, warehousemen, borrowers, loan applicants, title companies, title and lien searches, investigative personnel, attorneys, and from others.

Systems exempted from certain provisions of the act: The portion of this system which consist of investigatory material compiled for law enforcement purposes, has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f). See 7 CFR 1.123. Individual access to these files could (1) impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution; and (2) disclose investigative techniques and procedures and the existence and identity of confidential sources.

USDA/OGC—20

System name: Federal Crop Insurance Corporation (FCIC) Cases, USDA/OGC

System location: Office of the General Counsel, Washington, D.C. and/or Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Portland, Oregon; Chicago, Illinois; San Francisco, California; Denver, Colorado; Shawnee Mission, Kansas; Harrisburg, Pennsylvania; Stillwater, Oklahoma; Little Rock, Arkansas; Temple, Texas.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals who apply for and/or have insurance contracts with the FCIC; who have delinquent premiums or are otherwise indebted to FCIC; who have indemnity claims against FCIC; who are suspected of fraudulent dealings with FCIC; who violate or may have violated FCIC regulations, federal or state laws; or who may otherwise be involved in litigation with FCIC.

Categories of records in the system: Contains files on individual cases, including but not limited to the originals or copies of insurance contracts (application, policy and endorsements), reports of FCIC personnel with respect to the application, claims for indemnities or other matters pertaining to the contract, program forms, acreage reports, production records, statements of account, financial report, collector's contact report, agency recommendation for services, agency recommendation for the institution of criminal and civil action, investigation reports, correspondence, legal opinions, various correspondence and material, intra- and inter-departmental memos and letters, transcripts of hearings, pleadings and other legal documents.

Authority for maintenance of the system: 7 U.S.C. 1501-1520; 18 U.S.C. 657-658, 1001, 1006, 1014, 1903; 31 U.S.C. 231; 7 CFR 2.31, 401-413.25

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the U.S. Department of Justice for defense of suits brought against the United States, its agencies, or its officers, and for institution of suits for recovery of claims by USDA; (2) referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (3) referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the

system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of individual on whom the file is primarily maintained. In some instances, they are also cross indexed by the names of other individuals mentioned in the files.

Safeguards: Records are kept in a locked office, locked cabinets or locked drawers.

Retention and disposal: Records are maintained until case is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Foreign Agricultural and Commodity Stabilization Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney-in-Charge at the address specified above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Foreign Agricultural and Commodity Stabilization Division, OGC, USDA, Washington, D.C., telephone 202-447-2562, or the appropriate Regional Attorney or Attorney-in-Charge at the address listed above. If the specified location of the record is not known, the individual should address his request to the Director, Foreign Agricultural and Commodity Stabilization Division, OGC, USDA, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain his name, address, and particulars involved.

Record access procedures: Any individual may obtain information as to the procedure for gaining access to a record in the system which pertains to him by submitting a written request for same to the appropriate official referred in the preceding paragraph.

Contesting record procedures: Same as for record access procedures.

Record source categories: From individuals categorized above, referring agency employees, farmers, investigative personnel, attorneys and from others.

Systems exempted from certain provisions of the act: The portion of this system which consist of investigatory material compiled for law enforcement purpose has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I) and (f). See 7 CFR 1.123. Individual access to these files could (1) impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution; and (2) disclose investigative techniques and procedures and the existence and identity of confidential sources.

USDA/OGC—21

System name: Administrative proceedings brought by individuals pursuant to the Plant Variety Protection Act or the Egg Products Inspection Act, as amended, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals regulated by the subject Act who file a petition with the Secretary pursuant to the authority of the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 2321 et seq. or 21 U.S.C. 1044 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or

order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentations, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from the Director, Marketing Division, OGC, USDA, Washington, D.C., telephone 202-447-5935.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/OGC—22

System name: Administrative proceedings brought by the Department pursuant to the Plant Variety Protection Act, the Federal Seed Act, or the Agricultural Marketing Act of 1946, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 2321 et seq., 7 U.S.C. 1561 et seq. or 7 U.S.C. 1621 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presenta-

tion, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—23

System name: Administrative proceedings brought pursuant to the authority of section 8c(15)(a) of the Agricultural Marketing Agreement Act of 1937, as amended or the Anti-Hog-Cholera Serum and Hog Cholera Virus Act, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals regulated by the subject Act who file a petition with the Secretary of Agriculture pursuant to the authority of the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations.

Authority for maintenance of the system: 7 U.S.C. 601 et seq. or 7 U.S.C. 51 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Marketing Division, OGC, USDA, Washington, D.C., telephone 202-447-5935. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/OGC—24

System name: Administrative proceedings brought pursuant to the authority of the Cotton Research and Promotion Act, the Potato Research and Promotion Act or the Egg Research and Consumer Information Act, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals regulated by the subject Act who file a petition with the Secretary of Agriculture pursuant to the authority of the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 2101 et seq., 7 U.S.C. 2611 et seq. or P.L. 93-428.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Marketing Division, OGC, USDA, Washington, D.C., telephone 202-447-5935. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/OGC—25

System name: Administrative proceedings brought pursuant to the Tobacco Inspection Act or the United States Grain Standards Act, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who file a petition pursuant to the authority of the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 511 et seq. or 7 U.S.C. 71 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Marketing Division, OGC, USDA, Washington, D.C., telephone 202-447-5935. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/OGC—26

System name: Cases brought by the Government pursuant to the Cotton Futures provisions of the Internal Revenue Code of 1954, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 26 U.S.C. 4851-54, 61-65, 71-73, 75-77, 6001, 6804, 7233, 7263, 7493, 7701(a)(1), (11), (12).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—27

System name: Cases brought pursuant to the United States Grain Standards Act or the Federal Seed Act in which the Government is defendant, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 71 et seq. or 7 U.S.C. 1561 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Marketing Division, OGC, USDA, Washington, D.C., telephone 202-447-5935. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/OGC—28

System name: Court cases brought by the Government pursuant to either the Agricultural Marketing Act of 1946 or the Tobacco Inspection Act, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 1621 et seq. or 7 U.S.C. 511 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—29

System name: Court cases brought by the Government pursuant to either the Agricultural Marketing Agreement Act of 1937, as amended or the Anti-Hog-Cholera Serum and Hog Cholera Virus Act, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C., and Offices of Regional Attorneys, OGC, USDA, at the following locations: Atlanta, Georgia; Portland, Oregon; San Francisco, California; Temole, Texas. Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 601 et seq. or 7 U.S.C. 851 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—30

System name: Court cases brought by the Government pursuant to either the Cotton Research and Promotion Act, Potato Research and Promotion Act or the Egg Research and Consumer Information Act, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 2101 et seq., 7 U.S.C. 2611 et seq. or P.L. 93-428.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the

requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—31

System name: Court cases brought by the Government pursuant to either the Export Apple and Pear Act or the Export Grape and Plum Act, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 581 et seq. or 7 U.S.C. 591 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—32

System name: Court cases brought by the Government pursuant to either the Cotton Statistics and Estimates Act of 1927 or the United States Cotton Standards Act, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 471 et seq. or 7 U.S.C. 51 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—33

System name: Court cases brought by the Government pursuant to either the Naval Stores Act, the Honeybee Act, the Virus-Serum-Toxin Act or the Tobacco Seed and Plant Exportation Act, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 91 et seq., 7 U.S.C. 281 et seq., 21 U.S.C. 151 et seq. or 7 U.S.C. 516 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or

order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—34

System name: Court cases brought by the Government pursuant to either the Peanut Statistics Act or the Tobacco Statistics Act, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 951 et seq. or 7 U.S.C. 501 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—35

System name: Court cases brought by the Government pursuant to either the Plant Variety Protection Act or the Egg Products Inspection Act, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 2321 et seq. or 21 U.S.C. 1044 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and

(I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—36

System name: Court cases brought by the Government pursuant to either the Produce Agency Act, or the Process or Renovated Butter Provisions of the Internal Revenue Code of 1954, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 491 et seq. or 26 U.S.C. 4817, 4826 and 7235(c).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—37

System name: Court cases brought by the Government pursuant to either the United States Grain Standards Act or the Federal Seed Act, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 71 et seq. or 7 U.S.C. 1561 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—38

System name: Court cases brought by the Government pursuant to the Agricultural Fair Practices Act, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 2301 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—39

System name: Court cases brought pursuant to either the Cotton Research and Promotion Act, Potato Research and Promotion Act or the Egg Research and Consumer Information Act in which the Government is defendant, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 2101 et seq., 7 U.S.C. 2611 et seq. or P.L. 93-428.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Marketing Division, OGC, USDA, Washington, D.C., telephone 202-447-5935. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/OGC—40

System name: Court cases brought pursuant to the Agricultural Marketing Act of 1946 or the Tobacco Inspection Act in which the Government is defendant, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 1621 et seq. or 7 U.S.C. 511 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Marketing Division, OGC, USDA, Washington, D.C., telephone 202-447-5935. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/OGC—41

System name: Court cases brought pursuant to the authority of the Agricultural Marketing Agreement Act of 1937, as amended or the Anti-Hog-Cholera Serum and Hog Cholera Virus Act in which the Government is defendant, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C., and Offices of Regional Attorneys, OGC, USDA, at the following locations: Atlanta, Georgia; Portland, Oregon; San Francisco, California; Temple, Texas.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 601 et seq. or 7 U.S.C. 851 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney at the address specified above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Marketing Division, OGC, USDA, Washington, D.C., telephone 202-447-5935, or the appropriate Regional Attorney at the address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Marketing Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/OGC—42

System name: Court cases brought pursuant to the Plant Variety Protection Act or the Egg Products Inspection Act in which the Government is defendant, USDA/OGC.

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 2321 et seq. or 21 U.S.C. 1044 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Marketing Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Marketing Division, OGC, USDA, Washington, D.C., telephone 202-447-5935. A request for information pertaining to an individual

should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/OGC—43

System name: Acquisitions—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel".

Categories of individuals covered by the system: Persons having or believed to have an interest in lands which are expected to be or have been acquired by the United States by condemnation, direct purchase, or donation, for the use of USDA agencies.

Categories of records in the system: Partial or complete records on individual cases, sometimes including legal opinions, correspondence, title evidence, deeds, affidavits, certificates of use and possession, pleadings, transcripts, and related documents.

Authority for maintenance of the system: 16 U.S.C. 460 1-4 through 460 1-11; 16 U.S.C. 473-482, 535, 551 and 555; 23 U.S.C. 205; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) Department of Justice for institution of condemnation proceedings, (2) title companies for title evidence, (3) notaries public for acknowledgment, and (4) appropriate State and county officials for filing or recording as required by law. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the date of action giving rise to the claim, date claim was filed, correspondence, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Primarily the individuals in the system, agency employees and title companies.

USDA/OGC—44

System name: Claims, other than Tort claims, by or against the Forest Service—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals who have filed appeals relating to the breach of terms or provisions of a contract with the United States Forest Service.

Categories of records in the system: The system consists of files on individual appeals, including pleadings, agency reports, and correspondence.

Authority for maintenance of the system: 16 U.S.C. 0471-2, 16 U.S.C. 0551, 7 C.F.R. Part 24, 36 C.F.R. Part 211.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used by attorneys in all phases of preparing and conducting hearings before the United States Department of Agriculture Board of Contract Appeals. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedure as those for requesting access.

Record source categories: Information in this system comes primarily from claimants, witnesses, agency employees, and investigative personnel.

USDA/OGC—45

System name: Contract Appeals - Forest Service - USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals who have filed appeals relating to the breach of terms or provisions of a contract with the United States Forest Service.

Categories of records in the system: The system consists of files on individual appeals, including pleadings, agency reports, and correspondence.

Authority for maintenance of the system: 16 U.S.C. 0471-2, 16 U.S.C. 551, 7 C.F.R. Part 24, 36 C.F.R. Part 211.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used by attorneys in all phases of preparing and conducting hearings before the United States Department of Agriculture Board of Contract Appeals. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: The information in this system comes primarily from the appellant, witnesses, agency employees, and private experts.

USDA/OGC—46

System name: Conveyances—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of

Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Parties or potential parties (1) to transactions involving the conveyance, reconveyance, exchange, quitclaim or other disposal of lands or interests therein owned or claimed by the United States in behalf of USDA agencies, (2) having boundary disputes with USDA agencies, and (3) claiming title to lands also claimed by the United States for the use of USDA agencies.

Categories of records in the system: Partial or complete records on individual cases, sometimes including legal opinions, correspondence, title evidence, deeds, affidavits, certificates of use and possession, pleadings, transcripts, and related documents.

Authority for maintenance of the system: 7 U.S.C. 1011(c); 7 U.S.C. 2253; 16 U.S.C. 460 1-8 and 460 q; 16 U.S.C. 485-486, 516, 519, 533, 555a, 565b, 567b; 40 U.S.C. 471, 484(c); 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) Department of Justice or United States Attorney for institution of ejectment or similar actions or to bring or defend quiet title actions, (2) title companies for title evidence, (3) notaries public for acknowledgment, and (4) appropriate State and County officials for filing or recording as required by law. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

System manager(s) and address: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Primarily the individuals in the system, agency employees and title companies.

USDA/OGC—47

System name: Easements—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of

Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Persons having or believed to have an interest in lands across which the United States has acquired or expects to acquire an easement by direct purchase or donation, for the use of USDA agencies.

Categories of records in the system: Partial or complete records on individual cases, sometimes including legal opinions, correspondence, title evidence, deeds, affidavits, certificates of use and possession, pleadings transcripts, and related documents.

Authority for maintenance of the system: 16 U.S.C. 532-538 and 551; 23 U.S.C. 205; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) title companies for title evidence, (2) notaries public for acknowledgment, and (3) appropriate State and County officials for filing or recording as required by law. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Primarily the individuals in the system, agency employees and title companies.

USDA/OGC—48

System name: Forest Appeals—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals who have filed appeals with the United States Department of Agriculture Board of Forest Appeals.

Categories of records in the system: The system consists of files on individual appeals, including pleadings, agency reports, and correspondence.

Authority for maintenance of the system: 16 U.S.C. 471-2, 16 U.S.C. 551, 36 CFR Subpart B.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used by attorneys in all phases of preparing and conducting the hearings before the United States Department of Agriculture Board of Forest Appeals. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: The information in this system comes primarily from the appellant, witnesses, agency employees, and private experts.

USDA/OGC—49

System name: General Case Files—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Parties involved or expected to be involved in negotiations, administrative appeals, litigation, or other attempts to resolve legal issues or disputes pertaining to those aspects of the organization, administration, regula-

tions and other activities relating to the forestry and lands of the USDA not provided for under another system of OGC records. This includes but is not limited to land use planning, wilderness, forest practice, weather modification, and other environmental issues.

Categories of records in the system: Partial or complete records on individual cases sometimes including investigation reports, copies of contracts or permits, legal opinions, pleadings, transcripts, correspondence, notices of appeal, decisions of forest officers, witness statements, and related documents.

Authority for maintenance of the system: 16 U.S.C. 471-583, 661-63, 668aa-bb, 683, 1001-09, 1131-32 and 1271-75; 42 U.S.C. 4321-74; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to Department of Justice and United States Attorneys to defend suits brought against the Government or its officers. Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto. Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Primarily the individuals in the system, agency employees, witnesses, attorneys and investigative personnel.

USDA/OGC—50

System name: Grazing—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Lit-

tle Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Persons grazing, who have grazed, or who are expected to graze livestock on land owned by the United States and administered by USDA agencies.

Categories of records in the system: Partial or complete records on individual cases sometimes including investigation reports, copies of contracts or permits, legal opinions, pleadings, transcripts, correspondence, notices of appeal, decisions of the Board of Forest Appeals or Agriculture Board of Contract Appeals, and related documents.

Authority for maintenance of the system: 7 U.S.C. 1011; 16 U.S.C. 472 and 551; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to United States Attorney or Department of Justice to defend suits brought against the Government or its officers. Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto. Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Primarily the individuals in the system, agency employees, witnesses, attorneys and investigative personnel.

USDA/OGC-51

System name: Insecticide, Fungicide, Herbicide, and Rodenticide Cases—Soil Conservation Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D. C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma; Temple, Texas.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Persons claiming that certain existing or proposed United States Department of Agriculture activities involving the application of insecticides, pesticides, fungicides, rodenticides, herbicides, nematocides, defoliants, desiccants or plant regulators may be unlawful, and parties or potential parties to litigation or administrative hearings involving such activities.

Categories of records in the system: Partial or complete records files on individual cases, sometimes including investigation reports, copies of contracts or permits, pleadings, transcripts, correspondence, witness statements, legal opinions, and related documents.

Authority for maintenance of the system: 7 U.S.C. 135-36y; 42 U.S.C. 4321-74; 5 U.S.C. 301; 44 U.S.C. 3101; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) Department of Justice to defend suits brought against the Government or its officers and (2) Environmental Protection Agency (EPA) for administrative handling under the above-cited authority. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained or, in some instances, cross-indexed by the names of other individuals mentioned in the files.

Safeguards: Records are kept in locked offices, with pending case files and investigation reports being kept in locked drawers.

Retention and disposal: Records are retained up to 5 years after case is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D. C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: The individuals in the system, agency and EPA employees, witnesses, attorneys, and investigative personnel.

USDA/OGC—52

System name: Land Acquisitions—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals from whom the Forest Service purchases a fee interest in real estate.

Categories of records in the system: The system consists of files on individual sellers of land, including potions and title information.

Authority for maintenance of the system: 16 U.S.C. 515-517, 555, 4601-4609, and 7 U.S.C. 428a.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used by attorneys in title clearance and acquisition closings. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: The information in this system comes primarily from the individuals from whom the land is being purchased, abstract and title companies, and agency employees.

USDA/OGC—53

System name: Land Exchanges, General Exchange Act—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals who have offered to exchange private lands for National Forest lands or National Grasslands.

Categories of records in the system: The system consists of files on individual exchanges, including offers, title information, and correspondence.

Authority for maintenance of the system: 16 U.S.C. 485, 486.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used by attorneys in title evaluation and exchange closings. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: The information in the system comes primarily from the exchange proponent, title and abstract companies, and agency employees.

USDA/OGC—54

System name: Land Exchanges, other than Exchange Act—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals who have offered to exchange private lands for National Forest lands or National Grasslands.

Categories of records in the system: The system consists of files on individual land exchanges, including title information and agency reports.

Authority for maintenance of the system: 16 U.S.C. 516, 555a and 484a, and many other general and specific acts authorizing land exchanges.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The system is used by attorneys in title examination and exchange closings. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: The information in this system comes primarily from the land exchange proponent, title and abstract companies, and agency employees.

USDA/OGC-55

System name: Leases—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Persons leasing or intending to lease property to or from USDA agencies; persons occupying property subject to or under such leases or proposed leases, and persons having or claiming an interest in land covered by such leases or proposed leases.

Categories of records in the system: Partial or complete records on individual cases sometimes including investigation reports, copies of contracts leases or permits, legal opinions, pleadings, transcripts, correspondence, and related documents.

Authority for maintenance of the system: 7 U.S.C. 1011(c); 16 U.S.C. 460d-2 and 580g; 43 U.S.C. 931c-d; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to Department of Justice and United States Attorneys to defend suits brought

against the Government or its officers. Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto of any record within this system when information available 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 rule, regulation, or order issued pursuant thereto. Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Primarily the individuals in the system, agency employees, witnesses, attorneys and investigative personnel.

USDA/OGC-56

System name: Legislation—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Persons occupying USDA lands who are involved or expected to be involved in disputes concerning the applicability of Federal, State, or local civil or criminal legislation or administrative regulations to their activities or possessory interests.

Categories of records in the system: Partial or complete records on individual cases—sometimes including investigation reports, copies of contracts or permits, legal opinions, pleadings, transcripts, cor-

response, notices of appeal, decisions of forest officers, witness statements, and related documents.

Authority for maintenance of the system: 16 U.S.C. 471-583, 661-63, 668aa-bb, 683, 1001-09, 1131-32 and 1271-75; 42 U.S.C. 4321-74; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to Department of Justice and United States Attorneys to defend suits brought against the Government or its officers.

Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto of any record within this system when information available 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 rule regulation, or order issued pursuant thereto. Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Primarily the individuals in the system, agency employees, witnesses, attorneys and investigative personnel.

USDA/OGC—57

System name: Minerals and Mining Claims—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United

States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Persons claiming mining or mineral rights on lands owned or claimed by the United States in behalf of USDA agencies; persons occupying or claiming an interest in such lands pursuant to such claims or under color thereof; persons having an interest in land in which the United States has reserved, or claims, minerals or mineral rights from the United States.

Categories of records in the system: Partial or complete records on individual cases, sometimes including notices of claim and related documents; copies of leases, contracts or permits; title evidence; investigation reports; pleadings; transcripts; legal opinions; correspondence; etc.

Authority for maintenance of the system: 16 U.S.C. 478, 482, 495 and 520; 30 U.S.C. 22-47, 141-42, 181, 351-59, 601-02, 611-15, 621, 701-08; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) Department of Justice or United States Attorney for institution of ejectment or similar actions or to bring or defend quiet title actions or other litigation pertaining to actual or claimed mineral rights, uses, or reservations; (2) Department of the Interior for performance of its functions under the foregoing-cited authority and related laws and for administrative determinations regarding the validity of mining claims; (3) Evaluation and preparation of proposed mineral contests. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Primarily the individuals in the system, agency employees, witnesses, attorneys, Department of the Interior employees and Administrative Law Judges, and investigative personnel.

USDA/OGC—58

System name: Program Cooperators—Soil Conservation Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Lit-

USDA/OGC—59

System name: Rights-of-Way—Acquisition—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals from whom the Forest Service purchases easements or rights-of-way for the forest roads and trails system.

Categories of records in the system: The system consists of options, title information and correspondence.

Authority for maintenance of the system: 16 U.S.C. 471.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information is used by attorneys in preparing and evaluating acquisition documents and title to the land on which the right-of-way lies. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Information in this system comes primarily from abstract and title companies, individual sellers and agency personnel.

USDA/OGC—60

System name: Special Uses—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco,

the Rock, Arkansas; Milwaukee, Wisconsin; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma; Temple, Texas.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Persons applying for or receiving financial aid, engineering services, advice or assistance under Soil Conservation Service (SCS) - sponsored or financed programs; parties or potential parties to litigation or administrative hearings involving SCS-sponsored or financed programs; and parties contracting with soil conservation districts and similar organizations formed pursuant to state laws to pursue programs of watershed protection, flood prevention or soil conservation with the assistance of SCS.

Categories of records in the system: Partial or complete records files on individual cases, sometimes including legal opinions, deeds, contracts, permits, title evidence, investigation reports, legal opinions, affidavits, pleadings, correspondence, transcripts and related documents.

Authority for maintenance of the system: 16 U.S.C. 590a-590f, 1001-1011; 5 U.S.C. 301; 44 U.S.C. 3101; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) the United States Attorney or Department of Justice for the investigation or prosecution of a violation of law, or for the enforcement or implementation of statutes, rules, regulations or orders issued pursuant thereto, or for the defense of suits brought against the Department of Agriculture, the Soil Conservation Service, cooperating local organizations or officers thereof; (2) a court, magistrate or administrative tribunal, or to assisting or opposing counsel in a proceeding before any of the above; (3) title companies for title evidence; and (4) appropriate state and local officials for filing or recording. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained or, in some instances, cross-indexed by the names of other individuals mentioned in the files.

Safeguards: Records are kept in locked offices, with pending case files and investigation reports being kept in locked drawers.

Retention and disposal: Records are retained up to 5 years after case is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D. C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: The individuals in the system, agency employees, State and local officials, attorneys, witnesses, title companies, credit bureaus, and investigative personnel.

California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Applicants for Forest Service special use permits, persons occupying land owned by the United States pursuant to such permits, and persons claiming under those persons.

Categories of records in the system: Partial or complete records on individual cases, sometimes including investigation reports, copies of contracts or permits, legal opinions, pleadings, transcripts, correspondence, notices of appeal, decisions of forest officers, witness statements, decisions of the Board of Forest Appeals or Agriculture Board of Contract Appeals, and related documents.

Authority for maintenance of the system: 16 U.S.C. 432, 497, 522, 551 and 580d; 43 U.S.C. 931c-d; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to United States Attorney or Department of Justice to defend suits brought against the Government or its officers. Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto of any record within this system when information available 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 rule, regulation, or order issued pursuant thereto. Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Primarily the individuals in the system, agency employees, witnesses, attorneys and investigative personnel.

USDA/OGC-61

System name: Timber Sales—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Persons contracting to purchase timber from the Forest Service and persons which the Forest Service seeks to debar from such contracting; Unsuccessful bidders at such sales and persons protesting awards or proposed awards of same; Individuals who have breached a provision of a timber contract or who have otherwise engaged in conduct which raises a legal question concerning timber sale administration.

Categories of records in the system: Partial or complete records on individual cases, sometimes including legal opinions, copies of timber sale agreements, notices of appeal, investigation reports, pleadings, decisions of the Board of Forest Appeals or Agriculture Board of Contract Appeals, transcripts, correspondence, and related documents.

Authority for maintenance of the system: 16 U.S.C. 476-77, 491 and 616; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the Department of Justice or United States Attorney to defend suits brought against the Government or its officers. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto of any record within this system when information available 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 rule, regulation, or order issued pursuant thereto. Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Primarily the individuals in the system, forest officers, agency employees, witnesses, attorneys, and investigative personnel.

USDA/OGC—62

System name: Title Claims and Occupancy and Use Cases—Forest Service—USDA/OGC

System location: Office of the General Counsel, Research and Operations Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directory of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals who file claims against USDA arising out of Forest Service land acquisitions under the Treaty of Paris, the Weeks Law and the Uniform Relocation Assistance and Real Property Acquisition Policies Act; and cases arising out of the occupancy and use of properties administered by the Forest Service in the Caribbean National Forest.

Categories of records in the system: The system consists of complete files on individual claims, including correspondence, claim forms, deeds, land surveys, aerial photographs, disclaimers, abstract of title reports, maps, statements of witnesses, agency reports.

Authority for maintenance of the system: 30 Stat. at Large, page 1754, Revised Stat. 1911, sections 6503-6610, 36 Stat. 961, as amended, 16 U.S.C. 515-517, 521, 46 Stat. 1516, 43 Stat. 1133, as amended, 16 U.S.C. 555, 70 Stat. 1034, 7 U.S.C. 428(a), 78 Stat. 903, as amended, 16 U.S.C. 4601-9, 42 U.S.C. 4601(6), 4601(8), 4621, 4622, 4651, 4653, 16 U.S.C. 476, 16 U.S.C. 478, 16 U.S.C. 529-531, 16 U.S.C. 477, 16 U.S.C. 491, 16 U.S.C. 481, 38 Stat. 1101, as amended.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) internal; (2) Department of Justice and United States Attorneys for defense of suits that may be brought against the United States. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if neces-

sary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Information in this system comes primarily from claimants, witnesses, agency employees, and investigative personnel.

USDA/OGC—63

System name: Trespass and Claims Cases—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Persons who have or are suspected of having committed trespasses, other torts, and breaches of contract on USDA lands involving unauthorized cutting of timber, occupancy and use, grazing, or removal of minerals; the negligent or willful setting of fires, and fire suppression costs; breaches of timber sales agreements and similar actions.

Categories of records in the system: Partial or complete files on individual cases, sometimes including copies of contracts or permits, investigation reports, statements of witnesses, pleadings, transcripts, legal opinions, correspondence, and related documents.

Authority for maintenance of the system: 16 U.S.C. 471-583, 661-63, 668aa-bb, 683, 1001-09, 1131-32 and 1271-75; 42 U.S.C. 4321-74; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to Department of Justice and United States Attorneys to defend suits brought against the Government or its officers. Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto of any record within this system when information available 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 rule, regulation, or order issued pursuant thereto. Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Primarily the individuals in the system, agency employees, witnesses, attorneys and investigative personnel.

USDA/OGC—64

System name: United States Magistrates—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Alleged and convicted violators of Forest Service petty offense regulations (36 CFR, Parts 211-95) and other minor offenses.

Categories of records in the system: Partial or complete records on individual cases, sometimes including copies of citations, pleadings, correspondence, and related documents.

Authority for maintenance of the system: 16 U.S.C. 472, 528-31, and 551; 18 U.S.C. 711 and 3401; 36 CFR, Parts 211-95; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to United States Attorneys for consideration of criminal action by the Government and to Magistrates for trial. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the

system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Primarily Forest officers, witnesses, attorneys, State and local law enforcement officers, and investigative personnel.

USDA/OGC—65

System name: Water Cases—Forest Service—USDA/OGC

System location: Office of the General Counsel, Natural Resources Division, USDA, Washington, D.C. 20250. Offices of Regional Attorneys and Attorneys in Charge, Office of the General Counsel, USDA: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Persons claiming or believed to be claiming water rights, water use privileges, or rights-of-way to transport water (1) on land owned or leased by the United States and administered by USDA agencies, (2) in conflict with or from the same sources as water rights claimed or reserved by the United States for the benefit of USDA agencies, or (3) by reason of a permit from or agreement with USDA agencies.

Categories of records in the system: Partial or complete files on individual cases, sometimes including investigation reports, notices of claims, copies of contracts or permits, legal opinions, pleadings, transcripts, correspondence and related documents.

Authority for maintenance of the system: 16 U.S.C. 481, 524, 552a-552d, and 460 1-12; 33 U.S.C. 701b-1; 42 U.S.C. 1962-1962b; 43 U.S.C. 946-49 and 951.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to appropriate State agencies for administrative hearings and to the Department of Justice and United States Attorneys to defend suits brought against the Government or its officers.

Referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto of any record within this system when information available 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 rule, regulation, or order issued pursuant thereto. Referral to a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by the name of the individual on whom the file is primarily maintained.

Safeguards: All records are kept in locked offices. Investigation reports, personnel files, and other sensitive materials are also kept in locked drawers.

Retention and disposal: Records are retained up to five years after file is closed, then are destroyed unless retained for research value.

System manager(s) and address: Director, Natural Resources Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the applicable address specified in the foregoing.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager, or from the appropriate Regional Attorney or Attorney in Charge at the applicable address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Natural Resources Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (I.E., the date of action giving rise to the claim, date claim was filed, correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Any individual may contest a record in the system by using the same procedures as those for requesting access.

Record source categories: Primarily the individuals in the system, agency employees, witnesses, State officials, attorneys, and investigative personnel.

USDA/OGC—66

System name: Court cases brought pursuant to the Packers and Stockyards Act, as amended, in which the Government is defendant, USDA/OGC

System location: Office of the General Counsel, Packers and Stockyards Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 181 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Packers and Stockyards Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Packers and Stockyards Division, OGC, USDA, Washington, D.C., telephone 202-447-5935. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

USDA/OGC—67

System name: Packers and Stockyards Act—Administrative Cases—USDA/OGC

System location: Office of the General Counsel, Packers and Stockyards Division, USDA, Washington, D.C., and Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Juneau, Alaska; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; St. Paul, Minnesota; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 181 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, or rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Packers and Stockyards Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the address specified above.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a (k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—68

System name: Packers and Stockyards Act—Civil and Criminal Cases—USDA/OGC

System location: Office of the General Counsel, Packers and Stockyards Division, USDA, Washington, D.C., and Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Juneau, Alaska; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; St. Paul, Minnesota; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations, and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 181 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, or rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Packers and Stockyards Division, OGC, USDA, Washington, D.C. 20250, or the appropriate Regional Attorney or Attorney in Charge at the address specified above.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 U.S.C. 552a (k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) because it consists of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus

allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—69

System name: Civil Rights, administrative and judicial actions—USDA/OGC

System location: Office of the General Counsel, Research and Operations Division, USDA, Washington, D. C., 20250, and Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Temple, Texas; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals who have brought suit or filed administrative complaints against USDA or USDA employees or recipients of USDA assistance alleging discrimination on the basis of race, color, or national origin by USDA, its employees or recipients of assistance from USDA.

Categories of records in the system: The system consists of complete files on individual suits or administrative actions, including investigation reports, administrative determinations, statements of witnesses, and agency reports.

Authority for maintenance of the system: 42 USC 2000(d); 5 U.S.C. 301; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) Department of Justice for defense or prosecution of suits brought involving USDA, an officer or employee of USDA, or the United States; (2) the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (3) a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; (4) the Civil Rights Commission in response to its request for information; (5) "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of individual.

Safeguards: Records are kept in a locked office.

Retention and disposal: Records are maintained until case is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records center in accordance with such directives.

System manager(s) and address: Director, Research and Operations Division, OGC, USDA, Washington, D. C., 20250, or the appropriate Regional Attorney or Attorney-in-Charge at the address specified above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Research and Operations Division, OGC, USDA, Washington, D. C., 20250, or the appropriate Regional Attorney or Attorney-in-Charge at the address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Research and Operations Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from litigants, witnesses, agency employees, and investigative personnel.

USDA/OGC—70

System name: Claims By and Against USDA, USDA/OGC

System location: Office of the General Counsel, Research and Operations Division, USDA, Washington, D. C., 20250, and Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma; Temple, Texas.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Individuals who file or may file (1) claims against USDA pursuant to the Federal Tort Claims Act and the Military Personnel and Civilian Employees Claims Act, (2) claims against the Forest Service pursuant to 16 USC 502, 556c, or 574, and (3) tort suits against the United States or its officers or instrumentalities concerning USDA activities; individuals against whom the Department has a monetary claim arising out of USDA-provided services, their employment by USDA, or damages to USDA property.

Categories of records in the system: The system consists of files on individual claims, including claim forms, police reports, investigation and accident reports, statements of witnesses, agency reports, correspondence, legal opinions, pleadings, transcripts, and related documents, and other information pertaining to matters referred by USDA agencies requesting legal assistance in settlement of claims against individuals arising out of USDA-provided services, their employment by USDA, or damages to USDA property.

Authority for maintenance of the system: 16 U.S.C. 502, 556c, 574; 28 USC 1345, 1346, 2671-2680; 31 USC 240-243; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) Department of Justice for concurrence of allowance of tort claims over

25,000, for defense of tort suits brought against the United States or its officers, and for institution of suit for recovery of claims by USDA; (2) Department of Labor in cases involving Job Corpsmen or arising under the Federal Employees Compensation Act (5 USC Chapter 81); (3) insurance companies for handling of claims; (4) the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (5) a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; (6) "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of individual. In some instances, they are also cross-indexed by the names of other individuals mentioned in the files.

Safeguards: Records are kept in a locked office. Some sensitive materials are kept in locked drawers.

Retention and disposal: Records are maintained until case is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records center in accordance with such directives.

System manager(s) and address: Director, Research and Operations Division, OGC, USDA, Washington, D. C., 20250, or the appropriate Regional Attorney or Attorney-in-Charge at the address specified above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Research and Operations Division, OGC, USDA, Washington, D. C., 20250, or the appropriate Regional Attorney or Attorney-in-Charge at the address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Research and Operations Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from claimants, witnesses, agency employees, and investigative personnel.

USDA/OGC—71

System name: Contract Cases, USDA/OGC.

System location: Office of the General Counsel, Research and Operations Division, USDA, Washington, D. C., 20250, and Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma; Temple, Texas.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Persons who submit offers or bids to solicitations of agencies of USDA or who contract with agencies of USDA.

Categories of records in the system: The system consists of partial and/or complete files relating to legal issues that arise out of the procurement activities of USDA; it includes copies of contracts, contract claims, investigation reports, contracting officer's decisions, correspondence, and pleadings, transcripts, and related documents in contract appeal cases before the USDA Board of Contract Appeals.

Authority for maintenance of the system: 41 USC 251 et seq; 7 CFR 2.31; 41 CFR Chapters 1 and 4.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) a court, magistrate, or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; (3) the General Accounting Office for determination of bid protests, and questions on information, recission, mistake in bid, and remission of liquidated damages; (4) Department of Justice for defense of suits filed against Government or for institution of suit for recovery of claims arising under the contract; (5) "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of individual bidder, offeror, or contractor.

Safeguards: Records are kept in a locked office.

Retention and disposal: Records are maintained until case is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records center in accordance with such directives.

System manager(s) and address: Director, Research and Operations Division, OGC, USDA, Washington, D. C., or the appropriate Regional Attorney or Attorney-in-Charge at the address specified above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Research and Operations Division, OGC, USDA, Washington, D. C., or the appropriate Regional Attorney or Attorney-in-Charge at the address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Research and Operations Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from bidders, offerors, contractors, witnesses, agency employees, and investigation personnel.

USDA/OGC-72

System name: Patents and Inventions of Department Employees, USDA/OGC.

System location: Office of the General Counsel, Research and Operations Division, USDA, Washington, D. C. 20250.

Categories of individuals covered by the system: Individuals who make inventions pursuant to their employment by USDA.

Categories of records in the system: The system consists of files on descriptions of the individual's invention, and all papers and forms in connection with matters pending before the U. S. Patent and Trademark Office.

Authority for maintenance of the system: 5 USC 301; 35 USC 1-293; 37 CFR 100-100.11; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Copies of all papers and forms sent to the U. S. Patent and Trademark Office are simultaneously placed in said files. Referral to the Department of Justice in the event of appeal from action by the Patent and Trademark Office. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of individual inventor.

Safeguards: Records are maintained in Government building with security guards.

Retention and disposal: Records are maintained for 20 years.

System manager(s) and address: Director, Research and Operations Division, OGC, USDA, Washington, D. C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager. A request for information pertaining to an individual should contain: Name and address of the inventor, and other particulars (i.e., the date of the papers filed with the U. S. Patent and Trademark Office, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the System Manager. This request should contain the information specified in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from agency employee-inventors, agency patent personnel and employees of the U. S. Patent and Trademark Office.

USDA/OGC-73

System name: Personnel Irregularities, USDA/OGC.

System location: Office of the General Counsel, Research and Operations Division, USDA, Washington, D. C. 20250, and Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; Santurce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma; Temple, Texas.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Employees and former employees of USDA, members of local and county committees established pursuant to 16 USC 590h(b), employees of such county committees, and extension service agents performing duty pursuant to 7 USC 341-349.

Categories of records in the system: The system consists of investigation reports and other relevant documents pertaining to violations of criminal statutes.

Authority for maintenance of the system: Titles 5, 18 USC; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, or any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; (3) Department of Justice for institution of suits to recover claims by USDA arising out of irregularities; (4) "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of individual employee.

Safeguards: Records are kept in a locked office.

Retention and disposal: Records are maintained until case is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records centers in accordance with such directives.

System manager(s) and address: Director, Research and Operations Division, OGC, USDA, Washington, D. C., 20250, or the appropriate Regional Attorney or Attorney-in-Charge at the address specified above.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 USC 552a(k) (2) from the requirements of 5 USC 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), and (I) and (f) because it consists of investigatory material compiled for law enforcement purposes. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take mea-

asures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OGC—74

System name: Personnel Suits, USDA/OGC.

System location: Office of the General Counsel, Research and Operations Division, USDA, Washington, D. C., 20250, and Offices of Regional Attorneys and Attorneys-in-Charge, OGC, USDA, at the following locations: Albuquerque, New Mexico; Atlanta, Georgia; Chicago, Illinois; Denver, Colorado; Harrisburg, Pennsylvania; Little Rock, Arkansas; Milwaukee, Wisconsin; Missoula, Montana; Ogden, Utah; Portland, Oregon; San Francisco, California; San-turce, Puerto Rico; Shawnee Mission, Kansas; Stillwater, Oklahoma; Temple, Texas.

Addresses of each field office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Office of the General Counsel."

Categories of individuals covered by the system: Employees and former employees of USDA, and applicants for employment with USDA who institute suits against USDA, an officer or employee thereof, or the United States, alleging a wrongful personnel action taken against them.

Categories of records in the system: The system consists of complete files on individual suits, including personnel records, investigation reports, administrative determinations, statements of witnesses, and agency reports.

Authority for maintenance of the system: 5 USC 301, 5596, 7501, 7511-7512; 42 USC 2000e-16; 7 CFR 2.31.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to (1) Department of Justice for defense of personnel suits brought against USDA, an officer or employee of USDA, or the United States; (2) the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (3) a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery; (4) "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of individual litigant.

Safeguards: Records are kept in a locked office.

Retention and disposal: Records are maintained until case is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate records center in accordance with such directives.

System manager(s) and address: Director, Research and Operations Division, OGC, USDA, Washington, D. C., 20250, or the appropriate Regional Attorney or Attorney-in-Charge at the address specified above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, Research and Operations Division, OGC, USDA, Washington, D. C., 20250, or the appropriate Regional Attorney or Attorney-in-Charge at the address listed above. If the specific location of the record is not known, the individual should address his request to the Director, Research and Operations Division, who, if necessary, will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system

which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from litigants, witnesses, agency employees, and investigative personnel.

USDA/OGC—75

System name: Administrative proceedings brought by the Department, court cases in which the Government is plaintiff and court cases in which the Government is a defendant brought pursuant to the United States Warehouse Act, USDA/OGS.

Security classification:

System location: Office of the General Counsel, Marketing Division, USDA, Washington, D.C.

Categories of individuals covered by the system: Individuals who are regulated by the subject Act and against whom the Department recommends that an enforcement action be brought by the Government or individuals regulated or not regulated by the subject Act who bring suit against the Government or a Governmental official pursuant to, or as a consequence of the Department's administration of, the subject Act.

Categories of records in the system: The system consists of investigatory material which may include intradepartmental recommendations and interdepartmental recommendations pertaining to an alleged violation of the subject Act.

Authority for maintenance of the system: 7 U.S.C. 241-273.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the appropriate agency, whether Federal, State, local or foreign charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto; (2) Presentation or disclosure to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system as evidence in a proceeding, or which is sought in the course of discovery including disclosure to opposing counsel in the course of settlement negotiations; (3) Presentation, as needed, in the course of presenting evidence, to the appropriate Government officials charged with the responsibility of defending the Government before a court, magistrate or administrative tribunal; (4) Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above.

Retrievability: Records are indexed by name of the individual.

Safeguards: Records are kept in a locked office or file cabinet.

Retention and disposal: Records are maintained until file is closed or no longer needed or as otherwise provided in agency directives and disposed of or sent to appropriate record centers in accordance with such directives.

System manager(s) and address: Director Marketing Division, OGC, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Marketing Division, OGC, USDA, Washington, D.C., telephone 202-447-5935. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., the name of action filed, Act filed under, etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the system which pertains to him, by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Same as Record Access Procedures.

Record source categories: Information in this system comes primarily from witnesses, agency employees, and investigative personnel.

Systems exempted from certain provisions of the act: The portions of this system which involves records pertaining to administrative proceeding brought by the Department or court cases in which the Government is plaintiff has been exempted pursuant to 5 U.S.C. 552a(k)(2) from the requirements of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(g), (h) and (i) and (f) because they consist of investigatory material compiled for law enforcement purposes. See 7 CFR 1.123. Individual access to these files could impair investigations and alert subjects of investigations that their activities are being scrutinized, and thus allow them time to take measures to prevent detection of illegal action or escape prosecution. Disclosure of investigative techniques and procedures and the existence and identity of confidential sources of information would hamper law enforcement activity.

USDA/OI—1

System name: Employees Records, USDA/OI

System location: In the Headquarters Office in the Agriculture Administration Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250, and in the following field offices:

Room 1709, 26 Federal Plaza
New York, New York 10007
Room 433, Federal Center Building
Hyattsville, Maryland 20782
Room 901, 1447 Peachtree Street, N.W.
Atlanta, Georgia 30309
Room 800, 1 North Wacker Drive
Chicago, Illinois 60606
3912 South General Bruce Drive
Temple, Texas 76501
8930 Ward Parkway
Kansas City, Missouri 64141
Room 526, 555 Battery Street
San Francisco, California 94111
Building 651
Ft. Buchanan, Puerto Rico 00936
3824 Barrett Drive, Rm. 306
Raleigh, North Carolina 27609
Executive Building, Rm. 27
2520 N. Orange Ave.
Orlando, Florida 32804
Imperial Towers Off. Bldg.
333 Waller Ave., Rm. 211
Lexington, Kentucky 40272
5305 Executive Place
Jackson, Mississippi 39208
Rm. 580, 85 Marconi Blvd.
Columbus, Ohio 43215
Minneapolis Commodity Office
6400 France Ave., South
Minneapolis, Minn. 55435
139 U.S. Post Office & Courthouse
Little Rock, Arkansas 72201
P.O. Box 966
Albuquerque, N. M. 87103
P.O. Box 973
Stillwater, Okla. 74074
3746 Government St., East Bldg.
Alexandria, La. 71301
Rm. 900, Federal Bldg.
600 South Street
New Orleans, La. 70130
P.O. Box 82208
Lincoln, Neb. 68501
1218 S.W. Washington St., Rm. 507
Portland, Ore. 97205
1 Diamond Plaza, Rm. 20A
2490 W. 26th Ave.
Denver, Colo. 80211
P.O. Box 1363
Huron, South Dakota 57350
4747 Eastern Ave., Bldg. 7
Bell, Cal. 90201

Categories of individuals covered by the system: OI temporary and permanent employees, former employees, and applicants for employment.

Categories of records in the system: These records show personnel management and work-related information, including position, title, grade, pay rate, pay, temporary and permanent address, phone number, performance evaluations, promotions, travel information, accident reports and related information, activity reports, participation in savings and contribution programs, availability for employment, for assignment, or for transfer, qualifications, awards, hours worked, issuance of credentials, passports, and other identification, assignment and accountability of property and other things of value, parking space assignments, training and development, and special assignments. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Authority for maintenance of the system: 5 U.S.C. 301, 7 CFR 2.33

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To other agencies in the Department and Executive Branch agencies, such as the Civil Service Commission, as necessary for proper personnel actions.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, notebooks, and card file boxes.

Retrievability: By name of individual employee.

Safeguards: Available on official need-to-know basis. Kept in locked offices after office hours.

Retention and disposal: Records are retained as long as needed and then discarded. Personal information that might be considered derogatory or embarrassing is burned when no longer needed.

System manager(s) and address: Administrative Officer, OI, U.S. Department of Agriculture, Washington, D.C. 20250.

Notification procedure: Inquiries and requests should be addressed to Assistant Director for Information, Research and Development, Office of Investigation, U.S. Department of Agriculture, Washington, D.C. 20250.

Record access procedures: To gain access to information in this system, send request to the address given under

Contesting record procedures: To contest information in this system, send request to the address given under

Record source categories: The primary information is from employee himself. Additional information is provided by supervisors, coworkers, references, and investigative personnel.

USDA/OI—2

System name: Intelligence Records, USDA/OI

System location: In the Headquarters Office in the Agriculture Administration Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250, and in the following field offices:

Room 1709, 26 Federal Plaza
New York, New York 10007
Room 433, Federal Center Building
Hyattsville, Maryland 20782
Room 901, 1447 Peachtree Street, N.E.
Atlanta, Georgia 30309
Room 800, 1 North Wacker Drive
Chicago, Illinois 60606
3912 South General Bruce Drive
Temple, Texas 76501
8930 Ward Parkway
Kansas City, Missouri 64141
Room 526, 555 Battery Street
San Francisco, California 94111

Certain files may be located at the following offices.

Building 651
Ft. Buchanan, Puerto Rico 00936
3824 Barrett Drive, Rm. 306
Raleigh, North Carolina 27609
Executive Building, Rm. 27
2520 N. Orange Ave.
Orlando, Florida 32804
Imperial Towers Off. Bldg.
333 Waller Ave., Rm. 211
Lexington, Kentucky 40272
5305 Executive Place
Jackson, Mississippi 39208
Rm. 580, 85 Marconi Blvd.
Columbus, Ohio 43215
Minneapolis Commodity Office

6400 France Ave., South
 Minneapolis, Minn. 55435
 139 U.S. Post Office & Courthouse
 Little Rock, Arkansas 72201
 P.O. Box 966
 Albuquerque, N.M. 87103
 P.O. Box 973
 Stillwater, Okla. 74074
 3746 Government St., East Bldg.
 Alexandria, La. 71301
 Rm. 900, Federal Bldg.
 600 South Street
 New Orleans, La. 70130
 P.O. Box 82208
 Lincoln, Neb. 68501
 1218 S.W. Washington St., Rm. 507
 Portland, Ore. 97205
 1 Diamond Plaza, Rm. 20A
 2490 W. 26th Ave.
 Denver, Colo. 80211
 P.O. Box 1363
 Huron, S.D. 57350
 4747 Eastern Ave., Bldg. 7
 Bell, Cal. 90201

Categories of individuals covered by the system: Suspects and unpaid informants

Categories of records in the system: Allegations against suspects and types of information previously furnished by or to be expected from informants

Authority for maintenance of the system: 5 U.S.C. 301, 7 CFR 2.33

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine uses for law enforcement purposes will include referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation, or order issued pursuant thereto. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored on sheets of paper and index cards

Retrievability: Retrievable by name of individual subject

Safeguards: Available on an official need-to-know basis and kept in locked storage when not in use.

Retention and disposal: Kept indefinitely and continually updated; out-of-date material is burned.

System manager(s) and address: Administrative Officer, Office of Investigation, U.S. Department of Agriculture, Washington, D.C. 20250. Inquiries and requests should be addressed to Assistant Director for Information, Research and Development, Office of Investigation, U.S. Department of Agriculture, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted from the provisions of sections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) pursuant to 5 U.S.C. 552a (k)(2) as investigatory material compiled for law enforcement purposes. This exemption is contained in 7 CFR 1.123, 40 Fed. Reg. (1975).

USDA/OI-3

System name: Investigative Files and Subject/Title Index, USDA/OI

System location: In the Headquarters Office in the Agriculture Administration Building, 14th and Independence Ave., S.W., Washington, D.C. 20250, and in the field offices set forth in the system of records entitled . . . Intelligence Records, USDA/OI.

Except for inadvertent errors, all entries in regional indexes are duplicated in the Headquarters index. Thus the Headquarters index is the only complete index in OI. The Headquarters files also contain a copy of every OI investigative report, but not the correspondence in all cases. Older investigative files of each OI office may have to be retrieved from Federal Records Centers when needed.

Categories of individuals covered by the system: The individual names in the OI index fall into one or more of the following categories:

Subjects. These are individuals against whom allegations of wrongdoing have been made. In some instances, these individuals have been the subjects of investigations conducted to establish whether allegations were true. In other instances, the allegations were deemed too frivolous or indefinite to warrant inquiry.

Principals. These are individuals who are not named subjects of investigative inquiries, but may be responsible for alleged violations. For example, the president of a firm alleged to have violated laws or regulations would likely be individually listed in the OI index.

Complainants. These are individuals who allege wrongdoing, mismanagement, or unfair treatment relating to USDA employees and/or programs.

Others. These are all other individuals closely connected with a matter of investigative interest or whose names have been checked through the index to determine whether they were of record. Among these names are those of people who are connected with a matter only in that they have shown unusual interest in having allegations investigated or in learning the results of investigation. Also included in the index are the names of persons on the Department of Justice crime list.

Categories of records in the system: The OI Subject/Title Index and Investigative Files consist of:

1 Index cards and/or a microfiche index filed alphabetically by the names of individuals, organizations, and firms with a separate card or line item for each; dates of entries made into the index or dates of materials containing information about the named subjects; and identification of the OI file or files containing information on that subject.

2 Files containing bound sheets of paper or microfiche of such sheets from investigative and other reports, correspondence, and informal notes and notations concerning (a) one investigative matter or (b) a number of incidents of the same sort of alleged violation or irregularity.

If such information was available when an index card or line item was made, the card or microfiche on an individual will include the individual's address, date of birth, and Social Security number.

3 Where investigation is being or will be conducted, but has not been completed, various case management records, investigator's notes, statements of witnesses, and copies of records. These are contained on index slips or cards and sheets of paper located in an OI office or in the possession of the OI investigator. Certain management records are retained after the investigation report is released as a means of following action taken on the basis of the OI investigative report.

Authority for maintenance of the system: 5 U.S.C. 301, 7 CFR 2.33

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Routine use for law enforcement purposes will include referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto.

Routine release or release on request to Federal investigative agencies where the information will be used in connection with a background or suitability investigation conducted on an individual being cleared for access to classified information, employment on contracts, or appointment to a position within any Executive Branch agency.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: The OI Subject/Title Index consists of 3 inch by 5 inch cards or microfiche line items stored in steel cabinets.

Retrievability: The cards or line items are arranged alphabetically, and each card or line item identifies one or more OI investigative case file or administrative file arranged numerically by file number, but not individually identifiable.

Safeguards: These records are available within USDA and to others in the Executive Branch only upon proper identification and a need-to-know and are kept in a limited-access area during normal duty hours and in a locked office after duty hours.

Retention and disposal: The cards or line items are kept indefinitely and investigative case files are maintained for 30 years. Certain investigative case files of unusual significance are also kept indefinitely. Administrative files are kept for five years.

System manager(s) and address: Administrative Officer, Office of Investigation, U.S. Department of Agriculture, Washington, D.C. 20250.

Inquiries and requests should be addressed to Assistant Director for Information, Research and Development, Office of Investigation, U.S. Department of Agriculture, Washington, D.C. 20250.

Systems exempted from certain provisions of the act: This system has been exempted from the provisions of sections (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I) and (f) pursuant to 5 U.S.C. 552a (k)(2) as investigatory material compiled for law enforcement purposes. This exemption is contained in 7 CFR 1.123, 40 Fed. Reg. (1975)

USDA/OI—4

System name: Liaison Records, USDA/OI

System location: Headquarters Office in the Agriculture Administration Building, 14th and Independence Avenue, S.W., Washington, D.C. 20250, and in the field offices set forth in the system of records entitled Intelligence Records, USDA/OI.

Categories of individuals covered by the system: Employees or officials of Federal, State, and local governmental agencies

Categories of records in the system: Such information as name, title, address, phone number, and type of assistance previously given or interest previously shown or expected

Authority for maintenance of the system: 5 U.S.C. 301, 7 CFR 2.33

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Disclosed to other investigative agencies (e.g., FBI, Secret Service, IRS) to coordinate investigative efforts or for those agencies to use in their independent investigations and to facilitate referral of OI investigative information to other Executive Agencies that have an official interest. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Index cards and sheets of paper

Retrievability: By name of person and Agency

Safeguards: Information usually obtained from public records and available to OI employees and to others on request

Retention and disposal: Information is kept indefinitely and disposed of when updated. Out-of-date information is discarded.

System manager(s) and address: Administrative Officer, Office of Investigation, U.S. Department of Agriculture, Washington, D.C. 20250

Notification procedure: Inquiries and requests should be addressed to Assistant Director for Information, Research and Development, Office of Investigation, U.S. Department of Agriculture, Washington, D.C. 20250

Record access procedures: To gain access to information in this system, send request to address given under

Notification procedure:

Contesting record procedures: To contest information in this system, send request to the address given under

Notification procedure:

Record source categories: Public documents and directories and previous contacts with individuals listed.

USDA/OMF—1

System name: Administrative Billings and Collections, USDA/OMF

System location: USDA, Office of Management and Finance, National Finance Center, New Orleans, Louisiana 70160

Categories of individuals covered by the system: Individuals (USDA, former USDA or non-USDA employees) who are indebted to the Department for any reason. Some examples of indebtedness are: lost or damaged property, salary overpayments, outstanding travel advances, violations of transfer-of-station agreements, and misuse of Federal facilities.

Authority for maintenance of the system: 5 U.S.C. 307; 7 CFR 2.75

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Forwarded to another

agency when a USDA employee accepts employment with such agency; (2) Referred to the General Accounting Office for review in cases involving possible fraud. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on magnetic tape files and in file folders at the National Finance Center addressed above.

Retrievability: Records are indexed by social security number or equivalent identifying number in case of non-USDA employees.

Safeguards: File folders are kept in locked cabinets. Magnetic tape files are in locked computer room and library which can be accessed by authorized personnel only.

Retention and disposal: Master history magnetic tape files are retained indefinitely. Manual records are transferred for storage and disposition by the Federal Records Center in accordance with General Services Administration regulations.

System manager(s) and address: Director, National Finance Center, Office of Management and Finance, USDA, New Orleans, Louisiana 70160

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager. A request for information pertaining to an individual should be in writing and should contain: name, address, social security number and particulars involved (i.e., dates of claims, copies of correspondence, etc.).

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the System Manager.

Contesting record procedures: Any individual may obtain information as to the procedures for contesting a record in the system which pertains to him, by submitting a written request to the System Manager.

Record source categories: Information in this system comes primarily from USDA employees, former USDA employees, non-USDA employees, agency claimants, and USDA or other investigation personnel.

USDA/OMF—2

System name: Committee Management Records System, USDA/OMF

System location: USDA, Office of Management and Finance, Management Division, Washington, D. C. 20250

Categories of individuals covered by the system: All individuals who are public members of USDA advisory committees are included in this system of records.

Categories of records in the system: The system consists of membership listings by committee name, state, ethnic affiliation, and female members. Keypunch cards are the basis for some of the above listings.

Authority for maintenance of the system: 5 U.S.C. App. 1

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Maintained as a means of responding to Congressional inquiries for names and numbers of citizens serving on committees from a particular State. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in notebooks and on keypunch cards.

Notification procedure:

Retrievability: Records are indexed by names of individuals and by committee name.

Safeguards: Records contain no sensitive information and are kept in regular office files.

Retention and disposal: Records are retained until committee membership is changed. Obsolete listings are sent to the USDA historian.

System manager(s) and address: Assistant Director, Management, Office of Management and Finance, USDA, Washington, D. C. 20250 (2021447-6111).

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him, from the System Manager. A request for information pertaining to an individual should contain the individual's name, address, and name of the committee on which he is serving.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to records in this system which pertain to him by submitting a written request to the System Manager.

Contesting record procedures: Any individual may obtain information as to the procedures for contesting a record in the system which pertains to him by submitting a request to the System Manager.

USDA/OMF—3

System name: Employee Travel and Transportation System, USDA/OMF

System location: USDA, Office of Management and Finance, National Finance Center, New Orleans, Louisiana 70160

Categories of individuals covered by the system: Individuals who have funds advanced to them for official travel use, individuals who have U. S. Government Transportation Requests assigned to them for use in purchasing tickets to be used for official travel and individuals who perform official USDA Travel and are reimbursed with Government Funds are included in this system.

Categories of records in the system: This system consists of complete files on advances to and repayments by individuals, assignment and use of Government Transportation Requests by individuals, and payments for official travel to individuals.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.75

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on computer tapes and disks at the National Finance Center addressed above.

Retrievability: Records are indexed by Social Security Number and by name of individual.

Safeguards: Limited access by authorized personnel with the information needed to gain access into the system.

Retention and disposal: Master history magnetic tapes are retained indefinitely. Manual records are transferred for storage and disposition by the Federal Records Center in accordance with General Services Administration regulations.

System manager(s) and address: Director, National Finance Center, Office of Management and Finance, USDA, P. O. Box 60, 000, New Orleans, Louisiana 70160

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the System Manager.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him, by submitting a written request to the System Manager.

Contesting record procedures: Any individual may obtain information as to the procedures for contesting a record in the system which pertains to him, by submitting a written request to the System Manager.

Record source categories: Information in this system comes primarily from individuals that request advances prior to travel, submit Travel Vouchers for reimbursement after travel is performed or request Government Transportation Requests for use in purchasing passenger tickets. Some of the information is obtained from the payroll and personnel systems maintained by the National Finance Center.

USDA/OMF—4

System name: Imprest Fund Payment System, USDA/OMF

System location: USDA, Office of Management and Finance, National Finance Center, New Orleans, Louisiana 70160

Categories of individuals covered by the system: All USDA imprest cashiers and alternates and USDA employees designated as chiefs of field party.

Categories of records in the system: The automated system establishes master files containing the name, social security number, employment address and telephone, and amount of advance for each cashier, alternate cashier and chief of field party. It also includes records of disbursements, reimbursements, accountability reports and verification and audit of funds.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.75

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referral to the Treasury Disbursing Office, Kansas City, Kansas, for approval and/or payment and internal. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained on microfilm cartridges, magnetic disks, magnetic tape, microfiche, and to a limited degree, in file folders.

Retrievability: Records are indexed primarily by social security number of the individual cashier, alternate cashier, or chief of field party; and secondarily by imprest fund number.

Safeguards: Records are kept in a locked room, to be accessed by authorized personnel only.

Retention and disposal: Records will be retained indefinitely.

System manager(s) and address: Director, National Finance Center, Office of Management and Finance, USDA, P. O. Box 60, 000, New Orleans, Louisiana 70160

Notification procedure: Any individual may request information regarding this system of records, or ascertain whether the system contains records pertaining to him from the System Manager. The request should be in writing and should contain: name, address, social security number and particulars involved (i.e., date and type of document in question, etc.).

Record access procedures: Any individual may obtain information on procedures for gaining access to a record in the system that pertains to him by submitting a written request to the System Manager.

Contesting record procedures: Any individual may obtain information on procedures for contesting a record in the system that pertains to him by submitting a written request to the System Manager.

Record source categories: Information in this system is derived from documents submitted by USDA agencies and the Treasury Disbursing Office, Kansas City, Kansas.

USDA/OMF—5

System name: Employees Personnel File, USDA/OMF

System location: Office of Management and Finance, Administrative Office, United States Department of Agriculture, Washington, D. C. 20250

Categories of individuals covered by the system: Employees past and present that have been or are now employed by this office.

Categories of records in the system: System consists of agency copies of personnel actions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the address listed above.

Retrievability: Records are kept in alphabetical file order with last name first under Divisional headings.

Safeguards: Records are maintained in metal filing cabinets with access limited to those requiring the information for official purposes.

Retention and disposal: Records are maintained indefinitely.

System manager(s) and address: Administrative Officer, Office of Management and Finance, United States Department of Agriculture, Washington, D. C. 20250

Notification procedure: Any employee whose folder is maintained in this system may request information from and/or review his own folder at any time. Requests for review are normally informal and should be addressed to the System Manager.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a request to the System Manager.

Contesting record procedures: Any individual may obtain information as to the procedures for contesting a record in the system which pertains to him by submitting a request to the System Manager.

Record source categories: Information contained in this system is primarily constructed from copies of personnel type actions routed to this office earmarked "Agency Copy."

USDA/OMF—6

System name: Uniform Allowance System, USDA/OMF.

System location: USDA, Office of Management and Finance, National Finance Center, New Orleans, Louisiana.

Categories of individuals covered by the system: All USDA employees entitled to and receiving allowances for uniforms required in their work.

Categories of records in the system: This system consists of complete files on advances, accruals and payments, to individuals within the Department, for uniform allowances.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.75.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: None.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records and maintained on computer tapes and disks at the National Finance Center addressed above.

Retrievability: Records are indexed by Social Security Number and by name of individual.

Safeguards: Limited access by authorized personnel and passwords on the Data Base.

Retention and disposal: Mastory history magnetic tapes are retained indefinitely. Manual records are transferred for storage and disposition by the Federal Records Center in accordance with General Services Administration regulations.

System manager(s) and address: Director, National Finance Center, Office of Management and Finance, USDA, New Orleans, Louisiana.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Director, National Finance Center, Office of Management and Finance, USDA, P.O. Box 60,000, New Orleans, Louisiana 70160.

Record access procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 3b.224.

Contesting record procedures: Same as above. Individuals should provide the appropriate identifying information as required pursuant to 18 CFR 2b.224.

Record source categories: Information in this system comes primarily from individuals that request payments of uniform allowances.

USDA/OO—1

System name: Debarred, Ineligible and Suspended Bidders, USDA/OO

System location: Office of Operations, Procurement, Grants and Agreements Management Staff, United States Department of Agriculture, Washington, D.C. 20250.

Categories of individuals covered by the system: Individuals who, as principals or responsible employees of companies contracting with USDA or other Federal agencies, have committed or are suspected of having committed illegal or irresponsible acts in connection with the performance of those contracts.

Categories of records in the system: The system consists of files on companies and their principle owners, officers or responsible employees. The files contain correspondence relating to the performance of individuals and their companies under government contracts.

Authority for maintenance of the system: 41 CFR 1-1.602 and 4-1.602.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Publication of the Debarred, Ineligible and Suspended List for distribution to USDA and other Federal purchasing offices. 2. Referral to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this system when information available 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 rule, regulation or order issued pursuant thereto. 3. Referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual." Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the address above.

Retrievability: Records are indexed by date and company or individual name.

Safeguards: Records are maintained in metal filing cabinets with access limited to those requiring the information for official purposes.

Retention and disposal: Records are sent to Federal Records Centers approximately 3 years after the close of a case and are destroyed approximately 2 years thereafter.

System manager(s) and address:

Director, Office of Operations
United States Department of Agriculture
Washington, D.C. 20250

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Assistant Director, Office of Operations, Procurement, Grants and Agreements Management Staff, United States Department of Agriculture, Washington, D.C. 20250, Telephone—202-447-7527. A request for information pertaining to an individual should contain: Name; address; company name; date of debarment; ineligibility or suspension date or date of last correspondence.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the Director, Office of Operations.

Contesting record procedures: Any individual may obtain information as to the procedures for contesting a record in the system which pertains to him by submitting a written request to the Director, Office of Operations.

Record source categories: Information in this system comes primarily from agency employees, other Federal agencies, law enforcement officials or judicial officers.

USDA/P&SA—1

System name: Packers and Stockyards Administration-administrative records, USDA/P&SA.

System location: Packers and Stockyards Administrative office, Rm. 3044 South Building, United States Department of Agriculture, Washington, D.C. and the Area Supervisors in charge of the following Administration field offices located at: 601-B, Bldg. RP-E, 1621 N. Kent Street, Arlington, Virginia 22209; Rm. 640, 1720 Peachtree Street, N.W., Atlanta, Georgia 30309; 208 Livestock Exchange Building, Denver, Colorado, 80216; Rm. 7A15, Federal Building, 819 Taylor Street, Fort Worth, Texas 76102; Suite 24, 537 Turtle Creek, South Drive, Indianapolis, Indiana 46277; 828 Livestock Exchange Building, Kansas City, Missouri 64102; Rm. 2W6,

Federal Office Building, 15000 Aviation Boulevard, Lawndale, California 90260; Rm. 459, Federal Building, 167 North Main Street, Memphis, Tennessee 38103; 525 Milltown Road, North Brunswick, New Jersey 08902; 435 Livestock Exchange Building, Omaha, Nebraska 68107; 9370 S. W. Greenburg Road, Suite E., Portland, Oregon 97223; 310 Livestock Exchange Building, 800 S. Chambers Street, Sioux City, Iowa 51107; 208 Post Office Building, Box 8, South St. Paul, Minnesota 55075; and Emmerson Building Annex, State Fairgrounds, Springfield, Illinois 62706.

Categories of individuals covered by the system: Present and former employees of the Packers and Stockyards Administration.

Categories of records in the system: The system includes personnel (personnel record cards reflecting the name, date of birth, grade, salary, and employment history of present and former employees; performance evaluation forms; requests for training authorizations; recommendations for promotion; copies of personnel actions; and correspondence relating to individual employees' conduct), payroll and fiscal data required to meet the needs of agency personnel and fiscal responsibilities.

Authority for maintenance of the system: 5 U.S.C. 301; 7 CFR 2.54

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The data contained in the foregoing records is routinely used to answer inquiries from agencies considering the employees identified in the system for employment as well as for credit checks. This information is also used to initiate requests for investigation of Packers and Stockyards Administration employees for purposes of security and conduct. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: With the exception of personnel record cards, all of these records are maintained on paper in file folders at the appropriate addresses cited.

Retrievability: All of the records are indexed and retrievable by name of the individual employees.

Safeguards: The records are maintained in locked files.

Retention and disposal: The personnel record cards are maintained indefinitely. The performance evaluation forms for current employees are maintained indefinitely and for separated employees two years after separation. The Time and Attendance reports are maintained for the current year and three years thereafter for employees currently on the rolls. Final Time and Attendance reports are maintained for ten years after the date of separation of the employees. Travel vouchers, copies of personnel actions, training documents, and recommendations for promotion are maintained for five years from the date of submission. Correspondence with respect to employee conduct is maintained while the employee remains on the rolls and for three years thereafter. The administrative officer of the Packers and Stockyards Administration physically mutilates the records on the scheduled disposal date and they are thrown away with the agency's waste.

System manager(s) and address: Executive Assistant to the Administrator, Packers and Stockyards Administration, Rm. 3042-South Building, United States Department of Agriculture, Washington, D.C. 20250 and Area Supervisors of field offices at locations previously specified.

Notification procedure: Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from the Executive Assistant to the Administrator, P&SA, USDA, Washington, D.C. 20250 Telephone (202-447-7202) or the appropriate Area Supervisor. Requests for information pertaining to an individual should contain: Name, location at which the individual worked for the agency, and the approximate dates.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate officials previously specified.

Contesting record procedures: Use same procedures as for requesting access.

Record source categories: Information in this system comes primarily from the individuals concerned, personnel, training, travel and payroll records.

USDA/P&SA-2

System name: Persons engaged in business as livestock market agencies and dealers under the provisions of the Packers and Stockyards Act, USDA/P&SA.

System location: Registrations, Bonds, and Reports Branch, Livestock Marketing Division, Packers and Stockyards Administration, United States Department of Agriculture, Washington, D.C. Also duplicate files for specific geographical areas maintained in the thirteen (13) Area Supervisory Offices of the P&SA.

Categories of individuals covered by the system: Individuals who have applied for registration or are registered as livestock market agencies and dealers under the Packers and Stockyards Act.

Categories of records in the system: The system consists of index cards bearing the names of individuals who are registered under the provisions of the Act. Also cross-reference cards bearing the names of individuals who are owners or officers of registrant firms. From the index cards access may be gained to other systems of records identified as follows: (1) Registration Record Cards, (2) Case Record Cards, (3) Bond Claim Record Cards, (4) Registration Jurisdictional Files and (5) Stockyard Jurisdictional Files.

Authority for maintenance of the system: 7 U.S.C. 181 et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: To answer inquiries from Federal and State agencies, livestock trade organizations, and others having a definite and proved interest in such records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in card file cabinets and file folders at the applicable address listed above.

Retrievability: All index cards are maintained in an alphabetical order by name of registrant and by name of owners or officers of registrant firms.

Safeguards: Records are kept in locked cabinets under the supervision of competent personnel.

Retention and disposal: All files mentioned are maintained during active life of registration. When rendered inactive records are maintained for a period of two years in accordance with an approved records disposition schedule.

System manager(s) and address: Chief, Registrations, Bonds and Reports Branch, Livestock Marketing Division, Packers and Stockyards Administration, USDA, Washington, D.C. 20250.

Notification procedure: Any individual may request information regarding this system of records or information as to whether the system contains records pertaining to him from the Chief, Registrations, Bonds and Reports Branch, Livestock Marketing Division, P&SA, USDA, Washington, D.C. 20250, Telephone (202-447-4615 or 16). A request for information pertaining to an individual should contain that individual's full name, and current mailing address.

Record access procedures: Any individual desiring to gain access to a record maintained in the system which pertains to him may do so by submitting a written request to the appropriate official referred to in the preceding paragraph.

Contesting record procedures: Use same procedures as followed in seeking access.

Record source categories: Information in this system comes primarily from individuals who make application for registration or who are registered under the Packers and Stockyards Act, 1921, as amended. A limited amount of information in the system is obtained from other sources such as corporate surety companies, persons acting as trustee on bonds or bond equivalents and Packers and Stockyards Area Supervisory personnel.

USDA/OP-1

System name: Personnel and Payroll System for USDA employees, USDA/OP.

System location: Office of Personnel, USDA, Washington, D.C.; the National Finance Center, P.O. Box 60,000, New Orleans, Louisiana; and the personnel Offices at the following locations:

ALABAMA Soil Conservation Service State Office, Soil Conservation Bldg., P.O. Box 311, Auburn, AL 36830; Farmers Home Administration State Office, Aronov Bldg., Rm. 717, 474 South Court St., Montgomery, AL 36104; Forest Service National Forest, National Forests in Alabama, 1765 Highland Ave., P.O. Box 40, Montgomery, AL 36101.

ALASKA Forest Service Regional Office, Federal Office Bldg., P.O. Box 1628, Juneau, AK 99801.

ARIZONA Forest Service National Forest, Coconino National Forest, P.O. Box 1268, Flagstaff, AZ 86002; Forest Service, RM Forest and Range Experiment Station, Forestry Sciences Laboratory, Northern Arizona University, Flagstaff, AZ 86001; Agricultural Marketing Service Milk Market Office, 2617 North 24th St., Phoenix, AZ 85008; Farmers Home Administration State Office, Federal Bldg., Rm. 6095, 230 North First Ave., Phoenix, AZ 85025; Soil Conservation Service State Office, 230 North First Avenue, 6029 Federal Bldg., Phoenix, AZ 85025; Forest Service National Forest, Tonto National Forest, 102 So. 28th St., Phoenix, AZ 85034; Forest Service National Forest, Prescott National Forest, P.O. Box 2549, Prescott, AZ 86301; Forest Service National Forest, Apache-Sitgreaves National Forests, Federal Bldg., P.O. Box 640, Springerville, AZ 85938; Forest Service, RM Forest and Range Experiment Station, Forest Hydrology Laboratory, Arizona State University, Tempe, AZ 85281; Forest Service National Forest, Coronado National Forest, P.O. Box 551, Tucson, AZ 85702; Forest Service, RM Forest and Range Experiment Station, Tumamoc Hill, University of Arizona, P.O. Box 4460, Tucson, AZ 85717; Forest Service National Forest, Kaibab National Forest, P.O. Box 817, Williams, AZ 86046.

ARKANSAS Forest Service National Forest, Ouachita National Forest, Reserve and Broadway Street, Federal Bldg., P.O. Box 1270, Hot Springs National Park, AR 71901; Agricultural Marketing Service Milk Market Office, 3518 W. Roosevelt Rd., Little Rock, AR 72204; Farmers Home Administration State Office, 5529 Federal Office Bldg., 700 W. Capitol, Little Rock, AR 72203; Forest Service National Forest, Ozark-St. Francis National Forest, W. Main and Fargo, P.O. Box 1008, Russellville, AR 72801.

CALIFORNIA Forest Service National Forest, Modoc National Forest, P.O. Box 611, Alturas, CA 96101; Agricultural Research Service Western Regional Administrative Office, 2850 Telegraph Ave., Berkeley, CA 94705; Forest Service Pacific Southwest Forest and Range Experiment Station, 1960 Addison St., P.O. Box 245 Berkeley, CA 94704; Forest Service National Forest, Inyo National Forest, 2957 Birch St., Bishop, CA 93514; Soil Conservation Service State Office, 2828 Chiles Rd., P.O. Box 1019, Davis, CA 95616; Forest Service National Forest, Six Rivers National Forest, 710 E. Street, Eureka, CA 95501; Forest Service National Forest, Sierra National Forest, Federal Bldg., Rm. 3304, 1130 O Street, Fresno, CA 93721; Forest Service National Forest, Los Padres National Forest, 42 Aero Camino, Goleta, CA 93017; Forest Service National Forest, Tahoe National Forest, Highway 49 and Coyote St., Nevada City, CA 95959; Forest Service National Forest, Angeles National Forest, 150 South Robles, Pasadena, CA 91101; Forest Service National Forest, Eldorado National Forest, 100 Forni Rd., Placerville, CA 95667; Forest Service National Forest, Sequoia National Forest, 900 W. Grand Ave., Porterville, CA 93257; Forest Service National Forest, Plumas National Forest, 159 Lawrence St., Quincy, CA 95971; Forest Service National Forest, Shasta-Trinity National Forest, 1615 Continental St., Redding, CA 96001; Forest Service National Forest, San Bernardino National Forest, 144 N. Mountain View Ave., San Bernardino, CA 92408; Forest Service National Forest, Cleveland National Forest, 3211 Fifth Ave., San Diego, CA 92103; Food and Nutrition Service Western Regional Office, 550 Kearny St., Rm. 400, San Francisco, CA 94111; Forest Service National Forest, Stanislaus National Forest, 175 S. Fairview Ln., Sonora, CA 95370; Forest Service National Forest, Lassen National Forest, 707 Nevada St., Susanville, CA 96130; Forest Service National Forest, Mendocino National Forest, 420 E. Laurel St., Willows, CA 95988; Farmers Home Administration State Office, 459 Cleveland St., Woodlawn, CA 95695; Forest Service National Forest, Klamath National Forest, 1215 S. Main, Yreka, CA 96097.

COLORADO Forest Service National Forest, Grand Mesa-Uncompahgre Gunnison National Forests, 11th and Main, P.O. Box 138, Delta, CO 81416; Agricultural Marketing Service Milk Market Office, 4411 E. Kentucky Ave., Denver, CO 80222; Farmers Home Administration State Office, 1 Diamond Plaza, Rm. 231, 2490 W. 26th Ave., Denver, CO 80211; Forest Service Regional Office, Federal Center, Bldg. 85, Denver, CO 80225; Soil Conservation Service State Office, 1 Diamond Plaza, Rm. 313, 2490 W. 26th Ave., Denver, CO 80211; Forest Service National Forest, San Juan National Forest, Olinger Bldg., P.O. Box 341, Durango, CO 81301; Forest Service Rocky Mountain Forest and Range Experiment Station, 240 W. Prospect St., Ft. Collins, CO 80521; Forest Service National Forest, Arapaho-Roosevelt National Forests, Rocky Mountain Bank and Trust Bldg., 211 Canyon St., Ft. Collins, CO 80521; Forest Service National Forest, White River National Forest, P.O. Bldg., Box 948, Glenwood Springs, CO 81601; Forest

Service National Forest, Rio Grande National Forest, Rt. 2, Monte Vista, CO 81144; Forest Service National Forest, Pike-San Isabel National Forests, P.O. Bldg., Box 753, Pueblo, CO 81002; Forest Service National Forest, Routt National Forest, Hunt Bldg., P.O. Box 1198, Steamboat Springs, CO 80477;

CONNECTICUT Soil Conservation Service State Office, Mansfield Professional Park, Rt. 44A, Storrs, CT 06268;

DELAWARE Farmers Home Administration State Office, 153 Chestnut Hill Rd., Newark, DE 19711;

FLORIDA Agricultural Marketing Service Milk Market Office, Sunrise Center, Professional Bldg., P.O. Box 4886, Ft. Lauderdale, FL 33304; Farmers Home Administration State Office, Federal Bldg., Rm. 212, 401 SE., First Ave., Gainesville, FL 32601; Soil Conservation Service State Office, Federal Bldg., P.O. Box 1208, Gainesville, FL 32601; Forest Service National Forest, National Forests in Florida, 214 S. Bronough St., P.O. Box 1050, Tallahassee, FL 32302;

GEORGIA Agricultural Marketing Service Milk Market Office, 11 Corporate Square, Rm. 200, P.O. Box 49025, Atlanta, GA 30329; Forest Service Regional Office, Suite 800, 1720 Peachtree Rd., NW, Atlanta, GA 30309; Forest Service Southeastern Area, State and Private Forestry, Suite 700, 1720 Peachtree Rd., NW, Atlanta, GA 30309; Agricultural Research Service Richard B. Russell Agricultural Research Center, College Station Rd., P.O. Box 5677, Athens, GA 30604; Farmers Home Administration State Office, 355 E. Hancock, P.O. Box 1848, Athens, GA 30601; Soil Conservation Service State Office, Federal Bldg., 355 E. Hancock Ave., P.O. Box 832, Athens, GA 30601; Forest Service National Forest, Chatahoochee-Oconee National Forest, 601 Broad St., Gainesville, GA 30501;

HAWAII Soil Conservation Service State Office, Alexander Young Bldg. Rm. 440, Honolulu, HI 96813;

IDAHO Farmers Home Administration State Office, Federal Bldg., Rm. 402, 304 N. 8th St., Boise, ID 83702; Forest Service National Forest, Boise National Forest, 1075 Park Blvd., Boise, ID 83706; Soil Conservation Service State Office, 304 N. 8th St., P.O. Box 38, Boise, ID 83702; Forest Service National Forest, Challis National Forest, Forest Service Bldg., P.O. Box 247, Challis, ID 83226; Forest Service National Forest, Idaho Panhandle National Forest, 218 N. 23rd., Coeur d'Alene, ID 83814; Forest Service National Forest, Nezperce National Forest, 319 E. Main St., Grangeville, ID 83530; Forest Service National Forest, Payette National Forest, Forest Service Bldg., P.O. Box 1026 McCall, ID 83638; Forest Service National Forest, Clearwater National Forest, P.O. Box 752, Orofino, ID 83544; Forest Service National Forest, Caribou National Forest, 427 N. Sixth Ave., P.O. Box 4189, Pocatello, ID 83201; Forest Service National Forest, Targhee National Forest, 420 N. Bridge St., St. Anthony, ID 83445; Forest Service National Forest Salmon National Forest, Forest Service Bldg., P.O. Box 729, Salmon, ID 83467; Forest Service National Forest, Sawtooth National Forest, 1525 Addison Ave., E., Twin Falls, ID 83301;

ILLINOIS Farmers Home Administration State Office, 2106 W. Springfield Ave., Champaign, IL 61820; Soil Conservation Service State Office, Federal Bldg., 200 W. Church St., P.O. Box 678, Champaign, IL 61820; Agricultural Marketing Service Milk Market Office, 72 W. Adams St., Rm. 814, Chicago, IL 60603; Food and Nutrition Service Midwest Regional Office, 536 S. Clark St., Chicago, IL 60605; Forest Service National Forest, Shawnee National Forest, 317 E. Poplar, Harrisburg, IL 62946; Agricultural Research Service Northcentral Regional Administrative Office, 200 W. Pioneer Pkwy., Peoria, IL 61614;

INDIANA Forest Service National Forest, Wayne-Hoosier National Forest, 1615 J St., Bedford, IN 47421; Agricultural Marketing Service Milk Market Office, 5130 N. Brouse Ave., P.O. Box 55527, Indianapolis, IN 46205; Farmers Home Administration State Office, Suite 1700, Atkinson Square-W 5610 Crawfordsville Rd., Indianapolis, IN 46224;

IOWA Farmers Home Administration State Office, Federal Building, Rm. 873, 210 Walnut St., Des Moines, IA 50309; Soil Conservation Service State Office, Federal Bldg., Rm 823, 210 Walnut St., Des Moines, IA 50309;

KANSAS Agricultural Marketing Service Milk Market Office, 7939 Floyd Ave., P.O. Box 4606, Overland Park, KS 66204; Soil Conservation Service State Office, 760 S. Broadway, P.O. Box 600, Salina, KS 67401; Farmers Home Administration State Office, New England Bldg., Rm 630, 5th and Kansas, Topeka, KS 66603;

KENTUCKY Farmers Home Administration State Office, 333 Waller Ave., Lexington, KY 40504; Soil Conservation Service State Office 333 Waller Ave., Lexington, KY 40504; Agricultural Market-

ing Service Milk Market Office, 3920 Bardstown Rd., P.O. Box 18030, Louisville, KY 40218; Forest Service National Forest; Daniel Boone National Forest, 100 Vaught Rd., Winchester, KY 40391;

LOUISIANA Farmers Home Administration State Office, 3727 Government St., Alexandria, LA 71301; Soil Conservation Service State Office, 3737 Government St., P.O. Box 1630, Alexandria, LA 71301; Agricultural Marketing Service Milk Market Office, 3001 Ridgeland Dr., P.O. Box 456, Metairie, LA 70004; Agricultural Research Service Southern Regional Administrative Office, 701 Loyola Ave., P.O. Box 53326, New Orleans, LA 70153; Forest Service Southern Experiment Station, T-10210 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113; Forest Service National Forest, Kisatchie National Forest, 2500 Shreveport Hwy., Pineville, LA 71360; Forest Service, SA, State and Private Forestry, Alexandria Field Office, 2500 Shreveport Hwy., Pineville, LA 71360;

MAINE Farmers Home Administration State Office, USDA Office Bldg., Orono, ME 04473; Soil Conservation Service State Office, USDA Bldg., University of Maine, Orono, ME 04473;

MARYLAND Agricultural Research Service Northeastern Regional Administrative Office, Administration Bldg., Beltsville Agricultural Research Center-West, Beltsville, MD 20705; Soil Conservation Service State Office, Hartwick Bldg., Rm 522, 4321 Hartwick Rd., College Park, MD 20740; Soil Conservation Service Cartographic Division, Federal Center Bldg., Hyattsville, MD 20782

MASSACHUSETTS Soil Conservation Service State Office, 27-29 Cottage St., Amherst, MA 01002; Agricultural Marketing Service Milk Market Office, 230 Congress St., Rm 403, Boston, MA 02110;

MICHIGAN Agricultural Marketing Service Milk Market Office, 2684 W. 11 Mile Rd., Berkley, MI 48072; Forest Service National Forest, Iron-Manistee National Forest, 421 S. Mitchell St., Cadillac, MI 49601; Farmers Home Administration State Office 1405 S. Harrison Rd., Rm 209, E. Lansing, MI 48823; Soil Conservation Service State Office, 1405 S. Harrison Rd., E Lansing, MI 48823; Forest Service National Forest, Hiawatha National Forest, P.O. Bldg., Escanaba, MI 49829; Forest Service National Forest, Ottawa National Forest, Ironwood, MI 49938;

MINNESOTA Forest Service National Forest, Chippewa National Forest, Cass Lake, MN 56633; Agricultural Marketing Service Milk Market Office, 508 Providence Bldg., P.O. Box 62, Duluth, MN 55801; Forest Service National Forest, Superior National Forest, Duluth, MN 55801; Agricultural Marketing Service Milk Market Office, 7703 Normandale Rd., Rm. 100, Minneapolis, MN 55435; Animal and Plant Health Inspection Service Minneapolis Commodity Office, 6400 France Ave., S. Minneapolis, MN 55435; Agricultural Marketing Service Milk Market Office, 909 6th St., NW., Rochester, MN 55901; Farmers Home Administration State Office, 252 Federal Office Bldg. and U.S. Court House, St. Paul, MN 55101; Forest Service Northcentral Forest Experiment Station, Folwell Ave. St. Paul, MN 55101; Soil Conservation Service State Office, 200 Federal Bldg. and U.S. Courthouse, 316 N. Roberts St., St. Paul, MN 55101;

MISSISSIPPI Farmers Home Administration State Office, Milner Bldg., Rm. 528, Jackson, MS 39201; Soil Conservation Service State Office, Milner Bldg., P.O. Box 610, Jackson, MS 39205; Forest Service National Forest, National Forests in Mississippi, 350 Milner Bldg., Jackson, MS 39205; Forest Service, SA, State and Private Forestry, Project Manager, Y-LT, Adams Bldg., P.O. Box 69, Oxford, MS 38655;

MISSOURI Farmers Home Administration State Office, Parkade Plaza, Terrace Level, Columbia MO 65201; Soil Conservation Service State Office, Parkade Plaza, Terrace Level, P.O. Box 459, Columbia, MO 65201; Agricultural Stabilization and Conservation Service Personnel Field Office, 8930 Ward Pky., Kansas City, MO 64114; Forest Service National Forest, National Forests in Missouri, Rolla, MO 65401; Agricultural Marketing Service Milk Market Office, 2550 Schuetz Rd., P.O. Box 1485, Maryland Heights, St. Louis, MO 63042; Farmers Home Administration Finance Office, 1520 Market St., St. Louis, MO 63103;

MONTANA Forest Service National Forest, Custer National Forest, P.O. Box 2556, Billings, MT 59103; Farmers Home Administration State Office, Federal Bldg., P.O. Box 850, Bozeman, MT 59715; Forest Service National Forest, Gallatin National Forest, Federal Bldg., Bozeman, MT 59715; Soil Conservation Service State Office, Federal Bldg., P.O. Box 970, Bozeman, MT 59715; Forest Service National Forest, Deerlodge National Forest, 107 E. Granite, Butte, MT 59701; Forest Service National Forest, Beaverhead National Forest, State Hwy. 41 and Skihi St., Dillon, MT 59725; Forest Service National Forest, Lewis and Clark National Forest, Federal Bldg., Great Falls, MT 59401; Forest Service

National Forest, Helena National Forest, Steamboat Block Bldg., 616-618 Helena Ave., Helena, MT 59601; Forest Service National Forest, Flathead National Forest, 290 N. Main, Kalispell, MT 59901; Forest Service National Forest, Kootenai National Forest, 418 Mineral Ave., Libby, MT 59923; Forest Service Regional Office, Federal Bldg., Missoula, MT 59801; Forest Service National Forest, Lolo National Forest, 2801 Russell, Missoula, MT 59801; Forest Service, Intermountain Forest and Range Experiment Station, Forestry Sciences and Northern Forest Fire Laboratories, University of Montana, Drawer G, Missoula, MT 59801;

NEBRASKA Forest Service National Forest, Nebraska National Forest, P.O. Box 999, Chadron, NB 69337; Farmers Home Administration State Office, Federal Bldg. and Courthouse, Rm. 430, 129 N. 10th St., Lincoln, NB 68508; Forest Service, RM Forest and Range Experiment Station, University of Nebraska, 205 Miller Hall, E Campus, Lincoln, NB 68503; Soil Conservation Service State Office, 134 S. 12th St., Lincoln, NB 68508;

NEVADA Forest Service National Forest, Humboldt National Forest, 976 Mountain City Hwy., Elko, NV 89801; Soil Conservation Service State Office, U.S. Post Office Bldg., Rm. 234, P.O. Box 4850, Reno, NV 89505; Forest Service National Forest, Toiyabe National Forest, 111 N. Virginia, Rm. 601, Reno, NV 89501;

NEW HAMPSHIRE Soil Conservation Service State Office, Federal Bldg., Durham, NH 03824;

NEW JERSEY Food and Nutrition Service Northeast Regional Office, 707 Alexander Rd., Princeton, NJ 08540; Soil Conservation Service State Office, 1370 Hamilton St., P.O. Box 219, Somerset, NJ 08873;

NEW MEXICO Forest Service National Forest, Lincoln National Forest, Federal Bldg., 11th and New York, Alamogordo, NM 88310; Farmers Home Administration State Office, Federal Bldg., Rm. 3414, 517 Gold Ave., SW, Albuquerque, NM 87102; Forest Service Regional Office, 517 Gold Ave., SW, Albuquerque, NM 87102; Forest Service National Forest, Cibola National Forest, 10308 Candelaria, NE, Albuquerque, NM 87112; Forest Service Rocky Mountain Forest and Range Experiment Station, New Federal Bldg., Rm 5423, 517 Gold Ave., SW, Albuquerque, NM 87101; Soil Conservation Service State Office, 517 Gold Ave., SW, P.O. Box 2007, Albuquerque, NM 87103; Forest Service National Forest, Santa Fe National Forest, P.O. Box 1689, Santa Fe, NM 87501; Forest Service National Forest, Gila National Forest, 301 W. College Ave., Silver City, NM 88061; Forest Service National Forest, Carson National Forest, Forest Service Bldg., P.O. Box 558, Taos, NM 87571;

NEW YORK Agricultural Research Service Plum Island Animal Disease Center, P.O. Box 848, Greenport, Long Island, NY 11944; Agricultural Marketing Service Milk Market Office, 205 E. 42nd St., New York, NY 10017; Farmers Home Administration State Office, Midtown Plaza, Rm. 214, 700 E. Water St., Syracuse, NY 13210; Soil Conservation Service State Office, Midtown Plaza, Rm. 400, 700 E. Water St., Syracuse, NY 13210;

NORTH CAROLINA Forest Service Southeastern Experiment Station, P.O. Box 2570, Asheville, NC 28802; Forest Service National Forest, National Forests in North Carolina, 50 S. French Broad Ave., P.O. Box 2750, Asheville, NC 28802; Farmers Home Administration State Office, Federal Bldg., Rm 514, 310 New Bern Ave., Raleigh, NC 27601; Soil Conservation Service State Office, Federal Office Bldg., 310 New Bern Ave., P.O. Box 27307, Raleigh, NC 27611;

NORTH DAKOTA Farmers Home Administration State Office, Federal Bldg., Rm. 208, 3rd and Rosser Ave., Bismarck, ND 58501; Soil Conservation Service State Office, Federal Bldg., P.O. Box 1458, Bismarck, ND 58501; Forest Service, RM Forest and Range Experiment Station, Shelterbelt Laboratory, P.O. Box 25, Bottineau, ND 58318;

OHIO Agricultural Marketing Service Milk Market Office, 7503 Brookpark Rd., P.O. Box 29066, Cleveland, OH 44129; Agricultural Marketing Service Milk Market Office; 4560 Heaton Rd., P.O. Box 29226, Columbus, OH 43229; Farmers Home Administration State Office, Old Post Office Bldg., Rm. 316, 121 E. State St., Columbus, OH 43215; Soil Conservation Service State Office, 311 Old Federal Bldg., 3rd and State Sts., Columbus, OH 43215;

OKLAHOMA Farmers Home Administration State Office, Agricultural Center Office Bldg., Stillwater, OK 74074; Soil Conservation Service State Office, Agriculture Center Bldg., Farm Rd. and Brumley St., Stillwater, OK 74074; Agricultural Marketing Service Milk Market Office, 4325 E. 51st St., P.O. Box 45563 Tulsa, OK 74145;

OREGON Forest Service National Forest, Wallowa-Whitman National Forest, Main and Auburn, Baker, OR 97814; Forest Service National Forest, Deschutes National Forest, 211 E. Revere Ave., Bend, OR 97701; Forest Service National Forest, Siuslaw National Forest, 545 S. 2nd St., Corvallis, OR 97330; Forest Service Pacific Northwest Forest and Range Experiment Station, Forestry Sciences Laboratory, 3200 Jefferson Way, Corvallis, OR 97331; Forest Service National Forest, Willamette National Forest, 210 E. 11th St., Eugene, OR 97401; Forest Service National Forest, Siskiyou National Forest, 1504 NW 6th St., Grants Pass, OR 97526; Forest Service National Forest, Malheur National Forest, 139 NE Dayton St., John Day, OR 97845; Forest Service National Forest, Winema National Forest, P.O. Bldg., Klamath Falls, OR 97601; Forest Service National Forest, Fremont National Forest, 34 D St., N., Lakeview, OR 97630; Forest Service National Forest, Rogue River National Forest, P.O. and Federal Bldg., Medford, OR 97501; Forest Service National Forest, Umatilla National Forest, 2517 SW Hailey Ave., Pendleton, OR 97801; Farmers Home Administration State Office, 1218 SW Washington St., Portland, OR 97205; Forest Service Pacific Northwest Forest and Range Experiment Station, P.O. Box 3141, Portland, OR 97208; Forest Service Regional Office, P.O. Box 3623, Portland, OR 97208; Forest Service National Forest, Mt. Hood National Forest, 2440 SE 195th Ave., Portland, OR 97223; Soil Conservation Service State Office, Washington Bldg., 1218 SW Washington St., Portland, OR 97205; Soil Conservation Service Technical Service Center, 511 NW Broadway, Portland, OR 97209; Agricultural Marketing Service Milk Market Office, Farmers Center Bldg., 6700 SW Varns St., P.O. Box 23354, Portland, OR 97223; Forest Service National Forest, Ochoco National Forest, Federal Bldg., Prineville, OR 97754; Forest Service National Forest, Umpqua National Forest, Federal Office Bldg., Roseburg, OR 97470;

PENNSYLVANIA Farmers Home Administration State Office, Federal Bldg., Rm. 728, 228 Walnut St., P.O. Box 905, Harrisburg, PA 17108; Soil Conservation Service State Office, Federal Bldg. and Court House, P.O. Box 985 (Fed. Square Station), Harrisburg, PA 17108; Agricultural Research Service Eastern Regional Research Center, 600 E. Mermaid Ln., Philadelphia, PA 19118; Forest Service Northeastern Area, State and Private Forestry, 6816 Market St., Upper Darby, PA 19082; Forest Service Northeastern Experiment Station, 6816 Market St., Upper Darby, PA 19082; Soil Conservation Service Technical Service Center, 7700 W. Chester Pike, Upper Darby, PA 19082; Forest Service National Forest, Allegheny National Forest, P.O. Bldg., Warren, PA 16365;

SOUTH CAROLINA Forest Service, Forest Manager, Savannah River Project, AEC, P.O. Box A, Aiken, SC 29802; Farmers Home Administration State Office, Federal Bldg., Rm. 604, 901 Sumter St., Columbia, SC 29201; Forest Service National Forest, Francis Marion-Sumter National Forest, 1801 Assembly St., 2nd Floor, Columbia, SC 29201;

SOUTH DAKOTA Forest Service National Forest, Black Hills National Forest, Forest Service Office Bldg., P.O. Box 792, Custer, SD 57730; Farmers Home Administration State Office, Christen and Hohm Bldg., 239 Wisconsin Ave., SW, Huron, SD 57350; Soil Conservation Service State Office, 239 Wisconsin Ave., SW, P.O. Box 1357, Huron, SD 57350; Forest Service, RM Forest and Range Experiment Station, Forest Research Laboratory, South Dakota School of Mines and Technology, Rapid City, SD 57701;

TENNESSEE Agricultural Marketing Service Milk Market Office, 119 Belmont Dr., P.O. Box 3007, Bristol, TN 37620; Forest Service National Forest, Cherokee National Forest, 2321 Ocoee St., NW, P.O. Box 400, Cleveland, TN 37311; Farmers Home Administration State Office, 538 U.S. Court House Bldg. 801 Broadway, Nashville, TN 37203; Soil Conservation Service State Office, 561 U.S. Court House, Nashville, TN 37203;

TEXAS Agricultural Marketing Service Milk Market Office, 11061 Shady Trail, P.O. Box 34689, Dallas, TX 75234; Food and Nutrition Service West-Central Regional Office, 1100 Commerce St., Rm. 5-D-22, Dallas, TX 75202; Forest Service National Forest, National Forests in Texas, 3rd and Lufkin Ave., P.O. Box 969, Lufkin, TX 75901; Farmers Home Administration State Office, 3920 S. General Bruce Dr., Temple, TX 76501; Soil Conservation Service State Office, 16-20 S. Main St., P.O. Box 648, Temple, TX 76501; Soil Conservation Service Technical Service Center, Ft. Worth Federal Center, P.O. Box 11222, Fort Worth, TX 76110;

UTAH Forest Service National Forest; Dixie National Forest, 500 S. Main St., Cedar City, UT 84720; Forest Service Intermountain Experiment Station, Federal Bldg., 507-25th St., Ogden, UT 84401; Forest Service Regional Office, Federal Office Bldg., 324-25th St., Ogden, UT 84401; Forest Service National Forest, Manti-

LaSal National Forest, 350 E. Main St., Price, UT 84501; Forest Service National Forest, Unita National Forest, Federal Bldg., P.O. Box 1428, Provo, UT 84601; Forest Service National Forest, Fishlake National Forest, 170 N. Main St., Richfield, UT 84701; Farmers Home Administration State Office, Federal Bldg., Rm. 5311, 125 S. State St., Salt Lake City, UT 84138; Forest Service National Forest, Wasatch National Forest, 4438 Federal Bldg., 125 S. State St., Salt Lake City, UT 84111; Soil Conservation Service State Office, 4012 Federal Bldg., 125 S. State St., Salt Lake City, UT 84138; Forest Service National Forest, Ashley National Forest, 437 E. Main St., Vernal, UT 84078;

VERMONT Soil Conservation Service State Office, 1 Burlington Square, Burlington, VT 05401; Farmers Home Administration State Office, 141 W. Main St., P.O. Box 588, Montpelier, VT 05602; Forest Service National Forest, Green Mountain National Forest, Federal Bldg., Rutland, VT 05701;

VIRGINIA Agricultural Marketing Service Milk Market Office, 300 N. Lee St., Rm. 320, Alexandria, VA 22314; Forest Service National Forest, George Washington National Forest, 210 Federal Bldg., P.O. Box 233, Harrisonburg, VA 22801; Farmers Home Administration State Office, Federal Bldg., Rm. 8213, 400 N. Eighth St., Richmond VA 23240; Soil Conservation Service State Office, 400 N. Eighth St., P.O. Box 10026, Richmond, VA 23240; Forest Service National Forest, Jefferson National Forest, 3517 Brandon Ave., SW, P.O. Box 4009, Roanoke, VA 24015;

WASHINGTON Forest Service National Forest, Colville National Forest, Colville, WA 99114; Forest Service National Forest, Okanogan National Forest, 219 2nd Ave., S., Okanogan, WA 98840; Forest Service National Forest, Olympic National Forest, Federal Bldg., Olympia, WA 98501; Agricultural Marketing Service Milk Market Office, 16 W. Harrison St., Seattle, WA 98119; Forest Service National Forest, Mt. Baker-Snoqualmie National Forests, 1601 Second Ave., Bldg., Seattle, WA 98101; Soil Conservation Service State Office, 360 U.S. Courthouse, W. 920 Riverside Ave., Spokane, WA 99201; Forest Service National Forest, Gifford Pinchot National Forest, 500 W. 12th St., Vancouver, WA 98660; Farmers Home Administration State Office, Federal Office Bldg., Rm. 319, 301 Yakima St., Wenatchee, WA 98801; Forest Service National Forest, Wenatchee National Forest, 301 Yakima St., Wenatchee, WA 98801;

WEST VIRGINIA Forest Service National Forest, Monongahela National Forest USDA Bldg., Sycamore St., Elkins, WV 26241; Farmers Home Administration State Office, Federal Bldg., Rm 320, 75 High St., Morgantown, WV 26505; Soil Conservation Service State Office, 75 High St., P.O. Box 865, Morgantown, WV 26505;

WISCONSIN Forest Service Forest Products Laboratory, N. Walnut St., P.O. Box 5130, Madison, WI 53705; Soil Conservation Service State Office, 4601 Hammersley Rd., P.O. Box 4248, Madison, WI 53711; Forest Service Regional Office, 633 W. Wisconsin Ave., Milwaukee, WI 53203; Forest Service National Forest, Chequamegon National Forest, Federal Bldg., Park Falls, WI 54552; Forest Service National Forest, Nicolet National Forest, Federal Bldg., Rhinelander, WI 54501; Farmers Home Administration State Office, First Financial Plaza, Suite 209, 1305 Main St., Stevens Point, WI 54481;

WYOMING Farmers Home Administration State Office, Federal Bldg., Rm. 3213, 100 E. B. St., Casper, WY 82601; Soil Conservation Service State Office, Federal Office Bldg., P.O. Box 2440, Casper, WY 82601; Forest Service National Forest, Shoshone Bighorn National Forests, Blair Bldg. No. 1, Cody, WY 82414; Forest Service National Forest, Bridger-Teton National Forest, Forest Service Bldg., P.O. Box 1888, Jackson, WY 83001; Forest Service National Forest, Medicine Bow National Forest, Box 3355, University Station, Laramie, WY 82070; Forest Service, RM Forest and Range Experiment Station, Forest Range and Watershed Laboratory, University of Wyoming, Laramie, WY 82070;

PUERTO RICO Farmers Home Administration State Office, Segarra Bldg., Fifth Floor, 1409 Ponce deLeon Ave., STOP 20, Santurce, Puerto Rico 00907; Soil Conservation Service Caribbean Office, 1409 Ponce deLeon Ave., STOP 20, Santurce, Puerto Rico 00908;

HEADQUARTERS Agricultural Research Service, Personnel Division, Federal Center Bldg., Rm. 557, Hyattsville, MD 20782; Agricultural Marketing Service, Personnel Division, Rm. 1709-S, Washington, D.C. 20250; Agricultural Stabilization and Conservation Service, Personnel Division, Rm. 4752-S, Washington, D.C. 20250; Animal and Plant Health Inspection Service, Personnel Division, Rm. 3911-S, Washington, D.C. 20250; Economic Management Support Center, Division of Personnel, Rm. 1441-S, Washington, D.C. 20250; Extension Service, Personnel Division, Rm. 6439-S,

Washington, D.C. 20250; Farmers Home Administration, Personnel Division, Rm. 6319-S, Washington, D.C. 20250; Federal Crop Insurance Corporation, Personnel, Management, and Administrative Service Division, Rm. 4622-S, Washington, D.C. 20250; Foreign Agricultural Service, Personnel Division Rm 5649-S, Washington, D.C. 20250; Forest Service, Division of Personnel Management, Rm. 910, Rosslyn Plaza E, Arlington VA 22209; Food and Nutrition Service, Personnel Division, Rm. 712-B, 500 12th St., SW, Washington, D.C. 20250; Office of Personnel, Personnel Operations Division, Rm. 347-W, Washington, D.C. 20250; Soil Conservation Service, Personnel Division, Rm 6212-S, Washington, D.C. 20250; Rural Electrification Administration, Personnel Management Division, Rm 4078-S, Washington, D.C. 20250;

Categories of individuals covered by the system: Current and prior employees of USDA and applicants who were not hired, as well as, its permittees, cooperators, and contractor.

Categories of records in the system: The System consists of personnel (Official Personnel Folders, Applicant Supply Files, performance files, retention lists, appeals, grievances, complaints, disciplinary, conflict of interest, health, suggestion and incentive awards, accident, training, time and attendance, travel voucher, and classification files) and payroll data needed to conform to all applicable laws, Government Regulations and procedures, and the needs of the Department and agencies in carrying out their personnel management responsibilities.

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: Referral to: (1) Civil Service Commission for required action, records, and reports; (2) Department of Treasury for issuance of checks and bonds; (3) Department of Labor for Office of Workers Compensation Program and Office of Safety and Health Administration; (4) Department of Commerce for distribution of Federal payrolls; (5) Congress for special reports; (6) White House for special reports; (7) Office of Management and Budget for special reports (8) General Accounting Office for special reports; (9) Department of Justice; (10) General Services Administration for records retirement and/or destruction; (11) State Department for passport and foreign assignments; (12) Department of Transportation, Environmental Protection Agency, and cooperating state and local agencies for accident and safety records; (13) Internal Revenue Service and State and local governments for matters in connection with payment of income taxes; (14) Social Security Administration for social security payment information; (15) United funds for reports and records; (16) Department of Health, Education, and Welfare for scheduling physical examinations; (17) All Government agencies and potential employers concerning employment inquiries; (18) Equal Employment Opportunity Commission for handling complaints; (19) Appropriate agency, whether Federal, State local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, of any record within this System when information available 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 rule, regulation or order issued pursuant thereto; and (20) A court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders at the applicable address listed above, except for the National Finance Center where it is maintained on computer tape and disk storage.

Retrievability: Records are indexed by name of employee and/or identification number.

Safeguards: Records are kept in locked file, locked offices, and/or in secured computer tape storage rooms.

Retention and disposal: Records are maintained indefinitely until employees are separated from the Department and are then retired or transferred to a new employing agency or destroyed in conformance with appropriate General Services Administration retirement and/or destruction schedules.

System manager(s) and address: Director, Office of Personnel, USDA, Washington, D.C. 20250.

Notification procedure: Employees may request information from this System from the appropriate personnel office having custody of his records. A request for information should be addressed to the Director, Personnel Division, (name of appropriate agency), USDA, at the address shown under LOCATION and should contain:

Name of requestor, employing agency in USDA or agency to which information was furnished, address of agency, and particular information requested.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the System which pertains to him by submitting a written request to the appropriate offices referred to in the preceding paragraph.

Contesting record procedures: Same as RECORD ACCESS PROCEDURES.

Record source categories: Information in this System comes from the employee, applicants, permittees, cooperators, contractors, employee's personnel offices, supervisors, references, investigative personnel, colleges and universities, and former employers.

USDA/OP-2

System name: Security Records for USDA employees, USDA/OP.

System location: Security and Employee Relations Division, Office of Personnel, USDA, Room 16-W, Administration Building, 14th Street and Independence Avenue, SW, Washington, D.C. 20250.

Categories of individuals covered by the system: All USDA applicants and/or employees investigated under the authority of Executive Order 10450.

Categories of records in the system: The System consists of investigative files maintained by the Department Security Officer in fulfilling his responsibilities in granting security clearances under the Personnel Security Program of the Department.

Authority for maintenance of the system: 5 U.S.C. 22-1; 22-3; Executive Order 10450.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: (1) Referral to the Civil Service Commission and/or the Federal Bureau of Investigation for appropriate investigation; (2) referral to the agency which conducted the investigation upon the retirement or transfer of the employee; (3) referral to the General Services Administration for retirement and/or destruction purposes; (4) certification of Security Clearances to other Government agencies; (5) referral to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law, or of enforcing or implementing a statute, rule, regulation or order issued pursuant thereto, of any record within this System when information available 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 rule, regulation or order issued pursuant thereto; (6) referral to a court, magistrate or administrative tribunal, or to opposing counsel in a proceeding before any of the above, of any record within the system which constitutes evidence in that proceeding, or which is sought in the course of discovery. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in locked Lektrivier 100's which are contained in a locked room.

Retrievability: Records are indexed by name of the employee or applicant.

Safeguards: As stated above under STORAGE.

Retention and disposal: Records are maintained until employee has retired, or transferred to another Government agency. They are then returned to the agency that conducted the investigation, or retired to the General Services Administration for destruction under the appropriate destruction schedule.

System manager(s) and address: Department Security Officer, U.S. Department of Agriculture, Washington, D.C. 20250.

Notification procedure: Employees may request information, other than that exempted, from this System from the Department Security Officer, U.S. Department of Agriculture, under the address shown above in LOCATION. All requests should include the

name of the requestor, employing agency or agency to where application was made, address of requestor, location of employing agency, and particular information requested.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to and contesting a record in the System which pertains to him by submitting a written request to the office mentioned above.

Contesting record procedures: Same as RECORD ACCESS PROCEDURES

Record source categories: Information in this System comes from the employee, his references, present and former supervisors, educational institutions, the Civil Service Commission, the Federal Bureau of Investigation, the investigative arms of the various agencies of the Department of Defense, the investigative arms of other Executive Departments and Agencies, and various local and state law enforcement agencies.

USDA/SEC—1

System name: Non-Career Applicant File, USDA/SEC.

System location: Office of the Secretary, 14th and Independence Avenue, S.W., Room 202A, Administration Building, Washington, D. C. 20250.

Categories of individuals covered by the system: Individuals who have applied or have been referred to the Department for non-career appointments.

Categories of records in the system: Consists of resumes and correspondence regarding individuals who are generally interested in non-career appointments, who are candidates for specific appointments and those who have been appointed.

Authority for maintenance of the system: 5 USC 3301-3302; 5 CFR Part 9.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Referred to agency heads in anticipation of or in the case of specific non-career vacancies. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records maintained in file folders in the Office of the Deputy Under Secretary, United States Department of Agriculture, Washington, D.C. 20250.

Retrievability: Records indexed by name of individual.

Safeguards: Records kept in locked files with a pad locked security bar.

Retention and disposal: Records more than a year old are usually disposed of or if an applicant has accepted employment elsewhere, the files are discarded.

System manager(s) and address: Deputy Under Secretary, Office of the Secretary, United States Department of Agriculture, Room 202-E, Administration Building, Washington, D.C. 20250.

Notification procedure: Any person may request information regarding this system of records, or information as to whether the system contains records pertaining to him, from the System Manager. Such requests should include the name and address of the requester and a statement of his reasons for believing the system may contain records about him.

Record access procedures: Use same procedures as for requesting Notification.

Contesting record procedures: Use same procedures as for requesting Notification.

Record source categories: Information on this system comes from the individuals themselves, various federal, state and local governmental agencies, and persons having knowledge of the individual's character and capabilities.

Systems exempted from certain provisions of the act: This system has been exempted pursuant to 5 USC 552a (k)(5) from the requirements of 5 USC 552a(c)(3), (d), (e) (1), (e)(4)(G), (H) and (I) and (f), but only to the extent that disclosure of records contained in the system would reveal the identity of a source who had furnished information to the Government under an express promise that the identity of the source would be held in confidence (or, prior to September 27, 1975, under an implied promise the identity of the source would be held in confidence). See 7 CFR 1.123: If such promise of confidentiality could not be made, the Department's ability to ob-

tain candid evaluations of persons being considered for appointment to non-career positions would be greatly impaired. This exemption enables the Department to obtain needed information when the source will not provide it unless he has promised that his identity will be kept confidential.

USDA/SCS—1

System name: Program Cooperators - Soil Conservation Service, USDA/SCS

System location: All field offices of the Soil Conservation Service, usually located in county seats of government. Addresses of each field office are listed in the telephone directories of the field office locations under the heading, "United States Government, Department of Agriculture, Soil Conservation Service."

Categories of individuals covered by the system: Cooperators with SCS Programs including Soil and Water District Cooperators, Great Plains Conservation Program Cooperators, Water Bank Cooperators, Irrigation District Cooperators, and Welton-Mohawk Project Cooperators.

Categories of records in the system: The System consists of file folders on individual cooperators recording the planning, development and accomplishments of the plan on his land. These files contain personal and economic data.

Authority for maintenance of the system: P.L. 46.74th Congress, as amended, (16 U.S.C. 590 a-f, i-l, q, q-1;) and related laws 42 U.S.C. 3271-3274; 7 U.S.C. 2201; and implementing regulations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders in field offices.

Retrievability: Records are indexed by name of cooperator and maintained alphabetically.

Safeguards: Records are maintained in standard files and offices are locked during off hours.

Retention and disposal: Records are maintained until plans are cancelled, at which time basic resource data is retained, as appropriate, and other data is destroyed.

System manager(s) and address: District Conservationists or other designees in charge of field offices.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him by contacting the respective district conservationist or other designee. If the specific location of the record is not known, the individual should address his request to the Chief, Records and Communications Management Branch, USDA-Soil Conservation Service, Washington, D.C. 20250, who will refer it to the appropriate field office. A request for information pertaining to an individual should contain: Name, address, and particulars involved (i.e., name or nature of program, name of cooperating body; etc.)

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the District Conservationist or his designated representative or to Chief, Records and Communications Management Branch, USDA-SCS, Washington, D.C.

Contesting record procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the District Conservationist or his designated representative or to Chief, Records and Communications Management Branch, USDA-SCS, Washington, D.C.

Record source categories: Information in this system comes from landowners and occupiers (cooperators) and SCS technicians who develop and manage plans with them.

USDA/SRS—1

System name: Administrative Records System, USDA/SRS

System location: State Statistical Offices at the following locations:

Montgomery, AL
Phoenix, AZ
Little Rock, AR

Sacramento, CA
 Denver, CO
 Orlando, FL
 Athens, GA
 Boise, ID
 Springfield, IL
 West Lafayette, IN
 Des Moines, IA
 Topeka, KS
 Louisville, KY
 Alexandria, LA
 College Park, MD
 Lansing, MI
 St. Paul, MN
 Jackson, MS
 Columbia, MO
 Helena, MT
 Lincoln, NE
 Reno, NV
 Boston, MA
 Trenton, NJ
 Las Cruces, NM
 Albany, NY
 Raleigh, NC
 Fargo, ND
 Columbus, OH
 Oklahoma City, OK
 Portland, OR
 Harrisburg, PA
 Columbia, SC
 Sioux Falls, SD
 Nashville, TN
 Austin, TX
 Salt Lake City, UT
 Richmond, VA
 Seattle, WA
 Charleston, WV
 Madison, WI
 Cheyenne, WY

Addresses of each State Statistical Office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Statistical Reporting Service".

Categories of individuals covered by the system: All Federal and State employees who work in SRS offices.

Categories of records in the system: The system consists of employee's name, home address, telephone number, salary rate, accumulated salary for year, accumulated hours worked, and accumulated travel expenses, which includes per diem, mileage, and total miles travelled.

Authority for maintenance of the system: 5 U.S.C. 301 and 7 U.S.C. 2204

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in the system of records for State Department of Agriculture employees is made available to the Head of the State Department of Agriculture or his designee. "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Documents (CEF-201's and bi-weekly Time and Attendance reports) are retained in the State Statistical Offices specified above.

Machine readable data are maintained on the INFONET network with each office only able to access its own files.

Retrievability: The master employee data base is indexed by employee number assigned by each office.

Safeguards: Source documents are kept in file cabinets in the offices listed above.

Retention and disposal: The two data bases in this system are handled in the following manner:

1. Bi-Weekly Data Base - After initial usage, stored on tape and retained for one year.
 2. Master Employee Data Base - Inactive employee records are deleted at the end of each fiscal year.
- A copy of this file will be retained for five years.

System manager(s) and address: Statistician in Charge of the State Statistical Office responsible for employee's records, at the address specified above.

Notification procedure: Any employee working in an SRS State Statistical Office since 1975 may request information regarding this system of records, or information stating whether the system contains records pertaining to him from the System Manager at the appropriate State Statistical Office. A written request for information pertaining to an individual's records should contain name, address, and most recent dates of employment with USDA/SRS.

Record access procedures: Anyone actively employed by USDA/SRS during the past five years may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the paragraph entitled "Notification procedure".

Contesting record procedures: Anyone actively employed by USDA/SRS during the past five years may obtain information as to the procedures for contesting a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the paragraph entitled "Notification procedure".

Record source categories: Information in this system comes from enumerator time and mileage forms (CEF-201), time and attendance forms from all other employees, and employment forms (SF-171 and NASDA-171).

USDA/SRS-2

System name: June Acreage, Livestock and Labor Enumerative Survey, USDA/SRS

System location: Survey questionnaires are located in State Statistical Offices at the following locations:

Montgomery, AL
 Phoenix, AZ
 Little Rock, AR
 Sacramento, CA
 Denver, CO
 Orlando, FL
 Athens, GA
 Boise, ID
 Springfield, IL
 West Lafayette, IN
 Des Moines, IA
 Topeka, KS
 Louisville, KY
 Alexandria, LA
 College Park, MD
 Lansing, MI
 St. Paul, MN
 Jackson, MS
 Columbia, MO
 Helena, MT
 Lincoln, NE
 Reno, NV
 Boston, MA
 Trenton, NJ
 Las Cruces, NM
 Albany, NY
 Raleigh, NC
 Fargo, ND
 Columbus, OH
 Oklahoma City, OK
 Portland, OR
 Harrisburg, PA
 Columbia, SC
 Sioux Falls, SD
 Nashville, TN
 Austin, TX
 Salt Lake City, UT
 Richmond, VA
 Seattle, WA
 Charleston, WV
 Madison, WI
 Cheyenne, WY

Addresses of each State Statistical Office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Statistical Reporting Service".

Magnetic tapes are located in the Washington Computer Center, USDA, Washington, D.C. 20250.

Categories of individuals covered by the system: Farmers and ranchers who report farm population on the June Acreage, Livestock and Labor Enumerative Survey. Also included are non-farm residents living in selected small land areas for whom home ownership status is reported.

Categories of records in the system: Questionnaires and magnetic tapes containing information on farm population reported by farmers and ranchers who are interviewed in the survey. Questionnaires for non-farm residents containing information on home ownership status which are obtained by canvassing selected small land areas.

Authority for maintenance of the system: 7 U.S.C. 2204

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Questionnaires are packed in boxes and stored in State Statistical Offices at the following locations:

Montgomery, AL
 Phoenix, AZ
 Little Rock, AR
 Sacramento, CA
 Denver, CO
 Orlando, FL
 Athens, GA
 Boise, ID
 Springfield, IL
 West Lafayette, IN
 Des Moines, IA
 Topeka, KS
 Louisville, KY
 Alexandria, LA
 College Park, MD
 Lansing, MI
 St. Paul, MN
 Jackson, MS
 Columbia, MO
 Helena, MT
 Lincoln, NE
 Reno, NV
 Boston, MA
 Trenton, NJ
 Las Cruces, NM
 Albany, NY
 Raleigh, NC
 Fargo, ND
 Columbus, OH
 Oklahoma City, OK
 Portland, OR
 Harrisburg, PA
 Columbia, SC
 Sioux Falls, SD
 Nashville, TN
 Austin, TX
 Salt Lake City, UT
 Richmond, VA
 Seattle, WA
 Charleston, WV
 Madison, WI
 Cheyenne, WY

Magnetic tapes stored in tape library, Washington Computer Center, USDA, Washington, D.C. 20250.

Retrievability: Questionnaires are stored in boxes which are identified by location of selected small land areas. Magnetic tapes are indexed by Reporter Identification number.

Safeguards: Questionnaires are kept in locked storage rooms. Magnetic tapes are stored in an area to which access is limited to authorized personnel of the Washington Computer Center.

Retention and disposal: Questionnaires are kept 2 years in individual offices (except in Texas) and sent to Federal Record Centers for the balance of the retention period (4 years). Texas questionnaires are kept in the State Statistical Office for 1 year and then destroyed. Magnetic tapes are retained for 6 years in the Washington Computer Center and then destroyed.

System manager(s) and address: Chairman, Crop Reporting Board, Statistical Reporting Service, USDA, Washington, D.C. 20250, or the appropriate Statistician in Charge, State Statistical Office at the address specified above.

Notification procedure: Any individual may request information as to whether the system contains records pertaining to him from the Chairman, Crop Reporting Board, Statistical Reporting Service, USDA, Washington, D.C. telephone 202-447-4415, or the appropriate Statistician in Charge at the address listed above. If the specific location of the record is not known, the individual should address his request to the Chairman, Crop Reporting Board, who, if necessary, will refer it to the appropriate State Statistical Office. A request for information pertaining to an individual should contain Name, address, and date (year) that questionnaire was completed.

Record access procedures: Any individual who was interviewed in the survey may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the paragraph entitled "Notification procedure".

Contesting record procedures: Any individual who was interviewed in the survey may obtain information as to the procedure for contesting a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the paragraph entitled "Notification procedure".

Record source categories: Information in this system comes solely from farmers and ranchers who were interviewed in this survey, or from non-farm residents who are located in selected small land areas.

USDA/SRS—3

System name: Personnel Data Base, USDA/SRS

System location: Computer Records—Washington Computer Center, USDA, Washington, D.C. 20250 Inputs—coding sheets and punch cards in file cabinet in Room 5868, South Building, Statistical Reporting Service, USDA, Washington, D.C. 20250. Outputs—listings distributed to and retained by Career Development Officer, each Division Director, Deputy Administrator, Statistical Reporting Service, USDA, Washington, D.C.; and Economic Management Support Center, USDA, Washington, D.C. 20250.

Categories of individuals covered by the system: Statistical Reporting Service Federal employees (except enumerators).

Categories of records in the system: The system consists of information pertaining to Statistical Reporting Service employee's name; job series; grade; age; service computation date; date began in Statistical Reporting Service; work experience; training; and awards.

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: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Documents are maintained in offices of officials identified previously. Machine data are maintained in the Washington Computer Center, USDA, Washington, D.C.

Retrievability: Records are indexed by Social Security Number.

Safeguards: Source documents are kept in locking file cabinet in office of Career Development Officer, Statistical Reporting Service, USDA, Washington, D.C.

Retention and disposal: A review is made each quarter. Records which are no longer needed are destroyed.

System manager(s) and address: Career Development Officer, Statistical Reporting Service USDA, Washington, D.C. 20250.

Notification procedure: Any employee may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Career Development Officer, Statistical Reporting Service, USDA, Washington, D.C., telephone 202-447-4971.

Record access procedures: Any individual may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the Career Development Officer referred to in the paragraph entitled "Notification procedure".

Contesting record procedures: Any individual may obtain information as to the procedures for contesting a record in the system which pertains to him by submitting a written request to the Career Development Officer referred to in the paragraph entitled "Notification procedure".

Record source categories: Information in this system comes primarily from form SF-52, Request for Personnel Action; form AD-281, Request and Authorization for Outside Training; and form AD-287-2, Approval and Certification of Cash Award.

USDA/SRS—4

System name: Quarterly Agricultural Labor Survey, USDA/SRS

System location: Survey questionnaires are located in State Statistical Offices at the following locations:

Montgomery, AL
Phoenix, AZ
Little Rock, AR
Sacramento, CA
Denver, CO
Orlando, FL
Athens, GA
Boise, ID
Springfield, IL
West Lafayette, IN
Des Moines, IA
Topeka, KS
Louisville, KY
Alexandria, LA
College Park, MD
Lansing, MI
St. Paul, MN
Columbia, MO
Helena, MT
Lincoln, NE
Reno, NV
Boston, MA
Trenton, NJ
Las Cruces, NM
Albany, NY
Raleigh, NC
Fargo, ND
Columbus, OH
Oklahoma City, OK
Portland, OR
Harrisburg, PA
Columbia, SC
Sioux Falls, SD
Nashville, TN
Austin, TX
Salt Lake City, UT
Richmond, VA
Seattle, WA
Charleston, WV
Madison, WI
Cheyenne, WY

Addresses of each State Statistical Office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Statistical Reporting Service".

Except for California, punch cards are located in the Data Services Branch, Survey Division, Statistical Reporting Service, USDA, Washington, D.C. California punch cards are located in the State Statistical Office at the address listed above.

Magnetic tapes are located in the Washington Computer Center, USDA, Washington, D.C. 20250.

Categories of individuals covered by the system: Farmers and ranchers who report the following information on the Quarterly Agricultural Labor Survey: (1) number of hours worked in the survey week by the operator, (2) number of unpaid family workers working more than 15 hours in the survey week, (3) number of paid family workers working in the survey week, (4) hours worked by unpaid family workers, and (5) wages paid to paid family workers.

Categories of records in the system: Questionnaires, punch cards and magnetic tapes containing information as listed under "Category of Individuals" reported by farmers and ranchers who are interviewed in the survey.

Authority for maintenance of the system: 7 U.S.C. 2204

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Questionnaires are packed in boxes and stored in State Statistical Offices at the following locations:

Montgomery, AL
Phoenix, AZ
Little Rock, AR
Sacramento, CA
Denver, CO
Orlando, FL
Athens, GA
Boise, ID
Springfield, IL
West Lafayette, IN
Des Moines, IA
Topeka, KS
Louisville, KY
Alexandria, LA
College Park, MD
Lansing, MI
St. Paul, MN
Jackson, MS
Columbia, MO
Helena, MT
Lincoln, NE
Reno, NV
Boston, MA
Trenton, NJ
Las Cruces, NM
Albany, NY
Raleigh, NC
Fargo, ND
Columbus, OH
Oklahoma City, OK
Portland, OR
Harrisburg, PA
Columbia, SC
Sioux Falls, SD
Nashville, TN
Austin, TX
Salt Lake City, UT
Richmond, VA
Seattle, WA
Charleston, WV
Madison, WI
Cheyenne, WY

Punch cards are stored in the Data Services Branch, Survey Division, Statistical Reporting Service, USDA, Washington, D.C.

Magnetic tapes are stored in the tape library, Washington Computer Center, USDA, Washington, D.C.

Retrievability: Questionnaires are stored in boxes which are identified by Reporter Identification number. Punch cards and magnetic tapes are indexed by Reporter Identification number.

Safeguards: Questionnaires are kept in locked storage rooms. Punch cards are kept in file drawers. Magnetic tapes are stored in an area to which access is limited to authorized personnel of the Washington Computer Center.

Retention and disposal: Questionnaires are kept 2 years in individual offices and sent to Federal Records Centers for the balance of the retention period (4 years). Punch cards are kept 14 months in the Data Services Branch and then destroyed. Magnetic tapes are retained for 5 years in the Washington Computer Center and then destroyed.

System manager(s) and address: Chairman, Crop Reporting Board, Statistical Reporting Service, USDA, Washington, D.C. 20250, or the appropriate Statistician in Charge, State Statistical Office at the address specified above.

Notification procedure: Any individual may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Chairman, Crop Reporting Board, Statistical Reporting Service, USDA, Washington, D.C. telephone 202-447-4415, or the appropriate Statistician in Charge at the address listed above. If the specific location of the

record is not known, the individual should address his request to the Chairman, Crop Reporting Board, who, if necessary, will refer it to the appropriate State Statistical Office. A request for information pertaining to an individual should contain Name, address, and date (month and year) that questionnaire was completed.

Record access procedures: Any farmer or rancher who was interviewed in the survey may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the paragraph entitled "Notification procedure".

Contesting record procedures: Any farmer or rancher who was interviewed in the survey may obtain information as to the procedures for contesting a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the paragraph entitled "Notification procedure".

Record source categories: Information in this system comes solely from farmers and ranchers who were interviewed in this survey.

USDA/SRS—5

System name: State Farm Census, USDA/SRS

System location: State Statistical Offices at the following locations:

Des Moines, IA
St. Paul, MN
Madison, WI
Springfield, IL

Addresses of each State Statistical Office are listed in the telephone directories of the respective cities listed above under the heading "United States Government, Department of Agriculture, Statistical Reporting Service".

Categories of individuals covered by the system: Farmers who report number of persons living in farm household to county assessors or other enumerators.

Categories of records in the system: Reporting forms and magnetic tapes containing data on number of persons living in farm households.

Authority for maintenance of the system: 7 U.S.C. 2204

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Supplied to State government in the State where data are collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Reporting forms and magnetic tapes are maintained in files within their respective offices, except Iowa, which maintains magnetic tape in the Washington Computer Center, USDA, Washington, D.C. 20250.

Retrievability: Records are indexed by a unique identification assigned by each office.

Safeguards: Records are kept in a room locked after working hours.

Retention and disposal: All offices except Iowa retain reporting forms for two years in the office and then send them to either a Federal or State Records Center for 4 years. Iowa retains the reporting forms for two years and then destroys them.

System manager(s) and address: Statistician in Charge

Iowa Crop and Livestock Reporting Service
SRS/USDA

Federal Building, Room 885

210 Walnut Street

Des Moines, Iowa 50309

Statistician in Charge

Illinois Crop and Livestock Reporting Service

SRS/USDA

202 U.S. Post Office & Court House Building

Springfield, Illinois 62705

Statistician in Charge

Minnesota Crop and Livestock Reporting Service

SRS/USDA

Metro Square, Suite 270

7th & Roberts St.

St. Paul, Minnesota 55101

Statistician in Charge

Wisconsin Crop and Livestock Reporting

Service

SRS/USDA

801 West Badger Road

Madison, Wisconsin 53713

Notification procedure: Any farmer in the above-listed States may request information regarding this system of records. He can determine whether the system contains records relating to him from the appropriate Statistician in Charge at the address listed above. If the specific location of the record is not known, the individual should address his request to the Chairman, Crop Reporting Board, USDA/SRS, Washington, D.C. If necessary, he will report it to the appropriate State Statistical Office. A request for information pertaining to an individual should contain Name, address and year of the report.

Record access procedures: Any farmer may obtain information as to the procedure for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the paragraph entitled "Notification procedure".

Contesting record procedures: Any farmer may obtain information as to the procedure for contesting a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the paragraph entitled "Notification procedure".

Record source categories: Information in this system comes primarily from farmers.

USDA/SRS—6

System name: Telephone, Electric and L.P. Gas Services Survey, USDA/SRS

System location: Prior to 1975:

Survey questionnaires and edit listings located in the Prices and Labor Branch, Estimates Division, Statistical Reporting Service, USDA, Washington, D.C.

Magnetic tapes for 1974 located in Washington Computer Center, USDA, Washington, D.C. 20250.

Magnetic tapes for earlier years destroyed. 1975 and later:

Questionnaires are located in State Statistical Offices at the following locations:

Montgomery, AL
Phoenix, AZ
Little Rock, AR
Sacramento, CA
Denver, CO
Orlando, FL
Athens, GA
Boise, ID
Springfield, IL
West Lafayette, IN
Des Moines, IA
Topeka, KS
Louisville, KY
Alexandria, LA
College Park, MD
Lansing, MI
St. Paul, MN
Jackson, MS
Columbia, MO
Helena, MT
Lincoln, NE
Reno, NV
Boston, MA
Trenton, NJ
Las Cruces, NM
Albany, NY
Raleigh, NC
Fargo, ND
Columbus, OH
Oklahoma City, OK
Portland, OR
Harrisburg, PA
Columbia, SC
Sioux Falls, SD
Nashville, TN
Austin, TX
Salt Lake City, UT
Richmond, VA
Seattle, WA
Charleston, WV
Madison, WI
Cheyenne, WY

Addresses of each State Statistical Office are listed in the telephone directories of the respective cities listed above under the

heading "United States Government, Department of Agriculture, Statistical Reporting Service". Magnetic tapes located in Washington Computer Center, USDA, Washington, D.C. 20250.

Categories of individuals covered by the system: Farmers and ranchers who report information on telephone, electricity, and L.P. gas services on an annual mail survey questionnaire.

Categories of records in the system: Questionnaires, edit listings and magnetic tapes containing information on telephone, electricity, and L.P. gas services reported by farmers and ranchers who responded to the survey.

Authority for maintenance of the system: 7 U.S.C. 2204

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: "Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual."

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Prior to 1975:

Questionnaires packed in boxes and stored in Prices and Labor Branch, Estimates Division, Statistical Reporting Service, USDA, Washington, D.C.

Edit listings maintained in file folders and stored in Prices and Labor Branch, Estimates Division, Statistical Reporting Service, USDA, Washington, D.C.

Magnetic tapes for 1974 stored in tape library, Washington Computer Center, USDA, Washington, D.C.

Magnetic tapes for earlier years destroyed.

1975 and later:

Questionnaires packed in boxes and stored in State Statistical Office at the following locations:

Montgomery, AL
Phoenix, AZ
Little Rock, AR
Sacramento, CA
Denver, CO
Orlando, FL
Athens, GA
Boise, ID
Springfield, IL
West Lafayette, IN
Des Moines, IA
Topeka, KS
Louisville, KY
Alexandria, LA
College Park, MD
Lansing, MI
St. Paul, MN
Jackson, MS
Columbia, MO
Helena, MT
Lincoln, NE
Reno, NV
Boston, MA
Trenton, NJ
Las Cruces, NM
Albany, NY
Raleigh, NC

Fargo, ND
Columbus, OH
Oklahoma City, OK
Portland, OR
Harrisburg, PA
Columbia, SC
Sioux Falls, SD
Nashville, TN
Austin, TX
Salt Lake City, UT
Richmond, VA
Seattle, WA
Charleston, WV
Madison, WI
Cheyenne, WY

Edit listings maintained in file folders and stored in Prices and Labor Branch, Estimates Division, Statistical Reporting Service, USDA, Washington, D.C. Magnetic tapes stored in tape library, Washington Computer Center, USDA, Washington, D.C.

Retrievability: Edit listings and tapes are indexed by Reporter Identification Number. Questionnaires are identified by name, address and Reporter Identification number.

Safeguards: Questionnaires are kept in locked storage rooms. Edit listings kept in locked cabinets. Magnetic tapes are stored in an area to which access is limited to authorized personnel of the Washington Computer Center.

Retention and disposal: Questionnaires are kept 2 years in individual offices and sent to Federal Record Centers for the balance of the retention period (4 years). Magnetic tapes are retained for 12-18 months. Edit listings are retained for 1 year.

System manager(s) and address: Chairman, Crop Reporting Board, Statistical Reporting Service, USDA, Washington, D.C. 20250, or the appropriate Statistician in Charge, State Statistical Office at the address specified above.

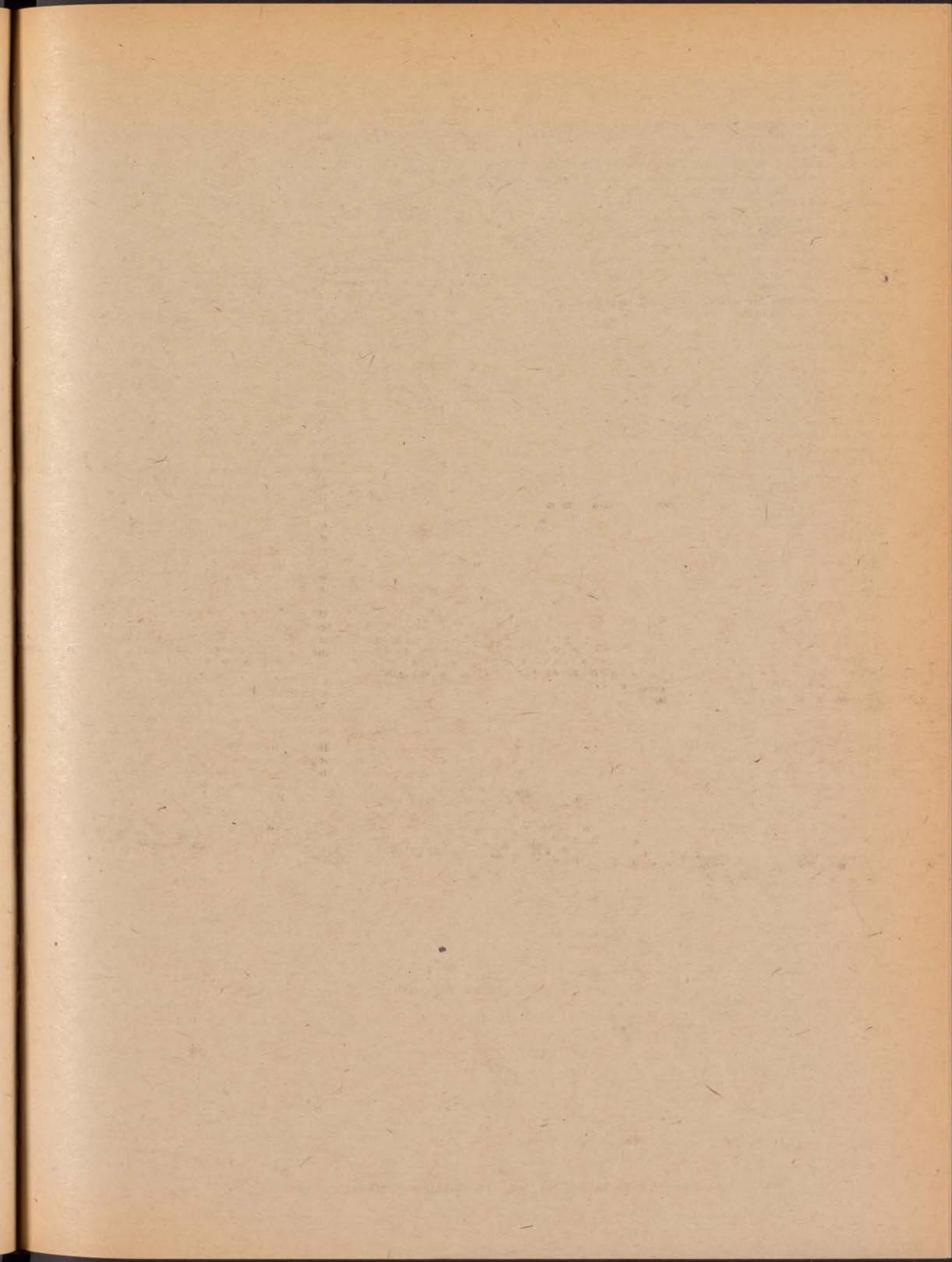
Notification procedure: Any farmer or rancher who has previously reported may request information regarding this system of records, or information as to whether the system contains records pertaining to him from the Chairman, Crop Reporting Board, Statistical Reporting Service, USDA, Washington, D.C., telephone 202-447-4415, or the appropriate Statistician in Charge at the address listed above. If the specific location of the record is not known, the individual should address his request to the Chairman, Crop Reporting Board, who, if necessary, will refer it to the appropriate State Statistical Office. A request for information pertaining to an individual should contain Name, address, and date (year) that questionnaire was completed.

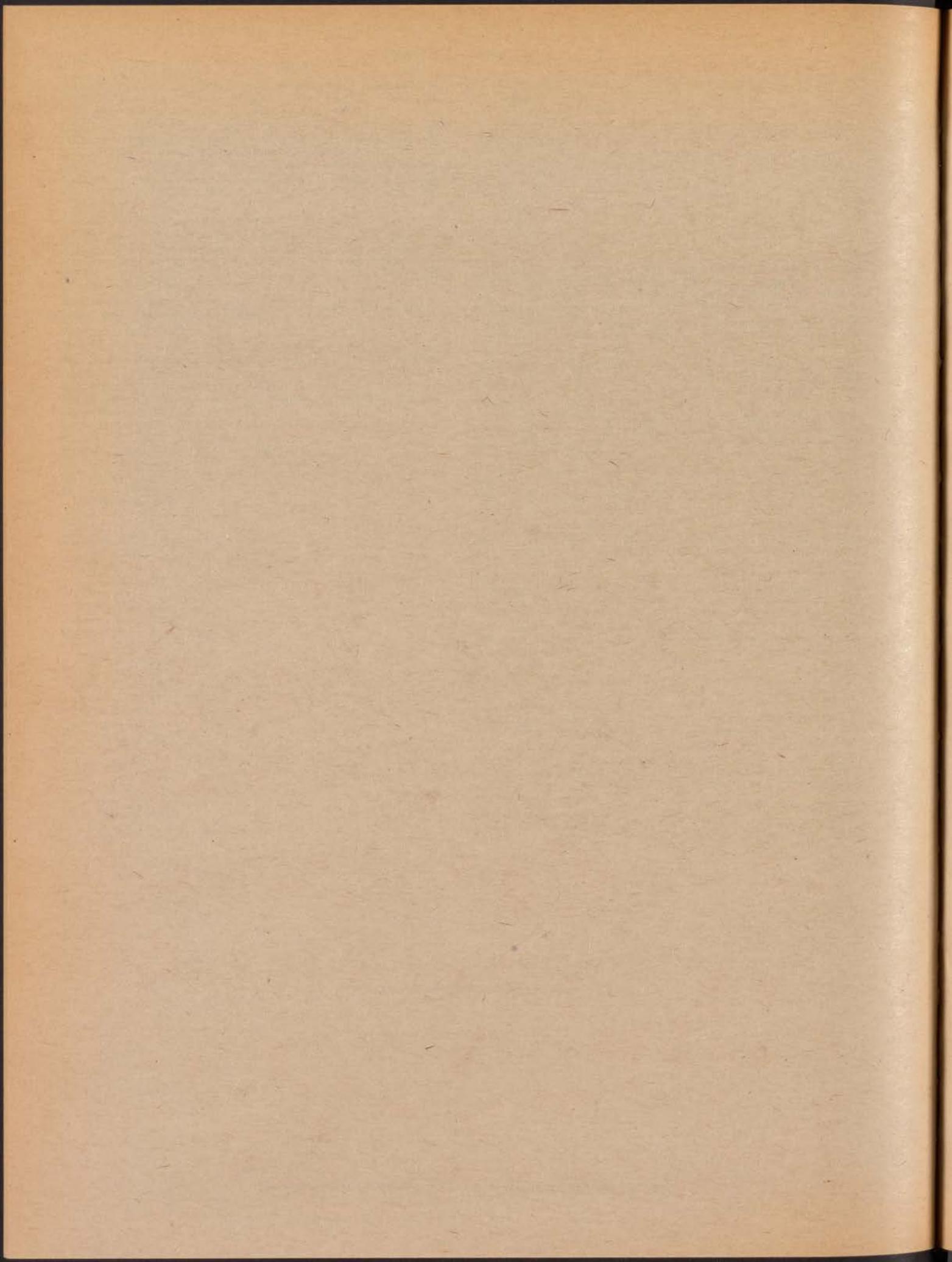
Record access procedures: Any farmer or rancher who has previously reported may obtain information as to the procedures for gaining access to a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the paragraph entitled "Notification procedure".

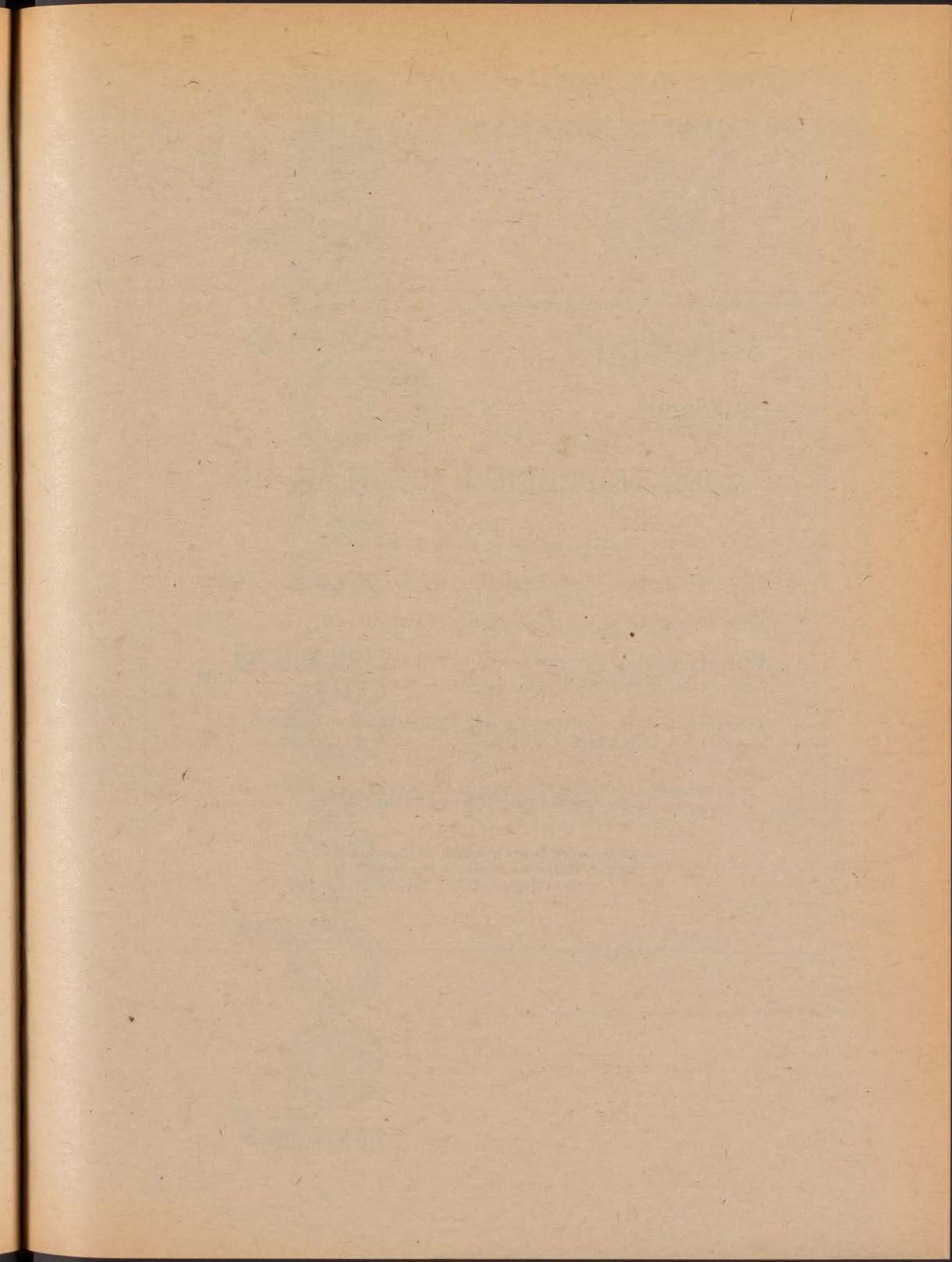
Contesting record procedures: Any farmer or rancher who has previously reported may obtain information as to the procedures for contesting a record in the system which pertains to him by submitting a written request to the appropriate official referred to in the paragraph entitled "Notification procedure".

Record source categories: Information in this system comes solely from farmers and ranchers who completed questionnaires for this survey.

[FR Doc.76-26211 Filed 8-30-76;8:45 am]







Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of July 1, 1976)

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[A Cumulative checklist of CFR issuances for 1976 appears in the first issue of the Federal Register each month under Title 1]

Order from Superintendent of Documents,
United States Government Printing Office,
Washington, D.C. 20402