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To authorize appropriations for the administration of the Deepwater Port Act of 1974. (June 1, 1977; 91 Stat. 177) Price: $.35

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"Defense Production Act Extension Amendments of 1977". (June 1, 1977; 91 Stat. 178) Price: $.35

S. 1443..... Pub. L. 95–38
To amend the Privacy Act of 1974 to extend the life of the Privacy Protection Study Commission to September 30, 1977. (June 1, 1977; 91 Stat. 179) Price: $.35

H.R. 3437..... Pub. L. 95–40
To make certain technical and miscellaneous amendments to provisions relating to vocational education contained in the Education Amendments of 1976. (June 3, 1977; 91 Stat. 203) Price: $.35

S. 36..... Pub. L. 95–39
To authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes. (June 3, 1977; 91 Stat. 180). Price: $.40

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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

Monday	Tuesday	Wednesday	Thursday	Friday
NRC	USDA/ASCS		NRC	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/NHTSA	USDA/FNS		DOT/NHTSA	USDA/FNS
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DOT/OPSO	LABOR		DOT/OPSO	LABOR
	HEW/FDA			HEW/FDA

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, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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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.

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Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Federal Deposit Insurance Corporation

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts from the competitive service under Schedule C one position of Counsel to the Chairman of the Board of Directors, Office of the Chairman, Federal Deposit Insurance Corporation because the position is confidential in nature.

EFFECTIVE DATE: June 7, 1977.

FOR FURTHER INFORMATION ON POSITION AUTHORITY CONTACT:

Henry A. Ulrich, Civil Service Commission, 202-632-3782.

FOR FURTHER INFORMATION ON POSITION CONTENT CONTACT:

Jack Pleasant, Deputy Director of Personnel, Federal Deposit Insurance Corporation, 202-389-4303.

Accordingly, 5 CFR 213.3333(i) is added as set out below:

§ 213.3333 Federal Deposit Insurance Corporation.

* * * * *

(i) Counsel to the Chairman of the Board of Directors, Office of the Chairman.

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

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

[FR Doc.77-16193 Filed 6-6-77;8:45 am]

Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

PART 401—FEDERAL CROP INSURANCE

Regulations for the 1969 and Succeeding Crop Years; Extension of Final Dates for Filing Applications

AGENCY: Federal Crop Insurance Corporation.

ACTION: Extension of sales closing dates.

SUMMARY: This is an extension of the final dates for the filing of applications for the 1977 crop year on Type 21 Tobacco in Virginia which have a closing date of May 20. Such extension shall be until the close of business on May 31, 1977.

FOR FURTHER INFORMATION CONTACT:

Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-3325.

SUPPLEMENTARY INFORMATION: Due to an Administrative oversight, the closing date on Type 21 tobacco was established as May 20. The major tobacco produced in Virginia, Type 11a, has a closing date of May 31. Type 21 is not the major variety of tobacco insured in Virginia, since it is insured in only 10 counties. The types are not separately identified in the application for insurance. Since all types of tobacco are insured on the same application, an application having both types of tobacco would be rejected on the basis that the closing date for Type 21 was past. Rather than close the major type early, it has been determined that it would be better to extend the closing date for Type 21 to conform to the major type of tobacco insured in Virginia. The Corporation intends to correct the closing dates for future years according to types in a later document.

Accordingly, as previously announced, the Corporation has determined that it would be desirable to extend the time for filing applications for crop insurance on Type 21 tobacco in Virginia for the current year, in accordance with the provisions for such extension found in 7 CFR 401.103. Since this extension is to the benefit of producers, and since producers need to be informed of the extension immediately, it is found and determined that compliance with the notice of proposed rule making procedure would be impracticable and contrary to the public interest. Therefore, this amendment is issued without compliance with such procedure. Accordingly, 7 CFR 401.103 is amended by adding at the end of the tobacco closing date table thereof the following sentence:

§ 401.103 Application for Insurance.

* * * * *

The time for filing applications for crop insurance on Type 21 Tobacco in Amelia, Appomattox, Brunswick, Campbell, Charlotte, Cumberland, Dinwiddie, Lunenberg, Nodaway, and Prince Edward Counties, Virginia, is hereby extended until the close of business on May 31, 1977. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

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

Dated: May 31, 1977.

JAMES D. DEAL,
Manager, Federal Crop Insurance Corporation.

[FR Doc.77-15985 Filed 6-6-77;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES AND OTHER OPERATIONS

[Amdt. 2]

PART 1446—PEANUTS

1976 Crop Peanut Warehouse Storage Loan Supplement; Final Support Values

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this amendment is to give notice that the final differential levels will be the "adjusted interim differentials" as shown in the proposed notice published in the FEDERAL REGISTER on March 29, 1977 (42 FR 16634). These final differentials are needed to complete the 1976 peanut price support program. This will enable USDA to make final adjustments under the 1976 program.

EFFECTIVE DATE: Effective with respect to the 1976 crop of peanuts on June 7, 1977.

FOR FURTHER INFORMATION CONTACT:

Dallas R. Smith (ASCS), 202-447-7405.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rulemaking was published in the FEDERAL REGISTER on March 29, 1977, (42 FR 16634) in which USDA set forth three alternatives, without limiting consideration of other possibilities. In addition, the Department on April 19 announced in the FEDERAL REGISTER (42 FR 20302) that it intended to conduct a second public meeting on May 5, 1977, concerning the 1976 crop differentials and invited the public to furnish written and/or verbal comments. The peanut industry was asked to convene and work out a unified recommendation to be presented at the May 5 meeting (USDA 944-77 April 11). There were 15 written comments and seven verbal presentations, none of which represented a unified position by the peanut industry. The data presented represented a wide divergence of opinion on how differentials should be established.

The Department in an effort to be fair at arriving at the support by type equal to the minimum required by law, selected the adjusted interim differentials because they provide an equal increase in support price per ton for all types above that available during the harvest season. The increases in kernel prices were not quite equal because it was necessary to reduce the prices of runner LSK and OK to the levels of other types (with compensating increases in SMK values of all types).

It is essential that these provisions be made effective as soon as possible since the 1976 crop has already been harvested and preliminary loan advance made to producers. Accordingly, it is hereby found and determined that compliance with the 30 day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, this amendment to 7 CFR 1446.11 and 1446.12 is issued without compliance with such procedure.

Accordingly, Part 1446, Title 7, Code of Federal Regulations is amended in the following manner:

In § 1446.11, paragraph (a) is amended to read as follows:

§ 1446.11 Average support values by type.

(a) The final support values by type per average grade ton of 1976 crop peanuts are:

Type:	*Dollars per ton*
Virginia	413.10
Runner	416.56
Southeast Spanish	405.52
Southwest Spanish	403.53
Valencia, in the Southwest area suitable for cleaning or roasting	413.10

The price for all Valencia type peanuts in the Southeast and Virginia-Carolina areas and those in the Southwest area which are not suitable for cleaning and roasting will be the same as for Spanish type peanuts in the same area.

* * * * *

In § 1446.12, paragraphs (a) and (b) are amended to read as follows:

§ 1446.12 Calculation of support values.

The support value per ton for 1976 crop peanuts of a particular type and quality shall be circulated on the basis of the following rates, premiums, and discounts (with no value being assigned to damaged kernels), except that the minimum support value for any lot of eligible peanuts of any type shall be 8 cents per pound of kernels in the lot:

(a) *Kernel value per net ton excluding loose shelled kernels.* (1) Price for each percent of sound mature and sound split kernels shall be:

1976 CROP PEANUT WAREHOUSE STORAGE LOANS

Type:	*Dollars per ton*
Virginia	5.895
Runner	5.779
Southeast Spanish	5.854
Valencia:	
Southwest area, suitable for cleaning and roasting	6.306
Southwest area, not suitable for cleaning and roasting	5.854
Areas other than Southwest	5.854

(2) Price for each percent of other kernels:

	Dollars per ton
All types	1.40

* * * * *

(b) *Value of loose shelled kernels per pound.*

	Dollars Per pound
All types	0.07

* * * * *

NOTE.—The Agricultural Stabilization and Conservation Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Signed at Washington, D.C. on June 1, 1977.

VICTOR A. SENECHAL,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.77-15965 Filed 6-6-77;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 238—CONTRACTS WITH TRANSPORTATION LINES

Addition of "Holland America Cruises" to Listing

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This is an amendment of the regulations of the Immigration and Naturalization Service to add "Holland America Cruises" to the list of shipping lines which have entered into agreements with the Commissioner of Immigration and Naturalization for immigration preinspection of their passengers and crews at places outside the United States. The amendment is necessary because signatories to these agreements are published in the Service's regulations, and on May 9, 1977, Holland America Cruises entered into an agreement with the Commissioner of Immigration and Naturalization for preinspection of its passengers and crews at Vancouver, B.C., Canada.

DATES: Effective date: June 7, 1977.

FOR FURTHER INFORMATION CONTACT:

James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, D.C. 20536, Telephone 202-376-8373.

SUPPLEMENTARY INFORMATION: This amendment to 8 CFR 238.4 is published pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93-502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1. Compliance with the provisions of section 553 of Title 5 of the United States Code as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment contained in this order adds a shipping line to the listing and is editorial in nature.

The following amendment is hereby prescribed to Title 8 of Chapter I of the Code of Federal Regulations:

§ 238.4 [Amended]

In § 238.4, *Preinspection outside the United States*, the listing of transportation lines under "At Vancouver" is amended by adding thereto, in alphabetical sequence, "Holland America Cruises".

* * * * *

(Sec. 103 and 238(b), 8 U.S.C. 1103 and 1228(b).)

Effective date: This amendment becomes effective on June 7, 1977.

Dated: June 1, 1977.

LEONEL J. CASTILLO,
Commissioner of Immigration and Naturalization.

[FR Doc.77-15994 Filed 6-6-77;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 91—INSPECTION AND HANDLING OF LIVESTOCK FOR EXPORTATION

Revision of Animal Export Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document revises the Department's animal export regulations to require additional health certifications, treatment, and handling procedures for animals prior to embarkation. Also, it revises fittings for pens, and space and ventilation requirements aboard ocean vessels and provides for the use of livestock containers aboard "containerized" ships. This action was prompted by the need to update export requirements and to incorporate in the regulations new and improved animal disease diagnostic and treatment procedures and changes in methods of sea transport. The intended effect of this action is to insure that healthy unexposed animals only are exported humanely and without undue stress.

EFFECTIVE DATE: October 5, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. John R. Langridge, USDA, APHIS, Veterinary Services, Room 825, Federal Building, Hyattsville, MD 20782, 301-436-8383.

SUPPLEMENTARY INFORMATION: On November 17, 1975, there was published in the FEDERAL REGISTER (40 FR 53262-53269) a notice of proposed rulemaking which would add to the regulations additional health requirements for export cattle, sheep, goats, swine, and horses in order to determine their freedom of disease and insure that healthy

animals only are exported without exposure to disease and without undue stress; would require that cattle for export, with certain exceptions, be treated for ectoparasites between 10 and 30 days preceding the date of export; would revise space requirements for livestock loaded on ocean vessels whereby more animals may be loaded in a given space; would provide for use of livestock containers aboard "containerized vessels"; and would provide special space requirements for animals traveling into or through tropical areas. Specifications for pipe fittings for pens on ocean vessels would be included in the regulations and specifications for wooden fittings would be updated. The rate of exchange of air in compartments on ocean vessels below deck would be raised and feed and water would be provided on board ocean vessels used to export animals which will not arrive in the country of destination within specified time periods and, with exceptions specified, rest periods with feed and water available would be required before movement of animals to an ocean vessel or aircraft for loading for export. Export inspection facilities not located at ports of embarkation would require prior approval by the Deputy Administrator; standards for approved export inspection facilities would be provided; and other changes which would clarify and update the regulations were proposed.

In response to requests made by various exporters to provide additional time for comments there was published in the FEDERAL REGISTER on February 3, 1976 (41 FR 4942), a notice which extended the time for filing data, views, and arguments with respect to the proposed revision from January 19, 1976 to February 18, 1976.

A total of 75 comments were received, most of which posed objections to various specific export requirements proposed in § 91.5 as follows:

Three comments received supported the negative tuberculin test requirement for cattle as proposed in § 91.5(a)(1). However, for clarification of this section a "caudal" intradermal tuberculin test is specified and .1cc of tuberculin as stated in the proposal has been corrected to read ".1 ml." of tuberculin.

Three comments received supported the negative brucellosis testing requirement for cattle as proposed in § 91.5(a)(2) and for swine as proposed in § 91.5(c)(1). In § 91.5(a)(2) the negative brucellosis testing requirement for all female cattle over 6 months of age using the plate or tube agglutination test as proposed is being amended to include all cattle and to broaden the choice of tests which may be used in order to comply with the specific testing requirements of certain countries of destination. Likewise, the proposed requirement that brucellosis vaccinated females in the third trimester of pregnancy and post parturient females be negative to a brucellosis test to qualify for exportation has been deleted as unnecessary.

In § 91.5(c), the negative brucellosis testing requirement for swine using the serum agglutination tube test as proposed is being amended to require a negative brucellosis test as prescribed in "Standard Agglutination Test Procedures for the Diagnosis of Brucellosis" or "Supplemental Test Procedures for the Diagnosis of Brucellosis" in a laboratory in accordance with provisions prescribed in the Recommended Uniform Methods and Rules for Brucellosis Eradication, Chapter 2, Part II, G.1, 2, and 3. These amendments to the proposal provide alternate diagnostic tests for brucellosis in both cattle and swine.

Six comments objected to the treatment of cattle for ectoparasites using Co-Ral® as proposed in § 91.5(a)(6) because of the sensitivity of Brahman cattle to organiphosphate insecticides.

To overcome these objections, this section has been revised to require the treatment of all cattle preceding the date of export, except those found to be free of ectoparasites or those intended for exportation for slaughter purposes, with a pesticide registered by the Environmental Protection Agency for use in the treatment of the ectoparasite involved in accordance with label requirements. This will provide the exporter with a choice of pesticides to be used in qualifying previously infested cattle for export in lieu of treatment of such cattle with Co-Ral® as proposed. The reference in the published proposal had stated a time period of not less than 10 days or more than 30 days immediately preceding the date of export when cattle were to be treated with Co-Ral®. The minimum time period of 10 days had been selected because of the particular nature of the Co-Ral® substance and the time it took to be effective. However, because Co-Ral® is not the only product which may be used in treating cattle for ectoparasites, the minimum period of 10 days when such treatment may be performed has been deleted. Further, the published proposal exempted cattle intended for export to Canada or Mexico for any purpose from the requirement that such cattle be treated for ectoparasites. This exemption has been deleted because the Animal and Plant Health Inspection Service officials have determined that cattle which may be diseased with ectoparasites should not be permitted to be exported to any country unless such cattle are intended for exportation for slaughter purposes. To permit an exportation of cattle as provided in the published proposal could create a situation whereby ectoparasites might spread to Canada and Mexico from cattle exported from the United States.

Comments were also received from the Aviation Industry regarding disinfectants specified for use in cleaning and disinfecting transport carriers as proposed in § 91.33, which the industry maintains would have a corrosive action on aircraft structure. In response to these comments, § 91.33 was revised to provide a wider choice of disinfectants and has been made applicable to surface vessels only.

Twenty-one comments received objected to the negative test requirement for anaplasmosis and leptospirosis as proposed in § 91.5(a)(3) and § 91.5(a)(4), respectively, on the basis that many exporters practice vaccination for these diseases which would cause a positive reaction to such tests and therefore prevent exportation from vaccinated herds. Certain Latin American countries require vaccination for these diseases as a requirement for entry.

One comment objected to the negative test requirement for bluetongue in sheep and goats as proposed in § 91.5(b)(1)(i) since many such animals are vaccinated for bluetongue in Western States and a positive reaction to the bluetongue test when applied would prevent exportation from vaccinated herds.

Two comments received objected to the proposed negative test requirement for *Brucella Ovis* and the manual examinations of rams and bucks as proposed in § 91.5(b)(1)(ii) on the basis that negative complement fixation testing for epididymitis has proved unsatisfactory for detecting Brucella infection in rams and bucks.

Thirty-four comments objected to the 12-month negative swine herd certification for transmissible gastroenteritis proposed in § 91.5(c) on the basis that this requirement would prevent the exportation of swine from most States.

Two comments received objected to the negative tuberculin test requirement for swine as proposed in § 91.5(c)(2) on the basis of lack of adequate guidelines for uniform interpretation of swine tuberculin tests and the confusion which would result therefrom.

Two comments received objected to the negative equine infectious anemia and equine piroplasmosis test requirements for horses proposed in § 91.5(d) as being an unnecessary burden to the horse export industry, and suggested that such tests be conducted to satisfy country of destination requirements only.

Following considerations of comments received which relate to the negative testing requirement proposed for: anaplasmosis in cattle, § 91.5(a)(3); leptospirosis in cattle, § 91.5(a)(4); bluetongue in sheep and goats, § 91.5(b)(1)(i); *Brucella Ovis* in sheep and goats, § 91.5(b)(1)(ii); transmissable gastroenteritis in swine, § 91.5(c); tuberculosis in swine, § 91.5(c)(2); and equine infectious anemia and equine piroplasmosis in § 91.5(d); and in view of the wide variation in country of destination entry requirements for each species, it was determined that testing requirements proposed for the diseases specified in these sections should be deleted.

The proposed requirements in § 91.5(b)(1)(iii) which relates to the testing of goats for tuberculosis and brucellosis have been separated and renumbered—(i) Tuberculosis—to require all goats over one month of age to be tested negative for tuberculosis, and (ii) Brucellosis—to require all dairy and breed-

ing goats only to be tested negative for brucellosis.

The published proposal referred to laboratories which were to be specifically approved to perform tests in accordance with the requirements of Part 91. However, the Animal and Plant Health Inspection Service has decided not to require that testing be done in specifically approved laboratories, but tests for brucellosis must be conducted in accordance with the Uniform Methods and Rules. Such provisions are adequate to govern the testing of the animals for brucellosis.

Further, the published proposal provided that any treatment of cattle and testing of swine required by the country of destination, in addition to treatment or tests required by this country, would be performed on a reimbursable basis by Veterinary Services or an accredited veterinarian under the provisions in Part 156 of this Chapter. At the time when the published proposal was drafted, it was anticipated by the Department that Part 156 would be amended to include voluntary inspection and certification of animals and animal products. However, Part 156 has not been amended to include animals and, therefore, all reference sto Part 156 have been deleted in the revision of this Part. No voluntary services will be provided by this Department for any tests, certifications, or other requirements of foreign countries not otherwise required by these regulations.

The definition of origin health certificate has been expanded to conform with the standard definition of a certificate which is contained in Part 78 of the regulations. The revised definition more fully and completely sets forth the information which such certificate should contain.

Various other nonsubstantive changes have been made for purposes of clarifying and updating the revision of this part.

After due consideration of all relevant information available to the Department, including that submitted in connection with such notice, Part 91, Title 9, Code of Federal Regulations, is revised to read:

Sec.
91.1 Definitions.
91.2 Animals to be handled in compliance with regulations.
91.3 Ports of embarkation and export inspection facilities.
91.4 General export requirements.
91.5 Specific export requirements.
91.6 Inspection of animals for export.
91.7 Certification of animals for export.
91.8 Accommodations for humane treatment of animals on ocean vessels.
91.9 Space requirements for animals on ocean vessels.
91.10 Inspection of ocean vessels prior to loading.
91.11 General construction.
91.12 Protection from heat of boilers and engines.
91.13 Ventilation.
91.14 Attendants.
91.15 Alleyways.
91.16 Loading ramps and doors.
91.17 Defective fittings.
91.18 Concrete flooring.
91.19 Troughs and hayracks.
91.20 Hatches.
91.21 Stanchions and rails.
91.22 Gate hardware.
91.23 Upper deck fittings.
91.24 Wooden stanchions.
91.25 Beams.
91.26 Roofs.
91.27 Wooden flooring.
91.28 Wooden footlocks.
91.29 Outside planking.
91.30 Breast, front, and foot boards.
91.31 Rump boards.
91.32 Division boards.
91.33 Cleaning and disinfection of transport carriers for export.

AUTHORITY: 21 U.S.C. 105, 112, 113, 114a, 120, 121, 134b, 134f, 612, 613, 614, 618; 45 U.S.C. 466a, 466b.

§ 91.1 Definitions.

Whenever in the regulations in this part the following terms are used, they shall be construed as follows:

(a) *Department.* The United States Department of Agriculture.

(b) *Veterinary Services.* Veterinary Services, Animal and Plant Health Inspection Service of the Department.

(c) *Deputy Administrator.* The Deputy Administrator, Veterinary Services, or any other official of Veterinary Services to whom authority has heretofore been delegated or may hereafter be delegated to act in his stead.

(d) *Inspector.* An inspector of Veterinary Services.

(e) *Animals.* Horses, cattle (including American bison), sheep, swine, and goats.

(f) *Horses.* Horses, mules, and asses.

(g) *Roofing paper.* Any saturated roofing paper of a grade known to the trade as 30-pound roofing paper.

(h) *Official brucellosis vaccinate.* A female bovine animal vaccinated against brucellosis in accordance with the provisions prescribed in the Recommended Brucellosis Eradication Uniform Methods and Rules,[1] Chapter 1, part I–H, I, and J. The provisions of the Uniform Methods and Rules are hereby incorporated by reference.[1]

(i) *Accredited veterinarian.* An accredited veterinarian as defined in Part 160 of this chapter.

(j) *Premises of origin.* The farm or other premises where the animals intended for export are being raised or assembled, or both, immediately before movement for export.

(k) *State of origin.* The State in which the premises of origin is located.

[1] Incorporation by reference provisions approved by the Director, Office of the Federal Register, on February 22, 1977. Copies of the January 1975 Recommended Brucellosis Eradication Uniform Methods and Rules (APHIS 91–1) which were also incorporated by reference in the revision of 9 CFR Part 78, published on April 22, 1975 (40 FR 17816–17822), are available upon request from Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, Federal Building, Hyattsville, Maryland 20782. A copy of the Uniform Methods and Rules is on file in the Office of the Federal Register library.

(l) *Origin health certificate.* An official document issued by a Veterinary Services representative or an accredited veterinarian at the point of origin of a shipment of animals to be moved under this part, which shows the identification tag, tattoo, or registration number or similar identification of each animal to be moved, the number, breed, sex, and approximate age of the animals covered by the document, the date and place of issuance, the points of origin and destination, the consignor, and the consignee, and which states that the animal or animals identified on the certificate meet the export health requirements.

§ 91.2 Animals to be handled in compliance with regulations.

No animals covered by the regulations in this part shall be exported to a foreign country except in compliance with the provisions in this part.

§ 91.3 Ports of embarkation and export inspection facilities.

(a) The following ports which have export inspection facilities which satisfy the requirements of paragraph (c) of this section are hereby designated as ports of embarkation. All animals shall be exported through said ports or through ports designated in special cases under paragraph (b) of this section:

(1) *Airports.* (i) Chicago, Illinois; Harrisburg, Pennsylvania; Helena, Montana; Richmond, Virginia; Miami, Tampa, and St. Petersburg, Florida; New Iberia, Louisiana; Brownsville and Houston, Texas; San Francisco, California; Moses Lake, Washington; and Newburgh, New York.

(ii) Cincinnati, Ohio; New York, New York; and San Juan, Puerto Rico: Facilities are available only for certain species of animals.[2]

(2) *Ocean ports.* (i) Richmond, Virginia; Miami and Tampa, Florida; Brownsville and Houston, Texas; and San Francisco, California.

(ii) New York, New York, and San Juan, Puerto Rico: Facilities are available only for certain species of animals.[2]

(3) *Mexican border ports.* Brownsville, Hidalgo, Laredo, Eagle Pass, Del Rio, and El Paso, Texas; Douglas and Nogales, Arizona; and Calexico and San Ysidro, California.

(4) *Canadian border ports.* All ports along the United States-Canadian land border at which the Health of Animals Branch of the Canadian Department of Agriculture maintains veterinary inspection service.[3]

(b) In special cases, other ports or inspection facilities may be designated by the Deputy Administrator, with the concurrence of the Bureau of Customs. Such ports or inspection facilities shall

[2] Further information may be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, Hyattsville, Maryland 20782.

[3] Further information may be obtained from the Veterinary Director General, Health of Animals Branch, Department of Agriculture, Ottawa, Ontario, Canada.

be designated only if the inspection facilities are approved as meeting the requirements of paragraph (c) of this section.

(c) *Standards for export inspection facilities.* Inspection facilities located at ports of embarkation designated under paragraph (a) of this section, and inspection facilities designated in special cases under paragraph (b) of this section, shall meet the following requirements:

(1) *Materials.* Floors of pens, alleys, and chutes shall be made of impervious materials and finished so as to be skid-resistant. Impervious floors are those constructed of a material that resists the absorption of fluids. Such materials include concrete, asphalt, brick, metal, or other synthetic material that may be cleaned and disinfected. Fences, gates, and other parts of the facility shall be constructed of wood, metal, or other material that will securely restrain the animals in a safe and humane manner.

(2) *Size.* The facility shall be large enough to accommodate all the animals in a single export shipment at one time. A minimum space twice the rate required per animal in § 91.9(b) shall be provided for each animal.

(3) *Inspection implements.* A squeeze chute or similar restraining device and a crowding pen or pens shall be available for individual animal inspection and identification. The facility shall have a roof over at least three-fourths of the pens and alleys in order to protect the animals from inclement weather. Pens or yards shall be provided for appropriate segregation, treatment, or both, of animals of questionable health status apart from animals qualified for exportation under this Part.

(4) *Cleaning and disinfection.* The facility and equipment shall be cleaned and disinfected with a disinfectant permitted under § 71.10 of this chapter under the supervision of a Federal inspector prior to entry of each export shipment into the export inspection facility. Personnel tending the animals shall, if they come in contact with animals outside of the facility, be required to change or sanitize their outer clothing and footwear.

(5) *Feed and water.* An ample supply of potable water shall be made available to the animals intended for export, and in cold weather such water shall be kept free of ice. Feed and feeding facilities appropriate for the animals intended for export shall be provided.

(6) *Access; approval of arrangements.* Access to all parts of the facility shall be allowed to a Veterinary Services inspector at all times, day or night, and the arrangement for handling the animals shall be subject to the approval of the inspector. Approval shall be granted by the inspector if he finds that such arrangements will not permit the dissemination of communicable diseases of livestock to the animals in the export shipment.

(7) *Testing and treatment.* Testing and treatment of animals in export inspection facilities shall be performed by an accredited Veterinarian under the supervision of a Veterinary Services veterinarian. Tests related to Veterinary Services animal disease programs shall be performed in accordance with the Recommended Brucellosis Eradication Uniform Methods and Rules.[1]

(8) *Location.* The arrangement and location of the facilities shall provide for the isolation of all animals in the facility from contact with any other animals. Isolation of separate export shipments in the facility shall be at the discretion of the Veterinary Services inspector.

(9) *Disposal of animal wastes.* The application for approval of an export inspection facility shall be accompanied by a certification from the authorities having jurisdiction over environmental affairs in the locality of the facility stating that the facility complies with the applicable State and local regulations or ordinances and the requirements, if any, of the United States Environmental Protection Agency, regarding disposal of animal wastes.

(10) *Lighting.* The facility shall be equipped with artificial lighting to provide not less than 70 foot candle power in the inspection area and not less than 40 foot candle power in the remainder of the facility.

(11) *Office and rest room.* A suitable office and adequate rest room facilities shall be provided at the export inspection facility site for use of the inspectors.

(d) *Approval and denial, revocation, or suspension of approval.* Approval of each export inspection facility for designation under paragraph (a) of this section and in special cases under paragraph (b) of this section, shall be obtained from the Deputy Administrator. Approval of an export inspection facility under paragraph (a) or (b) will be denied or revoked for failure to meet the standards in paragraph (c) of this section. A written notice at least 60 days prior to the date of any proposed revocation and a written notice of any proposed denial shall be given to the operator of the facility and he will be given an opportunity to present his views thereon. Such notice shall list in detail the deficiencies concerned. Pending a final determination, approval of any facility may be denied or suspended by the Deputy Administrator when he has reason to believe that the facility does not meet such standards. Approval of a port of embarkation in connection with the designation of an export inspection facility in a special case shall be limited to the special case for which the designation was made.

§ 91.4 General export requirements.

(a) All animals intended for exportation to a foreign country shall be accompanied from the State of origin of the export movement to the port of embarkation by an origin health certificate certifying that the animals were inspected within the 30 days prior to the date of the movement of the animals for export, and were found to be sound, healthy, and free from evidence of communicable disease and exposure thereto. Such certificates shall be endorsed by an authorized Veterinary Services veterinarian in the State of origin. The certificates shall individually identify the animals in the shipment as to species, breed, sex, and age, and if applicable, shall also show registration name and number, tattoo markings, or other natural or acquired markings.

(b) *Inspection.* All animals in each export shipment shall have been inspected, tested, or treated in the manner prescribed in this Part prior to the movement of the export shipment to the export inspection facility, except that the Deputy Administrator may, upon request of the appropriate animal health official of the country of destination, waive the tuberculosis and brucellosis tests referred to in §§ 91.5(a) (1) and (2), 91.5(b)(5), and § 91.5(c) of this Part when he finds such tests are not necessary to prevent the exportation of diseased livestock from the United States.

(c) *Testing.* All samples for tests required by § 915 for exportation of animals under this section shall be taken by an inspector or an accredited veterinarian in the State of origin of the export movement. Such samples shall be taken and tests made within the 30 days prior to the date of movement of the animals for export from the premises of origin, except that the Deputy Administrator may permit such sampling or tests to be made more than 30 days prior to the date of export, if required by the receiving country and the tuberculin test may be conducted within the 90 days prior to the date of the movement of the animals for export. The test for brucellosis shall be conducted in accordance with the Recommended Brucellosis Eradication Uniform Methods and Rules.[1]

(d) *Movement in cleaned and disinfected carriers or containers.* The origin health certificate accompanying livestock from the premises of origin to the port of embarkation shall be accompanied by a statement from the issuing accredited veterinarian or inspector that the means of conveyance or container has been cleaned and disinfected since last used for animals with a disinfectant approved under § 71.10 of this Chapter, prior to loading, or that the carrier or container has not previously been used in transporting livestock.

(e) *Clean and disinfected facilities required for feeding, watering, and/or rest stops.* Animals unloaded en route to the port of embarkation for feed, water, and/or rest, shall be unloaded only into a facility which shall have been cleaned and disinfected with a disinfectant approved under § 71.10 of this Chapter, under the supervision of an inspector or an accredited veterinarian prior to such unloading. A statement certifying to such action shall be attached to the origin health certificate by the supervising inspector or accredited veterinarian.

§ 91.5 Specific export requirements.

(a) *Cattle.* In order to be eligible for export, cattle shall be tested with results as specified in this section, and the origin health certificate shall specify the type of tests conducted, the dates of the tests, and the results of the tests.

See footnote 1 on page 28992.

(1) *Tuberculosis.* All cattle over one month of age shall be negative to a caudal intradermal tuberculin test using 0.1 ml. of tuberculin with a reading obtained 72 hours (plus or minus six hours) after injection as prescribed in Veterinary Services Memorandum 552.15 "Instructions and Procedures for Conducting Tuberculin Tests in Cattle," section VIII A.[4]

(2) *Brucellosis.* All cattle over six months of age shall be negative to a test for brucellosis conducted as prescribed in "Standard Agglutination Test Procedures for the Diagnosis of Brucellosis"[4] or "Supplemental Test Procedures for the Diagnosis of Brucellosis";[4] except, that such tests are not required for official vaccinates of dairy breeds under 20 months of age and official vaccinates of beef breeds under 24 months of age.

(3) *Treatment for ectoparasites.* All cattle, except those found free of ectoparasites or those intended for exportation for slaughter purposes to any foreign country shall be treated for ectoparasites within 30 days preceding the date of export. Such treatment shall be made using a pesticide registered by the Environmental Protection Agency for use in treating animals infested with the ectoparasite involved in accordance with the label requirements. Treatment shall be personally supervised and certified on the origin health certificate by an accredited veterinarian who shall be ready to apply an antidote if adverse side effects occur following treatment.

(b) *Sheep and goats.* (1) In order to be eligible for export, sheep and goats shall be tested with results as specified in this section, and the origin health certificate for such animals shall specify the type of test conducted, the date of the tests, and the results of the tests.

(i) *Tuberculosis.* All goats over 1 month of age shall be negative to a caudal intradermal tuberculin test using 0.1 ml. of tuberculin with a reading obtained 72 hours (plus or minus 6 hours) after injection as prescribed in Veterinary Services Memorandum 552.15.

(ii) *Brucellosis.* Dairy and breeding goats shall be negative to a plate or tube agglutination test for brucellosis as prescribed in "Standard Agglutination Test Procedures for the Diagnosis of Brucellosis."[4]

(2) No sheep or goat shall be exported if it is affected with or exposed to scrapie, or originated from, or has been on, any premises which then were infected or source flock premises,[5] or if it is the progeny, sire or dam, or a full or half brother or sister of any animal found to be affected with scrapie, or was moved from premises located in an area quarantined for scrapie.

(3) Sheep and goats exported for immediate slaughter need not comply with the requirements of paragraphs (1) and (2).

(4) All sheep and goats intended for export shall be identified by eartags or tattoos approved by the Deputy Administrator,[6] except that sheep or goats for export to Canada or Mexico for immediate slaughter may be identified by flock brands.

(c) *Swine.* No swine shall be exported if they were fed garbage at any time. The swine shall be accompanied by a certification from the owner stating that they were not fed garbage, and that any additions to the herd made within the 30 days immediately preceding the export shipment, have been maintained isolated from the swine to be exported. All breeding swine shall be tested for and show negative test results to brucellosis by a test prescribed in "Standard Agglutination Test Procedures for the Diagnosis of Brucellosis"[4] or "Supplemental Test Procedures for the Diagnosis of Brucellosis".[4] The test results shall be classified negative in accordance with the provisions prescribed in the Recommended Brucellosis Eradication Uniform Methods and Rules, Chapter 2, Part II, G, 1, 2, and 3.[1]

§ 91.6 Inspection of animals for export.

(a) Except as provided in paragraph (d), all animals offered for exportation to any foreign country, shall be inspected by a Veterinary Services veterinarian at an export inspection facility at a port designated in § 91.3(a), or at a port or inspection facility designated by the Deputy Administrator in a special case under § 91.3(b).

(b) Such animals shall be held for a period of not less than 5 hours at the port of embarkation or export inspection facility during which time the animals shall be given a careful visual health inspection. Sorting, grouping, identification, or other handling of the animals by the exporter may be made before or after this period of time. If individual clinical inspection of an animal is deemed necessary by a Veterinary Services veterinarian for the purpose of determining its health status, such inspection may be made during this period of time or thereafter.

(c) *Feed and water.* All animals shall be allowed a period of at least 5 hours for rest at the export inspection facility, with adequate feed and water available, before movement to an ocean vessel or aircraft for loading for export. (This may be the same period required by paragraph (b) for health inspection.) However, feed and water will not be required if the animals were transported to the export inspection facility in a carrier in which adequate feed and water were provided and if sufficient evidence is presented to a Veterinary Services veterinarian that the animals, if under 30 days of age, will arrive in the country of destination within 24 hours after they were last fed and watered, in the United States, or in the case of other animals, within 36 hours after they were last fed and watered in the United States.

(d) The requirements in paragraphs (a) and (b) of this section shall not apply in the case of animals offered for exportation to Canada through ports along the United States-Canada land border designated in § 91.3(a)(4) or for exportation to Mexico through ports along the United States-Mexico land border designated in § 91.3(a)(3) if the animals are accompanied by an origin health certificate issued and endorsed in accordance with the requirements of § 91.4(a).

§ 91.7 Certification of animals for export.

If, upon inspection by a Veterinary Services veterinarian at the export inspection facility, the animals offered for export are found to be sound, healthy, and free from evidence of communicable disease or exposure thereto, an export certificate, VS Form 17-37, shall be issued by said Veterinary Services veterinarian and shall contain a statement to that effect.

§ 91.8 Accommodations for humane treatment of animals on ocean vessels.

(a) The owner or operator of an ocean vessel carrying animals from the United States to a foreign country shall provide, for such animals, feed and water, space, ventilation, fittings, and other facilities aboard the carrier as set forth in this Part. For animals embarked for a voyage which will be of more than 36 hours duration, there shall be provided to the satisfaction of the inspector sufficient amounts of suitable feed and fresh water, and proper accommodations shall be provided on board for storage and distribution of the water and feed. The feed shall not be exposed to the weather at sea. However, such feed and water shall not be required if it is determined by the Veterinary Services veterinarian that the animals, if under 30 days of age will arrive in the country of destination within 24 hours after they were last fed and watered in the United States, or, in the case of other animals, within 36 hours after they were last fed and watered in the United States.

(b) Owners, masters, or operators of such vessels shall not accept for transportation any animal that in the judgment of the Veterinary Services veterinarian is in an unfit condition to withstand the rigors of such transportation. Further, no animal intended for export shall be placed aboard any ocean vessel, unless in the opinion of the inspector the loading arrangements, fittings, ventilation systems, and the arrangements provided by the vessel for their use reasonably assure arrival of a viable animal in the

[4] Copies of this publication may be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, Hyattsville, Maryland 20782.

[5] Infected premises are those on which an animal has been found to be infected with scrapie. Source flock premises are those from which an affected animal was moved within 18 months or less prior to showing signs of scrapie.

See footnote 1 on page 28992.

[6] Information concerning eartags or tattoos approved by the Deputy Administrator may be obtained, upon request, from the Deputy Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, Hyattsville, Maryland 20782.

country of destination. Halters, ropes, or other suitable equipment provided for the handling and tying of horses shall be found to be satisfactory by the Veterinary Services veterinarian to assure humane treatment of the animals.

§ 91.9 Space requirements for animals on ocean vessels.

(a) *General requirements.* A general space requirement for any individual animal in stalls or crates on ocean vessels shall be six inches more in height, depth, and width than the measurements of the animal concerned. The number of animals in each stall, pen or other container, the cubic inches of air available for each animal, and the ventilation capability of the transporting carrier are other criteria used to determine final space requirements for each animal. Guidelines of space requirements for storage of animals in pens are listed in paragraphs (b) and (c) of this section. Final determination of space needed and manner of loading of animals for export shipment will be made by the inspector or the Veterinary Services veterinarian at the port of embarkation, based upon the size and type of animals presented, weather, destination, route, and means of transportation employed for the export shipment.

(b) *Space guidelines:*

Animal weight pounds:	*Space in square feet allowed per animal—*
100	4.0
150	5.0
200	6.0
250	6.9
300	7.9
350	8.9
400	9.9
450	10.9
500	11.8
550	12.5
600	13.2
650	13.9
700	14.6
750	15.3
800	15.9
850	16.6
900	17.3
950	17.8
1,000	18.4
1,050	18.9
1,100	19.4
1,150	19.9
1,200	20.4
1,250	21.0
1,300	21.5
1,350	22.0
1,400	22.7
1,450	23.3
1,500	24.0
1,550	24.6
1,600	25.3
1,650	25.9
1,700	26.6
1,750	27.2
1,800	27.8

(c) *Space guidelines for containers.* Containers used aboard containerized ocean vessels measure 8 feet in width outside but vary from 7 feet 3 inches to 7 feet 9 inches in width inside and from 17 feet to 40 feet in length. For such containers the space requirements and minimum pen widths shown in the following charts shall be used whenever the length of the animal exceeds the width of the container. For ready measurement of dairy cattle only, the distance from the withers to the pin bone multiplied by 1.65 gives the approximate total length. Length of other cattle and large animals will require measurement of their total length. Other animals larger than those shown in the following charts shall be stowed subject to the approval of the inspector or the Veterinary Services veterinarian at the port of embarkation. Maximum inside length of container pens shall be 12 feet 9 inches.

Weight	Square feet per head	3 head		4 head	
		Square feet	Width	Square feet	Width
Containers 7'9" in Width					
800	18.5	----------	----------	74.0	9'7"
850	19.5	----------	----------	78.0	10'1"
900	20.4	61.2	7'11"	81.6	10'6"
950	21.4	64.2	8'4"	85.6	11'1"
1,000	22.4	67.5	8'9"	90.6	11'7"
1,050	23.4	70.2	9'1"	93.6	12'1"
1,100	24.5	73.5	9'6"	98.0	12'8"
1,150	25.5	76.2	9'10"	----------	----------
1,200	26.5	79.5	10'3"	----------	----------
1,250	27.4	82.2	10'6"	----------	----------
1,300	28.4	85.2	11'0"	----------	----------
1,350	29.6	88.8	11'6"	----------	----------
1,400	30.8	92.4	12'0"	----------	----------
1,450	31.9	95.7	12'4"	----------	----------
1,500	32.9	98.7	12'9"	----------	----------
Containers 7'3" in Width					
700	16.3	----------	----------	65.2	9'0"
750	17.5	52.2	7'3"	70.0	9'8"
800	18.9	56.7	7'9"	75.6	10'5"
850	20.1	60.3	8'3"	80.4	11'1"
900	21.3	63.9	8'9"	85.2	11'9"
950	22.3	66.9	9'2"	89.2	12'4"
1,000	23.7	71.1	9'8"	----------	----------
1,050	24.8	74.1	10'1"	----------	----------
1,100	26.0	78.6	10'9"	----------	----------
1,150	27.1	81.3	11'3"	----------	----------
1,200	28.4	85.5	11'10"	----------	----------
1,250	29.6	88.8	12'3"	----------	----------
1,300	30.9	92.7	12'9"	----------	----------

(d) *Special requirements.* If an animal to be loaded on an ocean vessel is in the third trimester of pregnancy or the route of the carrier will be into or through a tropical area,[1] the space required for each animal shall be increased by 10 percent. If the animal to be exported is in the third trimester of pregnancy and the route of the vessel will be into or through such area, the space required for such animal shall be increased by 20 percent. (See also paragraph (g)). In addition, hospital pens measuring not less than 3 feet by 8 feet for each animal shall be provided at the rate of 3 such pens for each 100 head loaded, except as provided for horses in paragraph (e) of this section.

(e) *Size of stalls or pens for horses on ocean vessels.* Space for horses in pens on ocean vessels shall not be less than 6 feet 6 inches from roof or beams overhead to floor underfoot. Space containing up to 120 square feet may be used for stowage of horses and shall be at least 8 feet but not more than 9 feet in width (thwartship) except that upon approval of the inspector or the Veterinary Services veterinarian at the port of embarkation, pens 7 feet wide may be allowed for medium-sized horses. Single stalls shall be not less than 2½ feet wide. Mares in foal shall be shipped only in separate stalls which shall be not less than 8 feet long by 3 feet wide and for mares due to foal en route and for stallions, stalls shall not be less than 8 feet long by 5 feet wide and shall be readily accessible to ship personnel. Extra stalls suitably located shall be provided in each compartment or on decks where horses are carried so that adequate hospital space can be made available for any horses that become sick or disabled aboard ship. The number of such stalls shall be as follows: One for the first 4 to 10 horses shipped, another for any number in excess of 10 up to and including 25, and still another for each additional 25 horses or fraction thereof.

(f) (1) Except as provided in paragraph (c) of this section, space in pens on ocean vessels for cattle weighing 1000 pounds or more shall be no less than 8 feet nor more than 9 feet in width and 6 feet 3 inches from roof or beams overhead to flooring underfoot, except that when floors are raised over pipes and similar obstructions, a height of not less than 6 feet may be permitted at the discretion of the inspector. Pens for cattle shall not exceed 120 square feet. When any such pen includes stanchions, sounding tubes, ventilators, and other obstructions, 20 percent more space for each animal shall be required.

(2) Single stalls in ocean vessels for cattle weighing 1000 pounds or more shall be not less than 8 feet in length by 3 feet in width.

(3) Calves and yearlings may be stowed in pens or stalls at the discretion of the inspector or the Veterinary Services veterinarian at the port of embarkation.

[1] The area situated between the Tropic of Cancer and the Tropic of Capricorn.

(g) *Space for sheep, goats, and swine on ocean vessels.* Space for sheep, goats, and swine on ocean vessels shall not be less than 3 feet in height and the length and width of pens shall not exceed 15 x 8 feet. An increase of 50 percent square footage shall be required for animals in the third trimester of pregnancy, notwithstanding other provisions in paragraph (d).

§ 91.10 Inspection of ocean vessels prior to loading.

It shall be the responsibility of the owners or the masters of an ocean vessel intended for use in exporting livestock to present the vessel to an inspector of Veterinary Services at a United States port of embarkation or at the discretion of the Deputy Administrator, upon request of the exporter, transporting company, or their agent, at a foreign port, for an inspection to determine if the fittings aboard the vessel are in compliance with the provisions of this Part. A notarized statement from an engineering concern shall be required to certify to the rate of air exchange in each compartment. Such notarized statement shall be required upon first use of such vessel; *Provided*, That such notarized statement may again be required by the Deputy Administrator if substantive changes in fittings aboard the vessel have been made since the vessel was last certified.

§ 91.11 General construction.

A variety of construction materials such as wood, metal plate, or pipe may be used for stalls, crates, or pens aboard ocean vessels. Pipe fittings have the advantage of smooth surfaces, easy maintenance, long range economy and spaces between pipe rails to allow for feeding, watering, cleaning and better ventilation. Material used for stalls, crates, or pens shall be properly formed, closely fitted, and rigidly secured in place. Special care shall be taken to design and finish all edges, welds, and hardware that are accessible to animals. A combination of wood and steel pipe or other steel profile construction may be accepted if the construction complies with the regulations in this Part. Where the sides of pens are adjacent to the ship's sides which have steel casing, frames, stays or similar fittings, the carrier shall cover these profiles with wooden battens of at least 2 inch think lumber or plywood of similar strength to prevent animals from injury.

§ 91.12 Protection from heat of boilers and engines.

No animals shall be stowed along the alleyways leading to the engine or boiler rooms unless the sides of said engine or boiler rooms are covered by a tongue and groove tight sheathing producing a 3 inch wide air space, except that on ships powered with internal combustion engines this sheathing may not be required at the discretion of the inspector.

§ 91.13 Ventilation.

Each underdeck compartment on which animals are being transported aboard an ocean vessel shall be equipped with a system of mechanical ventilation that will furnish a complete change of air in each compartment every 2 minutes when deck height[*] is less than 8 feet and every 2½ minutes when the deck height[*] exceeds 8 feet. Spare motors and fans shall be available on board, for replacement or repair of the ventilation system during the voyage. A spare motor and fan of an approved type in working order shall be aboard the vessel for each type of motor or fan used. Net pen space in any compartment shall not exceed 80 percent of the deck area.

§ 91.14 Attendants.

It shall be the responsibility of the captain of the ocean vessel to carry at least three men on board the vessel who are experienced in the handling of the kind/kinds of livestock to be carried, and a sufficient number of attendants, satisfactory to the inspector or the Veterinary Services' veterinarian at the port embarkation to insure proper care of the animals.

§ 91.15 Alleyways.

Alleyways running fore and aft on the ocean vessel that are used for feeding, watering, and loading animals, including horses in box stalls, shall have a minimum width of 3 feet. However, for a distance not to exceed 8 feet at the end of alleyways in the bow and the stern of ship, and where obstructions of less than 3 feet in length occur, the width may be reduced to a minimum of 24 inches. A sufficient number of athwartship alleyways at least 24 inches in width shall be provided to afford ready access to scuppers and to ends of alleyways running fore and aft. However, on exposed decks where scuppers and the end of fore and aft alleyways are readily accessible, athwartship alleyways are not required and if the alleyways are to be used for feeding or watering livestock, but not for loading or unloading of livestock, such alleyways shall have a minimum width of 28 inches.

§ 91.16 Loading ramps and doors.

Ramps connecting one deck of a ship to another shall have a clear width of 3 feet and a clear height of not less than 6 feet 6 inches. The incline of the ramps shall not exceed 1:2 (26½°) between the ramps and the horizontal plane. The ramps shall be fitted with footlocks of approximately 2" x 2" lumber and spaced no more than one foot apart. The ramps shall have side fencing not less than 5 feet in height. Side doors in ship's shell plating through which livestock are to be loaded shall have a height of not less than 6 feet for cattle and 6 feet 6 inches for horses.

§ 91.17 Defective fittings.

If previously used fittings aboard an ocean vessel are employed, any portion thereof found by the inspector to be worn, decayed, unsound, or otherwise defective shall be replaced.

[*] Deck height is the height from the ceiling to the floor.

§ 91.18 Concrete flooring.

Pens aboard an ocean vessel shall have a 3 inch concrete pavement, proportioned and mixed to give 2000 psi. compressive strength in 28 days. The pavement shall have a broom or rough finish. Steel angle bars may be used for footlocks if they are mounted into the flooring in such a way that, at the same time, the bars serve as gutterways. The angle bars shall not be less than 2 inches by 2 inches and $\frac{3}{8}$ inches in thickness, and spaced on 12 inch centers running fore and aft on the vessel.

§ 91.19 Troughs and hayracks.

All stalls and pens aboard an ocean vessel shall be equipped with proper troughs for feeding and watering animals as provided in this section. Racks or nets furnished for feeding hay shall be of a type acceptable to the inspector. The feeding of hay to the animals on ocean vessels may be by means of dispensing the hay from racks or nets or by placing the hay on the floor of the pens in which the animals are confined.

(a) *Horses and cattle.* Troughs may be constructed of metal or wood and may be either removable or fixed. The space between the first footlock and the footboard may be utilized for feeding cattle, provided a 2" x 4" piece of lumber is affixed along the top surface of said footlock so that it, together with the footboard and the battens, will form an enclosure. If wooden troughs are used for feeding, an adequate supply of buckets or other metal containers shall be provided for the proper watering of the animals.

(b) *Sheep, goats, and swine.* Pens for these animals shall have feed troughs not less than 8 inches wide and shall be equipped with proper receptacles for watering. Pens for sheep and goats shall also have ample hayracks suitable for these animals.

§ 91.20 Hatches.

(a) Animals may be placed on hatches on exposed decks on an ocean vessel if the pens or stalls are securely lashed down.

(b) Animals may be placed on hatches on underdecks on an ocean vessel provided the height requirements of § 91.9 (e) and (f) are met and sufficient space shall be left clear on such hatches for passageway across ship.

(c) On all hatches on which animals are carried and under which hay and feed or animals are stowed, sufficient space shall be left clear for the proper removal and handling of such hay and feed and animal carcasses. Such hatches shall be watertight.

§ 91.21 Stanchions and rails.

(a) Pipes used for stanchions and rails for pens aboard an ocean vessel shall be made of zinc coated, galvanized, extra strong, medium carbon steel. Steel pipes or other steel profiles shall consist of not less than 4 pipes or profiles, the upper one to have a 3 inch diameter and the others a diameter of not less than 2½ inches. Stanchions shall not be of less than 3½ inches diameter; shall not be of

less than 5/16 inch thickness and shall not be placed more than 8 feet apart center to center.

(b) Threaded pipe connections shall not be used. All parts shall be cut from factory fabricated, seamless pipe.

(c) Bolt and pin holes shall not be drilled to more than 1/32 inch oversize. Holes shall be properly located and centered on pipe.

(d) Pipe shall not be deformed or weakened by welding such items as reinforcing rods or hinges thereto. Welding shall be used for such attachment to be exposed in the finished work. Pins, plates, and parts other than pipe shall be made of galvanized steel. All areas where galvanizing of the steel has eroded or has been damaged shall be finished with a rust preventative.

(e) Pipe rails shall be placed in proper alignment with tops of all gates at the same height.

§ 91.22 Gate hardware.

All gates of animal pens aboard an ocean vessel shall have smooth finished surfaces and the pivot-pins shall have a minimum diameter of 3/4 inch.

§ 91.23 Upper deck fittings.

Animals may be carried on upper decks of an ocean vessel in space abutting the outside rails or bulwarks only if such rails or bulwarks are 3 feet or more in height from the deck and are of sufficient strength to hold the necessary fittings securely or if the space available is sufficient to permit securing the required fittings to provide the necessary strength. When animals are carried on upper decks, bulkheads shall be erected at all unprotected ends of stalls.

§ 91.24 Wooden stanchions.

(a) *Cattle and horses.* Rail stanchions for pens aboard an ocean vessel for cattle or horses shall be constructed of not less that 4" x 6" lumber set 5 feet apart on centers secured to the ship's rail or bulwark with 5/8 inch or larger bolts or collars and with heels braced to the sheer streak or waterway. Inboard stanchions of 4" x 6" lumber shall be set in line with the rail stanchions and properly braced; *Provided, however,* That the method of securing and bracing of stanchions may be modified as approved by the underwriter of the cargo bureau, and the inspector. Information concerning the modifications shall be made available to Veterinary Services, at its request. On open rail ships, spaces between the rails shall be blocked out to permit the affixing of outside planking. If supplementary stanchions are required for rump boards, these shall not be less than 3" x 4" in size and shall be secured to beams and decks as outlined above. On upper deck fittings at ends of unprotected stalls, a stanchion not less than 3" x 4" in size shall be similarly spaced and secured to beams and decks and properly braced. Stanchions on underdecks shall be constructed, spaced, and secured in the same manner as upper deck fittings.

(b) *Sheep, goats, and swine.* Stanchions for single or double tier pens for sheep, goats, and swine shall be constructed of not less than 3" x 4" lumber set at no greater distance than 5 feet on centers and secured as outlined in paragraph (a).

§ 91.25 Beams.

For all animals, two beams of 2" x 6" lumber shall be bolted on each side of the stanchions using 5/8 inch bolts, nuts, and washers. Beams shall extend from outside planking to at least 2 feet beyond the line of the breast boards unless the beams butt on the ship's deck fittings. Two beams of 2" x 6" lumber shall be used to support the roof of single tier pens on exposed decks and the floor of double tier pens on all decks.

§ 91.26 Roofs.

All pens for carrying animals on exposed decks aboard an ocean vessel shall be roofed with not less than 1 inch thick, watertight lumber extending from outside planking to at least 2 feet beyond the line of breast boards; *Provided,* That, if tongue and grooved lumber is used, it must be caulked or covered so that it is watertight or if square edged lumber is used it shall be covered with a saturated roofing paper known to the trade as 30 pound roofing paper and shall be securely battened.

§ 91.27 Wooden flooring.

(a) *Horses and cattle.* Flooring shall be laid athwartship and secured by placing ends beneath the under side of foot and rump boards or under a 2" x 2" strip nailed along these boards. Floors may be either of two types, flush or raised. The flush type shall be constructed of not less than 1" thick lumber laid flat on the deck. The raised type shall be constructed of not less than 2" thick lumber nailed to scantlings of at least 2" x 3" dimensions laid 2 feet 6 inches apart. If desired, flooring may be laid in portable sections. Flooring will not be required on ships with wooden decks provided footlocks are secured to the decks. Cement or composite material diagonally scored one-half inch deep may be used on iron decks instead of wooden flooring if the footlocks are molded in the same and bolted to the deck.

(b) *Sheep, goats, and swine.* Flooring for sheep, goats and swine shall be the same as prescribed in this section for horses and cattle, except that the raised flooring need not be greater than 1 inch in thickness.

(c) *Drainage.* Provisions shall be made for drainage of urine and surface water from all parts of the vessel used for carriage of animals including sufficient scuppers. A walkway shall provide easy access to the scuppers.

§ 91.28 Wooden footlocks.

(a) *Horses and cattle.* In pens for horses or cattle, there shall be four footlocks of 1" x 4" lumber laid fore and aft with flat side down, and so placed as to provide in-between spaces of 12, 14, 26, and 14 inches, beginning at inside of the footboard. Additional footlocks shall be added at 14 inch intervals in pens having a depth of 9 feet or more. They shall be well secured with nails of a length that will permit 1 inch clinch in 1 inch flooring and 2 inch penetration in 2 inch flooring.

(b) *Sheep, goats, and swine.* Footlocks in pens for sheep, goats, and swine shall be of not less than 1" x 2" lumber, four to each pen, equally distributed and laid in the manner prescribed in paragraph (a) of this section for horses and cattle.

§ 91.29 Outside planking.

All pens for carrying animals on exposed decks shall be provided with outside planking of not less than 1 1/2 inch tongue and groove lumber, laid fore and aft of ship, driven tightly together and securely nailed to backs of stanchions in a manner to cover all open spaces properly; However, during warm weather the top course planking may be left off in order to allow a free circulation of air. On vessels with closed bulwarks, the outside planking shall extend not less than 6 inches below the upper edge of the bulwark.

§ 91.30 Breast, front, and foot boards.

(a) *Horses.* All stalls and pens for horses shall be equipped with breast boards of no less than 2" x 10" dressed lumber with the top edge placed 3 feet 10 inches from the floor and securely nailed to the stanchions. Where butting occurs, the joints are to be on the stanchions and shall be covered with metal plates 3 inches square or 5 inches in diameter and not less than 1/4 inch in thickness. A 5/8 inch bolt shall then be passed through the plate, joint, and stanchion and securely fastened with a nut. All breast boards shall have 1 inch holes bored through them at proper distances for tying animals. An occassional pen shall be provided with a removable breast board in order that animals may be loaded into and removed from the stalls and pens. All stalls and pens shall be provided with foot boards of not less than 2" x 10" lumber securely nailed or bolted to the stanchions. At the discretion of the inspector, small ponies, asses, small mules, mares with foal at foot, young unbroken horses or gentle horses of any size may be stowed loose in pens. In these cases, a sufficient number of finished 2" x 10" lumber shall be placed between the breast and foot boards to effectively contain the animals.

(b) *Cattle.* All stalls and pens for cattle shall be provided with boards as required for horses in paragraph (a), except that the front or breast boards shall be constructed in sets of three or more boards of 2" x 10" dressed lumber separated by 3 inch spacers and placed on the foot board so that the front of the pen extends 48 inches or more in height from the floor. One or more of the breast boards may be left off if feed or water troughs are to be mounted externally.

(c) *Sheep, goats, and swine.* Front boards in pens for sheep, goats and swine shall be of not less than 1" x 6" pieces of lumber approximately spaced and extending to the proper height for these species of animals. Provision shall be made for removing a section of front boards to allow entry of animals into

pens or removal therefrom and for feeding or watering.

§ 91.31 Rump boards.

(a) *Horses and cattle.* Rump boards in pens for horses or cattle shall form a solid wall at least 4 feet high for cattle and 4 feet 6 inches high for horses and shall be of lumber not less than 1½ inches thick if tongued and grooved or 2 inches thick if square edged or of plywood of the same strength. Where the deck is clear of obstructions, rump boards may be set on the inside of the rail stanchions. When this is not possible, sections so affected may be brought forward to clear such obstructions and shall be fastened by stanchions provided for this purpose. On lower decks, where the ship's construction so justifies, rump boards may be affixed to 2" x 6" wooden pieces set the same as prescribed for stanchions. Rump boards may be formed by filling spaces between cargo battens. Rump boards in stalls or pens built alongside hatches need be carried down only to the coaming line.

(b) *Sheep, goats, and swine.* Pens for sheep, goats, and swine on all exposed decks shall be provided with rump boards of the specified size built to a height of 2 feet 6 inches.

§ 91.32 Division boards.

(a) *Horses and cattle.* Division boards in pens for horses and cattle shall be used to separate all stalls and pens and to close the sides thereof at the ends of rows. They shall be used in sets of four boards of 2" x 10" dressed lumber separated by 3 inch spacers, shall extend from the rump boards to the inboard stanchions, and shall be fitted into appropriate channels or slots at both ends in a manner that will permit their ready removal.

(b) *Sheep, goats, and swine.* Division boards and those forming ends of pens for sheep, goats, and swine shall be the same as prescribed for rump boards for these animals in § 91.31.

§ 91.33 Cleaning and disinfection of transport carriers for export.

All fittings, utensils and equipment, unless new, to be used in the loading, stowing, or other handling of animals aboard surface vessels under the provisions of this Part, shall first be cleaned and disinfected under the supervision of an inspector before being used for, or in connection with, the transportation of animals from any United States port. Such disinfection of halters, ropes, and similar equipment used in handling and tying of animals shall be by immersion in an approved disinfectant. When the surface vessel has last been used to carry livestock to or from a foot-and-mouth disease infected country, the approved disinfectant shall be a freshly prepared solution of:

(a) Sodium carbonate (4 percent) in the proportion of 1 pound to 3 gallons of water.

(b) Sodium carbonate (4 percent) plus sodium silicate (0.1 percent) in the proportion of 1 pound of sodium carbonate plus sodium silicate to 3 gallons of water, or

(c) Sodium hydroxide (Lye) prepared in a fresh solution in the proportion of not less than 1 pound avoirdupois of sodium hydroxide of not less than 95 percent purity to 6 gallons of water, or one 13½-ounce can to 5 gallons of water.*

For carriers returning from other foreign countries, the approved disinfectant shall be a disinfectant permitted for use under § 71.10, Part 71 of this chapter.

(Sec. 10, 26 Stat. 417; sec. 4, 23 Stat. 32, as amended; sec. 5, 23 Stat. 32, as amended; sec. 3, 23 Stat. 32, as amended; sec. 1, 32 Stat. 791, as amended; sec. 3, 76 Stat. 130; sec. 11, 76 Stat. 132; sec. 12, 34 Stat. 1263, as amended; sec. 13, 34 Stat. 1263, as amended; sec. 14, 34 Stat. 1263, as amended; sec. 18, 34 Stat. 1263, as amended; sec. 1, 26 Stat. 833, as amended; sec. 2, 26 Stat. 833, as amended (21 U.S.C. 105, 112, 113, 114a, 120, 121, 134b, 134f, 612, 613, 614, 618; 46 U.S.C. 466a, 466b); 37 FR 28464, 28477; 38 FR 19140.)

The revision of the regulations imposes certain restrictions necessary to prevent the dissemination of diseases. It does not appear that further public participation in this rulemaking proceeding would make additional relevant information available to the Department which would alter the decision in this matter.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon such good cause that further notice and other public participation with respect to the revision are impracticable and unnecessary.

Done at Washington, D.C., this 25th day of May, 1977.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

G. V. PEACOCK,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc.77-16003 Filed 6-6-77;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 379—TECHNICAL DATA

Limited Revision of General License GTDR

AGENCY: Office of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: This revision deletes the requirement that firms exporting technical data relating to certain off-shore drilling platforms under General License GTDR must obtain written assurances that importers will not ship, either directly or indirectly, the data or direct product thereof to Country Group Q, W, Y, or Z. This requirement is no longer necessary because the drilling platform, to which this technical data relates, may be exported without restriction to all destinations, except Country Groups S and Z.

EFFECTIVE DATE: June 1, 1977.

FOR FURTHER INFORMATION CONTACT:

John Shepard, Acting Director, Exporters' Service Staff, Office of Export Administration, Department of Commerce, Washington, D.C. 20230 (202-377-4811).

SUPPLEMENTARY INFORMATION: This revision affects technical data relating to "Off-shore drilling platforms (except fixed, non-floating types); and specially designed parts and components (ECC No. 735)." The revision effectively removes the restriction on the export of the foreign produced direct product (the drilling platforms, parts and components) of the U.S.-origin technical data. While export controls relative to this technical data and foreign produced direct products thereof, are under the jurisdiction of the Office of Export Administration, exports from the United States of the commodities themselves are controlled by the U.S. Maritime Administration ("MARAD"). Under MARAD regulations, any foreign country, other than a country in Country Groups S and Z, may contract for the construction and delivery of off-shore drilling platforms without further authorization from or reference to MARAD. Hence, the control of the export of foreign produced direct products by importers of this U.S.-origin technical data relative to the platforms is no longer necessary.

It should be noted that this revision removing the written assurance requirement does not alter the prohibition on the use of General License GTDR for the export of technical data to Country Group Q, W, or Y, except under the conditions set forth in § 379.4(b), nor the prohibition, contained in § 379.4(a), on the use of this License for the export of technical data to Country Group S or Z. Furthermore, this revision does not affect the prohibition contained in § 379.8, on the reexport of this technical data to destinations in Country Group Q, S, W, Y, or Z, except as provided in that section.

In addition to the deletion of subsection (e) of § 379.4(e)(1)(iii), that Section is modified by relettering the remaining commodities listed in that Section and adding the Commodity Control List numbers that appear after the description of each of the commodities the italicized digit in parentheses that indicates the specific entry on the Commodity Control List applicable to that commodity.

It has been determined that, because the revision announced herein merely conforms the technical data regulations

*Due to the extreme caustic nature of sodium hydroxide solution, precautionary measures such as the wearing of rubber gloves, boots, raincoat, and goggles should be observed. An acid solution such as vinegar shall be kept readily available in case any of the sodium hydroxide solution should come in contact with the body.

with the MARAD regulations covering the commodity to which such data relate, notice and public procedure thereon are not necessary. Also, because this action relieves a restriction no delay in effective date is necessary.

Accordingly, § 379.4(e)(1)(iii) of the Export Administration Regulations (15 CFR 379.4(e)(1)(iii) is revised to read as follows:

§ 379.4 General license GTDR; technical data under restriction.

* * * * *

(e) * * *

(1) * * *

(iii) Technical data relating to the following materials and equipment:

(a) Other artificial graphite, and electrodes, electrical carbons, and other products made thereof, whether or not coated or composited with other materials to improve its performance at elevated temperatures or to reduce its permeability to gases, having an apparent relative density of 1.70 or greater when compared to water at 60° F (15.5° C), and with a particle grain six of less than 0.001 inch (1 mil) (ECC Nos. 59(*11*), 66 (*6*), and 7299(*14*));

(b) Electric furnaces specially designed for the production or processing of vapor deposited (pyrolytic) graphite or doped graphites whether as standing bodies, coatings, linings or substrates (ECC No. 7299(7));

(c) Other gravity meters (gravimeters); and parts and accessories, n.e.c. (ECC No. 8619(*12*));

(d) Other transonic, supersonic, hypersonic and hypervelocity wind tunnels and devices; and parts and accessories, n.e.c. (ECC Nos. 71980(23), 7295(*46*)), 8618(*1*), and 8619(*10*));

(e) Watercraft of 65 feet and over in overall length, designed to include motors or engines of 600 horsepower or over and greater than 45 displacement tons;[1]

(f) Methyl methacrylate, cross-linked, hot stretched, clear, film, sheeting, or laminates (ECC No. 581(*11*));

(g) Doppler sonar navigation systems (ECC No. 7295(22));

(h) Aerial camera film, sensitized and unexposed, as follows: (a) having spectral sensitivities at wavelengths greater than 7,200 Angstroms or at wavelengths less than 2,000 Angstroms; or (b) having resolving powers (using a Test Object Contrast of 1,000:1) of 100 line pairs/mm or more or with a base thickness before coating of 0.004 inch or less (ECC Nos. 862(5) and (*5a*));

(i) Continuous tone aerial duplicating film, sensitized and unexposed, having resolving powers (using a Test-Object Contrast of 1,000:1) of 300 line pairs/mm or more (ECC No. 862 (*5b*));

(j) Instrumentation and/or recording film, sensitized and unexposed, having photo-recording sensitivities (as based on the reciprocal of the tungsten exposure in meter-candle-seconds at an exposure time of 0.0001 second) of 125 or more and a resolving power (using a Test-Object Contrast of 1,000:1) of 55 line pairs/mm or more and with a base thickness before coating of 0.004 inch or less and capable of being processed in solutions with alkalinities of pH 10 or above at temperatures greater than 85° F (ECC No. 862 (*5c*));

(k) Maraging steels containing all of the following: 12 percent or more nickel, more than 3 percent molybdenum, more than 5 percent cobalt, and less than 0.5 percent carbon (ECC Nos. 67(3) and 6)(*8*));

(l) Transformation Induced Plasticity (TRIP) steels or penta-alloy ausforming stainless steels of the following composition: 8 to 14 percent chromium, 6 to 10 percent nickel, 2 to 5 perecnt molybdenum, 1 to 3 percent silicon, 0.75 to 3 percent manganese, and 0.15 to 0.35 percent carbon (ECC Nos. 67(3) and 69 (*8*));

(m) Other high speed continuous writing, rotating drum cameras capable of recording at rates in excess of 2,000 frames per second; and parts and accessories, n.e.c. (ECC No. 86140(*8*));

(n) Other 16 mm high speed motion picture cameras capable of recording at rates in excess of 2,000 frames per second; and parts and accessories, n.e.c. (ECC No. 86150(*3*)); and

(o) Single crystal sapphire substrates (ECC No. 66 (*8a*)).

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.77-16057 Filed 6-6-77;8:45 am]

[1] This commodity is not listed on the Commodity Control List since it is under the export control jurisdiction of the U.S. Maritime Administration. However, technical data relating to this commodity is under the export control jurisdiction of the Office of Export Administration.

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-9786, AS-219; File No. S7-568A]

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS (ACCOUNTING SERIES RELEASES)

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

Valuation of Debt Instruments by Money Market Funds and Certain Other Open-End Investment Companies

AGENCY: Securities and Exchange Commission.

ACTION: Rule interpretation.

SUMMARY: The Commission has issued an interpretation of a rule adopted under the Investment Company Act of 1940 (the "Act") indicating, generally, that it shall be considered inappropriate under the provisions of the rule for "money market" funds and certain other open-end investment companies to determine the fair value of debt portfolio securities on an amortized cost basis, except in the case of securities with remaining maturities of 60 days or less. There has been considerable confusion and uncertainty as to the appropriate methods to be utilized by "money market" funding in valuing their portfolio securities. This interpretation should help insure that shares of such companies are sold and redeemed at prices reflecting the fair value of the underlying portfolio securities.

EFFECTIVE DATE: Immediately.

FOR FURTHER INFORMATION CONTACT:

Kenneth S. Gerstein, Esq., Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549, 202-755-0233.

SUPPLEMENTARY INFORMATION: On April 28, 1975, there was published for public comment notice of a position the Commission proposed to take regarding the standardization of procedures utilized by registered investment companies, including "money market" funds, for the valuation of short-term debt instruments in their portfolios (40 FR 18467).[1] The proposed valuation position would have suggested "marking to market" as the most appropriate method for valuing any short-term debt securities held by registered investment companies and would have expressed the belief that it would be desirable for such companies to discontinue the "amortized cost" method of valuation.[2]

Among the public comments received with respect to the proposed position on valuation of short-term debt instruments were those suggesting that: (1) the benefits of "marking to market" valuation were small compared to the attendant costs of such valuation method; (2) many "money market" fund shareholders desire a valuation method that would achieve a constant asset value; and (3) the Commission lacks the authority to preclude the use of amortized cost valuation. Other commentators suggested that only "money market" funds be required to "mark to market."

Nevertheless, after consideration and analysis of the comments received with respect to the proposal, the Commission, for the reasons discussed below, has issued this interpretation setting forth its views as to the appropriateness of certain methods utilized by "money market" funds and certain other registered open-end management investment companies to determine the fair value of debt securities in their portfolios. The interpre-

[1] Investment Company Act of 1940 Release No. 8757, April 15, 1975.

[2] Id. The release also indicated the Commission's tentative view that money market funds might be permitted to portray return by means of a quotation such as "yield to average life." In Investment Company Act Release No. 8816 (June 12, 1975) (40 FR 27492) notice was given of proposed guidelines with respect to standardizing money market fund yield quotations. Such guidelines would have permitted the use of "yield to average life" quotations. The Commission is still considering these matters.

tation that the Commission has issued differs in some respects from the proposed position and is discussed in detail below. The Commission expects companies to comply with this interpretation at the earliest possible date consistent with their obligations to avoid disruption of their operations, but in any event not later than November 30, 1977.

The Commission recognizes that, in the absence of the interpretation it has determined today to issue, there has been considerable confusion and uncertainty as to the appropriate methods to be utilized by "money market" funds in valuing their portfolio securities. This interpretation should help remove the uncertainty and further the objectives of enabling investors in such funds to: (1) Purchase and redeem their shares at prices appropriately reflecting the current value of fund portfolio securities; (2) be properly credited for any unrealized appreciation or depreciation in such portfolio securities; and (3) be provided with meaningful and comparable information with which to appraise investment returns and the current earning ability of "money market" funds.

Interpretation With Respect to Valuation of Debt Instruments By Money Market Funds and Certain Other Open-End Investment Companies. The Commission is aware that many investment companies, including some "money market" funds, value short-term debt instruments in their portfolios on an amortized cost basis. Under this method of valuation, investment companies initially value such instruments at their cost on the date of purchase and, if the instrument was purchased at a discount, thereafter assume a constant proportional increase in value until maturity.[3]

However, during the period a debt security is held, changes in the market rate of interest and other factors may affect the price at which that security could be sold. As a general principle, the longer the remaining maturity of an outstanding debt security, the more that price will be affected by such interest rate changes.

The Commission is concerned that the use of the amortized cost method in valuing portfolio securities of registered investment companies may result in overvaluation or undervaluation of the portfolios of such companies, relative to the value of the portfolios determined with reference to current market factors. In the case of registered open-end management investment companies ("mutual funds" or "funds"), this would mean investors purchasing or redeeming shares could pay or receive more or less than the actual value of their proportionate shares of the funds' current net assets. The effect of such sales or redemptions may therefore result in inappropriate dilution of the assets and returns of existing shareholders.[4]

Although inappropriate valuation of securities could cause these effects in various types of funds, the position taken herein is addressed specifically to the case of: (1) "Money market" funds, and (2) other open-end investment companies that hold a significant amount of debt securities, such that the use of the amortized cost method in valuing any portion or type of these debt securities could have a material impact on such funds' net asset values per share. Generally, the Commission would consider the use of a particular valuation method to have a material impact if the use of that method, as opposed to another method, might cause a change of at least one cent in a net asset value per share of $10.00.[5] The interpretation explained below will be applicable to both "money market" funds and these other open-end investment companies.[6]

Generally, "money market" funds are open-end investment companies which invest primarily in short-term debt instruments. They provide a vehicle to permit investors to take advantage of what at times may be the higher short-term interest rates earned on large investments. Through a pooling of money these funds enable the purchase of larger denomination instruments than could normally be bought by the individual small investor. These funds have also attracted investments from corporations, bank trust departments, and other institutional investors. Another characteristic of money market funds is the short-term investment perspective of many shareholders. Although the portfolio composition of "money market" funds is variable both in terms of the types of securities purchased and their maturities, the portfolios of such funds typically include U.S. government and government agency issues, certificates of deposit, banker's acceptances, and commercial paper.

Section 22(c) (15 U.S.C. 80a-22(c)) of the Act (15 U.S.C. 80a-1 et seq.), by reference to section 22(a) (15 U.S.C. 80a-22(a)) of the Act, authorizes the Commission to adopt rules prescribing, inter alia, methods for computing the minimum purchase price and maximum redemption price of redeemable securities issued by a registered investment company:

> * * * for the purpose of eliminating or reducing so far as reasonably practicable any dilution of the value of other outstanding securities of such company or any other result of * * * purchase, redemption, or sale which is unfair to holders of such other outstanding securities. * * *

Section 2(a)(41) (15 U.S.C. 80a-2(a)(41)) of the Act defines "value", as here relevant, to mean:

> (B) * * * (i) with respect to securities for which market quotations are readily available, the market value of such securities; and (ii) with respect to other securities and assets, fair value as determined in good faith by the [registered investment company's] board of directors * * *.

Rule 2a-4 (17 CFR 270.2a-4) promulgated under the Act provides, in part, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price, for the purposes of distribution and redemption, means:

> * * * an amount which reflects calculations * * * made substantially in accordance with the following, with estimates used where necessary or appropriate:
>
> (1) Portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities * * * shall be valued at fair value as determined in good faith by the board of directors * * *.

Now that both the Commission and the money market fund industry have had the benefit of experience with this relatively new investment product, and to help insure that shares of such funds are sold and redeemed at prices reflecting the current market or fair value of such funds' portfolio securities, the Commission has concluded that it shall prospectively consider it inconsistent with the provisions of Rule 2a-4 for a money market fund to determine the fair value of debt securities which mature at a date more than 60 days subsequent to the valuation date on an amortized cost basis.

Although debt securities with remaining maturities in excess of 60 days should not be valued at amortized cost, the Commission will not object if the board of directors of a money market fund, in good faith, determines that the fair value of debt securities originally purchased with remaining maturities of 60 days or less shall be their amortized

[3] In simplified terms, for instruments purchased at a discount, the difference between the cost of such an instrument at purchase and its maturity value is divided by the number of days to maturity and that amount is accrued daily as an increase in the value of the instrument each day. More precisely, amortized cost valuation may be described as cost, adjusted for amortization of premium, or for accretion of discount.

[4] For example, redemptions of shares in a fund which has overvalued its portfolio or sales of shares in a fund which has undervalued its portfolio could result in the dilution of the assets and returns of other investors in the fund. The extent of such dilutive effects would be dependent upon several factors, including the extent of the overvaluation or undervaluation, and the proportion of fund shares sold or redeemed at such times.

[5] Although one cent differences in net asset values per share of $10.00 might appear to be insignificant, the effects of such differences can be material to the decisions of investors when translated into differences in rates of return. Moreover, the inequitable effects of amortized cost valuation can occur in the case of any open-end investment company where a significant proportion of a company's portfolio consists of debt securities valued at amortized cost. The extent of such inequitable effects will, of course, depend upon changes in interest rates and the level of a company's sales and redemptions of shares.

[6] See, generally, Accounting Series Release No. 118 (December 23, 1970) (35 FR 19986), "Accounting for Investment Securities by Registered Investment Companies," and Investment Company Act of 1940 Release No. 7221 (June 29, 1972) (37 FR 12790), "Guidelines for the Preparation of Form N-8B-1," as they relate to the valuation of portfolio securities by open-end investment companies.

cost value, unless the particular circumstances dictate otherwise.[7] Nor will the Commission object if, under similar circumstances, the fair value of debt securities originally purchased with maturities of in excess of 60 days, but which currently have maturities of 60 days or less, is determined by using amortized cost valuation for the 60 days prior to maturity, such amortization being based upon the market or fair value of the securities on the 61st day prior to maturity.[8]

The Commission believes that money market funds and those other companies to which this interpretation is applicable should value debt securities with greater than 60 days remaining to maturity based upon current market quotations if readily available or, if such quotations are not readily available, in such a manner as to take into account any unrealized appreciation or depreciation due to changes in interest rates and other factors which would influence the current fair values of such securities.[9] These methods are sometimes referred to as "marking to market." In determining "fair value" by reference to current interest rates and other factors, the board of directors of a money market fund may, of course, utilize whatever method it determines in good faith to be most appropriate.[10] The method utilized could be based in part, for example, upon quotations by dealers or issuers for securities of similar type, quality and maturity.

Except in the circumstances delineated above, the Commission believes that, in view of the experience which has now been gained with respect to the characteristics of money market funds, the use of the amortized cost method of valuation by a money market fund cannot in the future represent a "good faith" effort to determine the "fair value" of portfolio securities for purposes of Rule 2a-4; such valuation fails to consider the impact of market factors subsequent to the date a debt security is purchased on the value of such security. Moreover, the probability that amortized cost valuation will not approximate "fair value" is progressively greater for securities of increasingly longer maturities. The Commission believes that the use of amortized cost valuation by money market funds in valuing securities with remaining maturities in excess of 60 days is not an appropriate estimate of market value or "fair value" and further that, because alternative valuation procedures which consider market factors are available, use of amortized cost valuation under such circumstances as an estimate is not necessary. This standard should help insure that fund shares are sold and redeemed at prices reflecting the appropriate proportionate share of funds' current net assets, and minimize the potential for dilution of the assets and returns of existing shareholders.

The Commission is also of the view that money market fund shareholders should be accurately credited with the effects of any unrealized appreciation or depreciation that may occur when the value of a fund's portfolio fluctuates. If such effects are not reflected in either a fund's net asset value or its distributions to shareholders, as a practical matter the result would be a situation analogous to that which would exist if amortized cost valuation were used, and similar dilutive effects could occur. Such may be the case, for example, where a money market fund "marks to market," but declares a daily dividend of accrued interest income and reflects any remaining unrealized appreciation or depreciation in a "floating" net asset value of $1.00 nominal value per share, rounded to the nearest cent. Under these circumstances, unrealized capital changes, which could materially affect the value of such fund's portfolio, would ordinarily not be of sufficient magnitude to cause the net asset value to change by one cent. The effects of unrealized appreciation and depreciation, in the case of a fund with a "floating" $1.00 net asset value per share, would generally appear in the third and fourth decimal places, and when rounded to the third decimal place (i.e., tenths of one cent) would still not have a one cent impact on the net asset value. Moreover, if such a one cent change should occur, dilution may also result, since a relatively small change in net asset value would cause a larger change in the computed net asset value per share due to rounding. For example, if in the type of fund described above the net asset value was calculated accurately to three decimal places, were a change in net asset value from $1.004 to $1.006 to occur, such change of $.002 would cause the net asset value, when rounded to the nearest cent, to change by one full cent.

To alleviate these results and insure that shareholders are more properly credited for capital appreciation or depreciation, the Commission believes that any money market fund which reflects capital changes in its net asset value per share should calculate, and utilize for purposes of sales and redemptions, a current net asset value per share with an accuracy of one-tenth of one percent (equivalent to the nearest one cent on a net asset value of $10.00).[11] Any less precise calculation by such a fund might have the effect of masking the impact of changing values of portfolio securities and therefore might not "reflect" the fund's calculations pertaining to its portfolio valuation as required by Rule 2a-4.[12]

Boards of directors of money market funds and those other funds referred to above should consider and re-evaluate current fund pricing practices in light of the positions expressed herein. In this regard, the Commission recognizes that such considerations may result in decisions by some funds to make various modifications of their valuation and distribution practices. To avoid any sudden changes in net asset values some funds might wish to effect a gradual transition to new valuation methods. Moreover, some time may be necessary to take the action necessary to adopt new dividend policies or other measures designed to implement the views expressed herein. Therefore, to allow adequate time for planning and effecting orderly transitions, the Commission, as noted above, expects companies to comply with this interpretation by no later than November 30, 1977.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 31, 1977.

[FR Doc.77-15972 Filed 6-6-77;8:45 am]

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[7] The fair value of securities with remaining maturities of 60 days or less may not always be accurately reflected through the use of amortized cost valuation, due to an impairment of the creditworthiness of an issuer, or other factors. In such situations, it would appear to be incumbent upon the directors of a fund to recognize such factors and take them into account in determining "fair value."

[8] A fund also may use amortized cost valuation for a period less than 60 days prior to maturity, in which case the principles indicated above would also be applicable.

[9] In Accounting Series Release No. 118, note 6, supra, the Commission stated that: As a general principle, the current "fair value" of an issue of securities being valued by the Board of Directors would appear to be the amount which the owner might reasonably expect to receive for them upon their current sale.

In that release, the Commission noted various factors that might be considered in arriving at "fair value", which factors included: Yield to maturity with respect to debt issues * * * an evaluation of the forces which influence the market in which these securities are purchased and sold * * * (and the) price and extent of public trading in similar securities of the issuer or comparable companies, and other relevant matters.

[10] See note 6 supra.

[11] Such calculation is applicable only with respect to those money market funds which do not include in their distributions to shareholders all capital changes. If such a fund had a net asset value of $10.00 per share, it would be appropriate to calculate its current net asset value accurately to one tenth of a cent, rounded to the nearest one cent. If such a fund had a net asset value per share of $1.00 it would be appropriate to calculate its current net asset value accurately to the nearest one hundredth of one cent, rounded to the nearest one tenth of one cent.

[12] See note 5, supra.

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER E—REGULATIONS UNDER THE NATURAL GAS ACT

[Docket No. RM77-8; Order No. 565]

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

Order Deleting Requirements for Physical Removal of Emergency Facilities

AGENCY: Federal Power Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending two sections of its Regulations under

the Natural Gas Act to delete the requirement that facilities constructed to implement emergency operations be promptly removed after the 60-day exempt period of operation and to change the time period within which applications for certificates to retain emergency facilities must be filed. This rulemaking was initiated since the gas shortage continues and the "prompt removal" provisions may result in duplication of effort, as emergency facilities are installed, removed, and then installed again when a subsequent emergency arises. The change in time period for filing certificate applications to retain emergency facilities brings the Commission's rules "into harmony."

EFFECTIVE DATE: May 24, 1977.

FOR FURTHER INFORMATION CONTACT:

Fred B. Steen, Office of General Counsel (202-275-4787).

SUPPLEMENTARY INFORMATION:

ORDER No. 565

ORDER DELETING REQUIREMENT FOR PHYSICAL REMOVAL OF EMERGENCY FACILITIES CONTEMPLATED IN §§ 157.22 AND 157.29 OF REGULATIONS UNDER THE NATURAL GAS ACT

MAY 24, 1977.

On December 27, 1976, the Commission issued a Notice of Proposed Rulemaking in this proceeding pursuant to Section 533 of Title 5 of the U.S. Code and sections 7 and 16 of the Natural Gas Act (56 Stat. 825, 56 Stat. 83, 15 U.S.C. 717f(c); 56 Stat. 84, 15 U.S.C. 717f(e); and 56 State. 830, 15 U.S.C. 717o) that proposed to amend §§ 157.22 and 157.29 of Part 157—Applications for Certificates of Public Convenience and Necessity and for Orders Permitting and Approving Abandonment Under Section 7 of the Natural Gas Act, Subchapter E—Regulations Under the Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations by revising paragraph (d) of § 157.22 and paragraph (b) of § 157.29 to delete therefrom the requirement that all facilities constructed to implement the emergency operations contemplated in either of those two sections must be promptly removed after expiration of the exempt period of operation, and by revising paragraphs (b) and (c) of § 157.29 to change the time period within which applications for certificates to retain in place emergency-type facilities must be filed from "within 15 days of the commencement of deliveries" to "prior to the expiration of the exempt period."

Sections 157.22 and 157.29 allow natural gas pipelines and natural gas producers, respectively, to undertake certain otherwise jurisdictional activities without obtaining certificate authority therefor for a period of 60 days to assure maintenance of adequate natural gas service where such service is, or is threatened to be, interrupted or curtailed. The emergency provisions of § 157.22 have their genesis in Order No. 148, issued February 15, 1949, in Docket No. R-110 (14 FR 681). Promulgated in what was then § 157.14, the Commission sought to for immediate pipeline response to emergency situations. The emergency provisions promulgated in Order No. 148 contemplated the prompt removal of facilities at the expiration of the period of the emergency unless application was filed for a certificate to retain such facilities. Order No. 163 issued August 11, 1952, in Docket No. R-120 (17 FR 7385), amending emergency provisions of § 157.22, deleted the provisions for the retention of exemption; and in that regard Order No. 193, issued November 20, 1956, Docket No. R-155 (21 FR 9166) followed Order No. 163 in promulgating § 157.29. In 1970, in recognition of impending gas shortages, the Commission amended both §§ 157.22 and 157.29 in Order No. 418, issued December 10, 1970, Docket No. R-404 (35 FR 19174). Among other things the amendments provided again that facilities constructed under the emergency provisions of the regulations may be retained in place upon proper application with the Commission.

Since the shortage of gas continues, the need to encourage utilization of the Commission's emergency procedures continues. The Commission is concerned that the provisions in §§ 157.22 and 157.29 requiring prompt removal of facilities may unnecessarily discourage the use of these emergency procedures. The "prompt removal" provisions may necessitate duplication of effort, as emergency-type facilities are installed, removed, then installed again as a subsequent emergency arises. Moreover, the "prompt removal" provision is not necessary to insure continuing Commission oversight of jurisdictional facilities, since the provisions of §§ 157.22 and 157.29 require that an application must be filed with the Commission in order to retain emergency-type facilities in place. Thus, the "prompt removal" provision may unnecessarily raise a question of violation of the regulations.

Concurrently, the Commission proposes to amend § 157.29 to be consistent with § 157.22. In Order No. 418, the Commission brought §§ 157.22 and 157.29 "into harmony;" but in Opinion No. 699-B, issued September 9, 1974, Docket No. R-389-B (39 FR 32205), the Commission changed the timing of the required application for retention of facilities installed pursuant to § 157.29 to "within 15 days of the commencement of deliveries under this section" rather than "prior to the expiration of the exempt period provided herein." The Commission finds that distinction between §§ 157.22 and 157.29 no longer necessary.

Comments were timely filed by the following in support of the Commission's proposal: Interstate Natural Gas Association of America, Mid Louisiana Gas Company, Office of Consumer Affairs, Department of Health, Education, and Welfare, El Paso Natural Gas Company, Tennessee Gas Pipeline Company, a division of Tenneco, Inc., Midwestern Gas Transmission Company, and East Tennessee Natural Gas Company. Additionally, Northern Gas Company filed comments in support of the proposal and relieve administrative burden and allow further suggests that the Commission's regulations be further amended to provide for emergency situations expected to be of greater duration than 60 Consecutive days. If this situation arises, Northern suggests that the transporting pipeline be able to obtain an advance statement from the Commission prior to the expiration of the 60 day period, that an extension be granted. The Commission has considered Northern's suggestions and does not believe it appropriate at this time to extend the proposal further. In none of the comments was a conference requested.

There are no differences between the Notice of Proposed Rulemaking, December 27, 1976, and this Order.

The Commission finds. (1) The notice and opportunity to participate in this rulemaking proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments, and suggestions in the manner described above, are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) Good cause exists for making the amendments herein adopted effective immediately upon issuance.

(3) In view of the foregoing, and upon consideration of all relevant matters presented, including the arguments, contentions, suggestions, and other views expressed in the comments received, it is necessary and appropriate for the administration of the Natural Gas Act that the regulation thereunder be amended as herein provided. The Commission, acting pursuant to the authority granted by the Natural Gas Act, as amended, particularly Sections 7 and 16 of the Act (56 Stat. 825, 56 Stat. 83, 15 U.S.C. 717f (c); 56 Stat. 84, 15 U.S.C. 717f(e), and 56 Stat. 830, 15 U.S.C. 717o), *Orders:*

(A) Paragraph (d) of § 157.22, in Part 157—Applications for Certificates of Public Convenience and Necessity and for Orders Permitting and Approving Abandonment Under Section 7 of the Natural Gas Act, Subchapter E—Regulations Under the Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations, is revised to read as follows:

§ 157.22 Exemption of temporary acts and operation.

* * * * *

(d) Emergency operations undertaken without certificate authorization pursuant to paragraph (a) of this section shall be discontinued upon the expiration of the 60-day period. In the national emergency, emergency operations shall be discontinued upon the expiration of the six months' period or any extension thereof ordered by the Commission. Each person undertaking any such construction or operation, pursuant to this Section of the regulations desiring to retain such facilities in place shall file an application for a certificate of public convenience and necessity pursuant to the regulations under the Natural Gas Act with the Commission prior to the expiration of the exempt period provided herein.

(B) Paragraph (b) and (c) of § 157.29, in Part 157—Applications for Certificates of Public Convenience and Necessity and for Orders Permitting and Approving Abandonment Under Section 7 of the Natural Gas Act, Subchapter E—Regulations Under the Natural Gas Act, Chapter I, Title 18 of the Code of Federal Regulations, is revised to read as follows:

§ 157.29 Exemption of emergency sales or transportation.

* * * * *

(b) Emergency operations undertaken without certificate authorizations pursuant to paragraph (a) of this section shall be discontinued upon the expiration of the 60-day period. Each person undertaking any such construction or operation, pursuant to this section desiring to retain such facilities in place shall file an application for a certificate of public convenience and necessity pursuant to the regulations under the Natural Gas Act with the Commission prior to the expiration of the exempt period provided herein.

(c) No emergency sale or transportation of natural gas in interstate commerce undertaken pursuant to the authority of this Section shall be extended beyond the sixty (60) day period unless the seller shall have filed an application for a permanent or temporary certificate pursuant to 18 CFR 2.56(a), 2.70(b)(3), 2.75, or 157.28 prior to the expiration of the sixty (60) day period. Any such continuation of deliveries at a rate in excess of the rate prescribed in § 2.56(a) (18 CFR 2.56(a)) will be subject to refund if the rate is in excess of the rate finally found to be appropriate by the Commission.

* * * * *

(C) The amendment adopted herein shall be effective upon issuance of this order.

(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.77-16009 Filed 6-6-77;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

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

Sulfamethazine Tablets and Boluses

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This rule revokes the regulation that provides for use of a certain drug for infectious disease in nonlactating cattle. The manufacturer, Norden Laboratories, Inc., has requested withdrawal of approval since the drug is no longer marketed.

EFFECTIVE DATE: June 7, 1977.

FOR FURTHER INFORMATION CONTACT:

David N. Scarr, Bureau of Veterinary Medicine (HFV-210), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3183.

SUPPLEMENTARY INFORMATION: Norden Laboratories, Inc., Lincoln, NE 68501, requested by letter dated January 17, 1977, that approval of NADA 32-378V be withdrawn. The notice of withdrawal of approval is published elsewhere in this issue of the FEDERAL REGISTER. They further stated that they wish to waive the opportunity for a hearing because the drug is no longer being marketed. Accordingly, the Commissioner of Food and Drugs is revoking § 520.2260a Sulfamethazine tablets and boluses.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 520 is amended by revoking § 520.2260a Sulfamethazine tablets and boluses.

Effective date: This amendment becomes effective June 7, 1977.

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

Dated: May 27, 1977.

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

[FR Doc.77-15839 Filed 6-6-77;8:45 am]

PART 539—BULK ANTIBIOTIC DRUGS SUBJECT TO CERTIFICATION

Streptomycin and Streptomycin-Containing Drugs, Conforming Amendments; Correction

AGENCY: Food and Drug Administration.

ACTION: Correction.

SUMMARY: This document corrects a section heading, published in the FEDERAL REGISTER of April 26, 1977 (42 FR 21276).

FOR FURTHER INFORMATION CONTACT:

John Richards, Federal Register Writers Office (HFC-11), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2994.

SUPPLEMENTARY INFORMATION: In FR Doc. 77-11765, published in the FEDERAL REGISTER of April 26, 1977 (42 FR 21276), in the center column, the section heading for § 539.170 is changed to read as follows:

§ 539.170 Streptomycin sulfate veterinary grade; dihydrostreptomycin sulfate veterinary grade; dihydrostreptomycin hydrochloride veterinary grade.

Dated: May 27, 1977.

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

[FR Doc.77-15841 Filed 6-6-77;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 726-77]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart W—Additional Assignments of Functions and Designation of Officials To Perform the Duties of Certain Offices in Case of Vacancy or Absence Therein or in Case of Inability or Disqualification To Act

DESIGNATION OF ACTING ATTORNEY GENERAL DURING ABSENCE OF BOTH ATTORNEY GENERAL AND DEPUTY ATTORNEY GENERAL

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The Deputy Attorney General is authorized by statute to act as Attorney General in the event of the Attorney General's absence from office. Under existing regulations, the Assistant Attorney General in charge of the Criminal Division is designated to act as Attorney General in the event of the absence from office of both the Attorney General and the Deputy Attorney General. This order revises the regulations by designating the Solicitor General to act as Attorney General in case of the absence from office of both the Attorney General and Deputy Attorney General.

EFFECTIVE DATE: May 27, 1977.

FOR FURTHER INFORMATION CONTACT:

John M. Harmon, Acting Assistant Attorney General, Office of Legal Counsel, Department of Justice, Washington, D.C. 20530 (202-739-2041).

0.133 [Amended]

By virtue of the authority vested in me by 28 U.S.C. 508(b), § 0.133(a) is amended by substituting "the Solicitor General" for "the Assistant Attorney General in charge of the Criminal Division."

Dated: May 27, 1977.

GRIFFIN B. BELL,
Attorney General.

[FR Doc.77-16056 Filed 6-6-77;8:45 am]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[729-3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Gasoline Vapor Recovery; Final Compliance Date for Small Bulk Plants

AGENCY: Environmental Protection Agency.

ACTION: Responses to public comments; correction of omissions and clarification of throughput designation.

SUMMARY: This document summarizes EPA's responses to public comments received after its promulgation of revised compliance dates for small gasoline bulk plants on December 29, 1976. It also clarifies the throughput designation for small bulk plants and corrects several errors and omissions made in the December 29, 1976, promulgation.

DATES: The clarifying and correcting amendments are effective immediately upon promulgation.

FOR FURTHER INFORMATION CONTACT:

Jared Flood, Regional Programs Section (EN-341), Division of Stationary Source Enforcement, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460 (202-755-7927).

SUPPLEMENTARY INFORMATION: In 1973 and 1974, the Administrator promulgated Stage I Vapor Recovery regulations for 13 Air Quality Control Regions (AQCRs). The AQCRs, FEDERAL REGISTER references, and promulgation dates are listed below:

Metropolitan Los Angeles AQCR, 38 FR 31251, November 12, 1973.
Sacramento Valley AQCR, 38 FR 31251, November 12, 1973.
San Joaquin Valley Intrastate AQCR, 38 FR 31251, November 12, 1973.
Metropolitan Denver Instrastate AQCR, 38 FR 30823, November 7, 1973.
Marion County, Indiana, 38 FR 12349, April 5, 1974.
Maryland portion of National Capital Interstate AQCR, 38 FR 33719, December 6, 1973.
Metropolitan Baltimore Intrastate AQCR, 38 FR 34252, December 12, 1973.
Boston Intrastate AQCR, 38 FR 30969, November 8, 1973.
New Jersey portion of New Jersey-New York-Connecticut Interstate AQCR, 38 FR 31399, November 13, 1973.
New Jersey portion of Metropolitan Philadelphia Interstate AQCR, 38 FR 31399, November 13, 1973.
Allegheny County portion of Southwest Pennsylvania Intrastate AQCR, 38 FR 32896, November 28, 1973.
Houston-Galveston Intrastate AQCR, 38 FR 30643, November 6, 1973.
San Antonio Intrastate AQCR, 38 FR 30643, November 6, 1973.
Virginia portion of National Capital Interstate AQCR, 38 FR 33726, December 6, 1973.

Because of concerns raised by bulk plant owners, operators, and representatives asking for an exemption of small bulk plants from regulation and requests for SIP revisions from several states for exemption of these plants, there have been several delays of the final compliance dates. The latest was promulgated in the FEDERAL REGISTER on December 29, 1976 (41 FR 56642) and extended the compliance date until May 31, 1977 (to coincide with the oxidant attainment date). In connection with the most recent compliance date delay, EPA solicited comments on such delay.

PUBLIC COMMENTS

With respect to the most recent delay of the final compliance dates to May 31, 1977 (41 FR 56642, December 29, 1976), EPA received three comments.

One comment, by the National Oil Jobbers Council, urged exemption of small bulk plants based on the expense, and resulting plant closures, that it suggested would result if the regulations were enforced The second comment, by the Texas Air Control Board, suggested that the final compliance date be delayed much further beyond May 31, 1977, or that no compliance date be established at all until certain EPA studies were complete. The third comment, by Exxon Company, recommended that displacement type systems be utilized to control emissions from small bulk plants, that bulk plants regardless of size be required to install controls, and that hearings be held prior to the promulgation of any amendments to the regulations.

RESPONSE TO COMMENTS

EPA initiated various studies in 1976 which are described in the notice of availability also published today in the FEDERAL REGISTER. These studies indicate that there has been, and will continue to be, a steady decline in the number of small bulk plants in the nation, and that because of the relative costs of installing and operating these systems, some economically marginal small bulk plants will close. However, since 1972 gasoline bulk plants have been diminishing in importance as a method of marketing gasoline. Comparison of 1972 Census Data with 1975 and 1976 National Petroleum News marketing surveys indicates a closure rate of at least 14 percent. Reduced profitability in gasoline sales has generally been attributed as the cause. EPA expects that this trend will continue and that these regulations may tend to increase the short term closure rate by about 10 percent, these being plants that are currently economically marginal.

The studies also showed that both vapor balance and refrigeration-condensation systems are capable of achieving 90 percent control, that the equipment and technology for achieving such control does exist in sufficient supply and has been applied on gasoline transfer operations for a number of years, and that controls are available at a reasonable cost. Accordingly, EPA intends to enforce the existing Stage I Vapor Recovery final compliance date of May 31, 1977, for small bulk plants and not to exempt from regulation any facilities, delivery vehicles, or storage tanks not already exempted from coverage.

Since these actions are being taken at a date so close to the final compliance date of May 31, 1977, some owners or operators may find it economically and operationally difficult to comply within the required time frame. In such cases, EPA will consider establishing reasonable compliance schedules through enforcement orders under section 113 of the Act.

CLARIFYING AND CORRECTING AMENDMENTS

The amendments promulgated below revise the language in amendments in the December 29, 1976, FEDERAL REGISTER (41 FR 56642) to clarify the throughput designation of small bulk plants as 20,000 gallons per day or less (not 5,000,000 gallons per year as previously specified), and to correct the inadvertent omission of Stage I Vapor Recovery regulations in Virginia from the same promulgation.

The Administrator finds that good cause exists for omitting prior notice and public comment on these amendments as unnecessary and for making them immediately effective because they simply clarify and correct the existing regulations and impose no additional substantive requirements.

NOTE: The EPA has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

This rulemaking is issued under the authority of sections 110 and 301 of the Clean Air Act as amended (42 U.S.C. 1857c-5 and 1857g).

Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart G—Colorado

§ 52.336 [Amended]

1. In § 52.336(c)(3), subparagraph (iv), the words "an average annual throughput of 5,000,000" are revised to read "a daily throughput of 20,000".

Subpart I—Indiana

§ 52.787 [Amended]

2. In § 52.787(e), the words "an average annual throughput of 5,000,000" are revised to read "a daily throughput of 20,000".

Subpart V—Maryland

§ 52.1086 [Amended]

3. In § 52.1086(c)(3), subparagraph (iv) is amended by revising the words "an average annual throughput of 5,000,000" to read "a daily throughput of 20,000".

§ 52.1101 [Amended]

4. In § 52.1101(c)(3), subparagraph (iv) is amended by revising the words "an average annual throughput of 5,000,000" to read "a daily throughput of 20,000".

Subpart W—Massachusetts

§ 52.1147 [Amended]

5. In § 52.1147(a)(5), subparagraph (i) is amended by revising the words "an average annual throughput of 5,000,000" to read "a daily throughput of 20,000".

Subpart FF—New Jersey

§ 52.1598 [Amended]

6. In § 52.1598(c)(3), subparagraph (iv) is amended by revising the words "an average annual throughput of 5,000,000" to read "a daily throughput of 20,000".

Subpart NN—Pennsylvania

§ 52.2042 [Amended]

7. In § 52.2042(c)(3), subparagraph (iv) is amended by revising the words "an average annual throughput of 5,000,000" to read "a daily throughput of 20,000".

Subpart SS—Texas

§ 52.2285 [Amended]

8. In § 52.2285(c)(3), subparagraph (iv) is amended by revising the words "an average annual throughput of 5,000,000" to read "a daily throughput of 20,000".

Subpart VV—Virginia

9. In § 52.2438(c), subparagraph (3) is amended by adding (iv), as follows:

§ 52.2438 Gasoline transfer vapor control.

* * * * *

(c) * * *

(3) * * *

(iv) Facilities which have a daily throughput of 20,000 gallons of gasoline or less are required to have a vapor recovery system in operation no later than May 31, 1977. Delivery vessels and storage containers served exclusively by facilities required to have a vapor recovery system in operation no later than May 31, 1977, also are required to meet the provisions of this section no later than May 31, 1977.

APPENDIX—GASOLINE VAPOR RECOVERY; SMALL BULK PLANTS; NOTICE OF AVAILABILITY OF STUDIES

This notice announces the availability of and summarizes studies conducted by EPA regarding the availability and applicability of control technology for small bulk plants in connection with Stage I Vapor Recovery regulations promulgated by EPA as discussed below.

EPA initiated several studies in 1976 to determine if the requirement to install gasoline vapor recovery equipment would place severe economic burdens on the industry and whether the 90 percent control level was achievable by a vapor balance system, and to further determine the availability of control equipment which would satisfy the requirements of the existing regulations. Pacific Environmental Services, Inc., of Santa Monica, California, was chosen by EPA to perform these studies.

BACKGROUND

In 1973 and 1974, the Administrator promulgated Stage I Vapor Recovery regulations for 13 Air Quality Control Regions (AQCRs). The AQCRs, FEDERAL REGISTER references, and promulgation dates are listed below:

Metropolitan Los Angeles AQCR, 38 FR 31251, November 12, 1973
Secramento Valley AQCR, 38 FR 31251, November 12, 1973
San Joaquin Valley Intrastate AQCR, 38 FR 31251, November 12, 1973
Metropolitan Denver Intrastate AQCR, 38 FR 30823, November 7, 1973
Marion County, Indiana, 38 FR 12349, April 5, 1974
Maryland portion of National Capital Interstate AQCR, 38 FR 33719, December 6, 1973
Metropolitan Baltimore Intrastate AQCR, 38 FR 34252, December 12, 1973
Boston Intrastate AQCR, 38 FR 30969, November 8, 1973
New Jersey portion of New Jersey-New York-Connecticut Interstate AQCR, 38 FR 31399, November 13, 1973
New Jersey portion of Metropolitan Philadelphia Interstate AQCR, 38 FR 31399, November 13, 1973
Allegheny County portion of Southwest Pennsylvania Intrastate AQCR, 38 FR 32896, November 28, 1973
Houston-Galveston Intrastate AQCR, 38 FR 30643, November 6, 1973
San Antonio Intrastate AQCR, 38 FR 30643, November 6, 1973
Virginia portion of National Capital Interstate AQCR, 38 FR 33726, December 6, 1973

EXTENT OF THE STUDIES

The first study (EPA contract 68-01-3154, Task No. 5) evaluated the applicability and cost impact of bottom-loading vapor balance systems on small bulk plants. The second study (EPA contract 68-01-3156, Task No. 17) surveyed small bulk plants in and around Denver, San Diego, and the San Joaquin Valley, and included the source testing of two small bulk plants to determine if 90 percent control could be achieved for incoming and outgoing loads through the use of a vapor balance system and a refrigeration-condensation system. A third study (EPA contract 68-01-3156, Task No. 28) surveyed small bulk plants in the Washington, D.C., Baltimore, Md., and Houston/Galveston, Tex., areas to determine whether the descriptive, market and economic data presented in the report of the second study could be adequately applied to other areas of the country, and also to evaluate the methods being employed by bulk plant operators in these areas to comply with vapor recovery regulations. A fourth study (EPA contract 68-01-4140, Task No. 9) provided for the evaluation of the applicability, availability and the financial impact of installing and operating top-loading vapor balance systems at small bulk plants. In addition, Radian Corporation performed a study for EPA (EPA cotract No. 68-02-1319, Task No. 2) in 1975 which evaluated vapor control methods for gasoline marketing operations, including small bulk plants.

RESULTS OF THE STUDIES

Among other things, the studies concluded that both refrigeration—condensation and vapor balance type systems are capable of achieving the 90 percent control levels established in the regulations. They further concluded that the equipment and technology for achieving these levels does exist in sufficient supply, and has been satisfactorily applied on gasoline transfer operations for a number of years.

These studies also concluded that certain types of vapor control systems (e.g., a bottom-loading vapor balance system) are more desirable from the viewpoint of the owner and operator because of the more efficient marketing capability that the systems provide. It must be emphasized that there is no requirement in the federal regulations that bottom-loading systems be installed. These bottom-loading systems, because of the additional modifications and equipment required for installation on bulk plants, are consistently much more expensive to install than the alternative top-loading vapor balance system.

The recent EPA studies on small bulk plants reaffirm the earlier conclusion that controls are available at a reasonable cost. Specifically, EPA has determined that the top-loading vapor balance system, which is readily available and the least expensive alternative, will meet the 90 percent control level established in the existing regulations at a reasonable cost. However, due to the Administrator's concern regarding the possible economic impacts of these regulations on the very small bulk plants (less than 4,000 gal/day of gasoline throughout), EPA will continue to study such impacts. EPA will report on its findings at the end of four to six weeks.

For further information or copies of the studies contact: Jared Flood, Regional Programs Section (EN-341), Division of Stationary Source Enforcement, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Dated: May 31, 1977.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc.77-16097 Filed 6-6-77;8:45 am]

[FRL 740-7]

PART 61—NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS

Standard for Vinyl Chloride; Corrections and Amendments

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: These amendments are being made to the vinyl chloride standard which was promulgated under the authority of the Clean Air Act on October 21, 1976. The standard contains some typographical errors and needs clarification in some parts. These amendments are intended to correct the typographical errors and clarify the standard.

EFFECTIVE DATE: June 7, 1977.

FOR FURTHER INFORMATION CONTACT:

Don R. Goodwin, Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone 919-688-8146, ext. 271.

SUPPLEMENTARY INFORMATION: On October 21, 1976, under section 112 of the Clean Air Act, as amended (42 U.S.C. 1857), the Environmental Protection Agency (EPA) promulgated a national emission standard for vinyl chloride (41 FR 46560). The standard covers plants which manufacture ethylene dichloride, vinyl chloride, and/or polyvinyl chloride. Since that time, it has become apparent that a few sections of the standard and Test Methods 106 and 107 are unclear. The purpose of the amendments being made at this time is to clarify these sections and to correct typographical errors. These corrections are in addition to those published on December 3, 1976 (41 FR 53017). The Administrator finds that

good cause exists for omitting prior notice and public comment on these amendments as unnecessary and for making them immediately effective because they simply clarify and correct the existing regulations and impose no additional substantive requirements.

The most significant amendment involves clarification of the requirements for certification of the analysis of gas cylinders which may be used to calibrate testing and monitoring equipment. The standard, as promulgated on October 21, 1976, requires that an analysis of the gas used for calibration purposes, "* * * be traceable to the National Bureau of Standards or to a gravimetrically calibrated permeation tube." Comments were received indicating that the term "traceable" was unclear.

These amendments require that the composition of gas cylinders which may be used for calibration of testing and monitoring equipment be certified by the gas manufacturer. The certified composition must have been determined by direct analysis of the gas contained in each calibration cylinder using an analytical procedure the manufacturer had calibrated on the day the analysis was performed. Calibration of the analytical procedure was to have been done using gases for which the concentrations have been verified: (1) By comparison with a calibrated vinyl chloride permeation tube, (2) by comparison with a gas mixture prepared in acordance with the procedure described in § 7.1 of Test Method 106 and using 99.9 percent vinyl chloride, or (3) by direct analysis by the National Bureau of Standards. These amendments are being made to §§ 61.65(b)(8)(iii) and 61.68(c), which contain the monitoring requirements, and to §§ 5.2 and 6.2 of Test Methods 106 and 107, respectively.

There are several other changes in wording for clarification purposes. For example, § 61.60 is being amended to clarify that the testing, reporting, and recordkeeping requirements apply to research and development equipment subject to §§ 61.64 (a)(1), (b), (c), and (d), and definitions for standard temperature and pressure are being added to § 61.61. The phrase "in vinyl chloride service" is being added to § 61.65(b)(1) to clarify that loading and unloading lines which clearly do not contain vinyl chloride do not have to be continuously tested to demonstrate that fact. Section 61.67(d) is being redesignated as § 61.67(g)(1)(ii) to clarify that conducting a series of three runs is not necessary when Test Method 107 is being used to determine emissions. A change is being made in § 61.67(g)(1)(iii) [which was originally promulgated as § 61.67(g)(1)(ii)] to establish that the concentration emission limits for gas streams are to be determined on a dry basis. Similarly, wording is being added to § 61.70(c)(2)(v) to establish that vinyl chloride concentrations in polyvinyl chloride resin are to be determined on a dry weight basis. An additional change to this same section is being made to clarify that a sample from each batch of resin is to be measured for its vinyl chloride content. Section 61.71 (a) is being changed to correct typographical errors and to clarify that daily operating records for polyvinyl chloride reactors are required to be kept whether a relief valve discharges or not.

Section 4.3.2 of Test Method 106 is being revised to allow the option of using Poropak T as the column packing instead of GE SF-96 in a secondary gas chromatographic column if acetaldehyde is present. This packing has also been shown to produce adequate separation of vinyl chloride and acetaldehyde. Section 61.67(e) of the regulation and § 6.2 of Test Method 106 are being amended to include a limit on the amount of time a test sample can be kept before it is analyzed for vinyl chloride. Section 1.2 of Test Method 107 is being amended to clarify that chromatograph parameters can be altered if the precision and reproducibility of analysis of vinyl chloride cylinder standards is not impaired. Section 5.3.2 of Test Method 107 is being amended to allow the use of a pair of Poropak Q columns if methanol or acetaldehyde is present in the sample. Also in Test Method 107 a clarification for the term K_w has been added to § 9.2.

The remaining changes are corrections of typographical errors or are self-explanatory.

These amendments are issued under the authority of section 112 of the Clean Air Act, sec. 4(a) of Pub. L. 91-604, 84 Stat. 1685 (42 U.S.C. 1857c-7) and section 301(a) of the Clean Air Act, sec. 2 of Pub. L. No. 90-148, 81 Stat. 504, as amended by sec. (15)(c)(2) of Pub. L. 91-604, 84 Stat. 1713 (42 U.S.C. 1857g(a)). The amendments to §§ 61.67 and 61.68 are also issued under the authority of section 114 of the Clean Air Act, as added by sec. 4(a) of Pub. L. 91-604, 84 Stat. 1687 and amended by Pub. L. 93-319, sec. 6(a)(4), 88 Stat. 259 (42 U.S.C. 1857c-9).

NOTE: The Environmental Protection Agency has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Analysis under Executive Orders 11821 and 11949 and OMB Circular A-107.

Dated: May 26, 1977.

EDWARD F. TUERK,
Acting Assistant Administrator for Air and Waste Management.

Part 61 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. In § 61.60, paragraph (c) is amended as follows:

§ 61.60 Applicability.

* * * * *

(c) Sections of this subpart other than §§ 61.61; 61.64 (a)(1), (b), (c), and (d); 61.67; 61.68; 61.69; 61.70; and 61.71 * * *.

2. In § 61.61 paragraphs (t) and (u) are added as follows:

§ 61.61 Definitions.

* * * * *

(t) "Standard temperature" means a temperature of 20° C (69° F).

(u) "Standard pressure" means a pressure of 760 mm of Hg (29.92 in. of Hg).

3. Section 61.62 is corrected as follows:

§ 61.62 Emission standard for ethylene dichloride plants.

(a) Ethylene dichloride purification: The concentration of vinyl chloride in all exhaust gases discharged to the atmosphere from any equipment used in ethylene dichloride purification is not to exceed 10 ppm, except as provided in § 61.65(a). This requirement does not apply to equipment that has been opened, is out of operation, and met the requirement in § 61.65(b)(6)(i) before being opened.

(b) Oxychlorination reactor: Except as provided in § 61.65(a), emissions of vinyl chloride to the atmosphere from each oxychlorination reactor are not to exceed 0.2 g/kg (0.0002 lb/lb) of the 100 percent ethylene dichloride product from the oxychlorination process.

4. In § 61.65, paragraphs (b)(1), (b)(8)(iii)(A), and (b)(8)(iii)(B) are amended as follows:

§ 61.65 Emission standard for ethylene dichloride, vinyl chloride and polyvinyl chloride plants.

* * * * *

(b) * * *

(1) Loading and unloading lines: Vinyl chloride emissions from loading and unloading lines in vinyl chloride service which are opened to the atmosphere after each loading or unloading operation are to be minimized as follows:

* * * * *

(8) * * *

(iii) * * *

(A) A calibration gas mixture prepared from the gases specified in sections 5.2.1 and 5.2.2 of Test Method 106 and in accordance with section 7.1 of Test Method 106, or

(B) A calibration gas cylinder standard containing the appropriate concentration of vinyl chloride. The gas composition of the calibration gas cylinder standard is to have been certified by the manufacturer. The manufacturer must have recommended a maximum shelf life for each cylinder so that the concentration does not change greater than ±5 percent from the certified value. The date of gas cylinder preparation, certified vinyl chloride concentration and recommended maximum shelf life must have been affixed to the cylinder before shipment from the manufacturer to the buyer. If a gas chromatograph is used as the vinyl chloride monitoring system, these gas mixtures may be directly used to prepare a chromatograph calibration curve as described in section 7.3 of Test Method 106. The requirements in section 5.2.3.1 and 5.2.3.2 of Test Method 106 for certification of cylinder standards and for establishment and verification of calibration standards are to be followed.

(Secs. 112 and 301(a), Clean Air Act (42 U.S.C. 1857c-7 and 1857g(a)).)

5. Section 61.67 is amended by deleting and reserving paragraph (d), revising paragraphs (e), (g)(1)(ii) and (g)(1)(iii), and by adding paragraph (g)(1)(iv) as follows:

§ 61.67 Emission tests.

* * * * *

(d) [Reserved]

(e) When at all possible, each sample is to be analyzed within 24 hours, but in no case in excess of 72 hours of sample collection. Vinyl chloride emissions are to be determined within 30 days after the emission test. The owner or operator shall report the determinations to the Administrator by a registered letter dispatched before the close of the next business day following the determination.

* * * * *

(g) * * *

(1) * * *

(ii) Each emission test is to consist of three runs. For the purpose of determining emissions, the average of results of all runs is to apply. The average is to be computed on a time weighted basis.

(iii) For gas streams containing more than 10 percent oxygen the concentration of vinyl chloride as determined by Test Method 106 is to be corrected to 10 percent oxygen (dry basis) for determination of emissions by using the following equation:

$$C_{b\,(corrected)} = C_b \frac{10.9}{20.9 - \text{percent } O_2}$$

where:

$C_{b\,(corrected)}$ = The concentration of vinyl chloride in the exhaust gases, corrected to 10-percent oxygen.

C_b = The concentration of vinyl chloride as measured by Test Method 106.

20.9 = Percent oxygen in the ambient air at standard conditions.

10.9 = Percent oxygen in the ambient air at standard conditions, minus the 10.0-percent oxygen to which the correction is being made.

Percent O_2 = Percent oxygen in the exhaust gas as measured by Reference Method 3 in Appendix A of Part 60 of this chapter.

(iv) For those emission sources where the emission limit is prescribed in terms of mass rather than concentration, mass emissions in kg/100 kg product are to be determined by using the following equation:

$$C_{BX} = \frac{[C_b\,(2.60)\,Q\,10^{-6}]\,[100]}{Z}$$

where:

C_{BX} = kg vinyl chloride/100 kg product.

C_b = The concentration of vinyl chloride as measured by Test Method 106.

2.60 = Density of vinyl chloride at one atmosphere and 20° C in kg/m³.

Q = Volumetric flow rate in m³/hr as determined by Reference Method 2 of Appendix A to Part 60 of this chapter.

10^{-6} = Conversion factor for ppm.

Z = Production rate (kg/hr).

* * * * *

6. Section 61.68 is amended by revising paragraphs (c)(1) and (c)(2) as follows:

§ 61.68 Emission monitoring.

* * * * *

(c) * * *

(1) A calibration gas mixture prepared from the gases specified in sections 5.2.1 and 5.2.2 of Test Method 106 and in accordance with section 7.1 of Test Method 106, or

(2) A calibration gas cylinder standard containing the appropriate concentration of vinyl chloride. The gas composition of the calibration gas cylinder standard is to have been certified by the manufacturer. The manufacturer must have recommended a maximum shelf life for each cylinder so that the concentration does not change greater than ±5 percent from the certified value. The date of gas cylinder preparation, certified vinyl chloride concentration and recommended maximum shelf life must have been affixed to the cylinder before shipment from the manufacturer to the buyer. If a gas chromatograph is used as the vinyl chloride monitoring system, these gas mixtures may be directly used to prepare a chromatograph calibration curve as described in section 7.3 of Test Method 106. The requirements in sections 5.2.3.1 and 5.2.3.2 of Test Method 106 for certification of cylinder standards and for establishment and verification of calibration standards are to be followed.

(Secs. 112, 114, and 301(a), Clean Air Act (42 U.S.C. 1857c-7, 1857c-9, and 1854g(a)).)

7. In § 61.70 paragraphs (c)(2)(i) and (c)(2)(v) are amended as follows.

§ 61.70 Semiannual report.

* * * * *

(c) * * *

(2) * * *

(i) If batch stripping is used, one representative sample of polyvinyl chloride resin is to be taken from each batch of each grade of resin immediately following the completion of the stripping operation, and identified by resin type and grade and the date and time the batch is completed. The corresponding quantity of material processed in each stripper batch is to be recorded and identified by resin type and grade and the date and time the batch is completed.

* * * * *

(v) The report to the Administrator by the owner or operator is to include the vinyl chloride content found in each sample required by paragraphs (c)(2)(i) and (c)(2)(ii) of this section, averaged separately for each type of resin, over each calendar day and weighted according to the quantity of each grade of resin processed by the stripper(s) that calendar day, according to the following equation:

$$A_{T_i} = \frac{\sum_{i=1}^{n} P_{G_i} M_{G_i}}{Q_{T_i}} = \frac{P_{G_1} M_{G_1} + P_{G_2} M_{G_2} + \cdots + P_{G_n} M_{G_n}}{Q_{T_i}}$$

where:

A = 24-hour average concentration of type T_i resin in ppm (dry weight basis).

Q = Total production of type T_i resin over the 24-hour period, in kg.

T_i = Type of resin; $i = 1, 2 \ldots m$ where m is total number of resin types produced during the 24-hour period.

M = Concentration of vinyl chloride in one sample of grade G_i resin, in ppm.

P = Production of grade G_i resin represented by the sample, in kg.

G_i = Grade of resin; e.g., G_1, G_2, and G_3.

n = Total number of grades of resin produced during the 24-hour period.

* * * * *

8. Section 61.71 is amended by correcting paragraphs (a)(2) and (a)(3), and by adding paragraph (a)(4) as follows:

§ 61.71 Recordkeeping.

(a) * * *

(2) A record of the leaks detected during routine monitoring with the portable hydrocarbon detector and the action taken to repair the leaks, as required by § 61.65(b)(8), including a brief statement explaining the location and cause of each leak detected with the portable hydrocarbon detector, the date and time of the leak, and any action taken to eliminate that leak.

(3) A record of emissions measured in accordance with § 61.68.

(4) A daily operating record for each polyvinyl chloride reactor, including pressures and temperatures.

9. Section 1.1 of Test Method 106 is corrected as follows:

1.1 An integrated bag sample of stack gas containing vinyl chloride (chloroethene) is subjected to chromatographic analysis, using a flame ionization detector.

10. Section 3 of Test Method 106 is corrected as follows:

3. *Interferences.* Acetaldehyde, which can occur in some vinyl chloride sources, will interfere with the vinyl chloride peak from the Chromasorb 102[1] column. See sections 4.3.2 and 6.4. If resolution of the vinyl chloride peak is still not satisfactory for a particular sample, then chromatograph parameters can be further altered with prior approval of the Administrator. If alteration of the chromatograph parameters fails to resolve the vinyl chloride peak, then supplemental confirmation of the vinyl chloride peak through an absolute analytical technique, such as mass spectroscopy, must be performed.

11. Section 4.1 of Test Method 106 is corrected as follows:

4.1 *Sampling* (Figure 106-1).

12. Section 4.1.3 of Test Method 106 is corrected as follows:

4.1.3 Male (2) and female (2) stainless steel quick-connects, with ball checks (one pair without) located as shown in Figure 106-1.

13. Section 4.1.10 of Test Method 106 is corrected as follows:

4.1.10 *Connecting tubing.* Teflon, 6.4 mm outside diameter, to assemble sample train (Figure 106-1).

14. Section 4.3.2 of Test Method 106 is amended as follows:

4.3.2 *Chromatographic column.* Stainless steel, 2 m×3.2 mm, containing 80/100 mesh Chromasorb 102. A secondary column of GE SF-96, 20 percent on 60/80 mesh AW Chromasorb P, stainless steel, 2 m×3.2 mm or Porapak T, 80/100 mesh, stainless steel, 1 m×3.2 mm is required if acetaldehyde is present. If used, a secondary column is placed after the Chromasorb 102 column. The combined columns should then be operated at 120° C.

15. Section 5.2 of Test Method 106 is revised as follows:

5.2 *Calibration.* Use one of the following options: either 5.2.1 and 5.2.2, or 5.2.3.

5.2.1 *Vinyl chloride, 99.9+ percent.* Pure vinyl chloride gas certified by the manufacturer to contain a minimum of 99.9 percent vinyl chloride for use in the preparation of standard gas mixtures in Section 7.1. If the gas manufacturer maintains a bulk cylinder supply of 99.9+ percent vinyl chloride, the certification analysis may have been performed on this supply rather than on each gas cylinder prepared from this bulk supply. The date of gas cylinder preparation and the certified analysis must have been affixed to the cylinder before shipment from the gas manufacturer to the buyer.

5.2.2 *Nitrogen gas.* Zero grade, for preparation of standard gas mixtures.

5.2.3 *Cylinder standards (3).* Gas mixture standards (50, 10, and 5 ppm vinyl chloride in nitrogen cylinders) for which the gas composition has been certified by the manufacturer. The manufacturer must have recommended a maximum shelf life for each cylinder so that the concentration does not change greater than ±5 percent from the certified value. The date of gas cylinder preparation, certified vinyl chloride concentration and recommended maximum shelf life must have been affixed to the cylinder before shipment from the gas manufacturer to the buyer. These gas mixture standards may be directly used to prepare a chromatograph calibration curve as described in section 7.3.

5.2.3.1 *Cylinder standards certification.* The concentration of vinyl chloride in nitrogen in each cylinder must have been certified by the manufacturer by a direct analysis of each cylinder using an analytical procedure that the manufacturer had calibrated on the day of cylinder analysis. The calibration of the analytical procedure shall, as a minimum, have utilized a three-point calibration curve. It is recommended that the manufacturer maintain two calibration standards and use these standards in the following way: (1) a high concentration standard (between 50 and 100 ppm) for preparation of a calibration curve by an appropriate dilution technique; (2) a low concentration standard (between 5 and 10 ppm) for verification of the dilution technique used.

5.2.3.2 *Establishment and verification of calibration standards.* The concentration of each calibration standard must have been established by the manufacturer using reliable procedures. Additionally, each calibration standard must have been verified by the manufacturer by one of the following procedures, and the agreement between the initially determined concentration value and the verification concentration value must be within ± 5 percent: (1) vertification value determined by comparison with a calibrated vinyl chloride permeation tube, (2) verification value determined by comparison with a gas mixture prepared in accordance with the procedure described in section 7.1 and using 99.9+ percent vinyle chloride, or (3) verification value obtained by having the calibration standard analyzed by the National Bureau of Standards. All calibration standards must be renewed on a time interval consistent with the shelf life of the cylinder standards sold.

16. Section 6.2 of Test Method 106 is amended as follows:

6.2 *Sample storage.* Sample bags must be kept out of direct sunlight. When at all possible analysis is to be performed within 24 hours, but in no case in excess of 72 hours of sample collection.

17. Section 7.1 of Test Method 106 is amended as follows:

7.1 *Preparation of vinyl chloride standard gas mixtures.* Evacuate a sixteen-inch square Tedlar bag that has passed a leak check (described in Section 7.4) and meter in 5 liters of nitrogen. While the bag is filling, use the 0.5 ml syringe to inject 250μl of 99.9+ percent vinyl chloride through the wall of the bag. Upon withdrawing the syringe needle, immediately cover the resulting hole with a piece of adhesive tape. The bag now contains a vinyl chloride concentration of 50 ppm. In a like manner use the other syringe to prepare gas mixtures having 10 and 5 ppm vinyl chloride concentrations. Place each bag on a smooth surface and alternately depress opposite sides of the bag 50 times to further mix the gases. These gas mixture standards may be used for 10 days from the date of preparation, after which time preparation of new gas mixtures is required. (CAUTION.—Contamination may be a problem when a bag is reused if the new gas mixture standard contains a lower concentration than the previous gas mixture standard did.)

18. Section 7.3 of Test Method 106 is amended as follows:

7.3 *Preparation of chromatograph calibration curve.* Make a gas chromatographic measurement of each gas mixture standard (described in section 5.2.2 or 7.1) using conditions identical with those listed in sections 6.3 and 6.4. Flush the sampling loop for 30 seconds at the rate of 100 ml/min with each standard gas mixture and activate the sample valve. Record C_c, the concentration of vinyl chloride injected, the attenuator setting, chart speed, peak area, sample loop temperature, column temperature, carrier gas flow rate, and retention time. Record the laboratory pressure. Calculate A_c, the peak area multiplied by the attenuator setting. Repeat until two injection areas are within 5 percent, then plot these points v. C_c. When the other concentrations have been plotted, draw a smooth curve through the points. Perform calibration daily, or before and after each set of bag samples, whichever is more frequent.

19. Section 1.2 of Test Method 107 is amended as follows:

1.2 This procedure is suitable for determining the vinyl choride monomer (VCM) content of inprocess wastewater samples, and the residual vinyl chloride monomer (RVCM) content of polyvinyl chloride (PVC) resins, wet cake, slurry, and latex samples. It cannot be used for polymer in fused forms, such as sheet or cubes. If a resolution of the vinyl chloride peak is not satisfactory for a particular sample, then chromatograph parameters may be altered provided that the precision and reproducibility of the analysis of vinyl chloride cylinder standards are not impaired. If there is reason to believe that some other hydrocarbon with an identical retention time is present in the sample, then supplemental confirmation of the vinyl chloride peak through an absolute analytical technique, such as mass spectroscopy, should be performed.

20. Section 5.3.2 is amended as follows:

5.3.2 *Chromatographic column.* Stainless steel, 2 m × 3.2 mm, containing 0.4 percent Carbowax 1500 on Carbopak A, Perkin-Elmer Corporation No. 105-0133, or equivalent. Carbopak C can be used in place of Carbopak A. If methanol and/or acetaldehyde is present in the sample, a pair of Poropak Q columns in series (1 m × 3.2 mm followed by 2 m × 3.2 mm) with provision for backflush of the first column has been shown to provide adequate separation of vinyl chloride.

21. Section 6.2 of Test Method 107 is revised as follows:

6.2 *Calibration.*

6.2.1 *Cylinder standards (4).* Gas mixture standards (50, 500, 2,000, and 4,000 ppm vinyl chloride in nitrogen cylinders) for which the gas composition has been certified by the manufacturer. Lower concentration standards should be obtained if lower concentrations of vinyl chloride samples are expected, as the intent is to bracket the sample concentrations with standards. The manufacturer must have recommended a maximum shelf life for each cylinder so that the concentration does not change greater than ±5 percent from the certified value. The date of gas cylinder preparation, certified vinyl chloride concentration and recommended maximum shelf life must have been affixed to the cylinder before shipment from the manufacturer to the buyer.

6.2.1.1 *Cylinder standards certification.* The concentration of vinyl chloride in nitrogen in each cylinder must have been certified by the manufacturer by a direct analysis of each cylinder using an analytical procedure that the manufacturer had calibrated on the day of cylinder analysis. The calibration of the analytical procedure shall, as a minimum, have utilized a three-point calibration curve. It is recommended that the manufacturer maintain two calibration standards and use these standards in the following way: (1) a high concentration standard (between 4,000 and 8,000 ppm) for preparation of a calibration curve by an appropriate dilution technique; (2) a low concentration standard (between 50 and 500 ppm) for verification of the dilution technique used.

6.2.1.2 *Establishment and verification of calibration standards.* The concentration of each calibration standard must have been established by the manufacturer using reliable procedures. Additionally, each calibration standard must have been verified by the manufacturer by one of the following procedures, and the agreement between the initially determined concentration value and the verification concentration value must be within ±5 percent: (1) verification value determined by comparison with a gas mixture standard generated in a similar manner to the procedure described in section 7.1 of Method 106 for preparing gas mixture standards using 99.9+ percent vinyl chloride, or (2) verification value obtained by having the calibration standard analyzed by the National Bureau of Standards. All calibration standards must be renewed on a time interval consistent with the shelf life of the cylinder standards sold.

22. Section 7.3.2.d. of Test Method 107 is corrected as follows:

d. *W—Stabilization time.* The normal setting is 0.2 minutes.

23. Section 9.2 of Test Method 107 is corrected as follows:

9.2 Residual vinyl chloride monomer concentration, or vinyl chloride monomer concentration.

Calculate C_{rvc} as follows:

$$C_{rvc}=\frac{A_s P_a}{R_f T_1}\left(\frac{M_v V_s}{m_t R}+K T_2\right)$$

Equation 107–2

where:

C_{rvc} = Concentration of vinyl chloride in the sample, in ppm.
P_a = Laboratory atmosphere pressure, mm Hg.
T_1 = Room temperature, °K.
M_v = Molecular weight of VCM (62.5).
V_s = Volume of vapor phase (vial volume less sample volume).
m_t = Weight of sample, grams.
R = Gas constant [62,360 (cc-mm-mole-degrees Kelvin)]
K = Henry's Law constant. For VCM in PVC at 90° C, $K=6.52\times10^{-4}=K_p$. For VCM in 1 cc (approximate) wastewater sample at 90° C, $K=5.0\times10^{-4}=K_w$.
T_2 = Equilibration temperature, °K.

If the following conditions are met, Equation 107–2 can be simplified as follows:

1. $T_1=22°$ C (295° K)
2. $T_2=90°$ C (363° K)
3. $P_a=750$ mm Hg.
4. $V_s=V_v-\frac{m_t}{1.4}=23.5-\frac{m_t}{1.4}$

where

V_v = Vial volume, cc (23.5).

5. Sample contains less than 0.5 percent water.

$$C_{rvc}=\frac{A_s}{R_f}\left(4.197\times10^{-3}+\frac{5.988\times10^{-2}}{m_t}\right)$$

Equation 107–3

The following general equation can be used for any sample which contains VCM, PVC and water.

$$C_{rvc}=\frac{A_s P_a}{R_f T_1}\times\left[\frac{M_v V_s}{R m_t}+K_p(TS)T_2+K_w(1-TS)T_2\right]$$

Equation 107–4

where:

TS = Total solids.

NOTE: K_w must be determined for samples with a vapor volume to liquid volume ratio other than 22.5 to 1. This ratio can be obtained by adjusting the sample weight through giving consideration to the total solids and density of the PVC.

Results calculated using Equation 107–4 represent concentration based on the total sample. To obtain results based on dry PVC content, divide by TS.

For a 1-cc wastewater sample (that is, 22.5 to 1 vapor volume to liquid volume ratio), K_w is 5.0×10^{-4}. Thus, Equation 107–4 can be simplified to the following:

$$C_{rvc}=\frac{A_s}{R_f}\left[\frac{5.988\times10^{-2}}{m_t}+(2.066\times10^{-3})\right]$$

Equation 107–5

(Secs. 112 and 301(a) of the Clean Air Act, 42 U.S.C. 1857c-7 and 1857g(a).)

[FR Doc.77-15828 Filed 6-6-77;8:45 am]

Title 45—Public Welfare

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

PART 177—FEDERAL, STATE AND PRIVATE PROGRAMS OF LOW INTEREST LOANS TO VOCATIONAL STUDENTS AND STUDENTS IN INSTITUTIONS OF HIGHER EDUCATION

Commissioner's "Equitable Share" of Payments on Certain Reinsured Loans

AGENCY: Office of Education, HEW.

ACTION: Interim Final Rule.

SUMMARY: This Guaranteed Student Loan Program (GSLP) rule prescribes the Commissioner's "equitable share" of a payment made by a borrower in discharge of his GSLP loan obligation to an approved State or private nonprofit loan insurance program (guarantee agency) after the Commissioner has made a reinsurance payment on that loan to the agency. This regulation assists in the implementation of a new 100 percent reinsurance program with guarantee agencies authorized by the Education Amendments of 1976 (Public Law 94–482). The regulation is needed immediately to prescribe the disposition of payments received from borrowers after the execution of each agreement.

EFFECTIVE DATE: Pursuant to sec. 431 (d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)), these regulations have been transmitted to the Congress concurrently with the publication in the FEDERAL REGISTER.

That section provides that regulations subject thereto shall become effective on the 45th day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

ADDRESSES: Written comments concerning this rule should be sent to the Associate Commissioner, Office of Guaranteed Student Loans, Office of Education, Room 4636, Regional Office Building No. 3, Seventh and D Streets, S.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Robert F. Carmody, Jr., 202–472–2758.

SUPPLEMENTARY INFORMATION: This rule prescribes what the Commissioner's "equitable share" of payments is with respect to payments made by a borrower to a State or private nonprofit student loan insurance program ("guarantee agency") in full or partial discharge of the borrower's loan obligation, after the Commissioner has made a reinsurance payment to the guarantee agency with respect to that loan pursuant to a Supplemental Guaranty Agreement. Section 428A of the Higher Education Act of 1965 (Act), as added by section 127 of the Education Amendments of 1976 (Pub. L. 94–482), authorizes the Commissioner to enter with guarantee agencies into Supplemental Guaranty Agreements which provide for 100 percent Federal reinsurance on eligible loans. The statute also directs the Commissioner to prescribe by regulation his "equitable share" of payments collected by the guarantee agency from the borrower once the guarantee agency is subrogated to the rights of the lender after paying an insurance claim. The Commissioner of Education has already begun to enter into Supplemental Guaranty Agreements with guarantee agencies. These agreements provide that the Commissioner's "equitable share" will be determined by regulations to be prescribed by the Commissioner. This regulation is needed immediately to prescribe the disposition of payments received from borrowers after the execution of the agreements.

The definition contained in the interim rule is the same, except for a technical change, as the definition added to section 428(c) of the Act by Public Law 94–482 with respect to the Commissioner's "equitable share" of payments received by guarantee agencies participating in the standard 80 percent reinsurance agreement. It provides that the Commissioner's share of any such payments shall be that portion remaining after the guarantee agency has subtracted:

1. A percentage amount equal to the percentage, if any, of insurance it had previously paid on the loan obligation to the holder of the loan which was not reimbursed by Federal reinsurance;

2. An amount attributable to the allowable "administrative costs of collection of the loan," as defined at sections 428(c)(6)(B)(i) and 428(f)(3)(B) of the Act; and

3. An amount attributable to the allowable "administrative costs of preclaim assistance for default prevention," as defined at sections 428(c)(6)(B)(ii) and 428(f)(3)(C) of the Act.

The technical change clarifies that a guarantee agency may not deduct costs for loan collection and preclaims assistance which are reimbursed pursuant to section 428(f) of the Higher Education Act of 1965, as added by Public Law 94–482.

NOTE.—The Office of Education has determined that this document does not contain a major proposal requiring preparation of an Inflationary Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance No. 13.460 Guaranteed Student Loan Program)

Dated: April 6, 1977.

WILLIAM F. PIERCE,
Acting Commissioner of Education.

Approved: May 31, 1977.

JOSEPH A. CALIFANO, Jr.,
Secretary of Health, Education, and Welfare.

45 CFR Part 177 is amended by adding a new § 177.37 reading as follows:

§ 177.37 Supplemental guaranty agreements—Equitable share of payments made by borrower.

(a) For the purposes of supplemental guaranty agreements entered into under section 428A of the Higher Education Act of 1965 (HEA), as added by Public Law 94-482, the Commissioner's "equitable share" of payments made by a borrower to a guarantee agency in full or partial discharge of the borrower's loan obligation, after the Commissioner has made an insurance payment with respect to that loan, shall be that portion of the payments remaining after the State or the nonprofit private institution or organization with which the Commissioner has an agreement has deducted from such payments (1) a percentage amount equal to the complement of the reinsurance percentage in effect when payment under the supplemental guaranty agreement was made with respect to the loan and (2) an amount equal to the administrative costs of collection of the loan and the administrative costs of preclaims assistance for default prevention not reimbursed pursuant to subsection (f) of section 428 of the HEA, to the extent such costs do not exceed 30 per centum of such payments.

(b) For the purpose of this paragraph, the term:

(1) "Administrative costs of collection of the loan" means any administrative costs incurred by a guarantee agency which are directly related to the collection of the loan on which a default claim has been paid to the participating lender, including the attributable compensation of collection personnel (and in the case of personnel who perform several functions for such an agency only the portion of compensation attributable to the collection activity), attorney's fees, fees paid to collection agencies, postage, equipment, supplies, telephone and similar charges, but does not include the overhead costs of such agency whether or not attributable and

(2) "Administrative costs of preclaim assistance for default prevention" means any administrative costs incurred by a guarantee agency which are directly related to providing collection assistance to the lender on a delinquent loan, prior to the loan being legally in a default status, including the attributable compensation of appropriate personnel (and in the case of personnel who perform several functions for such an agency only the portion of compensation attributable to the collection activity), fees paid to locate a missing borrower, postage, equipment, supplies, telephone and similar charges, but does not include the overhead costs of such agency whether or not attributable.

(20 U.S.C. 1078-1(b)(5).)

[FR Doc.77-16001 Filed 6-6-77;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK

Extension of Transition Period During Which "Grandfathered" Terminal Equipment May Be Connected Without Being Registered

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Because of litigation before the U.S. Supreme Court and the continued effectiveness of a court stay over portions of the FCC's registration program, the transition period for phasing-in the program is extended from June 1, 1977, to January 1, 1978. During this period, unregistered "grandfathered" equipment may continue to be connected to the national telephone network.

EFFECTIVE DATE: May 31, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Stanford B. Weinstein, Policy and Rules Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554 (202-632-9342).

SUPPLEMENTARY INFORMATION:

Adopted: May 27, 1977.

Released: May 31, 1977.

MEMORANDUM OPINION AND ORDER

In the Matter of Amendment of § 68.2 of the commission's rules.

1. In its various decisions in Docket No. 19528, the Commission has established a registration program (Part 68 of the Commission's Rules and Regulations) designed to allow consumers to connect terminal equipment to the nationwide telephone network without using carrier-supplied protective couplers (connecting arrangements). This program is applicable both to equipment provided by users (customer-supplied equipment) and to equipment provided by telephone companies (carrier-supplied equipment).

2. During the course of that proceeding, certain parties appealed one or more of the Commission's decisions therein to the United States Court of Appeals for the Fourth Circuit. By orders of April 28, 1976 and June 16, 1976, the court stayed the Commission's decisions as they relate to main and extension telephones, PBXs, key telephone systems and all carrier-supplied equipment. On March 22, 1977 the Court of Appeals issued its decision, affirming the Commission's decisions in all respects. However, the court did not issue its mandate, and therefore, the court's stay remains in effect during the pendency of appeals to the U.S. Supreme Court.

3. In view of the litigation before the U.S. Supreme Court and the continued effectiveness of the court's stay over the registration program as it relates to main and extension telephones, PBXs, key telephone systems and all carrier-supplied equipment, we are extending the transition period during which "grandfathered" terminal equipment may be connected without being registered, from June 1, 1977, to January 1, 1978.

4. Accordingly, it is hereby ordered, pursuant to the delegations of authority contained in Section 0.291 of the Commission's Rules (47 CFR 0.291), and pursuant to Sections 1, 2(a), 4(i), 4(j), 201-205, 208, 215, 218, 313, 314, 403, 404, 410 and 602 of the Communications Act that Section 68.2 of the Commission's Rules and Regulations is amended as shown in the appendix hereto, effective May 31, 1977,[1] subject to the court's stay referred to in paragraph 2 above.

5. It is further ordered that American Telephone and Telegraph Company is directed to file tariffs in accordance with this Order, and that § 61.58 of the Commission's Rules is waived to permit this filing.

(Secs. 1, 2, 4, 201-205, 208, 215, 218, 313, 314, 403, 404, 410, 602 48 Stat. as amended 1064, 1066, 1070, 1071, 1072, 1073, 1076, 1077, 1087, 1094, 1098, 1102, 47 U.S.C. 151, 152, 154, 201-205, 208, 215, 218, 313, 314, 403, 404, 602.)

FEDERAL COMMUNICATIONS COMMISSION,
WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

The Commission's Rules and Regulations (Chapter I of Title 47 of the Code of Federal Regulations) are amended as follows:

Section 68.2 (b) and (c) are amended to read as follows:

§ 68.2 Scope.

* * * * *

[1] Since the rule we are modifying would, absent this modification, take effect on June 1, 1977, the public interest requires that this change become effective before June 1, 1977.

(b) Unless otherwise ordered by the Commission, all items of equipment, other than PBX and key telephone equipment, of a type directly connected to the network as of May 1, 1976 may be connected thereafter up to January 1, 1978—and may remain connected for life—without registration, unless subsequently modified.

(c) Unless otherwise ordered by the Commission, all PBX and key telephone equipment of a type directly connected to the network as of August 1, 1976 may be connected thereafter up to January 1, 1978—and may remain connected for life—without registration, unless subsequently modified.

[FR Doc.77-16058 Filed 6-6-77;8:45 am]

[Docket No. 21118; RM-2794, 2795, 2804, 2805 and 2807]

PART 73—RADIO BROADCAST SERVICES

FM Assignments to Boulder City, Nevada, McConnelsville, Ohio & St. Marys, West Va.

AGENCY: Federal Communications Commission.

ACTION: Report and order.

SUMMARY: Action taken assigning first Class A FM assignment to Boulder City, Nevada; McConnelsville, Ohio; and St. Marys, West Virginia. Petitioners Robert H. Ruark, John Wharff and D. Robert Eddy stated the channels would provide a first local aural broadcast service to the respective communities. The petitions of Cable FM Six and Lakeside Broadcasting, Inc. proposing the assignment of a first Class A FM channel to Canadian, Texas, and Yakutat, Alaska, respectively, are denied because of the petitioners' failure to file a response expressing continuing interest in the proposed channel.

EFFECTIVE DATE: July 11, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau (202-632-7792).

SUPPLEMENTARY INFORMATION:

Adopted: May 25, 1977.

Released: May 31, 1977.

REPORT AND ORDER

PROCEEDING TERMINATED

In the Matter of amendment of § 73.202 (b), table of assignments, FM broadcast stations. (McConnelsville, Ohio, St. Marys, West Virginia; Boulder City, Nevada; Canadian, Texas; Yakutat, Alaska.)

By the Chief, Broadcast Bureau:

1. The Commission has before it the Notice of Proposed Rule Making, adopted February 11, 1977, 42 FR 10857, inviting comments on a number of changes in the FM Table of Assignments (Section 73.202(b) of the Rules). The communities, channel assignments proposed, and petitioning parties are as follows:

RM-2794.—Channel 264A to McConnelsville, Ohio (John Wharff).
RM-2795.—Channel 269A to St. Marys, West Virginia (D. Robert Eddy).
RM-2804.—Channel 288A to Boulder City, Nevada (Robert H. Ruark).
RM-2805.—Channel 276A to Canadian, Texas (Cable FM Six).
RM-2807.—Channel 280A to Yakutat, Alaska (Lakeside Broadcasting, Inc.).

2. In each of the above cases, the petitioner seeks the assignment of a first Class A FM channel without requiring any additional changes in the FM Table of Assignments. The petitioning parties for the proposed assignments to McConnelsville, Ohio, St. Marys, West Virginia, and Boulder City, Nevada, filed supporting statements reiterating their intention to apply for the channels, if assigned, and to build a station if authorized. Petitioners for the proposed assignments to Canadian, Texas, and Yakutat, Alaska, filed no supporting comments or statements. In the case of Yakutat, since petitioner stated it intended to apply for an FM 10-watt educational station, if the channel were assigned, it was specifically requested to provide information regarding its eligibility as an educational entity or its willingness to meet the power minimum for commercial stations. No such information was submitted. In the absence of any further interest in a channel for Canadian, Texas, or for Yakutat, Alaska, there is no need for further discussion of these proposals, and both petitions will be denied.

3. McConnelsville, Ohio (RM-2794). John Wharff filed a petition on November 17, 1976, proposing the assignment of Channel 265A to McConnelsville, Ohio. McConnelsville (pop. 2,107)[1] seat of Morgan County (pop. 12,375), is located in southeastern Ohio, about 39 kilometers (24 miles) from Zanesville, Ohio. There is no local broadcast transmission in McConnelsville or Morgan County.

4. St. Marys, West Virginia (RM-2795). D. Robert Eddy filed a petition on November 17, 1976, proposing the assignment of Channel 269A to St. Marys, West Virginia. St. Marys (pop. 2,348), seat of Pleasants County (pop. 7,234), is located about 35 kilometers (22 miles) northeast of Parkersburg, West Virginia. St. Marys has no local aural broadcast service.

5. Boulder City, Nevada (RM-2804). Robert H. Ruark filed a petition on November 29, 1976, proposing the assignment of Channel 288A to Boulder City, Nevada. Boulder City (pop. 5,223), in Clark County (pop. 273,288), is located in southeastern Nevada approximately 40 kilometers (25 miles) from Las Vegas, Nevada. It has no local aural broadcast service.

6. In arriving at our decision, consideration was given to all comments and supporting statements. The Notice set forth the economic and other information pertaining to the need for a first FM assignment in each of these communities. Based on this need and since the channel assignments would provide for a first local aural broadcast service in each of the above communities, we have concluded that it would be in the public interest to make these assignments.

7. Canadian concurrence has been obtained for the assignment of Channels 265A and 296A to McConnelsville, Ohio, and St. Marys, West Virginia, respectively.

8. Authority for the amendments adopted herein is found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as as amended, and Section 0.281 of the Commission's Rules.

9. *Accordingly, it is ordered*, That effective July 11, 1977, the FM Table of Assignments Section 73.202(b) of the Commission's Rules) is amended with respect to the cities listed below, as follows:

City:	*Channel No.*
Nevada, Boulder City	288A.
Ohio, McConnelsville	265A.
West Virginia, St. Marys	269A.

10. *It is further ordered*, That the petition filed by Cable FM Six, RM-2805, for assignment of Channel 276A to Canadian, Texas, is denied.

11. *It is further ordered*, That the petition filed by Lakeside Broadcasting, Inc. for assignment of Channel 280A to Yakutat, Alaska, RM-2807, is denied.

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

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

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

[FR Doc.77-16059 Filed 6-6-77;8:45 am]

[1] This and other population figures are derived from the 1970 U.S. Census.

proposed rules

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

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[7 CFR Part 1701]

PROCEDURE FOR CLOSING OUT CONTRACT CONSTRUCTION OF DISTRIBUTION AND TRANSMISSION FACILITIES

Proposed Revision of REA Bulletin 81–6

AGENCY: Rural Electrification Administration.

ACTION: Advance notice of proposed rule.

SUMMARY: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to revise REA Bulletin 81–6, Closeout Procedures and Documents for Contract Construction of Distribution and Transmission Facilities, issued May 31, 1972. This bulletin sets forth REA requirements for the closing out of distribution and transmission contract construction. The proposed revision will give the REA field engineer the option of not performing a final inspection of contract construction. On issuance of REA Bulletin 81–6, Appendix A to Part 1701 will be modified accordingly.

DATE: Public comments must be received by REA on or before July 7, 1977.

ADDRESS: Interested persons may submit written data, views or comments to the Director, Power Supply and Engineering Standards Division, Rural Electrification Administration, Room 3304, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Director, Power Supply and Engineering Standards Division during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Rowland C. Hand, Sr., Director, Power Supply and Engineering Standards Division, Rural Electrification Administration, Room 3304, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number (202) 447–4413.

SUPPLEMENTARY INFORMATION: Listed below are several changes to be made in the proposed revision.

1. The REA field engineer will be given the option of not performing a final inspection of contract construction.

2. New procedures have been formulated to implement the contract close out of all distribution and transmission construction when a final inspection by the REA field engineer is not required.

3. The provision for final payment to the contractor has been tied directly to the terms of payment contained in the standard REA forms of contract.

4. The type of information to be shown on the REA Form 219, Inventory of Work Orders and the manner in which this information is to be presented are more clearly defined.

5. Instructions for eliminating Temporary Normal Inventories have been included.

6. The requirement for submission of certain "as constructed" drawings to REA has been eliminated.

7. REA Form 608 has been replaced by a Sample Form for the borrower's and contractor's use only.

A copy of the proposed revision of REA Bulletin 81–6 may be secured in person or by written request from the Director, Power Supply and Engineering Standards Division.

Dated: June 1, 1977.

RICHARD F. RICHTER,
Assistant Administrator, Electric.

[FR Doc.77-16081 Filed 6-6-77;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[Docket 9062]

FISHER FOODS, INC.

Consent Agreement With Analysis to Aid Public Comment

Correction

In FR Doc. 77–13439 appearing at page 23849 in the issue for Wednesday, May 11, 1977, make the following corrections:

1. On page 23850, under the heading "Order I Definitions", in the middle column, in paragraph O, in the second line, the word "Marketing", should read "Marking".

2. Also on page 23850, under "Order I Definitions", in the third column, in paragraph P, in the eleventh line, insert the word "Advertised" between the words "Overcharged" and "Items".

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 239]

[Rel. Nos. 33–5830, IC–9787; File No. S7–700]

"MONEY MARKET" FUNDS AND CERTAIN OTHER MUTUAL FUNDS

Quarterly Disclosure of Certain Historical Information

AGENCY: Securities and Exchange Commission.

ACTION: Proposed amendment of form.

SUMMARY: The Commission proposes to amend Form S–5 under the Securities Act of 1933 to require open-end investment companies investing primarily in short-term debt securities to supplement their prospectuses at the end of each calendar quarter with an unaudited listing of their investments and a table containing specified unaudited historical information. Such companies typically turn over their investment portfolios several times a year and in recent years there has been a high degree of fluctuation in short-term interest rates, resulting at times in a wide variation in the rate of return upon an investment in such a fund during a year's time. The Commission is of the tentative view that historical information concerning rates of return and portfolio composition, including the average maturity of the portfolio securities, should be included in the prospectuses of certain funds on a more frequent basis than annually in order to give investors the information needed for informed investment decisions.

DATES: Comments must be received on or before: July 15, 1977.

ADDRESSES: Interested persons should submit three copies of their views and comments to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All submissions will be made available for public inspection at the Commission's Public Reference Section, Room 6101, 1100 L Street NW., Washington, D.C. Submissions should refer to File No. S7–700.

FOR FURTHER INFORMATION CONTACT:

Herbert H. Davis, Esq., Office of Disclosure Policy and Review, Division of Investment Management, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202–755–1944).

SUPPLEMENTARY INFORMATION: Normally, only funds which invest principally in short-term debt securities pursuant to their regular objectives and policies ("money market funds") would be subject to the proposed requirement. However, as proposed the amendment would also require other funds which have assumed a defensive position and are temporarily invested principally in short-term debt securities to supplement their prospectuses with the specified information.

The proposed requirement would allow funds to supplement their prospectuses via a "sticker" pursuant to Rule 424(c) (17 CFR 230.424(c)) under the Securities

Act of 1933 (15 U.S.C. 77a et seq.) rather than require the filing of a post-effective amendment. As proposed, the amendment would require that the sticker be added to the prospectus within ten days of the end of any calendar quarter during which at any time 50% or more of the value of the company's assets is invested in debt securities maturing in two years or less. The Commission specifically invites comments as to whether the "50% or more" and "two years or less" standards are appropriate.

The proposed requirement contemplates all companies subject thereto furnishing information which is computed for the same period of time and in the same manner, thereby allowing meaningful comparison among funds as well as insight into how each management seeks to achieve its fund's objectives.

Among the historical information which would be required in the proposed table is a statement of total rate of return. If the proposed amendment is adopted with this information being required it will be the first time that the inclusion of such information in any investment company prospectuses will have been required.

STATUTORY BASIS

The proposed amendment to Form S-5 would be promulgated pursuant to the provisions of Sections 7, 10(c) and 19(a) of the Securities Act of 1933 (15 U.S.C. 77g, 77j(c) and 77s(a)).

COMMISSION ACTION

It is proposed to amend 17 CFR 239.15 by adding a paragraph "(e)" at the end of the current item 2, "Financial Statements," of Part I of the Form as follows:

§ 239.15 Form S-5, for open-end management investment companies registered on Form N-8B-1.

* * * * *

(e) Within ten days after the end of a calendar quarter at any time during which 50% or more of the value of its assets consists of debt obligations maturing in two years or less, the registrant must supplement it prospectus pursuant to Rule 424(c) under the Securities Act of 1933 with the following information:

(1) An unaudited listing of all portfolio securities held at the end of the quarter in the following form:

Principal amount	Name of issuer and title of issue including stated or indicated interest rate and maturity date	Cost	Value	Yield to maturity

(2) A table containing the following unaudited information for each of the previous four quarters in the following form:

(Name of fund)

Date:

All amounts are unaudited

Quarter ended	Annualized rate of total return on a share outstanding during the quarter.[1]	Average daily dollar-weighted average maturity during the quarter.[2]	Average percentage of net assets invested during the quarter[3] in:					
			U. S.		Certificates of deposit	Bankers acceptances	Commercial paper	Other[4]
			Treasury	Other				

1. Ratio of the sum of the distributions made with respect to a share outstanding during the quarter plus the change in the share value during the quarter to the net asset value of a share at the beginning of the quarter shown on an annualized basis. (If the fund has a sales load this footnote should state that this amount does not take such a load into effect. If a periodic charge is made against accounts, the per share return must include the effect of the maximum per share charge.)

2. The average daily dollar-weighted average maturity is computed by dividing the sum of the daily dollar-weighted maturities for each day in the quarter by the number of days in the quarter. The daily dollar-weighted average maturity is computed by multiplying the value of each security owned that day by the number of days left to maturity for each security and dividing the sum of these products by the value of all securities owned that day.

3. The average percentage of net assets invested during the quarter is derived by adding the total value of each separate category each day of the quarter and dividing by the sum of the value of each day's net assets during the quarter

4. Does not include documented discount notes.

* (Any category or type of security which represents on an average 10 percent or more of the average total assets for any quarter should be listed separately.)

* * * * *

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 31, 1977.

[FR Doc.77-15971 Filed 6-6-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 155]

[Docket No. 75P-0322]

CANNED VEGETABLES

Canned Peas; Standards of Identity, Quality, and Fill of Container

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the standards of identity, quality, and fill of container for canned peas; to adopt, in so far as possible, both the Codex standard developed by the Codex Alimentarius Commission and a proposal by the Corn Refiners Association (CRA) regarding such standards.

DATE: Comments by August 8, 1977.

ADDRESS: Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Prince G. Harrill, Bureau of Foods (HFF-411), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204 (202-245-1164).

SUPPLEMENTARY INFORMATION: The proposed amendments to the U.S. standard of identity, quality and fill of container for canned peas and canned dry peas will: (1) expand the list of permitted sweetening agents to include all safe and suitable nutritive carbohydrate sweeteners; (2) authorize garnishes of other vegetables; (3) allow small amounts of calcium salts to be added as firming agents in those instances where they are needed, e.g., in geographical areas of the United States having very soft water; (4) continue to permit artificial color to be used, but without requiring a labeling statement of substandard quality; and (5) employ statistical sampling plans as a basis for determining compliance with quality and fill requirements.

The Food and Agriculture Organization/World Health Organization (FAO/WHO) Codex Alimentarius Commission has submitted to the United States for consideration for acceptance a "Recommended International Standard for Canned Green Peas" (CAC/RS 58-1972) hereinafter referred to as the Codex standard. A petition has also been filed by the Corn Refiners Association, 1001 Connecticut Ave. NW., Washington, D.C. 20036, proposing amendment of the United States standards of identity for canned peas and canned dry peas to provide for the optional use of additional sweetening ingredients.

The United States, as a member of the Food and Agriculture Organization of the United Nations and of the World Health Organization, is under treaty obligation to consider all Codex standards. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: full acceptance, target acceptance, or acceptance with specified deviations. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country; insofar as features dealt with by the Codex standard are concerned, products that do not comply, whether domestic or imported, will not be permitted to be distributed without restrictions under the name and description laid down in the standard. The restrictions that may be imposed are not incorporated in the Codex standards, but are left to the legislation and regulations of the individual countries. A participating country that concludes that it cannot accept the Codex standard in any of the three ways is requested to indicate, with the reasons therefor, the manner in which its requirements differ from the Codex standard, and whether products complying with the Codex standard will be permitted to move freely in the commerce of that country. Members of the Commission are requested to notify the Secretariat of the Codex Alimentarius Commission—Joint FAO/WHO Food Standards Programme, FAO, Rome, Italy, of their decision.

For many years the U.S. has had standards of identity, quality, and fill of container for canned peas in § 155.170 (21 CFR 155.170, formerly §§ 51.1, 51.2, and 51.3, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)), as established under the authority of section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341). The U.S. standards are also applicable to canned dry peas except for certain limited features, such as the name of the food and the exception to the alcohol-insoluble solids requirement, which are covered in the standards of identity, quality and fill of container for canned dry peas set forth currently in § 155.172 (21 CFR 155.172, formerly §§ 51.4, 51.5, and 51.6, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)). There are also voluntary grade standards for marketing, developed by the U.S. Department of Agriculture (USDA), for canned peas and canned dry peas. There is no substantial conflict between the U.S. standards and the Codex standard. The basis of this proposal to amend the U.S. canned pea and canned dry pea standards is that, in the opinion of the Commissioner of Food and Drugs, it will promote honesty and fair dealing in the interest of consumers and facilitate international trade to adopt as far as practicable the Codex standard.

The Codex Alimentarius Commission recently adopted a "Recommended International Standard for Canned Mature Processed Peas." Acceptance of the "Recommended International Standard for Canned Mature Processed Peas" by the U.S. will be considered at a later date.

In proposing to align to the extent possible the U.S. standards with the Codex standard, the Commissioner has noted certain differences in the composition and format of the Codex standard as contrasted with the U.S. standards. Measurements in the U.S. standards are sometimes stated in units of the U.S. customary system (pounds, inches), or in units of the international (metric) system, or both, whereas the Codex standard uses only the metric system. The Commissioner recognizes that the metric system is generally used throughout the world, and in the U.S. for technical purposes, and that it may eventually be adopted by this country for common usage. The Commissioner therefore proposes that the metric system be used in the U.S. standards for canned peas with the equivalent units of the U.S. customary system shown parenthetically.

The Codex standard also includes hygiene requirements, certain basic labeling requirements, and other factors that are not considered a part of food standards under section 401 of the act (the legal basis for the promulgation of food standards), but which are dealth with under other sections of the act and, therefore, are not discussed further in this proposal. The Codex standard sometimes uses subjective terms in stating its requirements; these cannot be expressed in terms precise enough to be legally enforceable, and they are omitted, whenever feasible, from the proposal.

The Corn Refiners Association, a trade association representing manufacturers of starch, sweeteners, corn oil, feeds, and other materials produced by the wet milling of corn or grain sorghum, has filed a petition with FDA to amend the standard of identity for canned peas in § 155.170(a) and, by cross-reference, the standard of identity for canned dry peas in § 155.172(a) to include the following nutritive carbohydrate sweeteners: sugar, invert sugar syrup, dextrose, liquid dextrose, corn syrup, dried corn syrup, glucose syrup, and dried glucose syrup.

In support of its petition, CRA states that highly significant technological changes have taken place in the manufacture of corn-based sweeteners, resulting in the production of numerous new products. These new products range from bland sweeteners to sweeteners having identical chemical, physical, and organoleptic characteristics as those exhibited as sweeteners consisting of sucrose or sucrose modifications. The Corn Refiners Association contends that the new corn sweeteners should be provided for on the same bases as sucrose-based sweeteners.

Amendment of the U.S. standards of identity, quality, and fill of container for canned peas and canned dry peas will be based on consideration of the CRA proposal and the following Codex standard, together with comments and supporting data received, and other available information.

CAC/RS 58-1972

RECOMMENDED INTERNATIONAL STANDARD FOR CANNED GREEN PEAS

1. DESCRIPTION

1.1 *Product Definition.* Canned green peas is the product (a) prepared from fresh or frozen clean, substantially sound, whole, shelled immature (green) seeds of garden pea varieties (cultivars) conforming with the characteristics of the species *Pisum sativum* L. but excluding the subspecies *macrocarpum*; (b) packed with water or other suitable liquid medium, sugars, seasoning, and other ingredients, appropriate to the product; and (c) processed by heat in an appropriate manner, before or after being sealed in a container, so as to prevent spoilage.

1.2 *Varietal Types.* Canned peas may be of any suitable variety (cultivar) and may be further classified as:

1.2.1 Wrinkled-seeded;

1.2.2 Round-seeded or smooth-seeded;

1.2.3 Other types (crosses or hybrids of the types in 1.2.1 and 1.2.2).

1.3 *Types of Pack.*

1.3.1 "Liquid Pack" when a liquid medium is used; or

1.3.2 "Vacuum Pack" or "Vacuum packed" if the liquid packing medium does not exceed 20 percent of the total net weight of the product and the container is closed under conditions creating a high vacuum in the container.

2. ESSENTIAL COMPOSITION AND QUALITY FACTORS

2.1 *Basic Ingredients.* Peas and liquid packing medium appropriate to the product and other optional ingredients, as follows:

2.1.1 Other permitted ingredients:

2.1.1.1 Salt, sucrose, invert sugar, dextrose, glucose syrup, dried glucose syrup.

2.1.1.2 Aromatic herbs and spices; stock or juice of vegetables and aromatic herbs (lettuce, onions, carrots, etc.); garnishes composed of one or more vegetables (lettuce, onions, carrots; pieces of green or red peppers, or mixtures of both) up to a maximum of 15% of the total drained vegetable ingredient; mint essence.

2.1.1.3 Butter or other edible animal or vegetable fats or oils. If butter is added, it must amount to not less than 3% of the final product (total contents).

2.1.1.4 Starches—natural (native), physically or enzymatically modified—only when butter or other edible animal or vegetable fats or oils are ingredients.

2.2 *Quality Criteria.*

2.2.1 *Colour:* Except for artifically coloured canned peas, the peas shall have normal colour characteristics for canned peas and typical of the variety used. Canned peas containing other permitted ingredients or additives shall be considered of characteristic colour when there is no abnormal discolouration for the respective substances used.

2.2.2 *Packing Medium.* Except for peas packed with special sauces, the packing medium shall not be so viscous that the liquid will not separate from the peas at 20°C. It shall not have a colour nor an appearance which is foreign to the product.

2.2.3 *Flavour.* Canned peas shall have a normal flavour and odour free from flavours or odours foreign to the product.

Canned peas with special ingredients shall have the flavour characteristics of that imparted by the peas and the other substances used.

2.2.4 *Texture and Maturity.* The peas shall be reasonably tender and reasonably uniform in texture and maturity.

The alcohol insoluble solids content shall not exceed 21% in all types.

2.2.5 *Defects and Allowances.* Canned peas may contain a slight amount of sediment and shall be reasonably free from defects within the limits set forth as follows:

Defects:	*Maximum limits, based on the weight of drained peas (percent by weight)*
(a) Blemished peas (consisting of peas which are slightly stained or spotted)	5
(b) Seriously blemished peas (consisting of peas which are spotted, discoloured or otherwise blemished (including worm-eaten peas) to the extent that the appearance or eating quality is seriously affected)	1
(c) Pea fragments (consisting of portions of peas: separated or individual cotyledons; crushed, partial, or broken cotyledons; and loose skins; but not including entire intact peas with skins detached)	10
(d) Yellow peas (entire pea is substantially yellow and is not a so-called "blond" pea which is very pale in colour)	2
(e) Extraneous plant material (consisting of any vine or leaf or pod material from the pea plant, or other harmless plant material not purposely added as an ingredient)	.5
Total of the foregoing defects (a), (b), (c), (d), (e)	12

2.2.6 *Classification of "defectives".* A container that fails to meet one or more of the applicable quality requirements, as set out in subsections 2.2.1 through 2.2.5, shall be considered a "defective".

2.2.7 *Acceptance.* A lot will be considered as meeting the applicable quality requirements referred to in sub-section 2.2.6 when the number of "defectives", as defined in sub-section 2.2.6, does not exceed the acceptance number (c) of the appropriate sampling plan in the Sampling Plans for Prepackaged Foods (1969) (AQL-6.5) (Ref. CAC/RM 42-1969).

3. FOOD ADDITIVES

		Maximum level of use
3.1	Monosodium glutamate [2]	Not limited. [1] [2]
3.2	Mint flavour (mint oil)	Do.
3.3	Colours:	
3.3.1	Wool Green BS (Green S) [1] CI 44 090	100 mg/kg singly or in combination.
3.3.2	Tartrazine [1] CI 19 140	
3.3.3	Brilliant Blue FCF CI 42 090	
3.3.4	Beta-carotene	
3.4	Firming agents:	
3.4.1	Calcium chloride	50 mg/kg total Ca in the final product.
3.4.2	Calcium lactate	
3.4.3	Calcium gluconate	
3.5	Vegetable gums:	1 pct m/m of the additives specified under 3.5 to 3.8 inclusive, singly or in combination. [3]
3.5.1	Arabic gum [1]	
3.5.2	Carrageenan [1]	
3.5.3	Furcellaran [1]	
3.5.4	Guar gum [1]	
3.6	Pectin	
3.7	Alginates (Ca, K, Na, NH_4) [1]	
3.7.1	Propylene glycol alginate [1]	
3.8	Modified starches:	
3.8.1	Acid-treated starches	
3.8.2	Alkali-treated starches	
3.8.3	Bleached starches	
3.8.4	Distarch phosphate (sodium trimetaphosphate treated)	
3.8.5	Distarch phosphate, phosphated	
3.8.6	Monostarch phosphate	
3.8.7	Starch acetate	
3.8.8	Starch hydroxypropyl	
3.8.9	Distarch adipate, acetylated	
3.8.10	Distarch glycerol, hydroxypropyl	
3.8.11	Oxidized starches	
3.8.12	Distarch phosphate, (phosphorous oxychloride treated)	
3.8.13	Distarch phosphate acetylated	
3.8.14	Distarch glycerol, acetylated	
3.8.15	Distarch glycerol	

[1] Temporarily endorsed.
[2] Subject to review.
[3] May be used only when butter or other edible animal or vegetable fats or oils are ingredients.

4. CONTAMINANTS

Maximum level. 250 mg/kg calculated as Sn.[1]

5. HYGIENE

5.1 It is recommended that the product covered by the provisions of this standard be prepared in accordance with the International Code of Hygienic Practice for Canned Fruit and Vegetable Products recommended by the Codex Alimentarius Commission (Ref. CAC/RCP 2-1969).

5.2 To the extent possible in good manufacturing practice the product shall be free from objectionable matter.

5.3 When tested by appropriate methods of sampling and examination, the product:

(a) Shall be free from microorganisms capable of development under normal conditions of storage, and

(b) Shall not contain any substances originating from microorganisms in amounts which may be toxic.

5.4 The product shall have received a processing treatment sufficient to destroy all spores of *Clostridium botulinum*.

6. WEIGHTS AND MEASURES

6.1 *Fill of Container.*

6.1.1 *Minimum Fill.* The container shall be well filled with peas and, except for "vacuum pack" peas, the product (including packing medium) shall occupy not less than 90% of the water capacity of the container. The water capacity of the container

[1] This is a provisional limit which is subject to review.

is the volume of distilled water at 20° C which the sealed container will hold when completely filled.

6.1.1.1 *Classification of "Defective".* A container that fails to meet the requirement for minimum fill (90 percent container capacity) of subsection 6.1.1 shall be considered a "defective".

6.1.1.2 *Acceptance.* A lot will be considered as meeting the requirement of subsection 6.1.1 when the number of "defectives", as defined in subsection 6.1.1.1, does not exceed the acceptance number (c) of the appropriate sampling plan in the Sampling Plans for Prepackaged Foods (1969) (AQL–6.5) (Ref. CAC/RM 42–1969).

6.1.2 Proper fill by Minimum Drained Weight (see alternative criteria in sub-section 6.1.3)

6.1.2.1 The drained weight of the product shall be not less than 60% m/m of distilled water at 20°C which the sealed container will hold when completely filled.

6.1.2.2 *Acceptance.* The requirement for minimum drained weight shall be deemed to be complied with when the average drained weight of all containers examined is not less than the minimum required, provided that there is no unreasonable shortage in individual containers.

6.1.3 Proper fill in lieu of Drained Weight Requirement (see alternative criteria in subsection 6.1.2)

6.1.3.1 Canned peas shall be considered to be of proper fill, irrespective of compliance with the requirements of sub-section 6.1.2, if they conform to the provisions of the method prescribed in sub-section 8.3.

6.1.3.2 *Acceptance.* A container that fails to meet the criteria of sub-section 6.1.3 when the method prescribed in sub-section 8.3 is applied, shall be considered a "defective". A lot will be considered as meeting the requirements of sub-section 6.1.3 when the number of "defectives" does not exceed the acceptance number (c) of the appropriate sampling plan in the Sampling Plans for Prepackaged Foods (1969) (AQL–6.5) (Ref. CAC/RM 42–1969)

7. LABELING

In addition to Sections 1, 2, 4 and 6 of the General Standard for the Labelling of Prepackaged Foods (Ref. CAC/RS 1–1969), the following specific provisions apply:

7.1 *The Name of the Food.*

7.1.1 The name of the product shall be "Peas", "Green Peas", "Garden Peas", "Green Garden Peas", "Early Peas", "Sweet Peas", "Petit Pois", or the equivalent description used in the country in which the product is intended to be sold.

7.1.2 As part of the name or in close proximity to the name, any special sauce and/or seasoning or flavouring which characterizes the product shall be declared, e.g. "With X" or "In X" when appropriate. If the declaration is "With (or "In") Butter Sauce", the fat used shall only be butter.

7.1.3 The name of the product may include the type of peas: "round seeded", "smooth seeded", or "wrinkled seeded", as appropriate.

7.2 *List of Ingredients.* A complete list of ingredients shall be declared on the label in descending order of proportion in accordance with sub-section 3.2(c) of the General Standard for the Labelling of Prepackaged Foods, except that water need not be declared.

7.3 *Net Contents.* The net contents shall be declared by weight in either the metric ("Système International" units) or avoirdupois or both systems of measurement as required by the country in which the product is sold.

7.4 *Name and Address.* The name and address of the manufacturer, packer, distributor, importer, exporter, or vendor of the product shall be declared.

7.5 *Country of Origin.*

7.5.1 The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

7.5.2 When the product undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labelling.

7.6 *Other Declarations.*

7.6.1 *Type of Pack.* If canned peas are "vacuum pack", this fact shall be stated on the label so as to be easily discernible.

7.6.2 *Size Representation.* The size name may be stated on the label in accordance with national legislation.

8. METHODS OF ANALYSIS AND SAMPLING

The methods of analysis and sampling referred to hereunder are international referee methods.

8.1 *Method of Sampling.* Sampling shall be in accordance with the FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods (1969) (AQL–6.5) (Ref. CAC/RM 42–1969).

8.2 *Determination of Drained Weight.* According to the FAO/WHO Codex Alimentarius method (FAO/WHO Codex Alimentarius Methods of Analysis for Processed Fruits and Vegetables, CAC/RM 36–1970, *Determination of Drained Weight—Method I*). Results are expressed as % m/m calculated on the basis of the mass of distilled water at 20°C which the sealed container will hold when completely filled.

8.3 *Determination of Proper Fill in lieu of Drained Weight.* According to the FAO/WHO Codex Alimentarius method (FAO/WHO Codex Alimentarius Methods of Analysis for Processed Fruits and Vegetables, Second Series, *Determination of Proper Fill in Lieu of Drained Weight*, CAC/RM 45–1972). Results are expressed as proper fill or otherwise.

8.4 *Determination of Alcohol Insoluble Solids.* According to the FAO/WHO Codex Alimentarius method (FAO/WHO Codex Alimentarius Methods of Analysis for Processed Fruits and Vegetables, Second Series, *Determination of Alcohol Insoluble Solids*—CAC/RM 47–1972). Results are expressed as % m/m of alcohol insoluble solids.

8.5 *Determination of Calcium.* According to the FAO/WHO Codex Alimentarius method (FAO/WHO Codex Alimentarius Methods of Analysis for Processed Fruits and Vegetables, *Determination of Calcium in* Canned Vegetables, CAC/RM 38–1970). Results are expressed as % m/m calcium.

8.6 *Method for Distinguishing Type of Peas.* According to the FAO/WHO Codex Alimentarius method (FAO/WHO Codex Alimentarius Methods of Analysis for Processed Fruits and Vegetables, Second Series, *Method for Distinguishing Type of Peas*, CAC/RM 48–1972). Results indicate the type of peas identified.

8.7 *Determination of Water Capacity of Containers.* According to the FAO/WHO Codex Alimentarius method (FAO/WHO Codex Alimentarius Method of Analysis for Processed Fruits and Vegetables, Second Series. *Determination of Water Capacity of Containers*, CAC/RM46–1972). Results are expressed as volume of distilled water that the container holds.

In many respects the provisions of the present U.S. standards and the Codex standard are identical, but in certain instances there are significant variations. The following is a comparison of what, in the opinion of the Commissioner, are the principal differences between the U.S. and Codex standards on which the Commissioner particularly requests comments with available supporting data. Following each item of comparison is the action the Commissioner proposes to take:

COMPARISON OF IDENTITY ASPECTS AND PROPOSED COURSE OF ACTIONS

1. *Varietal types.* Both Codex (1.1) and the U.S. standards (§§ 155.170(a)(1) and 155.172(a)(1)) provide that the peas shall be of the species *Pisum sativum* L., but Codex specifically excludes the subspecies *macrocarpum*, a type of pea in which the whole pods are suitable for cooking and eating.

The Commissioner is not aware that the succulent seeds of the subspecies *macrocarpum* are canned commercially in the U.S. and is therefore proposing specifically to exclude the subspecies *macrocarpum* and thereby conform with the Codex standard.

2. *Hybrids.* Codex (1.2.3) includes crosses or hybrids of wrinkled-seeded and round-seeded or smooth-seeded varieties. The U.S. standard does not specifically provide for hybrids.

Crosses or hybrids, which have been widely developed and are presently used in the U.S., often represent products of improved eating quality or have other desirable characteristics. The Commissioner proposes to include hybrids as a part of the identity standards.

3. *Packing media.* Codex (1.1) states that the product is packed in water or other suitable liquid medium. The U.S. standard of identity, § 155.170(a)(1), provides for water as a mandatory ingredient.

The Commissioner proposes to amend the U.S. standard to provide for water or other suitable aqueous liquid medium.

4. *Processing.* Codex (1.1) states that the product shall be processed by heat in an appropriate manner, before or after being sealed in a container, so as to prevent spoilage. The U.S. standard, § 155.170(a)(1), states that the food is sealed in a container and so processed by heat as to prevent spoilage.

The Commissioner proposes, in view of the techniques of aseptic canning, to amend the U.S. standard by adopting language similar to that of Codex.

5. *Optional ingredient.*—(a) *Sweetening agents.* Codex (2.1.1.1) provides for sucrose, invert sugar, dextrose, glucose syrup, and dried glucose syrup. The petition filed by CRA proposes that the U.S. standards of identity for canned peas and canned dry peas, §§ 155.170(a) and 155.172(a), respectively, provide for the optional use of sugar, invert sugar syrup, dextrose, liquid dextrose, corn syrup, dried corn syrup, glucose syrup, and dried glucose syrup. The U.S. standard, § 155.170(a)(2), provide for only sugar and dextrose.

The Commissioner proposes to amend the U.S. standard of identity for canned peas (cross-referenced to amend the U.S. standard of identity for canned dry peas) to provide for the optional use of any safe and suitable nutritive carbohydrate sweeteners in lieu of specifying

the nutritive carbohydrate sweeteners that may be used.

(b) *Seasoning agents.* Codex (2.1.1.2) provides for the addition of aromatic herbs or the stock of juice of aromatic herbs (lettuce, onion, carrots, etc.). The U.S. standard, § 155.170(a)(3), states that the food may be seasoned with one or more of green or red peppers, mint leaves, onions, garlic, and horseradish. The peppers, onions, and garlic may be dried.

The Commissioner proposes to amend the U.S. standard to provide for safe and suitable seasoning agents, including but not limited to those listed. This will be consistent with Codex and will permit the consumer to have a wider choice of products.

(c) *Garnishes.* Codex (2.1.1.2) provides that the peas may be garnished with one or more vegetables (lettuce, onions, carrots, pieces of green or red peppers, or mixtures of both) up to a maximum of 15 percent of the total drained vegetable ingredient. The U.S. standard does not provide for garnishes.

The Commissioner is of the opinion that providing for suitable garnishes in canned peas in reasonable proportions as provided by Codex will afford the consumer a wider choice of products in the marketplace. The Commissioner, therefore, proposes to amend the U.S. standard to permit garnishes on the same basis as Codex.

(d) *Butter and other edible fats or oils.* Codex (2.1.1.3) permits addition of butter or other edible animal or vegetable fats or oils. Butter, if added, must be present in an amount not less than 3 percent of the total contents of the final product. The U.S. standard, § 155.170(a)(3)(vii), provides for the use of butter or margarine in a quantity not less than 3 percent by weight of the finished food.

Since margarine may consist of either vegetable or animal fats or oils and the plastic, emulsified physical form of margarine is lost during processing, the Commissioner believes it would be reasonable to provide for such edible vegetable, or animal fats, or oils, or mixtures of both, whether or not added in the form of margarine. Butter and margarine consist of a minimum of 80 percent fat. Therefore, based on the limitation for butter or margarine of 3 percent by weight of the finished foods, the equivalent amount of other fats or oils is not less than 2.4 percent by weight of the finished food. The Commissioner proposes to amend the U.S. standard to allow other edible fats or oils, as well as butter or margarine. The Commissioner believes that when such other edible fats or oils are used they should be present in an amount equivalent to that of the fat content of butter or margarine. Therefore, he also proposes that, when other fats or oils are used, they must be present in a quantity not less than 2.4 percent by weight of the finished food.

6. *Additives.*—(a) *Stabilizers and emulsifiers.* When butter or other edible animal or vegetable fats and oils are used, Codex (3.5, 3.6, 3.7, and 3.8) provides for specifically designated vegetable gums, pectin, alginates, and chemically treated modified starches up to 1 percent by weight of the finished food, singly or in combination. In addition, Codex (2.1.1.4) provides for the optional use of natural, physically or enzymatically modified starches. The U.S. standard, § 155.170(a)(3)(vii), permits safe and suitable emulsifiers or stabilizers, or both, when butter or margarine is added.

The emulsifiers and stabilizers designated by Codex in the maximum amounts specified are considered to be safe and and suitable for the designated use. The Commissioner proposes no change, other than to provide for their use with other edible fats or oils, as well as with butter or margarine.

(b) *Artificial colors.* Codex (3.3) permits, singly or in combination, the use of Wool Green BS (Green S), Tartrazine, Brilliant Blue FCF, and Beta-carotene with a maximum of 100 milligrams per kilogram (mg/kg) (0.0035 ounce/2.2 pounds) of the finished product. The U.S. standard, § 155.170(a)(2)(xi), provides for artificial coloring as an optional ingredient.

The Commissioner proposes to provide for safe and suitable color additives.

(c) *Firming agents.* Codex (3.4) permits calcium chloride, calcium lactate, and calcium gluconate to be added as firming agents in amounts such that the total calcium ion in the final product does not exceed 350 mg/kg (0.01 ounce/2.2 pounds). The U.S. standard does not provide for firming agents in canned peas.

The Commissioner is aware that, in occasional instances where very soft water is used for washing, blanching, and processing, the peas may become somewhat mushy unless firming agents are used. He notes that the calcium salts approved by Codex are similar in identity and amount to those allowed in the U.S. standards for canned tomatoes and canned potatoes. The Commissioner, therefore, proposes to amend the U.S. standard to provide for the optional use of any safe and suitable calcium salt in lieu of specifying the calcium salts that may be used.

(d) *Special process chemicals.* Codex makes no provision for certain alkaline chemicals for use in special processes. The U.S. standard, § 155.170(a)(2)(xii), provides for the use of sodium carbonate, sodium bicarbonate, sodium hydroxide, calcium hydroxide, magnesium hydroxide, magnesium oxide, magnesium carbonate, or any mixture or combination of these in such quantity that the pH of the canned peas is not more than 8.

These alkaline chemicals were provided for use in a special treatment of the peas, known as the Blair process, to aid in retaining natural color. Based on information available to the Commissioner, the Blair process is no longer used in the U.S. The Commissioner therefore proposes to delete these chemicals as optional ingredients from the U.S. standard.

(e) *Flavoring and flavor enhancers.* Codex permits mint essence (3.2), spices (2.1.1.2), salt (2.1.1.1), and monosodium glutamate (3.1), but makes no further provision for flavors or flavor enhancers. The U.S. standard, § 155.170(a)(2), states that salt, monosodium glutamate, disodium inosinate, disodium guanylate, hydrolyzed vegetable protein, autolyzed yeast extract, spice, and flavoring (except artificial) may be used.

The Commissioner proposes no change.

7. *Labeling.*—(a) *Name of food.* Codex (7.1.1 and 7.1.3) states that the name of the product shall be "Peas," "Green Peas," "Garden Peas," "Green Garden Peas," "Early Peas," "Sweet Peas," "Petit Pois," or the equivalent description used in the country where sold, and may include the type of peas: "round seeded," "smooth seeded," or "wrinkled seeded." The U.S. standard, § 155.170(a) (4) and (6), establishes the name of the food as "peas," accompanied by the term "early," "June," "early June," "sweet," "sweet wrinkled," or "sugar" as appropriate.

The Commissioner does not believe that the adjective "garden" is appropriate for a farm product grown in commercial operations. He also is of the opinion that the term "petit pois", although an acceptable name for peas in French, has long connoted very small peas to the American consumer. This view was officially expressed as long ago as February 14, 1923 (Service and Regulatory Announcement 28), and has been reaffirmed many times. He understands that round seeded or smooth seeded peas are regarded by some American consumers as less desirable than wrinkled seeded or sweet varieties, although others may prefer them. In either case, he believes that they would wish to be informed when the peas are of the smooth seeded type. The Commissioner proposes to adopt nomenclature corresponding to that provided in § 158.170(a)(3) (21 CFR 158.170(a)(3), formerly § 50.2(c)), prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)) for frozen peas: "The name of the product is 'peas.' The term 'early,' 'June,' or 'early June' shall precede or follow the name in the case of smooth-skin or substantially smooth-skin peas, such as Alaska-type peas. Where the peas are of sweet green wrinkled varieties, the name may include the designation 'sweet,' 'green,' 'wrinkled,' or any combination thereof." The Commissioner further proposes to state that the term "petit pois" may be used when an average of 80 percent or more of the peas will pass through a circular opening of a diameter of 8.75 millimeters (mm) (0.34 inch) for sweet green wrinkled peas and 8.2 mm (0.32 inch) for smooth-skin or substantially smooth-skin peas, such as Alaska-type peas.

(b) *Hybrids.* Neither Codex nor the U.S. standard provides specific provisions for the labeling of hybrids.

Hybrids have been widely developed and are in use in the U.S. They often represent products of improved eating quality or have other desirable characteristics. The Commissioner proposes that for smooth-skin peas, such as Alaska-type peas, or hybrids having similar

characteristics, the term "early," "June," or "early June" shall precede or follow the name of the food. The Commissioner further proposes that for hybrids having characteristics similar to the sweet green wrinkled varieties, the name of the food may include the designation "sweet," "green," "wrinkled," or any combination thereof.

(c) *Characterizing ingredients.* Codex (7.1.2) requires any sauce, seasoning or flavoring that characterizes the product to be declared as part of the name, or in close proximity thereto. The U.S. standard, § 155.170(a)(6), has essentially the same labeling requirement.

The Commissioner proposes no change.

(d) *Type of pack.* Codex (7.6.1) provides that when the product is "vacuum pack," this fact shall be stated on the label. The present U.S. standard does not refer to vacuum pack peas.

The Commissioner is of the opinion that such a pack, although permitted by the language of the present standard and packed in limited quantity in the United States, is sufficiently unusual to the average consumer to require special labeling. He therefore proposed to update the U.S. standard to conform with Codex.

(e) *Artificial coloring.* The U.S. standard, § 155.170(a)(5), requires that canned artificially colored peas bear the statement "Below Standard in Quality Artificially Colored." Codex contains no such labeling requirement.

The Commissioner notes that this requirement is at variance with every other FDA regulation that permits the use of artificial color, and he is of the opinion that this is difficult to justify now when the nutritional and organoleptic quality of the peas is otherwise acceptable. The Commissioner, therefore, proposes to delete the requirement that artificially colored peas be labeled "Below Standard in Quality Artificially Colored" and to require that, if any color additive has been added, the name of the food shall include the term "artificially colored."

(f) *List of ingredients.* Codex (7.2) calls for a complete list of ingredients in descending order of proportion, except that water need not be declared. The U.S. standard, § 155.170(a)(7), requires each of the optional ingredients to be declared as prescribed in Part 101 (21 CFR Part 101, formerly Part 1, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)). However, § 155.170(a)(1) provides for water as a mandatory ingredient and it, therefore need not be declared.

Because the Commissioner is proposing to provide for the use of water or other suitable aqueous liquid packing medium, water would be an optional ingredient. He therefore proposes that the packing medium shall be declared in accordance with the requirements of Part 101.

COMPARISON OF THE QUALITY ASPECTS AND PROPOSED COURSE OF ACTIONS

1. *Color.* Codex (2.2.1) requires the peas to have a normal color, making allowances for added ingredients, including artificial color that would affect the normal color. The USDA voluntary grade standard states that the peas possess a fairly good color and be fairly free from peas that materially detract from the overall color appearance, including so-called "blond" or "cream colored" peas. The U.S. standard, § 155.170(b)(1)(ii), states that "Standard canned peas are normally colored, not artificially colored."

For the reasons set out in paragraph 7.e. above in this preamble, the Commissioner proposes to delete this statement from the U.S. standard of quality. Further, he proposes to delete the related requirement in § 155.170(b)(3)(ii) as it concerns substandard labeling.

2. *Flavor.* Codex (2.2.3) requires the peas to have a normal flavor, allowing for the effect of other permitted ingredients. The USDA voluntary grade standard requires the peas of minimum quality to have a "fairly good flavor." The U.S. standard does not refer to normal flavor.

An abnormal flavor would connote spoilage, contamination, or other abnormal conditions that are not considered a part of food standards under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), but which are dealt with under other sections of the act.

The Commissioner therefore proposes no change. 3. *Viscosity of packing medium.* Codex (2.2.2) requires that the packing medium shall separate from the peas at 20° C (68° F) and that it shall not have a foreign color or appearance. The USDA grade standard provides that the peas shall have "fairly good liquor," which may be very cloudy with a pronounced accumulation of sediment. It may be dull, but not off-color, and viscous, but not so viscous that the liquor will not separate from the peas. The U.S. standard makes no reference to the viscosity or appearance of the packing medium.

A very viscous packing medium is usually indicative of over-mature peas, which can be better evaluated by the test for alcohol-insoluble solids that is discussed elsewhere in this document. The Commissioner therefore does not propose to adopt the Codex requirement.

4. *Tenderness.* Codex (2.2.4) requires that the peas shall be reasonably tender, but does not specify how much tenderness is to be measured. The U.S. standard, § 155.170(b)(1)(vi), states that "not less than 90 percent by count of the peas in the container are crushed by a weight of not more than 907.2 grams (2 pounds)" applied in accordance with a detailed specified procedure (§ 155.170(b)(2)(iv)). The USDA grade standards incorporate the same requirement by reference.

The procedure requires special apparatus that is no longer listed in supply catalogs. Furthermore, excessively hard peas will usually fail to meet maturity requirements, hence an objective test for hardness is not essential. The Commissioner therefore proposes to amend the U.S. standard to delete the specific criterion for hardness and the method of measuring it.

5. *Maturity.* Codex (2.2.4) provides that the alcohol-insoluble solids (A.I.S.) content of the peas shall not exceed 21 percent for all types. The U.S. standard, § 155.170(b)(1)(vii) (cross-referenced by the USDA grade standard), states that the alcohol-insoluble solids content of Alaska or other smooth-skin varieties is not more than 23.5 percent and that of sweet, wrinkled varieties is not more than 21 percent.

The Commissioner notes that the higher figure (23.5 percent) was established many years ago to permit Alaska-type peas grown and packed in great volume on the Eastern Shore of Maryland, in Delaware, in Tidewater Virginia, and in adjacent areas to conform to the standard. The cultural practices used and the hot weather there in late May and early June caused the peas to develop high A.I.S. very rapidly, and it was impracticable to pack them in the volume produced before a substantial proportion had developed A.I.S. approaching or exceeding 23.5 percent. The Commissioner is of the opinion that that situation no longer prevails. The eastern areas that formerly packed great quantities of Alaska-type peas no longer do so, the entire pack of such peas in the entire eastern U.S. being only 304,000 cases in 1975 out of a national pack of 6,527,000 cases of "Alaska" and 28,723,000 cases of "sweet" types of peas. He therefore believes that with such diminished production, it may be feasible to pack Alaska-type peas before they develop A.I.S. above 21 percent. The Commissioner proposes to amend the quality standard to establish a maximum of 21 percent A.I.S. for all types of peas.

6. *Defects and allowances.* Codex (2.2.5) incorporates a table prescribing numerical limits for specified defects as follows:

a. Blemished peas	5 percent by weight of the drained peas.
b. Seriously blemished peas.	1 percent by weight of the drained peas.
c. Pea fragments	10 percent by weight of the drained peas.
d. Yellow peas	2 percent by weight of the drained peas.
e. Extraneous plant material	0.5 percent by weight of the drained peas.

The total of the above defects also may not exceed 12.0 percent by weight of the drained peas.

The U.S. standard, § 155.170(b)(1), allows:

(a) Not more than 4 percent by count of spotted or discolored peas in the container.

(b) Not more than 10 percent of the drained weight of peas in the container to be pieces of peas.

(c) Not more than 25 percent by count of the peas in the container to be ruptured to a width of one-sixteenth inch or more.

(d) Not more than one-half of 1 percent of the drained weight of the peas to be harmless extraneous vegetable material.

In the opinion of the Commissioner, the Codex defect action levels are reasonable. The limitation for ruptured peas, having a break in the skin of one-

sixteenth inch (1.6 millimeter) or more, was written into the U.S. standard for canned peas as a means of identifying and restricting the presence of overmature peas. The alcohol-insoluble solids requirement, as discussed in paragraph 5. above in this preamble, is also concerned with the maturity of canned peas. The limitation on ruptured peas was subsequently adopted by a regulation published in the FEDERAL REGISTER of September 13, 1972 (37 FR 18527) as part of the standard of quality for canned dry peas. The alcohol-insoluble solids requirement, however, was not adopted as part of the standard for canned dry peas. The Commissioner notes that ruptured peas are now seldom encountered in commercial packs of canned peas. In the opinion of the Commissioner, however, the limitation on ruptured peas should be retained as part of the canned dry pea quality standard. The Commissioner therefore proposes to adopt the Codex defect action levels for canned peas and canned dry peas. He further proposes to retain the present limitation on ruptured peas in canned dry peas. He also proposes to adopt, as far as practicable and in the interest of consistency, the more complete definitions for defects in the standard of quality for frozen peas (§158.170 (b)).

7. *Acceptance.* Codex (2.2.7) provides for acceptance of a lot of canned peas as meeting the quality requirements when the number of "defectives" as defined in Codex subsection 2.2.6, does not exceed the acceptance number (c) of the appropriate sampling plans in the "Sampling Plans for Prepackaged Foods (1969) (Acceptable quality level—6.5)." The U.S. standard, which does not contain statistical sampling plans, is based on the premise that each container either does or does not meet the requirements of the standard, and acceptance or rejection of a lot is left to administrative judgment and discretion.

The Commissioner believes that a statistical sampling plan will provide the consumer and manufacturer with a more informative criterion of the requirements that products must meet. The Commissioner, therefore, proposes to adopt statistical sampling plans based on Codex for determining compliance with provisions of the quality standard.

COMPARISON OF FILL OF CONTAINER ASPECTS AND PROPOSED COURSE OF ACTIONS

1. *Minimum fill.* Codex (6.1.1) requires that, except in the case of vacuum pack peas, the peas and packing medium shall occupy not less than 90 percent of the water capacity of the container. The U.S. standard has no corresponding requirement.

The Commissioner proposes to adopt the Codex requirement to ensure a well-filled container.

2. *Drained weight.* Codex (6.1.2.1) requires the drained weight of the product to be not less than 60 percent of the weight of distilled water at 20° C (68° F) which the sealed container will hold when completely filled. The U.S. standard, § 155.170(c)(1), and Codex, as an alternative to the drained weight requirement (6.1.3.1 and 8.3), provide that canned peas will comply with the standard of fill if the peas, when poured from the opened original container and returned immediately thereto, together with the packing medium completely fill the container.

The Food and Drug Administration is in the process of obtaining data to support a specific drained weight requirement in the U.S. standard. The Commissioner therefore proposes no change relative to a specific drained weight requirement in the U.S. standard.

3. *Acceptance.* Codex (6.1.1.2) employs statistical sampling plans to determine compliance with the minimum fill requirement and the alternative (6.1.3.2) drained weight procedure but determines drained weight compliance (6.1.2.2) on the basis of the average of all containers examined. The U.S. standard does not use statistical sampling plans.

The Commissioner proposes to determine compliance by means of the statistical sampling plans, as discussed above, for minimum fill and for the procedure based upon pouring the peas and liquid out and back again into the original container.

Since the sampling plans and acceptance procedures for the determination of compliance with quality and fill of container standards are set out in proposed § 155.3 Definitions to apply to all of Part 155, the Commissioner proposes to delete (by cross-reference) such plans and procedures from § 155.120 Canned green beans, § 155.130 Canned corn, and § 155.190 Canned tomatoes (21 CFR 155.120, 155.130 and 155.190, formerly §§ 51.10, 51.11, 51.20, 51.21, 51.22, and 53.40, 53.41, 53.42, prior to recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)).

The Commissioner has considered the environmental effects of the issuance or amendment of food standards and has concluded in § 25.1(d)(4) (21 CFR 25.1 (d)(4) formerly § 6.1(d)(4), prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)) that food standards are not major agency actions significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required for this proposal.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701 (e), 52 Stat. 1046 as amended, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to the Commissioner (21 CFR 5.1), it is proposed that Part 155 be amended as follows:

1. In Subpart A by adding a new subpart heading and new § 155.3 to read as follows:

Subpart A—General Provisions

§ 155.3 Definitions.

For the purposes of this part: (a) The procedure for determining drained weight is set forth in the "Official Methods of Analysis of the Association of Official Analytical Chemists," 12 Ed., 32.001, p. 597.[1]

(b) Compliance means the following: Unless otherwise provided in a standard, a lot of canned vegetables shall be deemed in compliance for the following factors, to be determined by the sampling and acceptance procedure as provided in paragraph (c) of this section, namely:

(1) *Quality.* The quality of a lot shall be considered acceptable when the number of defectives does not exceed the acceptance number (c) in the sampling plans.

(2) *Fill of container.* A lot shall be deemed to be in compliance for fill of container (packing medium and vegetable ingredient) when the number of defectives does not exceed the acceptance number (c) in the sampling plans.

(3) *Drained weight.* A lot shall be deemed to be in compliance for drained weight based on the average value of all samples analyzed according to the sampling plans.

(c) The sampling and acceptance procedure means the following:

(1) *Definitions*—(i) *Lot.* A collection of primary containers or units of the same size, type, and style manufactured or packed under similiar conditions and handled as a single unit of trade.

(ii) *Lot size.* The number of primary containers or units in the lot.

(iii) *Sample size.* The total number of sample units drawn for examination from a lot.

(iv) *Sample unit.* A container, a portion of the contents of a container, or a composite mixture of product from small containers that is sufficient for the examination or testing as a single unit. For fill of container, the sample unit shall be the entire contents of the container.

(v) *Defective.* Any sample unit shall be regarded as defective when the sample unit does not meet the criteria set forth in the standards.

(vi) *Acceptance number (c).* The maximum number of defective sample units permitted in the sample in order to consider the lot as meeting the specified requirements.

(vii) *Acceptable quality level (AQL).* The maximum percent of defective sample units permitted in a lot that will be accepted approximately 95 percent of the time.

(2) *Sampling plans.*

[1] Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, DC 20044.

Lot size (primary containers)	Size of container	
	Net weight equal to or less than 1 kg (2.2 lb)	
	n	c
4,800 or less	13	2
4,801 to 24,000	21	3
24,001 to 48,000	29	4
48,001 to 84,000	48	6
84,001 to 144,000	84	9
144,001 to 240,000	126	13
Over 240,000	200	19
	Net weight greater than 1 kg (2.2 lb) but not more than 4.5 kg (10 lb)	
	n	c
2,400 or less	13	2
2,401 to 15,000	21	3
15,001 to 24,000	29	4
24,001 to 42,000	48	6
42,001 to 72,000	84	9
72,001 to 120,000	126	13
Over 120,000	200	19
	Net weight greater than 4.5 kg (10 lb)	
	n	c
600 or less	13	2
601 to 2,000	21	3
2,001 to 7,200	29	4
7,201 to 15,000	48	6
15,001 to 24,000	84	9
24,001 to 42,000	126	13
Over 42,000	200	19

n=number of primary containers in sample.
c=acceptance number.

2. In Subpart B: a. By revising § 155.120(b)(3) to read as follows:

§ 155.120 Canned green beans and canned wax beans.

* * * * *

(b) * * *

(3) Determine compliance as specified in § 155.3(b) except that a lot shall be deemed to be in compliance for extraneous plant material based on an average of all the containers examined.

* * * * *

b. By revising § 155.130(b)(4) and (c)(2) to read as follows:

§ 155.130 Canned corn.

* * * * *

(b) * * *

(4) Determine compliance as specified in § 155.3(b).

* * * * *

(c) * * *

(2) Determine compliance as specified in § 155.3(b).

* * * * *

c. By revising § 155.170 to read as follows:

§ 155.170 Canned peas.

(a) *Identity*—(1) *Definition.* Canned peas is the food prepared from fresh or frozen succulent seeds of the pea plant of the species *Pisum sativum L.* but excluding the subspecies *macrocarpum*. Only sweet wrinkled varieties, smooth-skin varieties, or hybrids thereof may be used. The product is packed with water or other suitable aqueous liquid medium to which may be added one or more of the other optional ingredients set forth in paragraph (a)(2) of this section. Such food is sealed in a container and, before or after sealing, is so processed by heat as to prevent spoilage.

(2) *Optional ingredients.* In addition to the optional packing media provided for in paragraph (a)(1) of this section, the following safe and suitable optional ingredients may be used:

(i) Salt.

(ii) Monosodium glutamate.

(iii) Disodium inosinate.

(iv) Disodium guanylate.

(v) Hydrolized vegetable protein.

(vi) Autolyzed yeast extract.

(vii) Nutritive carbohydrate sweeteners.

(viii) Spice.

(ix) Flavoring (except artificial).

(x) Color additives.

(xi) Calcium salts, the total amount of which added to firm the peas shall not result in more than 350 milligrams/kilogram (0.01 ounce/2.2 pounds) of calcium in the finished food.

(xii) Seasonings and garnishes.

(*a*) Pieces of green or red peppers or mixtures of both, either of which may be dried, or other vegetables not exceeding in total 15 percent of the drained weight of the finished food.

(*b*) Lemon juice or concentrated lemon juice.

(*c*) Mint leaves.

(*d*) Butter or margarine in a quantity not less than 3 percent by weight of the finished food, or other vegetable or animal fats or oils in a quantity not less than 2.4 pecent by weight of the finished foods. When butter, margarine or other vegetable or animal fats or oils are added, emulsifiers or stabilizers or both may be added, but no color, spice or flavoring simulating the color or flavor imparted by butter or margarine may be used.

(3) *Labeling.* (i) The name of the product is "peas". The term "early", "June", or "early June" shall precede or follow the name in the case of smooth-skin or substantially smooth-skin peas, such as Alaska-type peas or hybrids having similar characteristics. Where the peas are of sweet green wrinkled varieties or hybirds having similar characteristics, the name may include the designation "sweet", "green", "wrinkled", or any combination thereof. The term "petit pois" may be used in conjunction with the product name when an average of 80 percent or more of the peas will pass through a double circular opening of a diameter of 8.75 millimeters (0.34 inch) for sweet green wrinkled peas and 8.2 millimeters (0.32 inch) for smooth-skin or substantially smooth-skin peas, such as Alaska-type peas. If any color additive has been added, the name of the food shall include the term "artificially colored."

(ii) The following shall be included as part of the name or in close proximity to the name of the food:

(*a*) A declaration of any flavoring that characterizes the product, as specified in § 101.22 of this chapter.

(*b*) A declaration of any spice, seasoning, or garnishing that characterizes the product, e.g., "seasoned with green peppers", "seasoned with butter", "seasoned with ____ oil", the blank to be filled in with the common or usual name of the oil, "with added spice", or, in lieu of the word spice, the common or usual name of the spice.

(*c*) The words "vacuum pack" or "vacuum packed" when the weight of the liquid in the container, as determined by the method prescribed in § 155.3(a) is not more than 20 percent of the net weight, and the container is closed under conditions creating a high vacuum in the container.

(4) *Ingredient statement.* Each of the optional ingredients used shall be declared on the label as required by the applicable sections of Part 101 of this chapter.

(b) *Quality.* (1) The standard of quality for canned peas is as follows:

(i) *Blond peas.* Not more than 2 percent of the drained weight is blond peas, i.e., yellow or white but edible peas;

(ii) *Blemished peas.* Not more than 5 percent of the drained weight is blemished peas, i.e., slightly stained or spotted peas;

(iii) *Seriously blemished peas.* Not more than 1 percent of the drained weight is seriously blemished peas, i.e., peas that are hard, shrivelled, spotted, discolored or otherwise blemished to an extent that the appearance or eating quality is seriously affected;

(iv) *Pea fragments.* Not more than 10 percent of the drained weight is pea fragments, i.e., portions of peas, separated or individual cotyledons, crushed, partial or broken cotyledons and loose skins, but excluding entire intact peas with skins detached;

(v) *Extraneous vegetable material.* Not more than 0.5 percent of the drained weight is extraneous vegetable material, i.e., vine or leaf or pod material from the pea plant or other such material;

(vi) *Alcohol-insoluble solids.* The alcohol-insoluble solids may not be more than 21 percent based on the procedure set forth in the "Official Methods of Analysis of the Association of Official Analytical Chemists," 12th Ed., 32.006, p. 597.[1]

(vii) *Limitation.* The sum of the pea material described in paragraphs (b)(1)(i), (ii), (iii), (iv) and (v) of this section shall not exceed 12 percent.

(2) Determine compliance as specified in § 155.3(b).

(3) If the quality of canned peas falls below the standard prescribed in paragraph (b)(1) of this section, the label shall bear the general statement of substandard quality specified in § 130.14(a) of this chapter, in the manner and form therein specified; but in lieu of such general statement of substandard quality when the quality of canned peas falls below the standard in only one respect, the label may bear the alternative statement "Below standard in quality ____", the blank to be filled in with the words specified after the corresponding subparagraph number of paragraph (b)(1) of this section which such canned peas fail to meet, as follows: (i) "Excessive blond

[1] Copies may be obtained from: Association of Official Analytical Chemists, P.O. Box 540, Benjamin Franklin Station, Washington, D.C. 20044.

peas"; (ii) "Excessive blemished peas"; (iii) "Excessive seriously blemished peas"; (iv) "Excessive pea fragments"; (v) "Excessive vegetable material"; (vi) "Excessively mealy". Such alternative statement shall immediately and conspicuously precede or follow, without intervening written, printed, or graphic matter, the name "peas" and any words and statements required or authorized to appear with such name by paragraph (a) (3) of this section.

(c) *Fill of container.* The standard of fill of container for canned peas is:

(1) Except in the case of vacuum pack peas, the fill of the pea ingredient and packing medium, as determined by the general method for fill of container prescribed in § 130.12(b) of this chapter is not less than 90 percent of the total capacity of the container.

(2) The drained weight of the product will be met if, when the peas and liquid are removed from the container and returned thereto, the leveled peas (irrespective of the quantity of the liquid), 15 seconds after they are so returned, completely fill the container. A container with lid attached by double seam shall be considered to be completely filled when it is filled to 5 millimeters (three-sixteenths inch) vertical distance below the top of the double seam; and a glass container shall be considered to be completely filled when it is filled to 13 millimeters (one-half inch) vertical distance below the top of the container.

(3) Determine compliance for fill of container as specified in § 155.3(b).

(4) If canned peas fall below the standard of fill of container prescribed in paragraph (c)(3) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form therein specified.

d. By revising § 155.172 to read as follows:

§ 155.172 Canned dry peas.

(a) *Identity.* Canned dry peas conforms to the definition and standard of identity, and is subject to requirements for label statement of optional ingredients prescribed for canned peas by § 155.170(a), except that:

(1) The optional pea ingredient is the dry seeds of the pea plant of the species *Pisum sativum* L. but excluding the subspecies *macrocarpum*.

(2) The name of the food is "cooked dry peas" or "soaked dry peas". The optional terms specified by § 155.170(a)(3) "early", "June", "sweet", "green", "wrinkled", or any combination thereof, shall not be used on the labels.

(b) *Quality.* (1) The standard of quality for canned dry peas is that specified for canned peas by § 155.170(b) except that:

(i) The alcohol-insoluble solids maximum specified in § 155.170(b)(1)(vi) does not apply.

(ii) The skins of not more than 25 percent by count of the peas in the container are ruptured to a width of 1.6 millimeters (0.06 inch) or more.

(2) If the quality of canned dry peas falls below the standard of quality prescribed by paragraph (b)(1) of this section, the label shall bear the statement of substandard quality in the manner and form specified in § 155.170(b)(3) for canned peas, except that the words "Excessively mealy" shall not be used.

(c) *Fill of container.* (1) The standard of fill of container for canned dry peas is that prescribed for canned peas by § 155.170(c).

(2) If canned dry peas fall below the standard of fill of container prescribed by paragraph (c)(1) of this section, the label shall bear the general statement of substandard fill specified in § 130.14(b) of this chapter, in the manner and form therein specified.

e. By revising § 155.190(b)(3) and by redesignating § 155.190(c)(2) as (c)(3) and adding a new paragraph (c)(2) to read as follows:

§ 155.190 Canned tomatoes.

* * * * *

(b) * * *

(3) Determine compliance as specified in § 155.3(b).

* * * * *

(c) * * *

(2) Determine compliance for fill-of-container as specified in § 155.3(b).

* * * * *

Interested persons may, on or before August 8, 1977, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

The Food and Drug Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 and OMB Circular A-107.

NOTE.—Incorporation by reference provisions approved by the Director, Office of the Federal Register, March 11, 1976. Referenced material is on file in the Federal Register library.

Dated: May 25, 1977.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.77-15769 Filed 6-6-77;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. H-005]

PROPOSED STANDARD FOR EXPOSURE TO BERYLLIUM

Informal Public Hearing; Amendment to Proposal; Availability of Technological Feasibility and Economic Impact Study

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Notice of informal hearing, and availability of the Technological Feasibility, Cost of Compliance, and Economic Impact Study and Amendment to Proposal.

SUMMARY: This notice schedules an informal public hearing, concerning the proposed standards for occupational exposure to beryllium, amends the signs and labels paragraph of that proposal and announces the availability of the feasibility study.

The purpose of holding this hearing is to receive oral testimony on all relevant issues concerning the beryllium proposal as amended, including the technological feasibility, cost of compliance, economic impact study and draft environmental impact study of the proposed beryllium standard.

DATES: All written comments must be submitted by July 7, 1977. All notices of intention to appear at the informal public hearing must be filed by July 14, 1977.

All materials which will be introduced into the hearing record must be received by August 2, 1977.

Date on which the informal public hearing will begin, location and time are as follows:

August 16, 1977; 9:30 a.m. at New Department of Labor Auditorium, New Department of Labor Building, 3rd and Constitution Avenue NW., Washington, D.C. 20210.

ADDRESSES: Send written comments to:

Occupational Safety and Health Administration, Docket Officer, Docket No. H-005, Room S-6212, U.S. Department of Labor, 3rd and Constitution Avenue NW., Washington, D.C. 20210.

Send notices of intention to appear to:

Occupational Safety and Health Administration, Consumer Affairs Office, Docket No. H-005, Rm. N-3635, U.S. Department of Labor, 3rd and Constitution Ave. NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

Tom Hall, Consumer Affairs Office (above), (202) 523-8024.

SUPPLEMENTARY INFORMATION: On October 17, 1975, OSHA published in

the FEDERAL REGISTER (40 FR 48814) a proposed standard for occupational exposure to beryllium pursuant to the authority in sections 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1599; 29 U.S.C. 655, 657) and Title 29, Code of Federal Regulations (CFR) Part 1911.

Interested persons were given until December 16, 1975 to submit written data, views and arguments on the proposal, to file objections and request a hearing thereon. At the request of several commenting parties, this period was subsequently extended until February 2, 1976. Over 150 written comments have been received including approximately 45 requests that a public rulemaking hearing be held.

ISSUES

The preamble to the proposed standard lists several major issues as likely to be of significance in the rulemaking proceeding (40 FR 48814). They are as follows:

1. The selection of the time-weighted average and ceiling limits, and the technological feasibility of compliance with the permissible exposure limit of 1.0 $\mu g/m^3$.

2. OSHA's regulatory decision, based largely on animal data, to treat beryllium as a substance that poses a carcinogenic risk to man.

3. Whether human evidence suggests that beryllium exposure causes cancer in man.

4. The provisions for, among other things, regulated areas, employee exposure measurements, compliance procedures, medical surveillance, protective equipment and clothing, hygiene facilities, and recordkeeping.

5. The appropriateness of the recordkeeping and similar requirements as applied to small employers and those with transient workforces.

6. The determination as to what employment protection can or should be afforded workers who are removed from their present jobs as a result of the medical surveillance program.

7. The environmental and inflationary impacts of the proposal.

8. The determination of the appropriate sampling method to be used for determining compliance.

Comments and information were sought on these and any other issues raised by the proposal.

Several issues, which were not expressly raised by OSHA in the proposal, have been raised by commenters.

Several commenters raised questions as to the necessity of regulating operations using low content beryllium alloys where such operations have been shown to produce airborne concentrations of beryllium well below the proposed limits. These operations may include stamping, slitting, wire redrawing, punching, cutting and straightening of low content beryllium alloys, e.g., 2 per cent beryllium-copper alloy.

The commenters indicated that these operations are relatively safe because they produce minimal airborne beryllium using low beryllium content material. Further, the commenters asserted that there has been no adverse employment related illness after more than 20 years' experience with these types of operations.

As this issue is important to the scope of a final standard, OSHA requests data and information concerning this area.

The subject of which method of exposure measurement to beryllium would accurately reflect the actual exposure conditions for each employee was raised in the comments received by OSHA. The proposal does not specify a method of measurement, but does delineate the required accuracy for the sampling method. The OSHA beryllium sampling method presently used for compliance purposes differs from the method commonly known as the Atomic Energy Commission (AEC) method which is used by industry.

In 1973 the National Institute for Occupational Safety and Health (NIOSH) conducted an industry wide environmental study of beryllium production facilities to compare results from the different sampling methods. The levels obtained from the OSHA personal total sampling method were higher than those using the AEC method. In light of the discrepancies in values from the two methods, NIOSH initiated a comparative sampling effort to be conducted under contract by Brush-Wellman Co. The results of this study were published in 1976, HEW Publication No. (NIOSH) 76-201.

The NIOSH study indicated that the present OSHA method gives higher values than the AEC sampling method. For a majority of samples taken, an AEC level of 2 $\mu gBe/m^3$ was equivalent to a personal total value of 3 $\mu gBe/m^3$. It seems necessary, however, that the same necessary, however, that the same method be used by all parties involved. In light of these studies, OSHA seeks comments as to which sampling method should be used for compliance purposes, whether a conversion factor can be used with confidence to relate the OSHA and the AEC methods, whether the results found in the comparative NIOSH study are valid, and why the two methods yield different results.

ADDITIONAL INFORMATION CONCERNING CARCINOGENESIS

Since publication of the proposed beryllium standard, data pertinent to the issue of carcinogenicity has come to OSHA's attention and is briefly discussed below.

The "Theshold Limit Values for Chemical Substances and Physical Agents in the Workroom Environment with Intended Changes for 1976," published by the American Conference of Governmental Industrial Hygienists" (ACGIH) has listed beryllium under classification Industrial Substances Suspect of Carcinogenic Potential for Man. The ACGIH assigns substances to this classification based on either (1) limited epidemiologic evidence, exclusive of clinical reports of single cases, or (2) demonstration of carcinogenesis in one or more animal species by appropriate methods.

In 1975, OSHA requested the National Institute for Occupational Safety and Health to update their 1973 Criteria Document on evaluation of the toxicological and epidemiological evidence pertaining to the carcinogenic potential of beryllium.

The Director of NIOSH responded in a September 29, 1975 memorandum to OSHA stating "* * * that beryllium in all likelihood represents a carcinogenic risk to man. The basis for this conclusion is primarily founded upon the large and consistent body of data showing carcinogenic responses in experimental animals exposed through a variety of routes including inhalation."

In a December 10, 1975 follow-up memorandum from Dr. Finklea to the Assistant Secretary for Occupational Safety and Health, addressing the same subject, NIOSH responded that "Based on our analysis of available information we are of the opinion that beryllium poses a carcinogenic risk to man. Occupational exposures should, therefore, be reduced to a minimum through the use of appropriate engineering and/or personal protective controls." Data reviewed by NIOSH in reaching this conclusion is discussed in an attachment to the December 10, 1975 memorandum. The paper includes reference to 28 publications dealing with pertinent animal and human studies which establish beryllium as a carcinogen to animals by most routes of administration and provides evidence of a carcinogenic response to beryllium in man based on epidemiologic studies.

In addition to the documents previously discussed, OSHA obtained copies of other recently published studies and reports which concern various health effects arising from exposure to beryllium. The findings of some are likely to be discussed at the public hearing and may have some bearing on requirements contained in the final standard. As a result, the following list of additional studies is provided at this time.

Clary J. J.; and H. E. Stokinger: The Mechanism of Delayed Biologic Response Following Beryllium Exposure. J. Occup Med 15:255 (1973).

Clary J. J.; L. S. Bland; and H. E. Stokinger: The Effect of Reproduction and Lactation on the Onset of Latent Chronic Beryllium Disease. Toxicol Appl Pharmacol 33:214-221 (1975).

Deodhar S. D.; et. al: A Study of the Immunologic Aspects of Chronic Berylliosis. Chest 63:309-313 (1973).

Izumi T; Y. Kobara; S. Inui; R. Tokunaga; Y. Orita; M. Kitano; and W. J. Williams: The first seven cases of chronic beryllium disease in ceramic factory workers in Japan. Ann NY Acad. Sci, Vol. 278, 636-53 (1976).

Luke M. Z.; L. Hamilton; and T. C. Hollocher: Beryllium-induced misincorporation by a DNA polymerase. Possible factor in beryllium toxicity. Biochem Biophys Res Commun, Vol. 62, ISS.2, 497-501 (1975).

J. W. Owens; and E. S. Gladney: Determination of beryllium in environmental materials by flameless atomic absorption spectroscopy. At Absorpt Newsl, Vol. 14, ISS. 4, 76-7 (1975).

Pritchard D. J.; M. P. Finkel; and C. A. Reilly Jr: The etiology of osteosarcoma. A review of current considerations. Clin Orthop. ISS III, 14–22 (1975).
C. L. Sanders; W. C. Cannon; G. J. Powers; R. R. Adee and D. M. Meier: Toxicology of High Fired Beryllium Oxide Inhaled by Rodents; I. Metabolism and Early Effects. Arch Environ Health 30:546–551 (1975).
M. A. Sirover; and L. A. Loeb: Beryllium Induced Errors in DNA Synthesis. J. Cell Biol; 67 (2 Part 2), 405A (1975).
G. W. H. Schepers: Lung Tumors of Primates and Rodents. Industr Med Surg 40:48–53 (1971).
G. W. H. Schepers: Lung Tumors of Primates and Rodents, Part II. Industr Med Surg 40:23–31 (1971).
G. W. H. Schepers: Lung Tumors of Primates and Rodents. Part III. Industr Med Surg 40:8–26 (1971).
P. Slavin: Case report. Pulmonary berylliosis following exposure to beryllium-copper. J Med Soc NJ. Vol. 73, Iss 6, 523–5 (1976).
H. C. Spencer S. B. McCollister; R. J. Kociba; and C. G. Humiston: Toxicological Studies on a Beryllium Containing Exhaust Product; AMRL–TR–72–130. Aerospace Medical Research Laboratory. Wright-Patterson Air Force Base, Ohio (December, 1972).
J. D. Stoeckle; H. Kazemi; and R. Chamberlin: Exposure, Complaints, Chest Film Abnormalities and Lung Function Tests Among Beryllium Workers: Preliminary Report. J Occup Med 15:301 (1973).
A. F. Wolf: Occupational diseases of the lungs: I I. Inhalation diseases due to inorganic dust. Ann Allergy 35(2): 87–92 (1975).

In the preamble to the proposal, page 48817, in the second column, the fourth full paragraph, the discussion of reference number 7, Hardy, H. L., E. W. Rabe, and S. Lorch, United States Beryllium Case Registry (1952–1966); Review of its Methods and Utility. J. Occup. Med. Vol. 9, pp. 271–276, 1966, OSHA reported that the authors found 3 cases of bone cancer. However, Dr. Hardy, pointed out in a January 9, 1976 letter that this study incorrectly reported her results. The actual finding should have been one malignant bone tumor and one tumor of the jawbone.

Feasibility Study

Bolt Beranek and Newman, Inc. has prepared for OSHA a study entitled "Technological Feasibility Assessment and Economic Impact Statement of the Proposed Beryllium Regulation." The study includes an assessment of the technological feasibility of compliance, an estimate of compliance costs and the potential economic implications for those industries affected by the proposed standard. The effects on other variables, such as employment, prices, productivity, market structure, exports and imports, and the consumption of energy and critical materials, are also considered. In addition, the study includes a discussion of the anticipated benefits to be derived from implementation of the proposal.

Notice is being given of the availability of this study to afford interested parties the opportunity to contribute comments, information and data. Evaluation of the economic and technological feasibility of the final standard will be based on the entire record of the rulemaking proceeding, including all oral and written comments made part of the record, as well as the study.

Interested persons are invited to submit information, comments and data on the issue of economic feasibility of the proposal or on any other issue discussed in the study.

(1) Cost impact on consumers, businesses, markets, or Federal, State or local government;

(2) Effect on productivity of wage earners, business (both small and large) or government;

(3) Effect on competition;

(4) Effect on exports and imports;

(5) Effect on supplies of important materials, products or services;

(6) Effect on employment;

(7) Ability of specific industries to absorb or pass through costs of compliance including capital re-investment capacity; and

(8) Effect on energy supply demand.

The study of the proposed beryllium standard is now available for public inspection and copying at the following address: Technical Data Center, Occupational Safety and Health Administration, U.S. Department of Labor, Room S6212, 3rd and Constitution Avenue NW., Washington, D.C. 20210. (Telephone: 202–523–7894).

Amendment to Proposal

Due to an oversight, the beryllium proposal was published without including a direct reference to the cancer hazard in the signs and labels requirements found in paragraph (p) of the proposal.

OSHA believes that it is important, and indeed section 6(b)(7) of the Act requires, that appropriate forms of warning be used to apprise employees of the hazards to which they are exposed in the course of their employment. OSHA believes as a matter of policy that employees should be given the opportunity to make informed decisions on whether to work at a job under the existing working conditions. Furthermore, OSHA believes that the control of potential safety and health problems involves the cooperation of employees. The success of such a program is highly dependent upon the worker's understanding of the hazards attendant to that work.

In light of the serious nature of the hazard of exposure to beryllium, OSHA does not believe that periodic training alone will adequately apprise employees of the potential hazard. However, OSHA believes that coupled with the training requirements, the requirements to post signs will adequately do so. Additionally, the appearance of the phrase "cancer hazard" on the warning sign and on required labels will serve as an objective check on whether employees are actually being informed of this hazard.

Also, the warning signs and labels would serve as an added impetus to employees to utilize any protective equipment which has been provided.

It has been suggested that signs and labels will not be necessary because the other provisions of the standard will insure reduction of exposure and elimination of the resultant hazard. However, OSHA believes that the use of signs and labels is part of the multifaceted approach taken in the standard for the reduction of employee exposure to beryllium.

For all of the reasons set forth, OSHA thinks that it is appropriate to use precautionary signs and labels which warn of a cancer hazard, and accordingly, amends the proposal.

Public Participation

Interested persons are invited to submit written data, views, and arguments with respect to the proposal, the study, the issues discussed in this notice, and any other relevant issues. Such comments must be postmarked on or before July 7, 1977. All written comments must be submitted in quadruplicate to the Docket Officer, Docket No. H–005, Room S–6212, U.S. Department of Labor, 3rd and Constitution Avenue NW., Washington, D.C. 20210. Written submissions must clearly identify the provisions of the proposal and the study addressed and the position taken with respect to each issue therein. The data, views, and arguments that are submitted will be available for public inspection and copying at the above address. All timely written submissions received shall be made a part of the record of this proceeding.

In response to a number of requests from commenting parties, and pursuant to section 6(b)(3) of the Act, an opportunity to submit oral testimony concerning the issues raised by the proposed standard, including its economic, and environmental impacts, will be provided at an informal public hearing scheduled to begin at 9:30 a.m. on August 16, 1977, in the New Department of Labor Auditorium, New Department of Labor Building, 3rd Street and Constitution Avenue NW., Washington, D.C. 20210.

Notices of Intention To Appear

Persons desiring to participate at the hearing, including those who previously requested that the public hearing be held, must file a notice of intention to appear, postmarked on or before July 14, 1977 with Tom Hall in the OSHA Consumer Affairs Office, Docket No. H–005, Room N–3635, U.S. Department of Labor, 3rd and Constitution Avenue NW., Washington, D.C. 20210 (telephone: 202–523–8024).

The notices of intention to appear, which will be available for inspection at the OSHA Consumer Affairs Office must contain the following information:

(1) The name, address, and telephone number of each person to appear;

(2) The capacity in which the person will appear;

(3) The approximate amount of time required for the presentation;

(4) The specific issues that will be addressed;

(5) A detailed statement of the position that will be taken with respect to each issue addressed; and

(6) Whether the party intends to submit documentary evidence, and if so, a brief summary of that evidence.

FILING OF TESTIMONY AND EVIDENCE BEFORE HEARING

Any party requesting more than 15 minutes for presentation at the hearing, or who will submit documentary evidence, must provide in quadruplicate the complete text of its testimony, including all documentary evidence to be presented at the hearing, to the OSHA Consumer Affairs Office. The testimony will be available for inspection and copying in Room S-6212 of the New Department of Labor Building. This material must be received by August 2, 1977. Each submission will be reviewed in light of the amount of time requested in the notice of intention to appear. In those instances where the information contained in the submission does not justify the amount of time requested, a more appropriate amount of time will be allocated and the participant will be notified of that fact.

Any party who has not substantially complied with this requirement may be limited to a 15 minute presentation, and may be requested to return for questioning at a later time.

The above requirements do not apply to testimony regarding information contained solely in the Draft Environmental Impact Study.

CONDUCT OF HEARINGS

The hearing will commence at 9:30 a.m. on August 16, 1977 with the resolution of any procedural matters relating to the proceeding. The hearing will be presided over by an Administrative Law Judge who will have all the powers necessary or appropriate to conduct a full and fair informal hearings, including the powers:

(1) To regulate the course of the proceedings;

(2) To dispose of procedural requests, objections, and comparable matters,

(3) To confine the presentations to matters pertinent to the proposed standard;

(4) To regulate the conduct of those present at the hearing by appropriate means;

(5) In the judge's discretion, to question and permit questioning of any witness; and

(6) In the judge's discretion, to keep the record open for a reasonable, stated time to receive written information and additional data, views and arguments from any person who has participated in the oral proceedings.

Following the close of the hearing, the presiding Administrative Law Judge will certify the record thereof to the Assistant Secretary of Labor for Occupational Safety and Health. The proposal will be reviewed in light of all oral and written submissions received as part of the record, and a standard will be issued based on the entire record in this proceeding.

Accordingly, under sections 6(b) and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1599, 29 U.S.C. 655, 657), and 29 CFR Part 1911, it is hereby proposed to amend Part 1910 of Title 29 of the Code of Federal Regulations as set forth below.

Paragraph (p) of proposed § 1910.1026 is revised to read as follows:

§ 1910.1026 Beryllium.

* * * * *

(p) * * *

(2) * * *

(i) The word "WARNING" or "DANGER" and the term "CANCER HAZARD."

(3) *Signs.* Entrances or access ways to regulated areas shall be posted with legible signs bearing the legend:

WARNING (or DANGER)
CANCER HAZARD
AUTHORIZED PERSONNEL ONLY
Respirators and Protective Clothing
Required To Be Worn In This Area

* * * * *

(Sec. 6, 84 Stat. 1593 (29 U.S.C. 655); 29 CFR Part 1911 Secretary of Labor's Order No. 8-76 (41 FR 25059).)

Signed at Washington, D.C. this 27th day of May, 1977.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc.77-16155 Filed 6-6-77;8:45 am]

[29 CFR Part 1952]

PUERTO RICO

Notice of the Submission of the Puerto Rico State Plan and its Availability for Public Comment

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Proposed rule.

SUMMARY: On February 25, 1977, the Commonwealth of Puerto Rico submitted a plan for the enforcement of occupational safety and health standards to the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter referred to as the Assistant Secretary). Under section 18(c) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter referred to as the Act), and Part 1902 of this Chapter, the Assistant Secretary, after public notice and comment, shall approve a plan if he finds it meets the criteria described therein.

DATES: Comments and requests for a hearing should be submitted by July 7, 1977.

ADDRESSES: Written comments and requests for hearing should be submitted to the Director, Federal Compliance and State Programs, Occupational Safety and Health Administration, Department of Labor Room N-3112, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

Mabel Stanton, Project Officer, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue N.W., Room N-3112, Washington, D.C. 20210.

A copy of the plan may be inspected and copied during normal business hours at the following locations: Office of the Director, Federal Compliance and State Programs, Room N-3112, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 3445, 1515 Broadway (1 Astor Plaza), New York, New York 10036; Department of Labor, Occupational Safety and Health Office, 414 Barbosa Avenue, Sixth Floor, Hato Rey, Puerto Rico 00917.

SUPPLEMENTARY INFORMATION:

AUTHORITY

Section 18 of the Act provides that a State (under the Act Puerto Rico is defined as a State) which desires to assume responsibility for the development and enforcement of occupational safety and health standards shall submit a plan to the Assistant Secretary describing in detail the proposed program. The Assistant Secretary then evaluates the proposed plan to determine whether the plan meets the criteria of the Act which are further defined in Part 1902. These criteria generally require that a State plan must provide for an enforcement program and occupational safety and health standards which are as effective as the Federal program and standards.

DESCRIPTION OF THE PLAN

The plan designates the Puerto Rico Department of Labor as the agency responsible for the administration and enforcement of the plan throughout the Commonwealth, and the plan includes enacted enabling legislation, the Puerto Rico Occupational Safety and Health Act of 1975, which is similar in many respects to the Federal Act. Puerto Rico intends to adopt all Federal standards adopted under section 6 of the Act but will exclude from coverage all industries included within the classifications of Marine Cargo Handling (SIC 4463) and Shipbuilding and Repairing (SIC 3731). The Puerto Rico Act includes a retirement that standards be printed in Spanish within three years after their promulgation, and a project is currently underway for this translation by the Occupational Safety and Health Administration and the Commonwealth. Certain differences exist between the Puerto Rico program and the Federal, including:

(1) Administrative review of citations, abatement requirements, and proposed penalties by a hearing examiner appointed by the Puerto Rico Secretary of Labor, with appeal from the hearing examiner's decision to the Secretary rather than by an independent commission.

(2) An additional requirement that the owner of premises used as a place of employment comply with all OSHA standards with respect to the parts of the premises under his control and not under the control of an employer.

(3) Separate 15 day contest periods for the citation and notice of proposed penalty, rather than a single period which begins after the employer's receipt of the notice of proposed penalty.

DECISION

The Assistant Secretary will consider all relevant comments, arguments and

requests submitted in accordance with this notice or subsequent hearing afforded pursuant to Part 1902.11, and will thereafter issue his decision on the approvability of the plan. A favorable decision will be published in the Federal Register and codified as the next applicable Subpart of this Part.

Signed at Washington, D.C. this 31 day of May, 1977.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc.77-16055 Filed 6-6-77;8:45 am]

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

[33 CFR Part 209]

[ER 1130-2-324]

ADMINISTRATIVE PROCEDURES

Coordination of Hydroelectric Power Operations With Power Marketing Agencies

AGENCY: Corps of Engineers, DOD.

ACTION: Proposed rule.

SUMMARY: We are proposing to issue a regulation stating the Corps of Engineers' policy and procedures on coordination of hydroelectric power operations with the Department of Interior Power Marketing Agencies. The regulation will be issued in response to a recommendation contained within a Comptroller General of the United States Report to the Congress, dated January 2, 1976. This regulation will provide for more effective coordination of power operations between the Corps of Engineers and the Department of Interior Power Marketing Agencies.

DATE: Comments must be received on or before July 15, 1977.

ADDRESS: Send comments to: Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314. ATTN: DAEN-CWO-M.

FOR FURTHER INFORMATION CONTACT:

Mr. Kyle Jones, Jr., Phone 202-693-6975.

SUPPLEMENTARY INFORMATION: We propose that the policy of the Corps of Engineers requires that all Division or District Engineers develop, in coordination with their respective power marketing agency, a system for exchanging operating information. The system will include general operating information and information on conditions that could substantially affect costs or power availability.

NOTE.—The Corps of Engineers has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: May 27, 1977.

RUSSEL J. LAMP,
Colonel, Corps of Engineers, Executive.

Accordingly, we propose to establish regulations under 33 CFR 209.141 as follows:

§ 209.141 Coordination of hydroelectric power operations with power marketing agencies.

(a) *Purpose.* This regulation establishes policy and procedures for coordinating the operation of the Corps of Engineers' hydroelectric generating facilities with the power marketing agencies.

(b) *Applicability.* This regulation applies to all Civil Works Field Operating Agencies (FOA) having generating facilities producing marketable electric power.

(c) *Policy.* All FOA Commanders will develop, in coordination with their respective power marketing agency, a system for exchanging operating information. The system will include general operating information and information on conditions that could substantially affect costs or power availability.

(d) *Delegation.* Responsibility for coordinating the exchange of information may be delegated to the District Engineer at the discretion of the Division Engineer.

(e) *Procedures.*—(1) *Specific requirements.*

(i) *Continuing.* Prompt written notification will be provided to the appropriate power marketing agency each time a change in power operations or conditions which could substantially affect costs or power availability is anticipated.

(ii) *Annual.* Annually, when no changes in power operations or costs are expected for the succeeding 12 month period, the marketing agency will be notified of that fact in writing.

(2) *FOA Responsibility.* The FOA directly responsible for communicating with the marketing agency will develop appropriate reporting procedures in coordination with that agency.

[FR Doc.77-15966 Filed 6-6-77;8:45 am]

[33 CFR Part 209]

Administrative Procedures

Permits for Exploratory Drilling in the Gulf of Santa Catalina, Calif.

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Proposed rule.

SUMMARY: We propose to establish regulations to prescribe the policy, practice and procedures to be followed in connection with applications for permits authorizing exploratory drilling in the Gulf of Santa Catalina, Pacific Ocean, off of Los Angeles-Long Beach Harbors, California. Department of the Army permits for work or structures on the Outer Continental Shelf are required by law.

DATE: Comments must be received on or before July 15, 1977.

ADDRESS: Send Comments to: District Engineer, Los Angeles District, Corps of Engineers, P.O. Box 2711, Los Angeles, California 90053 ATTN: Navigation Branch.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles M. Holt, Navigation Branch, Los Angeles District, U.S. Army Corps of Engineers at 213-688-5607 or Mr. Ralph T. Eppard of the Regulatory Functions Branch, Office of the Chief of Engineers, Washington, D.C. at 202-693-5070.

SUPPLEMENTARY INFORMATION: Some of the tracts leased on 11 December 1975 by the U.S. Bureau of Land Management for offshore (Outer Continental Shelf) oil development in the Gulf of Santa Catalina are located within or very near the vessel traffic separation scheme (TSS) established by the U.S. Coast Guard. Future leases in the same area may or may not result in additional tracts conflicting with the vessel traffic lanes which are part of this scheme.

In reviewing the navigational aspects of proposed offshore operations, the Los Angeles District relies on the U.S. Coast Guard Marine Safety Standards and the permittees will be required to comply with all Coast Guard regulations. The vessel traffic separation scheme in the Gulf of Santa Catalina has posed some unique problems due to a number of factors involving not only the probable location of the oil, depth of water and depth of the suspected formations but also the ship traffic conditions to and from the Ports of Los Angeles and Long Beach. We would prefer to keep the traffic lanes free of all obstructions. However, exploration is not feasible in certain of the tracts without temporary intrusion by exploratory vessels. Accordingly, the following guidelines have been developed jointly by the Los Angeles District Engineer and the 11th Coast Guard District in consultation with the Bureau of Land Management and U.S. Geological Survey.

A Notice of Intent to Establish Guidelines, along with a preliminary draft of the Guidelines, was published in the Notices section (41 FR 44715) on 12 October 1976. The Draft was also contained in a Public Notice issued by the District Engineer, Los Angeles District, on 21 October 1976. Comments were received from the following:

Exxon Co., U.S.A.
Gulf Energy and Minerals Co., U.S.
Jacobsen Pilot Service
Long Beach Naval Shipyard
Mobil Oil Corporation
Offshore Operators Committee
Pacific Merchant Shipping Association
Port of Long Beach
Resources Agency of California
Texaco, Inc.
U.S. Geological Survey
Western Oil and Gas Association

All comments were given careful consideration. Several of the issues raised are discussed below.

Relocation of the Traffic Separation Scheme (TSS) was suggested. This is

not practical because of the lengthy processing time involved, including adoption of the new location by the Intergovernmental Maritime Consultative Organization (IMCO). Such relocation, or establishment of a Safety Fairway (SF), will not be considered until substantial exploratory work has been completed, that is, when sufficient information on the extent of the oil deposits is available upon which to base the permanent location of the TSS or SF. Furthermore, the District Engineer may wait until Outer Continental Shelf (OCS) Sale No. 48 to see if additional tracts are leased in the area.

The California Resources Agency recommended that the goal of minimizing the number of obstacles in the traffic lanes and the ¼ mile buffer zones be expanded to include the separation and precautionary zones. The draft guidelines have been changed to include the precautionary zone. However, we do not believe that obstacles in the separation zone need be minimized. Structures within the zone could have a beneficial effect by acting as aids to navigation.

There was one objection to the general concept of a "buffer zone" as being too burdensome. Nevertheless, we feel that these zones are necessary. The ¼ mile "buffer zone" is based on a margin of error in navigation accuracy and is required by IMCO criteria. The two mile "buffer zone" for the 120 day permit application guideline is necessary because the presence of drilling rigs and their mooring systems in this zone affects activity inside the TSS.

Several respondents criticized and some favored the time period of 120 days for submitting permit applications in advance of proposed drilling. This period is based on the time necessary for worldwide distribution of the printed notice of drilling operations. Due to printing schedules at the Defense Mapping Agency, it takes 60 to 90 days from receipt of material to printing in the Notice to Mariners (NTM). Worldwide distribution via postal service requires an additional 30 to 60 days to reach all addressees. We also emphasize that the full 120 days is applicable only "where practicable." The printed NTM is the best manner of notice. However, if circumstances preclude 120-day application submittal, maritime interests will be contacted by electronic systems. The same procedure would apply for unforeseable changes in drilling location prior to permit issuance.

The non-feasibility of performing exploratory drilling from outside the traffic lanes was questioned. We received a suggestion that the applicant bear the burden of proof to show that such exploration is not "possible," as opposed to "feasible." The burden of proof is already on the applicant. However, it is not considered necessary for the applicant to prove that extra-TSS exploration is "impossible." It may be possible, but economically prohibitive. The District Engineer will weigh all the factors in deciding non-feasibility. Among them will be the opinions of experts in the field, such as the U.S. Geological Survey and the Bureau of Land Management, and national policies on energy.

Several commenters believed that 8 miles between drilling rigs was excessive. Others considered it reasonable. The original proposal called for a 12 mile distance. Eight miles is considered a minimum for navigation by large vessels. The rule shall be applied on a first-in-time basis. Scheduling problems are not considered serious because, although the oil companies are competitors, there is good communication between them.

One respondent stated that the 3,000 yard separation should not include drilling vessels outside of traffic lanes. However, rigs next to the lane affect navigation in it and this recommendation was not accepted. This rule has been changed to apply the 3,000 yard separation from pendant buoy to pendant buoy rather than from vessel to vessel. The goal was to have a 3,000 yard navigable passage and the buoy-to-buoy distance better satisfies it.

A commenter pointed out that the 100 foot clear depth would be difficult to comply with in the shallow water near the north end of the TSS and that it was not clear whether this standard applied within the traffic lanes. We have clarified this requirement and made provision for lighted buoys in shallow waters.

Lastly, the use of the word "mile" has been defined to mean nautical mile. Accordingly, we propose to establish regulations in 33 CFR 209.138a as follows:

§ 209.138a Permits for exploratory drilling in the Gulf of Santa Catalina, California.

(a) Department of the Army permits are required pursuant to law (30 Stat. 1151; 33 U.S.C. 403 and 67 Stat. 463; 43 U.S.C. 1333(f)) for work or structures in coastal waters and the water covering the Outer Continental Shelf. The determination of whether or not to issue a Department of the Army permit for structures on the Outer Continental Shelf related to extraction of minerals is based upon the proposed activities' effect on navigation and national security. All other matters concerning offshore drilling including environmental considerations are the responsibility of the Department of the Interior.

(b) The following rules have been developed jointly by the Los Angeles District Engineer and the 11th Coast Guard District, in consultation with the Bureau of Land Management and the U.S. Geological Survey, for drilling in the Gulf of Santa Catalina:

(1) All drilling within a single tract will be covered by a single permit application.

(2) Where practicable, permit applications shall be submitted at least 120 days in advance of drilling for tracts where drilling is expected to be accomplished within the traffic separation scheme, the precautionary zone or within two nautical miles of a traffic lane.

(3) Permit applications shall include the location of any known proposed drilling sites and the estimated start and completion dates for each. Updated information on the plan shall be furnished as soon as available. One individual (and alternate) shall be designated by the applicant as responsible for maintaining close liaison with all involved agencies.

(4) Where it is not feasible to perform exploration work from outside the traffic lanes or ¼ mile buffer zones, or precautionary zone, permits will include the following conditions:

(i) Exploratory vessels within a traffic lane will, to the degree practicable, be sited near traffic lane boundaries.

(ii) Exploratory vessels within one traffic lane, or in the precautionary zone, shall be separated by at least 8 nautical miles in the direction of the lane axis.

(iii) Exploratory vessels located within the traffic lanes, or the precautionary zone, shall not have their pendant buoys within 3,000 yards from the pendant bouys of any other vessel.

(iv) Exploratory rigs and vessels engaged in offshore development may have no cables, anchors, bouys or other associated equipment within the traffic lanes, ¼ mile buffer zones, or the precautionary zone, at a depth of less than 100 feet, unless such equipment is marked with a Class 1 bouy or bouys in accordance with current Federal regulations.

NOTE.—The Department of the Army has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107. (30 Stat. 1151; 33 U.S.C. 403 and 67 Stat. 463; 43 U.S.C. 1333(f).)

Dated: May 27, 1977.

MARVIN W. REES,
Colonel, Corps of Engineers, Executive Director of Civil Works.

[FR Doc.77-15967 Filed 6-6-77;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Parts 50, 54, 56, 58, 61, 107, 108, 109]

[CGD 73-251]

REQUIREMENTS FOR MOBILE OFFSHORE DRILLING UNITS

Correction

In FR Doc. 77-12251, appearing at page 22296 in the issue of Monday, May 2, 1977, make the following changes:

1. On page 22299, first column, the last line of § 50.01-1(j) should read, "in Subchapter I-A of this chapter."

2. On page 22300, second column, in the third line of § 58.60-9, the number now reading "140" should read, "14C".

3. On page 22300, the next to last line in the second column should read, "28. By adding a new Subchapter I-A to".

4. On page 22302, third column, the sixth line of the definition for "Watertight" in § 107.111 should read, "of water from a nozzle (not less than 1 inch".

5. On page 22306, third column, the first word in paragraph (b) of § 107.401 should read, "International".

6. On page 22311, third column, paragraphs (a) and (b) of § 108.301 should be designated as (b) and (c) and a new paragraph (a) should be added, reading, "(a) 'Downflooding angle' means the angle of heel at which openings in the hull, superstructure, or deckhouses commence to immerse."

7. On page 22315, first column, the second word in paragraph (c) of § 108.425 should read "nozzle".

8. On page 22321, second column, the second word in paragraph (a)(4) of § 108.508 should read, "bearing".

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 21119; RM-2731]

FM BROADCAST STATION IN GILLETTE, WYOMING

Order Extending Time for Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order extending comment period.

SUMMARY: The date for filing reply comments in Docket No. 21119 has been extended at the request of Gillette Broadcasting Company. Gillette states the additional time is necessary so that it can obtain additional information in which to respond to an opposition filed by Midland Broadcasting Company of Wyoming.

DATE: Reply comments must be received on or before June 1, 1977.

ADDRESS: Send reply comments to: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau (202-632-7792).

SUPPLEMENTARY INFORMATION:

Adopted: May 27, 1977.

Released: June 1, 1977.

By the Acting Chief, Broadcast Bureau:

1. Notice of Proposed Rule Making in this proceeding was adopted on February 11, 1977, and released on February 18, 1977. Publication was made in the FEDERAL REGISTER on February 24, 1977, 42 FR 10858. The date for filing comments has expired. The date for filing reply comments was May 18, 1977.

2. On May 16, 1977, Gillette Broadcasting Company ("GBC") proponent in this proceeding, requested that the time for filing reply comments be extended to and including June 1, 1977. GBC states that Midland Broadcasting Company of Wyoming claims in its opposition that statistical assessments of future demographic and economic growth in the area of Gillette are misleading. GBC states that in order to refute that claim it is in the process of obtaining additional information from government and professional sources concerning prospects for population and economic growth in Gillette and Campbell County. Because of delays beyond its control, GBC states that some of the information has not been received, and adds that the additional time would be sufficient to obtain such additional data which it believes would be useful to the Commission.

3. GBC states that counsel for Midland Broadcasting Company of Wyoming has indicated that it has no objection to a grant of the requested extension.

4. Pursuant to the provisions of Section 1.46 of the Commission's Rules motions for extension of time are to be filed seven days prior to the filing date to afford the Commission sufficient time to act on the request and to give timely notice of the action to interested persons. Late-filed requests will be considered in case of last-minute emergencies which could not have been anticipated by the party requesting the extension. Since the delay in receiving the additional information was unforeseen by GBC, we believe good cause has been shown in this instance so we are granting the request.

5. *Accordingly, it is ordered*, That the date for filing reply comments in Docket No. 21119 is extended to and including June 1, 1977.

6. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and Section 0.281 of the Commission's Rules.

FEDERAL COMMUNICATIONS COMMISSION,
PAUL WM. PUTNEY,
Acting Chief,
Broadcast Bureau.

[FR Doc.77-16061 Filed 6-6-77;8:45 am]

[47 CFR Part 73]

[Docket No. 21260; RM-2860]

FM BROADCAST STATION IN HOISINGTON, KS.

Proposed Change in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: Action taken proposing the assignment of a first Class A FM channel to Hoisington, Kansas. Petitioners, Paul F. Kelly, David C. Hollis and Elmer H. Davis, stated that a local broadcast service was needed to provide local news, weather, farm and sports information.

DATES: Comments must be received on or before July 26, 1977, and reply comments must be received on or before August 15, 1977.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau (202-632-792).

SUPPLEMENTARY INFORMATION:

Adopted: May 25, 1977.

Released: May 31, 1977.

By the Chief, Broadcast Bureau.

1. *Petitioner, Proposal and Comments.* (a) An amended petition for rule making,[1] filed March 30, 1977, by Paul F. Kelly, David C. Hollis and Elmer H. Davis ("petitioners") proposing the assignment of Channel 265A to Hoisington, Kansas, as a first FM assignment to that community.

(b) The channel could be assigned in full conformity with our minimum distance separation requirements. There were no oppositions to the proposal.

(c) Petitioners state that they will apply promptly for a construction permit if the channel is assigned.

2. *Community Data.* (a) *Location.* Hoisington is located in Barton County, approximately 161 kilometers (100 miles) northwest of Wichita, Kansas.

(b) *Population.* Hoisington, 3,710; Barton County, 30,663.[2]

(c) *Local Broadcast Service.* There is no local broadcast service in Hoisington.

3. *Economic Data.* Petitioners state that Hoisington is a small community governed by a Mayor and City Council, and derives its income from industries, cattle and farming.

4. *Additional Considerations.* Petitioners point out that the nearest radio station is in Great Bend, 19 kilometers (12 miles) away and adds that there are few FM signals available in Hoisington. They state that a survey among residents and local businessmen indicates that an FM station is needed to provide local news, weather, farm and sports information.

5. In view of the foregoing and the apparent need for a local broadcast service in Hoisington, we believe the assignment of Channel 265A to that community merits consideration in a rule making proceeding.

6. Comments are invited on the follow proposal to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules, for the community listed below:

City	Channel No.	
	Present	Proposed
Hoisington, Kans.		265A

7. The Commission's authority to institute rulemaking proceedings; showing required; cut-off procedures; and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

NOTE.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

[1] Public Notice of the filing of the amended petition was given on April 12, 1977 (Rept. No. 1038). The original petition requesting the assignment of Channel 264 was tendered for filing on January 21, 1977.

[2] Both population figures are taken from the 1970 U.S. Census.

8. Interested parties may file comments on or before July 26, 1977, and reply comments on or before August 15, 1977.

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

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

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

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

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

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

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

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

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

[FR Doc.77-16060 Filed 6-6-77;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 AGRICULTURE

Animal and Plant Health Inspection Service

APPROVED STOCKYARDS AND SLAUGHTERING ESTABLISHMENTS

Additions and Deletions

The regulations in 9 CFR Part 78, as amended, contain restrictions on the interstate movement of cattle, other domestic animals, and bison to prevent the spread of brucellosis. This document adds certain stockyards and slaughtering establishments to the list of those specifically approved for purposes of the regulations, on the basis of a determination of their eligibility for such approval under § 78.25(b) of the regulations and removes from the list certain other stockyards and slaughtering establishments which have been found no longer to qualify for such approval. Name changes are also made with respect to certain stockyards and slaughtering establishments.

Pursuant to § 78.25(b) of the regulations (9 CFR 78.25(b)) under provisions of the Act of May 29, 1884, the Act of February 2, 1903, and the Act of March 3, 1905, and amendments thereof, and the Act of July 2, 1962 (secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; and secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114a–1, 115, 117, 120, 121, 25, 34b, 134f) and delegations of authority thereunder (37 FR 28464, 28477; 38 FR 19141), notice is hereby given that the following stockyards and slaughtering establishments are specifically approved under said regulations as indicated below:

SPECIFICALLY APPROVED SLAUGHTERING ESTABLISHMENTS

The following slaughtering establishments preceded by an asterisk are specifically approved for the purposes of §§ 78.7, 78.8, and 78.12a, of Title 9, Code of Federal Regulations, concerning brucellosis reactors, exposed cattle and cattle from quarantined areas, and for the purposes of § 78.11 of said Title 9, concerning cattle from herds of unknown status. The following slaughtering establishments not preceded by an asterisk are specifically approved for the purposes of § 78.11 only:

GEORGIA

*Dalton Slaughter House, Dalton.
*North Georgia Meat Processing Company, Cohutta.

ILLINOIS

*Bartlow Bros., Inc., Rushville.
*Beiermann Packing Company, Jerseyville.
*Bergman Meat Packing Company, Pittsfield.
*David's Frozen Food Cener, Milford.
*DeSchepper Packing Company, Milan.
*Edgar County Locker, Paris.
*Hansen Packing Company, Jerseyville.
*Harmon Packing, Paris.
*Hartrich Meat Processing Plant, St. Marie.
*Hill Packing, Danville.
*Jamison's Country Fresh Meats, Inc. Atwood.
*Johannes Market, Quincy.
*Jones Packing Company, Harvard.
*Ed Kabrick Beenf, Inc., Plainville.
*Parks Processing Plant, Warren.
*Petroff Packing Company, Benton.
*Rock River Provision Company, Inc., Rock Falls.
*Siever Meat Processing, Palestine.
*Stone Meat Packing Inc., Chicago.
*Streck Packing Company, Belleville.
*Weyhaupt Bros. Packing Company, Belleville.
*Young Packing Company, Danville.
*Y and T Packing Company, Springfield.

INDIANA

*Becher Brothers, Dale.
*Bloomington Packing Company, Bloomington.
*Brook Locker Plant, Inc., Brook.
*Clark & Moore, Monticello.
*Dewig Brothers Packing Company, Inc., Haubstadt.
*Fisher Packing Company, Portland.
*Gutzweiler Packing Company, Jasper.
*Harger's Inc., Hamilton.
*Harlow's Meat Market, Seymour.
*Lengerich Meats, Inc., Monroe.
*Glen Manley Custom Butchering, Decatur.
*Melcho Packing Company, Carlisle.
*Merkley & Sons, Inc., Jasper.
*Middlebury Cold Storage, Inc., Middlebury.
*Miller Packing Company, Kokomo.
*Mishler Packing, Lagrange.
*Ossian Packing Company, Inc., Ossian.
*Walter Price Abattoir, Inc., Plymouth.
*Pride Packing Company, Inc., Terre Haute.
*Roos Packing Company, Indianapolis.
*Rose City Packing Company, Inc., New Castle.
*Rutzel Slaughter House, Aurora.
*Schmitt Packing Company, Decatur.
*Schuler Packing Company, Ferdinand.
*Sinnett & Son Packing Company, Wadesville.
*Spendal Meats, Clinton.
*Standard Packing Company, Kokomo.
*State Line Packing (located in Indiana), Momence, Illinois.
*Straub & Smith Packing Company, Indianapolis.
*Troy Packing Company, Inc., Indianapolis.
*Top of Indiana Beef Company.
*Vietti Packing Company, Clinton.
*Ward Packing Company, Monon.
*Wilcox Inc., North Liberty.
*Wolfs Processing Plant, New Albany.
*Young Brothers, Inc., Ladoga.
*Vetter Meat Company, Kokomo.

MISSISSIPPI

*Passbach Meats, Inc., Natchez.

NORTH CAROLINA

*Carolina Packers, Inc., Smithfield.
*G. L. Draughon Wholesale Meats, Fayetteville.
*Falcon Whole Sale Meats, Falcon.
*Carolina Packers, Inc., Smithfield.

OKLAHOMA

*Calera Processing Plant, Calera.
*Dudley Tucker Slaughterhouse, Durant.
*Harris Packing Company, Oklahoma City.
*Moores Processing Plant, Durant.

TEXAS

*Mins Meat Company, Inc., Lufkin.

WISCONSIN

*Wunderlich Packing Company, Sharon.

The following slaughtering establishments are deleted from the list specifically approved to handle interstate shipments of cattle.

OKLAHOMA

*Holder Locker Plant, Elk City.

SPECIFICALLY APPROVED STOCKYARDS

The following stockyards preceded by an asterisk are specifically approved for the purposes of §§ 78.7, 78.8, 78.12a, Title 9, Code of Federal Regulations, concerning brucellosis reactors, exposed cattle and cattle from quarantined areas, and for the purposes of §§ 78.9, 78.10 and 78.11 of said Title 9, concerning cattle not known to be affected with brucellosis, cattle from qualified herds, and cattle from herds of unknown status. The following stockyards not preceded by an asterisk are specifically approved for the purposes of § 78.9, 78.10 and 78.11 only:

ALABAMA

*Pickens County Livestock Commission Company, Aliceville.

ARKANSAS

*London Livestock Auction, London.
*Eudora Livestock Auction Company, Eudora.
*Rex White Livestock Auction, Russelville.

CONNECTICUT

North Franklin Commission Sale, North Franklin.

GEORGIA

*Coosa Valley Livestock Company, Rome.

ILLINOIS

*Paris Livestock Sales Company, Paris.
*Peoria Union Stockyards Company, Peoria.

INDIANA

*Evansville Union Stockyards Co., Inc., Evansville.
*Producers Livestock Association, Vincennes.

IOWA

Decorah Sales Commission, Decorah.
Iowa County Livestock Auction, Marengo.
Sheldon Livestock Sales Company, Sheldon.

KANSAS

*Chanute Livestock Auction Company, Chanute.
*Dighton Livestock Auction, Dighton.
*Rezac Livestock Commission Company, St. Mary's.

KENTUCKY

*Good Day Stockyards, Princeton.
*Farmers Livestock Marketing Co-op, Russellville.
*New Farmers Livestock Market, Somerset.

LOUISIANA

*Franklinton Stockyards, Inc., Franklinton.

MASSACHUSETTS

*Michelson's Livestock Commission Auction Inc., South Easton.

MINNESOTA

Benson Livestock Exchange, Benson.

MISSISSIPPI

*Lexington Sales Company, Inc., Lexington.
*Oxford Livestock Market, Inc., Oxford.

MISSOURI

*Brookfield Livestock Auction, Inc., Brookfield.
*Cabool Livestock Market, Cabool.
*Central Livestock Market, Inc., Poplar Bluff.
Gasconade County Livestock Improvement Association, Owensville.
*Jack Sivils Sales Company, Inc., Butler.
*Johnson County Livestock Market, Warrensburg.
*Mid-West Livestock Market, Inc., Nevada.
NFO Collection Point, Memphis.
Reynolds County Livestock Producers Association, Ellington.
Richland Livestock, Richland.
Savannah Sales Company, Savannah.
*Scotland County Livestock Auction, Memphis.
Van Meter Auction, Kingsville.

NEBRASKA

*Huss Platte Valley Auction, Inc., Kearney.

NEW MEXICO

*Clovis Livestock Market, Clovis.

NORTH CAROLINA

Farmers Cooperative Livestock Market, Lexington.

NORTH DAKOTA

*Stockmen's Livestock Exchange, Inc., Beulah.

PENNSYLVANIA

Eighty-Four Auction Sales, Inc., Eighty-Four.
Valley Stock Yards, Inc., Athens.
Tri-County Livestock Auction, Inc., Brockway.

SOUTH CAROLINA

Central Carolina Livestock Market, Inc., Lugoff.

SOUTH DAKOTA

Burke Livestock Auction, Burke.
Canton Livestock Sales Company, Canton.
Chamberlain Livestock Sales, Inc., Chamberlain.
Corsica Livestock Sales, Co., Corsica.
Gregory Livestock Auction Market, Gregory.
Kimball Livestock Exchange, Kimball.
Sioux Falls Stockyards Company, Sioux Falls.
Stockman's Livestock Auction Company, Yankton.
Winner Livestock Auction Company, Winner.
Yankton Livestock Auction Market, Yankton.

TEXAS

*Dalhart Auction Company, Dalhart.
*Mineral Well Stockyard Company, Mineral Wells.
*Quanah Livestock Commission Company, Quanah.

VIRGINIA

*Orange Livestock Market, Orange.

WEST VIRGINIA

*Spencer Livestock Exchange Company, Inc., Spencer.

The following livestock markets are deleted from the list specifically approved to handle interstate shipments of cattle.

IOWA

Marengo Livestock Commission Company, Inc., Marengo.
Sheldon Livestock Company, Inc., Sheldon.

KANSAS

*Dighton Livestock Auction Market, Inc., Dighton.
*Reznac Livestock Commission Company, Manhattan.

KENTUCKY

*Logan County Livestock Market, Russellville.

MISSISSIPPI

*Lexington Sales Company, Lexington.
*Oxford Livestock Commission Company, Oxford.

MISSOURI

*Central Livestock Market, Poplar Bluff.
*Hinds Sale Company, Memphis.
*Farmers Auction Company, Mountain View.
Johnson County Livestock Market, Warrensburg.
Kingsville Livestock Auction, Kingsville.
*Linn County Auction Inc., Brookfield.
Maryville Livestock Market, Inc., Maryville.
Northeast Missouri Producers Association, Memphis.
Savannah Sale Co., Inc., Savannah.
*Schuyler County Sale Company, Lancaster.

NEBRASKA

*Platte Valley Livestock Auction, Kearney.

NORTH DAKOTA

*Schnell's Beulah Livestock Auction Market, Inc., Beulah.

PENNSYLVANIA

*Tri-County Livestock Auction, Inc., Brockway.

TEXAS

*Plainview Livestock Auction, Plainview.

VERMONT

Whiting Livestock Commission Sales, Whiting.

VIRGINIA

*Orange Livestock Market, Inc., Orange.

WEST VIRGINIA

*Spencer Livestock Exchange, Spencer.

Effective date: The foregoing notice shall become effective June 7, 1977.

This action imposes certain restrictions necessary to prevent the spread of brucellosis and relieves certain restrictions presently imposed. The action should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this action are impracticable, unnecessary and contrary to the public interest, and good cause is found for making this action effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., 27th day of May, 1977.

The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

G. V. PEACOCK,
Acting Deputy Administrator, Veterinary Services.

[FR Doc.77-15901 Filed 6-6-77;8:45 am]

Food and Nutrition Service

CHILD NUTRITION PROGRAMS

Income Poverty Guidelines for Determining Eligibility for Free and Reduced-Price Meals and Free Milk

Pursuant to sections 9 and 17 of the National School Lunch Act, as amended (42 U.S.C. 1758 and 42 U.S.C. 1766), and sections 3 and 4(e) of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1772 and 1773(e)), the income poverty guidelines for determining eligibility of children for free and reduced price meals in the National School Lunch Program (7 CFR Part 210), School Breakfast Program (7 CFR Part 220), Child Care Food Program (7 CFR Part 226), and commodity only schools (7 CFR 210.15(a)), and for free milk in the Special Milk Program (7 CFR Part 215) during the period July 1, 1977–June 30, 1978, are prescribed by the Secretary in the following tables.

Under the legislation and applicable regulations, schools and institutions which charge for meals separately from other fees, are required to serve free meals and free milk to all children from families whose income is at or below the applicable family size income level indicated by the Secretary's guidelines. Schools and institutions which charge for meals separately from other fees are required to serve reduced-price meals to all children from families whose incomes are at or below 95 percent above the applicable family size income levels in the guidelines.

Each State agency is required to prescribe income guidelines for both free and reduced price meals and free milk by family size, for use by schools and institutions in the State. The State guidelines for free meals and for free milk may not be less than the applicable family size income level prescribed by the Secretary, and may not exceed the Secretary's guidelines by more than 25 percent. The State guidelines for reduced price meals must be established at 95 percent in excess of the Secretary's guidelines.

For the convenience of State agencies, the tables also show the Secretary's income poverty guidelines when increased by 25 percent and when increased by 95 percent. The increased figures represent the maximum levels to be prescribed by State agencies in determining eligibility for free meals and free milk, and the mandatory level for reduced price meals, respectively. The Secretary's guidelines remain the minimum level for free meals

and free milk; all children at or below such levels shall be served free meals and free milk. Guidelines for the Island of Guam are identical to those established for the State of Hawaii.

Income poverty guidelines July 1, 1977–June 30, 1978

Family size	Secretary's guidelines	Guideline levels when increased by	
		25 pct	95 pct
48 States, District of Columbia, Puerto Rico, territories excluding Guam:			
1	$3,140	$3,930	$6,120
2	4,130	5,160	8,050
3	5,110	6,390	9,970
4	6,090	7,610	11,880
5	6,990	8,740	13,630
6	7,890	9,860	15,380
7	8,710	10,890	16,980
8	9,530	11,910	18,580
9	10,270	12,840	20,030
10	11,010	13,760	21,470
11	11,740	14,680	22,890
12	12,470	15,590	24,310
Each additional family member	730	910	1,420
Alaska:			
1	3,930	4,910	7,660
2	5,180	6,450	10,060
3	6,380	7,980	12,440
4	7,600	9,500	14,820
5	8,730	10,910	17,020
6	9,850	12,310	19,210
7	10,880	13,600	21,220
8	11,900	14,880	23,210
9	12,820	16,030	25,000
10	13,740	17,180	26,790
11	14,650	18,320	28,570
12	15,560	19,450	30,340
Each additional family member	910	1,130	1,770
Hawaii and Guam:			
1	3,430	4,290	6,690
2	4,500	5,630	8,780
3	5,570	6,970	10,870
4	6,640	8,300	12,950
5	7,620	9,530	14,860
6	8,590	10,740	16,750
7	9,480	11,850	18,490
8	10,370	12,960	20,220
9	11,180	13,980	21,800
10	11,990	14,990	23,380
11	12,790	15,990	24,940
12	13,590	16,990	26,500
Each additional family member	800	1,000	1,560

The Secretary's income poverty guidelines are based on the previous year's poverty level adjusted for the change in the Consumer Price Index for the 12 month period ending April 1977. This procedure is specified by section 9 of the National School Lunch Act, as amended (42 U.S.C. 1758). The Consumer Price Index is not computed for the State of Hawaii for the month of April. Therefore, the Secretary's income poverty guidelines for Hawaii and Guam are based upon the change in the Consumer Price Index for Hawaii and Guam for the 12 month period ending March, 1977.

"Income," as the term is used in this notice is similar to that defined in the Bureau of the Census report, "Characteristics of the Low-Income Population: 1971," Consumer Income, Current Population Reports, series P–60, No. 86, December 1972. "Income" means income before deductions for income taxes, employees' social security taxes, insurance premiums, bonds, etc. It includes the following:

(1) Monetary compensation for services, including wages, salary, commissions, or fees; (2) net income from nonfarm self-employment; (3) net income from farm self-employment; (4) social security; (5) dividends or interest on savings or bonds, income from estates or trusts, or net rental income; (6) public assistance or welfare payments; (7) unemployment compensation; (8) government civilian employee, or military retirement, or pensions, or veterans' payments; (9) private pensions or annuities; (10) alimony or child support payments; (11) regular contributions from persons not living in the houshold; (12) net royalties; and (13) other cash income. Other cash income would include cash amounts received or withdrawn from any source including savings, investments, trust accounts, and other resources which would be available to pay the price of a child's meal.

"Income," as the term is used in this notice, does not include any income or benefits received under any Federal program which are excluded from consideration as income by any legislative prohibition, for example, the bonus value of food stamps received under the Food Stamp Act of 1964 as amended, 7 U.S.C. 2011 et seq.; nor does the term include income used for the following special hardship conditions which could not be reasonably anticipated or controlled by the household:

(1) Unusually high medical expenses; (2) shelter costs in excess of 30 percent of income as defined herein; (3) special education expenses due to the mental or physical condition of a child; and (d) disaster or casualty losses. Furthermore, the value of assistance to children or their families shall not be considered as income if prohibited by the authorizing legislation, e.g., the National School Lunch Act, and the Child Nutrition Act of 1966.

In applying guidelines, school food authorities may consider both the income of the family during the past 12 months and the family's current rate of income to determine which is the better indicator of the need for free and reduced-price meals: *Provided, however,* That children whose parents or guardians become unemployed shall be eligible for free or reduced-price meals or free milk during the period of unemployment, if the loss of income causes the current rate of family income to be within the eligibility criteria of the school food authority.

Effective date: This notice shall become effective July 1, 1977.

Dated: June 3, 1977.

CAROL TUCKER FOREMAN,
Assistant Secretary.

[FR Doc.77-16115 Filed 6-6-77;8:45 am]

Food Safety and Quality Service

SALMONELLA ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Salmonella Advisory Committee will be held on June 23, 1977, beginning at 9 a.m. in Room 3056, South Building, U.S. Department of Agriculture, Washington, D.C.

The Committee was established to study and make recommendations as to ways the incidence of salmonella could be reduced in humans, animals, and poultry. A final draft of recommendations to the Secretary will be discussed covering the following areas: production, breeder and hatchery, feed and feed ingredients, processing and distribution, consumer education, and research.

Other matters to be discussed will be the progress of chlorine research as it applies to the use on meat and poultry products and ways to monitor the impact of the Committee's recommendations as they are implemented.

Space will be reserved for Committee members and scheduled speakers. The public will be admitted on a first come, first served basis. Comments of interested persons may be filed with the Committee before or after the meeting.

Information pertaining to the meeting may be obtained from Room 2165, South Building, U.S. Department of Agriculture, 14th and Independence Avenue SW., Washington, D.C. 20250 (202–447–3840).

Dated: June 2, 1977.

W. H. DUBBERT,
Executive Secretary.

[FR Doc.77-16082 Filed 6-6-77;8:45 am]

Rural Electrification Administration

ARIZONA ELECTRIC POWER COOPERATIVE, INC.

Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Impact Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with an anticipated loan guarantee for Arizona Electric Power Cooperative, Inc., P.O. Box 670, Benson, Arizona 85602, which will provide financing for the initial operation and development of strip mining of approximately 8,000 acres of Gamerco properties located near Gallup, New Mexico, in McKinley County.

Additional information may be secured by request submitted to Mr. Richard F. Richter, Assistant Administrator, Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final 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 SW., Washington, D.C., Room 4310 or at Arizona Electric Power Cooperative, Inc., P.O. Box 670, Benson, Arizona 85602.

Final REA action may be taken with respect to this matter after (30 days

from the date of FEDERAL REGISTER publication of this notice).

Any loan which may be made pursuant to this application will be subject to, and release of funds thereunder will be contingent upon, REA's reaching satisfactory conclusions with respect to environmental effects and final action will be taken only after compliance with Environmental Statement procedures required by the National Environmental Policy Act of 1969.

Dated at Washington, D.C., this 27th day of May, 1977.

JOSEPH VELLONE,
Acting Administrator, Rural Electrification Administration.

[FR Doc.77-16080 Filed 6-6-77;8:45 am]

GOLDEN VALLEY ELECTRIC ASSOCIATION, INC., FAIRBANKS, ALASKA

Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final 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 Final Environmental Impact Statement have been sent to various Federal, State, and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Final 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 SW., 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 July 7, 1977, 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 27th day of May 1977.

JOSEPH VELLONE,
Acting Administrator, Rural Electrification Administration.

[FR Doc.77-15998 Filed 6-6-77;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 30682]

INVESTIGATION OF PAN AMERICAN'S WASHINGTON / BALTIMORE / CHICAGO SERVICE, ROUTES 117 AND 130

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 28, 1977, at 10 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Richard M. Hartsock.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) proposed requests for information and for evidence; (4) statements of positions; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before June 14, 1977, and the other parties on or before June 21, 1977. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., June 2, 1977.

HENRY M. SWITKAY,
Acting Chief Administrative Law Judge.

[FR Doc.77-16089 Filed 6-6-77;8:45 am]

[Docket No. 30182]

IOWA/ILLINOIS-ATLANTA ROUTE PROCEEDING

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 7, 1977, at 9:30 a.m. (local time), in Room 1003, Hearing Rom A, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Marvin H. Morse.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) Proposed statements of issues; (2) Proposed stipulations; (3) Proposed requests for information and for evidence; (4) Statements of positions; and (5) Proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before June 15, 1977 and the other parties on or before June 24, 1977. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., June 1, 1977.

HENRY M. SWITKAY,
Acting Chief Administrative Law Judge.

[FR Doc.77-16092 Filed 6-6-77;8:45 am]

[Docket No. 29123; Order No. 77-5-158; Agreement C.A.B. 26625]

JOINT TRAFFIC CONFERENCES OF IATA

Agreement Relating to Baggage Matters; Order

Issued under delegated authority, May 31, 1977.

An agreement has been filed with the Civil Aeronautics 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 Traffic Conferences of the International Air Transport Association (IATA). The agreement, adopted by mail vote, has been assigned the above C.A.B. agreement number.

The agreement would amend the baggage-allowance charges reached in a limited agreement by certain IATA members which was approved by the Board subject to conditions in Order 77-4-97 (April 20, 1977). Specifically, the instant agreement would increase from $5.00 to $6.00 the excess baggage add-on charges to/from U.S. points and U.S. Territories to reflect recent increases in domestic charges for excess baggage. The agreement will be approved subject to the conditions set forth in Order 77-4-97.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the following resolutions, incorporated in Agreement C.A.B. 26625 as indicated, are adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions stated in Order 77-4-97.

IATA RESOLUTIONS

JT12 (Mail 139) 311
JT31 (Mail 139) 311
JT123 (Mail 139) 311

Accordingly, It is ordered, That: Agreement C.A.B. 26625 be and hereby is approved.

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.

By James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Economics.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc.77-16093 Filed 6-6-77;8:45 am]

[Docket No. 30826]

P. T. MERPATI NUSANTARA AIRLINES AMENDMENT OF FOREIGN AIR CARRIER PERMIT

Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on June 16, 1977, at 9:30 a.m. (local time) in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Marvin H. Morse.

Dated at Washington, D.C., June 1, 1977.

HENRY M. SWITKAY,
Acting Chief
Administrative Law Judge.

[FR Doc.77-16090 Filed 6-6-77;8:45 am]

[Docket No. 30782]

SAN FRANCISCO-TORONTO/MONTREAL ROUTE PROCEEDING

Prehearing Conference

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on July 6, 1977, at 9:30 a.m. (local time), in Room 1003, Hearing Room A, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge William A. Kane.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and six copies to the Judge of (1) Proposed statements of issues; (2) Proposed stipulations; (3) Proposed requests for information and for evidence; (4) Statements of positions; and (5) Proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before June 17, 1977, and the other parties on or before June 27, 1977. The submissions of the other parties shall be limited to points on which they differ with the Bureau, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., June 1, 1977.

HENRY M. SWITKAY,
Acting Chief
Administrative Law Judge.

[FR Doc.77-16091 Filed 6-6-77;8:45 am]

CIVIL SERVICE COMMISSION

ADVISORY COMMITTEE ON ADMINISTRATIVE LAW JUDGES

Meeting

In accordance with the Federal Advisory Committee Act, Public Law 92-463, the U.S. Civil Service Commission announces the following meeting:

NAME: Advisory Committee on Administrative Law Judges.

DATE AND TIME: June 27, 1977, 9:30 a.m. to 4 p.m.

PLACE: U.S. Civil Service Commission, 1900 E Street, N.W., Washington, D.C.

ROOM: 5323.

TYPE OF MEETING: Open.

CONTACT PERSON:

Arthur L. Burnett, Assistant General Counsel, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C., telephone 202-632-5421.

PURPOSE OF COMMITTEE: To make recommendations to the Commission for improvements in managerial effectiveness and utilization of Administrative Law Judges (ALJs) in the Federal Government.

AGENDA: To consider the establishment of different level Administrative Law Judges and the impact it would have on recruitment and selection.

Dated: June 7, 1977.

JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc.77-16244 Filed 6-6-77;11:46 am]

DEPARTMENT OF TRANSPORTATION

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Transportation to fill by noncareer executive asignment in the excepted service the position of Director, Office of Congressional Relations, Office of the Secretary.

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

[FR Doc.77-15852 Filed 6-6-77;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Meetings

In accordance with the Federal Advisory Committee Act, Public Law 92-463, the President's agent announces the following meetings:

NAME: Federal Employees Pay Council.

DATES AND TIMES: June 22, 1977, 2 p.m. June 29, 1977, 2 p.m.

PLACE: U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 5A06A.

TYPE OF MEETINGS: Open.

CONTACT PERSON:

Claire Kline, Committee Management staff for the President's agent, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C., Telephone 202-632-5595.

PURPOSE OF COMMITTEE: To make recommendations to the President's agent with respect to the process and procedures leading to, and amounts of, annual comparability adjustments in Federal white-collar pay.

AGENDA: Discussions on the 1977 comparability adjustment for the statutory pay systems of the Federal Government, which are defined in section 5301 of title 5, United States Code.

For the President's agent:

RICHARD H. HALL,
Committee Management Officer
for the President's agent.

[FR Doc.77-16117 Filed 6-6-77;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

FOREIGN AVAILABILITY SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Open Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given that a meeting of the Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee will be held on Tuesday, July 12, 1977, at 9:30 a.m., in Room 6511, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. sec. 2404(c)(1) and the Federal Advisory Committee Act. The Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration, Bureau of East-West Trade, with respect to the questions involving technical matters, worldwide

availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls. The Foreign Availability Subcommittee was formed to ascertain if certain kinds of equipment are available in non-COCOM and Communist bloc countries, and if such equipment is available, then to ascertain if it is technically the same or similar to that available elsewhere.

The Subcommittee meeting agenda has three parts:

(1) Opening remarks by the Subcommittee Chairman.

(2) Presentation of papers or comments by the public.

(3) Initial input on availability of East European equipment.

The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the subcommittee. Written statements may be submitted at any time before or after the meeting.

Copies of the minutes of the meeting will be available upon written request addressed to the Freedom of Information Officer, Room 3012, Domestic and International Business Administration, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Domestic and International Business Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202-377-4196.

Dated: May 31, 1977.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, Department of Commerce.

[FR Doc.77-16010 Filed 6-6-77;8:45 am]

National Oceanic and Atmospheric Administration

H. KRUPP, OCEANIC TRADING CO.

Receipt of Application for Certificate of Exemption

Notice is hereby given that the following applicant has applied in due form for a Certificate of Exemption under P.L. 94-359, and the regulations issued thereunder (50 CFR Part 222, Subpart B), to engage in certain commercial activities with respect to pre-Act endangered species parts or products.

Applicant: H. Krupp, d.b.a. Oceanic Trading Company, 84 University Street, Seattle, Washington 98101.

Period of Exemption: The applicant requests that the period of time to be covered by the Certificate of Exemption begin on the date of the original issuance of the Certificate of Exemption and be effective for a 3-year period.

Commercial activities exempted: (i) The prohibition, as set forth in section 9(a)(1)(A) of the Act, to export any such species part from the United States;

(ii) The prohibition, as set forth in section 9(a)(1)(E) of the Act, to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of commercial activity any such species part;

(iii) The prohibitions, as set forth in section 9(a)(1)(F) of the Act, to sell or offer for sale in interstate or foreign commerce any such species part.

Parts or products exempted: Three hundred and eighty-nine finished scrimshaw carvings made from sperm whale teeth and finished scrimshaw products to be made from a supply of 550 pounds of sperm whale teeth.

Written comments on this application may be submitted to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 within 30 days of the publication of this notice.

MORRIS M. PALLOZZI,
Acting Assistant Director for Fisheries Management.

JUNE 1, 1977.

[FR Doc.77-15999 Filed 6-6-77;8:45 am]

MARVIN MORRIS COHEN

Pre-Act Endangered Products; Issuance of Certificate of Exemption

On May 3, 1977, notice was published in the FEDERAL REGISTER (42 FR 22392) that an application had been filed with the National Marine Fisheries Service by Marvin Morris Cohen of Rockville, Maryland for a Certificate of Exemption to engage in certain commercial activities with respect to pre-Act endangered species parts or products.

Notice is hereby given that on June 3, 1977, as authorized by the provisions of the Endangered Species Act of 1973, as amended (Pub. L. 94-359), and the regulations issued thereunder (50 CFR Part 222, Subpart B), the National Marine Fisheries Service issued a Certificate of Exemption to Marvin Morris Cohen, 14116 Bauer Drive, Rockville, Maryland 20853.

The Certificate of Exemption is available for review during normal business hours in the Office of the Enforcement Division, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20007.

Dated: June 1, 1977.

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

[FR Doc.77-16000 Filed 6-6-77;8:45 am]

Office of the Secretary

PRIVACY ACT OF 1974

Adoption of Routine Uses

The purpose of this notice is to adopt new or revised routine uses for existing systems of records.

On March 28, 1977, the Department of Commerce gave notice (42 FR 16464-65) that it proposed to add or revise routine uses for existing systems of records. Interested persons were invited to submit written data, views, or arguments on or before April 27, 1977. No comments were received in response to the notice. Therefore, the Department adopts the new and revised routine uses, as proposed, effective April 28, 1977.

To facilitate the public's understanding of the changes made, following the description of each change, the relevant text is reprinted below in its entirety with the change shown in italics. In addition, each change is identified with the same letter (A, B, or C) that was used in the March 28, 1977, notice.

Dated: May 27, 1977.

ELSA A. PORTER,
Assistant Secretary for Administration.

NEW OR REVISED ROUTINE USES TO COMMERCE DEPARTMENT SYSTEMS OF RECORDS

A. Add a new general routine use to the Prefatory Statement of General Routine Uses (41 FR 38953-54, September 13, 1976) which would permit access by GSA to records covered by the Privacy Act in connection with GSA's records management functions. Such disclosure would not be used to make determinations about individuals.

PREFATORY STATEMENT OF GENERAL ROUTINE USES

1. In the event that a system of records maintained by the Department to carry out its functions indicates a violation or potential violation of law or contract, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute or contract, or rule, regulation, or order issued pursuant thereto, or the necessity to protect an interest of the Department, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute or contract, or rule, regulation or order issued pursuant thereto, or protecting the interest of the Department.

2. A record from this system of records may be disclosed, as a routine use, to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a Department decision concerning the assignment, hiring or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from this system of records may be disclosed, as a routine use, to a Federal state, local, or international agency, in response to its request, in connection with the assignment, hiring or retention of an individual, the issuance

of a security clearance, the reporting of an investigation of an individual, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

5. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual when the individual has requested assistance from the Member with respect to the subject matter of the record.

6. A record in this system of records which contains medical information may be disclosed, as a routine use, to the medical advisor of any individual submitting a request for access to the record under the Act and 15 CFR Part 4b if, in the sole judgment of the Department, disclosure could have an adverse effect upon the individual, under the provision of 5 U.S.C. 552a(f)(3) and implementing regulations at 15 CFR 4b.6.

7. [Deleted; Reserved]

8. A record in this system of records may be disclosed, as a routine use, to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance porcess as set forth in that Circular.

9. A record in this system of records may be disclosed, as a routine use, to the Department of Justice in connection with determining whether disclosure thereof is required by the Freedom of Information Act (5 U.S.C. 552).

10. A record in this system of records may be disclosed, as a routine use, to a contractor of the Department having need for the information in the performance of the contract, but not operating a system of records within the meaning of 5 U.S.C. 552a(m).

11. [Deleted; Reserved]

12. A record in this system may be transferred, as a routine use, to the Civil Service Commission: for personnel research purposes; as a data source for management information; for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained; or for related manpower studies.

13. *A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.*

B. Revise the routine uses for the COMMERCE/DEPT-1 system of records, Attendance, Leave, and Payroll Records of Employees and Certain Other Persons, to include the Department of Labor as a potential recipient of employment, wage, and separation information. The Department of Labor might request this data pursuant to 5 U.S.C. 8506 to determine eligibility for unemployment compensation.

COMMERCE/DEPT.-1

System name:

Attendance, Leave, and Payroll Records of Employees and Certain Other Persons-Commerce/Dept-1.

System location:

a. For employees of Departmental Offices, BEA, DIBA, EDA, NFPCA, OMBE, USTS, Offices of Federal Cochairmen, RAPCs, and ARC: Office of Financial Management Services, OS, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230, and Office of Automatic Data Processing Management (ADP Operations Division), use above address.

b. For employees of MARAD: (manual) Division of Accounts, (machine readable) Division of Data Operations, 14th and Constitution Avenue NW., Washington, D.C. 20230.

c. For employees of NBS, NTIS, and OTEL: National Bureau of Standards, Accounting Division (Payroll Section), Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234).

d. For employees of NOAA: National Oceanic and Atmospheric Administration, Personal Service Accounting Branch, 6010 Executive Boulevard, Rockville, Maryland 20852.

e. For employees of PAT-TM: Office of Finance (Employee Accounts Division), U.S. Patent and Trademark Office, 2021 Jefferson Davis Highway, Arlington, Virginia 22202.

f. For employees of CENSUS: Finance Division, Bureau of the Census, Federal Building 3, Washington, D.C. 20233, and the following Census Regional Offices: 1365 Peachtree Street, NE., Atlanta, Georgia 30309; 441 Stuart Street, Boston, Massachusetts 02116; 230 South Tryon Street, Charlotte, North Carolina 28202; 536 South Clark Street, Chicago, Illinois 60605; 1100 Commerce Street, Dallas, Texas 75202; 11011 West Sixth Avenue (P.O. Box 25207), Denver, Colorado 80225; 234 State Street, Detroit, Michigan 48226; One Gateway Center, 4th and State Streets, Kansas City, Kansas 66101; 1100 Wilshire Boulevard, Los Angeles, California 90024; 26 Federal Plaza, New York City, New York 10007; 600 Arch Street, Philadelphia, Pennsylvania 19106; and 1700 Westlake Avenue, Seattle, Washington 98109.

Categories of individuals covered by the system:

All Commerce Department employees and certain other persons as categorized by organizational component in a. through f. above.

Categories of records in the system:

Name, date of birth, social security number and employee number, service computation date, grade, step, and salary; organization (code), retirement or FICA data as applicable; Federal, state, and local tax deductions, as appropriate; IRS tax lien data; savings bond and charity deductions; regular and optional Government life insurance deduction(s), health insurance deduction and plan or code; cash award data; jury duty data; military leave data; pay differentials; union dues deductions; allotments, by type and amount; financial institution code and employee account number; leave status and leave data of all types (including annual, compensatory, jury duty, maternity, military, retirement disability, sick, transferred, absence without leave, and without pay); time and attendance records, including number of regular, overtime, holiday, Sunday, and other hours worked; pay period number and ending date; cost of living allowances; mailing address; co-owner and/or beneficiary of bonds, marital status and number of dependents; and "Notification of Personnel Action". The individual records listed herein are included only as pertinent or applicable to the individual employee.

Authority for maintenance of the system:

Title 5 U.S.C., Title 31 U.S.C. 66a, Title 44 U.S.C. 3101, 3309.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Transmittal of data to U.S. Treasury to effect issuance of paycheck to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions, and other authorized purposes.

Reporting: tax withholding to Internal Revenue Service and appropriate State and local taxing authorities; FICA deductions to the Social Security Administration; dues deductions to labor unions; withholdings for health and life insurance to the insurance carriers and the U.S. Civil Service Commission; charity contribution deductions to agents of charitable institutions; annual W-2 statements to taxing authorities and the individual; wage, employment, and separation information to state unemployment compensation agencies *to the Department of Labor to determine eligibility for unemployment compensation* and to housing authorities for low-cost housing applications; and NOAA Corps data to U.S. Civil Service Commission for preparation of statistical materials. Also, see routine use paragraphs of Prefatory Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Both manual and machine-readable.

Retrievability:

By name and/or employee or social security number

Safeguards:

Physical, technical, and administrative security is maintained, with all storage equipment and/or rooms locked when not in use. Admittance, when open, is restricted to authorized personnel only. All payroll personnel and computer operators and programmers are instructed and cautioned on the confidentiality of the records.

Retention and disposal:

Retained on site until after GAO audit, then disposed of, or transferred either to Federal Records Storage Centers in accordance with the fiscal records program approval by GAO, as appropriate, or General Record Schedules of GSA.

System manager(s) and address:

For records at location a.: Director, Departmental Office of Financial Management Services, U.S. Department of Commerce, Washington, D.C. 20230. For records at location b.: Chief, Division of Accounts, Maritime Administration, Washington, D.C. 20230. For records at location c.: Chief Accountant, Accounting Division, National Bureau of Standards, Administration Building, Gaithersburg, Maryland (P.O. Washington, D.C. 20234). For records at location d.: Chief, Personal Service Accounting Branch, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852. For records at location e.: Director, Office of Finance, U.S. Patent and Trademark Office, Washington, D.C. 20231. For records at location f.: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233, and the Director of the particular Regional Office listed above.

Notification procedure:

For BEA records at location a., information may be obtained from: Special Assistant to the Director, BEA, Tower Building, 1401 K Street, NW., Washington, D.C. 20005;

For DIBA records at location a., information may be obtained from: Director, Office of Management and Systems, DIBA, U.S. Department of Commerce, Washington, D.C. 20230;

For EDA records at location a., information may be obtained from: Director, Office of Public Affairs, EDA, U.S. Department of Commerce, Washington, D.C. 20230;

For NFPCA records at location a., information may be obtained from: Administrative Officer, NFPCA, 2400 M Street, NW., Washington D.C. 20230;

For OMBE records at location a., information may be obtained from: Assistant Director, Field Operations and Administration, OMBE, U.S. Department of Commerce, Washington, D.C. 20230;

For USTS records at location a., information may be obtained from: USTS, U.S. Department of Commerce, Washington, D.C. 20230; and

For all other records at location a., information may be obtained from: Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

For records at location b., information may be obtained from: Secretary, Maritime Administration, U.S. Department of Commerce, Washington, D.C. 20230;

For NBS and NTIS records at location c., information may be obtained from: Associate Director for Administration, National Bureau of Standards, Gaithersburg, Maryland (P.O. Washington, D.C. 20234);

For OTEL records at location c., information may be obtained from: Administrative Officer, OTEL, 1325 G Street NW., Washington, D.C. 20231;

For records at location d., information may be obtained from: Assistant Administrator for Administration, National Oceanic and Atmospheric Administration, 6010 Executive Boulevard, Rockville, Maryland 20852;

For records at location e., information may be obtained from: Assistant Commissioner for Administration, U.S. Patent and Trademark Office, Washington, D.C. 20231; and

For records at location e., information may be obtained from: Associate Director for Administration, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Requester should provide name, social security number, and time or organization unit of employment pursuant to the inquiry provisions of the Department's Rules which appear in 15 CFR Part 4b.

Record access procedures:

Requests from individuals should be addressed to: same address of the desired location as stated in the notification section above.

Contesting record procedures:

The Department's rules for access, for contesting contents, and appealing initial determinations by the individual concerned appear in 15 CFR Part 4b. Use above address for desired location.

Record source categories:

Subject individuals, those authorized by the individual to furnish information, supervisors, timekeepers, official personnel records, and IRS.

C. Revise the routine uses for the Commerce/Census–3 system of records, Individual and Household Statistical Surveys and Special Studies Records, to provide notice that the Social Security Administration may receive certain identifiable data which the Bureau of the Census collects from State and local units of government responsible for administering Compfehensive Employment and Training Act (CETA) funds and from individual respondents of the Longitudinal Manpower Survey. The data provided to the Social Security Administration is used for matching purposes and is subsequently returned to the Census Bureau along with additional information supplied by the Social Security Administration. The survey is conducted for the Employment and Training Administration, U.S. Department of Labor, which receives no individually identifiable data.

COMMERCE/CENSUS–3

System name:

Individual and Household Statistical Surveys and Special Studies Records-Commerce/Census–3.

System location:

Bureau of the Census, Federal Building 3, Washington, D.C. 20233 and Bureau of the Census, 1201 East 10th Street, Jeffersonville, Indiana 47103 and National Archives and Records Service, Washington National Records Center, Washington, D.C. 20409.

Categories of individuals covered by the system:

Individuals in families and households designated for statistical sample surveys and special studies.

Categories of records in the system:

Age, sex, race, education, marital status, residence, family income, birth expectations, employment, ethnic origin, relationship to head of household, mobility status, and similar social, economic, and demographic characteristics of individuals.

Authority for maintenance of the system:

12 U.S.C. 17012–1, 2(f) and 2(g); 13 U.S.C. 6, 8, 9, 41, 89, 101, 141, 181, 195, and 301; 15 U.S.C. 772; 16 U.S.C. 742d (4) and (5); 23 U.S.C. 134, 307, and 307a; 29 U.S.C. 1 and 9; 31 U.S.C. 686; 42 U.S.C. 242c, 242k, 282(5), 902, 1395 11(a) 1862, 2825, and 3771; and 49 U.S.C. 1605.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(1) Identifiable data from records not protected by 13 U.S.C. 9, received from State and local units of government responsible for administering Comprehensive Employment and Training Act funds and from individual respondents pursuant to the Longitudinal Manpower Survey authorized by 29 U.S.C. 881(c) and 883, may be furnished to the Social Security Administration solely for the purpose of obtaining further identifiable data for statistical use in the Survey. The data provided are: social security number, name, month and year of birth, race and sex. No determinations affecting individual respondents are made as a result of this routine use.

(2) Publications resulting from the use of the records in this system do not contain information that could identify any particular establishment or individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Paper copy, punch card, magnetic tape, and microform.

Retrievability:

Unique serial identification numbers internal to the Bureau of the Census.

Safeguards:

All employees are subject to the restrictions, penalties, and prohibitions of Title 13, U.S.C. Employees are also regularly advised of the regulations issued pursuant to Title 13, U.S.C. governing the confidentiality of the data.

Retention and disposal:

Retention and disposal practices are in accordance with approved GSA schedules. Generally, records are retained for periods of 5 to 7 years, unless a longer period is necessary for statistical purposes or for permanent archival retention.

System manager(s) and address:

Director, Bureau of the Census, Federal Building 3, Washington, D.C. 20233.

Systems exempted from certain provisions of the act:

Pursuant to 5 U.S.C., 552a(k)(4), this record is exempted from the notification, access and contest requirements of the agency procedures (under 5 U.S.C. 552a (e)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f)). This exemption is applicable as the data are maintained by the Bureau of the Census solely as statistical records as required under Title 13 U.S.C. and are not used in whole or in part in making any determination about an identifiable individual. This exemption is made in accordance to agency rules published in the rules section of this FEDERAL REGISTER.

[FR Doc.77-15849 Filed 6-6-77;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

PRIVACY ACT OF 1974

System of Records

The Department of the Army, for administrative purposes, is reidentifying certin systems of records under the Privacy Act of 1974, all of which were published in the FEDERAL REGISTER of August 18, 1975. Those systems of records affected are identified below along with the new identification assigned. The system name and contents remain unchanged.

Former identification:	*New identification*
A0101.20AMC (40 FR 35167).	A0101.20aAMC.
A0102.02AMC (40 FR 35167).	A0102.02aAMC.
A0301.08DACA (40 FR 35177).	A0301.08aDACA.
A0314.08DAAG (40 FR 35182).	A0314.08aDAAG.
A0609.01DASG (40 FR 35215).	A0609.01aDASG.
A0611.05DAAG (40 FR 35217).	A0611.05aDAAG.
A0614.03DAPE (40 FR 35217)	A0614.03aDAPE.
A0703.02DAPE (40 FR 35220).	A0703.02aDAPE
A0703.04DAPC (40 FR 35220).	A0703.04aDAPC.
A0704.10USAREC (40 FR 35221).	A0704.10aUSAREC
A0708.01NGB (40 FR 35224)	A0708.01bNGB.
A0708.03DAPE (40 FR 35226).	A0708.03aDAPE.
A0708.13DAIG (40 FR 35228).	A0708.13aDAIG.
A0708.17DASG (40 FR 35229).	A0708.17bDASG.
A0714.02DAPC (40 FR 35233).	A0714.02aDAPC.
A0714.06HSC (40 FR 35234).	A0714.C6aHSC.
A0715.01DAPC (40 FR 35234).	AO715.01aDAPC.
A0715.07AMC (40 FR 35235).	A0715.07aAMC.
A0811.05AMC (40 FR 35247).	A0811.05aAMC.
A0811.05DAEN (40 FR 35247).	A0811.05bDAEN.
A1014.08DAAG (40 FR 35266).	A1014.08aDAAG.
A1015.01DAAG (40 FR 35267).	A1015.01aDAAG.
A1201.07USAREUR (40 FR 35273).	A1201.07aUSAREUR.
A1205.30DAAG (40 FR 35274).	A1205.30aDAAG.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

MAY 31, 1977.

[FR Doc.77-15879 Filed 6-6-77;8:45 am]

COASTAL ENGINEERING RESEARCH BOARD

Open Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Coastal Engineering Research Board to be held on 28 through 30 June 1977.

The meeting will be held in the meeting room of the Engineers Club, 32 E. 40th Street, New York, New York, from 0830 hours to 1100 hours on June 28; from 0830 hours to 1700 hours on June 29; and from 0830 hours to 1145 hours on June 30, 1977.

The June 28 session will be devoted to an orientation by the New York District Corps of Engineers, of projects along the South Shore of Long Island, NY (Rockaway Beach BEC project; Jones Inlet to Fire Island Inlet BEC/NAV project; and Fire Island Inlet to Montauk Point BEC/HUR project). The remainder of the day will be devoted to an inspection by air and/or bus of the projects discussed in the morning briefing.

The June 29 session will be devoted to CERB comments on inspection trip; Coastal Engineering Research Needs in the North Atlantic Division, SEASAT and CERC participation; Technology Profile, Mission Problem Development; Report from CERB civilian members on April 1977 meeting; Coastal Engineering Research Program—progress and plans; WES program; and the Coastal Ecology Program.

The June 30 session will be devoted to Status and Outlook of Civil Works; Technology Transfer; CERB discussion and recommendations.

Participation by the public is scheduled for June 29 from 1600 hours to 1630 hours.

All of the meeting will be open to the public subject to the following limitations:

(a) As the seating capacity of the meeting room is limited, it is desired that advance notice of intent to attend be provided. This will assure adequate and appropriate arrangements for all attendants.

(b) Written statements, to be made a part of the minutes, may be submitted prior to, or up to 30 days following the meeting, but oral participation by the public is limited because of the time schedule. Inquiries may be addressed to Colonel John H. Cousins, Executive Secretary, U.S. Army Coastal Engineering Research Board, Kingman Building, Fort Belvoir, Virginia 22060, Telephone 325-7000.

Dated: June 1, 1977.

By authority of the Secretary of the Army.

ROME D. SMYTH,
Colonel, United States Army, Director, Administrative Management.

[FR Doc.77-15973 Filed 6-6-77;8:45 am]

Defense Civil Preparedness Agency

PRIVACY ACT OF 1974

Systems of Records Deletions

In FR Doc. 75-21075 published in the FEDERAL REGISTER (40 FR 35334) of August 18, 1975, the Defense Civil Preparedness Agency set forth the systems of records within the agency prescribed by the Privacy Act of 1974. Notice is hereby given that the following systems of records are deleted:

CPUB 3.2A

System name: State Civil Defense Directors (40 FR 35347).

Reason: System of records is now maintained by the Federal Preparedness Agency (GSA).

CTES 4

System name: F. W. Dodge Company Reports (40 FR 35351).

Reason: Information in this file has been converted to magnetic tape; individual names and addresses are no longer retrievable.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

MAY 31, 1977.

[FR Doc.77-15878 Filed 6-6-77;8:45 am]

Office of the Secretary of Defense

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, August 2; Tuesday, August 9; Tuesday, August 16; Tuesday, August 23; and Tuesday, August 30, 1977 at 9:45 a.m. in Room E801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92-392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552 b. of Title 5, United States Code." Two of the matters so listed are those related solely to the internal personnel rules and practices of an agency (5 U.S.C. 552b.(c)(2)), and those involving trade secrets and commercial or financial information obtained from a person and privileged or confidential (5 U.S.C. 552b.(c)(4))

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 USC 552b.(c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (5 USC 552b.(4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D281, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,
Director, Correspondence and Directives, Office of the Assistant Secretary of Defense (Comptroller).

JUNE 2, 1977.

[FR Doc.77-16028 Filed 6-6-77;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

RADIO GAITHERSBURG, INC., ET AL.

In re Applications of Radio Gaithersburg, Inc., Gaithersburg, Maryland, Docket No. 21219, File No. BP-19,954, Montgomery Communications, Inc., Gaithersburg, Maryland, Docket No. 21220, File No. BP-19,955, Communication Gaithersburg, Inc., Gaithersburg, Maryland, Docket No. 21221, File No. BP-19,989, Montgomery Broadcasting Company, Gaithersburg, Maryland, Docket No. 21222, File No. BP-19,900, Gaithersburg, 1150 Limited Partnership, Gaithersburg, Maryland, Docket No. 21223, File No. BP-19,991, Barto Communications, Inc., Gaithersburg, Maryland, Docket No. 21224, File No. BP-19,994, Montgomery County Radio, Inc., Gaithersburg, Maryland, Docket No. 21225, File No. BP-19,995, Gaithersburg Community Broadcasters, Inc., Gaithersburg, Maryland, Docket No. 21226, File No. BP-19,997. Request: 1150 kHz, 500 w, 1 KW-LS,DA-2,U (Deleted facilities of WHMC). For Construction Permits.

Designating Applications for Consolidated Hearing on Stated Issues; Memorandum Opinion and Order

Adopted: May 24, 1977.

Released: June 1, 1977.

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications.[1]

2. The ascertainment survey of Communication Gaithersburg, Inc., as amended, contains no interviews with leaders of agricultural, environmental, and women's groups, even though it was indicated that this was a defect in the application in the deficiency letter of November 3, 1976. Accordingly, an issue with regard to this matter will be specified.

3. Further analysis of Communication Gaithersburg, Inc.'s financial data reveals that $258,535 will be required to construct and operate the proposed station for a period of one year, without revenue, itemized as follows:

Downpayment on equipment	$21,135
1st year payments on equipment with interest	24,400
Building	1,000
Miscellaneous	32,000
Working capital (1st year)	180,000
Total	258,535

To meet this requirement, the applicant relies on stock subscriptions totaling $306,000, itemized as follows: Donald L. Dittberner, $100,000; Robert L. Brubaker, $50,000; Theresa H. Olson, $1,000; Richard Barker, $100,000; Melde Rutledge, Jr., $5,000; and, Roswitha Augusta, $50,000. However, since no balance sheets have been filed for Ms. Olson, Mr. Barker or Mr. Rutledge, and since the balance sheets filed for Mr. Dittberner, Mr. Brubaker, and Ms. Augusta fail to show sufficient liquid assets to meet their requirements, Communication Gaithersburg, Inc. has not established its financial qualifications and an issue will be specified.

4. Analysis of Gaithersburg, 1150 Limited Partnership's financial data reveals that $293,400 will be required to construct and operate the proposed station for a period of one year, without revenue, itemized as follows:

Downpayment on equipment	$20,000
1st year payments on equipment with interest	26,400
Lease payments on land	15,000
Miscellaneous	52,000
Working capital (1st year)	180,000
Total	293,400

To meet this requirement, Gaithersburg, 1150 Limited Partnership relies upon the following: Existing capital, $5,607; a personal loan from Paul Weinstein, $200,000; and, new capital, $102,000. Three of the stockholders have shown available funds to meet their projected capital contributions aggregating $12,444. However, Messrs. Shea, Silverman, Lee, Rodman, and Scholz, and the Investment Partnership No. 2, have filed bank loans or letters of credit offering them the necessary funds, but have not filed supporting personal balance sheets as required by paragraph 4(b), page 3, section III of FCC Form 301. Accordingly, as Gaithersburg, 1150 Limited Partnership has shown the availability of only of $218,051 to meet a requirement of $293,400, a financial issue will be specified.

5. Analysis of Barto Communications, Inc.'s financial data reveals that $303,140 will be required to construct and operate the proposed station for a period of one year, without revenue, itemized as follows:

Downpayment on equipment	$18,000
1st year payments on equipment with interest	25,000
Building	10,000
Miscellaneous	44,640
Interest on bank loan	16,000
Working capital (1st year)	188,800
Total	303,140

To meet this requirement, Barto Communications, Inc., relies upon the following: New capital, $50,000; loan from stockholders, $20,000; loan from banking institution, $200,000; and, advertising revenue, $84,762. However, since the individuals scheduled to purchase stock and furnish loans have not filed their balance sheets, these funds cannot be considered available, and Barto Communications, Inc., has shown that it can only rely on $284,762 to meet a $303,140

[1] The Commission previously disposed of pleadings regarding the acceptability of several of the applications. Communication Gaithersburg, Inc., 60 FCC 2d 537, 38 RR 2d 239 (1976). Subsequent to that decision, the application of Gaithersburg Broadcasting was dismissed at the request of the applicant.

requirement. Accordingly, a financial issue will be specified.

6. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

7. *Accordingly, it is ordered*, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to Communication Gaithersburg, Inc., whether its ascertainment showing omits consultations with leaders of agriculture, environment, and women's groups.

2. To determine, with respect to the application of Communication Gaithersburg, Inc.:

(a) Whether the stockholders have sufficient funds available to meet their respective stock subscription commitments; and,

(b) Whether, in light of the evidence adduced pursuant to (a), above, the applicant is financially qualified.

3. To determine with respect to Gaithersburg, 1150 Limited Partnership:

(a) The source and availability of additional funds over and above the $218,051 indicated; and,

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

4. To determine with respect to Barto Communications, Inc.:

(a) The source and availability of additional funds over and above the $284,762 indicated; and,

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

5. To determine which of the proposals would, on a comparative basis, better serve the public interest.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. *It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants pursuant to Section 1.221(c) of the Commission's Rules, in person or by attorney shall, within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

9. *It is further ordered*, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 1.594 of the Commission's Rules, give notice of the hearing, either individually or, if feasible and consistent with the Rules, jointly, within the time and manner prescribed in such rule, and shall advise the Commission publication of such notice as required by Section 1.594 (g) of the Rules.

FEDERAL COMMUNICATIONS COMMISSION

WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.77-16017 Filed 6-6-77;8:45 am]

TV BROADCAST APPLICATIONS

Readiness and Availability for Processing

Adopted: May 26, 1977.

Released: June 2, 1977.

By the Chief, Broadcast Bureau.

Notice is hereby given, pursuant to Section 1.572(c) of the Commission's Rules, that on July 15, 1977 the TV Broadcast applications listed in Part I of the attached Appendix will be considered as ready and available for processing. Pursuant to Section 1.227(b)(1) and Section 1.591(b) of the Commission's Rules, an application in order to be considered with any application appearing in Part I of the attached list or with any other application on file by the close of business on June 23, 1977 which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and tendered for filing at the offices of the Commission in Washington, D.C., by the close of business on July 14, 1977.

The attention of any party in interest desiring to file pleadings concerning any pending TV broadcast application, pursuant to Section 309(d)(1) of the Communications Act of 1934, as amended, is directed to Section 1.580(i) of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

BPET-576 (new), Juneau, Alaska, Capital Community Broadcasting, Inc., Channel 3, ERP, Vis.: 2.61 kW, HAAT: 1016 ft.

BPET-577 (new), Cheyenne, Oklahoma, Oklahoma Education Television Authority, Channel 12, ERP, Vis.: 316 kW, HAAT: 1067 ft.

BPET-578 (new), Johnson City, Tennessee, Broadside TV, Inc., Channel 41, ERP, Vis.: 700 kW, HAAT: 2178 ft.

[FR Doc.77-16016 Filed 6-6-77;8:45 am]

1979 WORLD ADMINISTRATIVE RADIO CONFERENCE FIXED SATELLITE ADVISORY COMMITTEE

Meeting

In further preparation for the 1979 World Administrative Radio Conference, a meeting of the Fixed Satellite Advisory Committee chaired by Raymond B. Crowell, will be held on Friday, June 24, 1977, at 9:30 a.m. room 8210, located at 2025 M Street NW., Washington, D.C.

The meeting will be opened to the public and any member of the public is invited to participate and present oral or written statements of relevance to the agenda upon recognition by the Chairman. Any such oral statements should be cleared with the Chairman at least one day prior to the meeting.

The meeting will be conducted in accordance with the following agenda:

1. Chairman's opening remarks.
2. Review of the 5th Notice of Inquiry, Doc. 20271.
3. Designation of Task Force work assignments.
4. Other business.
5. Adjournment.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.77-16015 Filed 6-6-77;8:45 am]

FEDERAL MARITIME COMMISSION

CONCORDIA LINE JOINT SERVICE AGREEMENT

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before June 27, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

John R. Attanasio, Esquire, Billig, Sher & Jones, P.C., Suite 300, 2033 K Street NW., Washington, D.C. 20006.

Agreement No. 7631-6 amends the basic agreement by providing for extension of the movement of cargo from and/or to inland points of origin and/or destination to the extent such cargo moves between loading and discharge ports within the scope of this agreement.

whether under a through bill of lading or otherwise. This arrangement shall also extend to arrangements or agreements of the joint service or among the parties (1) with the other modes of transportation for the movement of cargo to and/or from inland points; (2) concerning intermodal shipments, practices, terminal and shoreside loading operations, container yards, depots and freight stations; and (3) such other matters as may be ancillary to the transportation of said intermodal shipments.

By order of the Federal Maritime Commission.

Dated: June 1, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-16063 Filed 6-6-77;8:45 am]

[Docket No. 77-19; Agreement No. 10235]

CONSOLIDATED FORWARDERS INTERMODAL CORP.

Order of Investigation and Hearing; Erratum

In the Commission's Order of Investigation and Hearing in this proceeding served May 23, 1977, the following conferences were inadvertently omitted from the list of Protestants in Appendix B of the order.

North Atlantic United Kingdom Freight Conf. (except Seatrain)
North Atlantic French Atlantic Freight Conf. (except Seatrain)
North Atlantic Continental Freight Conf. (except Seatrain)
North Atlantic Baltic Freight Conf.
North Atlantic Westbound Freight Assoc. (except Seatrain)
Continental North Atlantic Westbound Freight Conf. (except Seatrain)
Scandinavia Baltic/U.S. North Atlantic Westbound Freight Conf. (except Seatrain)
South Atlantic-North Europe Rate Agreement (except Seatrain)
U.K./U.S. Gulf Westbound Rate Agreement (except Seatrain)
Continental-U.S. Gulf Freight Assoc. (except Seatrain)

Care of Howard A. Levy, Esq., 17 Battery Place, Suite 727, New York, N.Y. 10004.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-16066 Filed 6-6-77;8:45 am]

[Independent Ocean Freight Forwarder License No. 318-R]

SECURITY FORWARDING SERVICE, INC.

Order of Revocation

By letter dated May 3, 1977, Mr. Ruben Fuentes, Vice President, Security Forwarding Service, Inc., P.O. Box 59-3499 A.M.F., Miami, FL 33159 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 318-R would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before June 1, 1977.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Security Forwarding Service, Inc., has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised) Section 5.01(c) dated June 30, 1975;

It is ordered, That Independent Ocean Freight Forwarder License No. 318-R issued to Security Forwarding Service, Inc., be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 318-R be and is hereby revoked effective June 1, 1977.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Security Forwarding Service, Inc.

LEROY F. FULLER,
Director, Bureau of Certification and Licensing.

[FR Doc.77-16065 Filed 6-6-77;8:45 am]

[Docket No. 77-20; Agreement No. 8600-4]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN/KOREA AND JAPAN/KOREA-ATLANTIC AND GULF FREIGHT CONFERENCE

Order of Investigation and Hearing

Agreement No. 8600-4 has been filed with the Commission for approval under Section 15 of the Shipping Act, 1916, by the Trans-Pacific Freight Conference of Japan/Korea (TPFCJ/K) and the Japan/Korea-Atlantic and Gulf Freight Conference (JKAGFC) (the Conferences). This agreement is a modification of Basic Agreement No. 8600 which permits the Conferences to meet jointly, discuss, and agree upon matters of mutual interest, subject to the exercise of independent action by either Conference. Decisions reached at joint meetings are recommendations which "* * * shall be implemented, if and as required, by (the Conferences) by actions under the procedure and within the scope of their respective Conference Agreements."

Agreement No. 8600-4 would modify Article Fourth of the basic agreement as follows:

The lines may meet together, discuss and agree on matters of mutual interest and courses of action in the above mentioned trades and strictly limited to the scope of activities permitted under approved Agreements Numbered 150 and 3103, both as amended; and action taken hereunder shall be determined only by a concurrence of the Pacific Lines, acting as a group, and of the Atlantic/Gulf Lines, acting as a group, each in accordance with the procedures, quorums and votes prescribed by its respective Conference Agreement. *The line parties however shall not be entitled to attend meetings and/or vote upon matters authorized under this Agreement so long as they operate as nonconference lines or use agents that represent nonconference lines in either of the trades as defined herein.* The initial meeting shall make rules, regarding matters such as notice, committees and similar details not inconsistent with the provisions of this Agreement, for the conduct of all meetings held hereunder, and for the transaction of such other business as the parties may be permitted to conduct by virtue hereof. (*Modification.*)

Notice of filing of Agreement No. 8600-4 appeared in the FEDERAL REGISTER on September 4, 1974, together with Notice of filing of Agreements Nos. 150-58 and 3103-54, filed on behalf of the TPFCJ/K and JKAGFC respectively. The latter two arrangements provided that no member line could attend conference meetings or vote upon any matter as long as " * * * it operates as a non-conference line or uses agents that represent non-conference line(s) in the trades within the scope of this Agreement and/or * * *" the companion agreement.

Protests were filed against all three agreements by Seatrain Lines, Inc., a non-conference competitor of the conferences' lines, asking that the agreements be set down for hearing and thereafter disapproved.

Agreements Nos. 150-58 and 3103-54 were subsequently withdrawn, and the Conferences replied to Seatrain's protest of Agreement No. 8600-4.

Seatrain asserts that Agreement No. 8600-4 is discriminatory and unfair to non-conference lines such as Seatrain, because each member of TPFCJ/K and JKAGFC will seek to require the agents that it uses in the U.S., Korea, or Japan to refrain from serving as agent for any non-conference line operating in either the TPFCJ/K or JKAGFC trades. Seatrain argues that the ability of a new carrier entering the trades to gain a competitive share of the market will be seriously hampered by the lack of freedom in choosing agents.

Further, the agreement would preclude any conference member from participating in discussions held pursuant to Agreement No. 8600-4 if that member operates as a non-conference line or uses agents that represent non-conference lines in the conference trade and/or in the trades within the scope of the TPFCJ/K and JKAGFC. Seatrain concludes that the purpose of this agreement is to provide more effective competition against non-conference lines rather than any bona fide transportation requirement to prevent malpractices or instability.

In support of approval of Agreement No. 8600-4, the Conferences contend that under current procedures members of one conference who operates as non-conference lines or use agents that represent non-conference lines in either of the conference trades are permitted to participate in 8600 meetings. Major policy decisions involving both trades customarily originate at those meetings. Non-conference carriers (through their

agents) then become privy to such matters, and are able to participate in the formulation of such policies. This, the conferences assert, cannot be tolerated.

In addition, the Conference argue: each individual conference presently has authority to and does restrict its members from being represented by an agent that represents a non-conference carrier in the trades within the scope of the respective agreement. (Article 17 of each Conference Agreement).[1] Agreement 8600–4, say the Conferences, merely enlarges the authority already granted the Conferences individually, to situations where the Conferences meet and discuss together.

The Conferences argue that this agreement, if implemented, would not hinder non-conference carriers from employing competent agents in the trades. As an example, the conferences cite the present situation, where agents representing Conference members are prohibited from simultaneously representing non-conference lines in the same trade. The conferences assert that non-conference carriers enter and participate in the trades with no problem securing agents.

The thrusts of Agreement No. 8600–4 are to prohibit members of one conference, who operate as non-conference lines in the other conference, from participating in inter-conference policy making decisions, and to discourage members use of agents that represent non-conference lines in either of the conference trades. The effect is to require agents to make a choice between representing conference lines or non-conference lines. This type of group boycott constitutes a per se violation of the Sherman Act. *U.S.* v. *Columbia Steel Co.*, 334 U.S. 495 (1948); *Kloss Inc.* v. *Broadway-Hale Stores, Inc.*, 359 U.S. 207 (1959); *Continental Ore Co.* v. *Union Carbide*, 370 U.S. 690 (1962).

The Celler Report made it clear that while Congress supported the Conference system it did not believe that every anti-competitive device which strengthened the conference system was necessarily in the public interest. Congress was anxious to preserve non-conference competition as the following paragraphs from the Celler Report demonstrate:

> It is only natural that steamship cartels, like other types of cartels, would fight desperately to eliminate noncartel, or independent competition. But it is the responsibility of this Government, consistently with its long anticartelist history and in view of the foregoing considerations, to prevent this from happening.
>
> It has been argued that cartels cannot exist side by side with independent competition. It has also been argued that the natural effect of conferences and their tying devices, such as the dual-rate system, is to eliminate independent competition and therefore, if recognized by law, these conferences should not be hamstrung in those efforts.
>
> These are fallacious and shortsighted arguments. Steamship conferences can, and do, operate side by side with independent maritime operators and have always done so. Moreover, it is one thing for this country to authorize the establishment of a cartel with anticompetitive devices authorized by law, but it is quite another for this Government to permit such a cartel to become a total supermonopoly unrestrained either by Government oversight or by free economic forces.
>
> Only by maintaining some competition against these cartelized foreign-dominated steamship conferences can there be any hope that the fundamental economic interests of the United States will be preserved. Staff of Subcomm. No. 5, House Comm. on the Judiciary, 87th Cong., 2d Sess., Ocean Freight Industry, 395.

The Congress charged the Commission with enforcing Section 15 and the other Sections of the Shipping Act, 1916, in such a fashion as to insure that conferences do not eliminate independent competition through unlawful or predatory devices.

Upon consideration, the Commission has concluded that in order to discharge its duties to protect the public interest, thoroughly examine the allegations of Seatrain, examine the antitrust ramifications, and provide the conferences and member lines an opportunity to demonstrate any needs for the anti-competitive restraints, an investigation and hearing will be ordered.

Now, therefore, *it is ordered*, That pursuant to Sections 15 and 22 of the Shipping Act, 1916, a proceeding is hereby instituted to determine whether Agreement No. 8600–4 is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, detrimental to the commerce of the United States, contrary to the public interest, or is violative of the Shipping Act, 1916, and therefore whether it should be approved, disapproved, or modified;

It is further ordered, That the Trans-Pacific Freight Conference of Japan/Korea and the Japan/Korea-Atlantic and Gulf Freight Conference and the member lines of each, as listed in the Appendix attached hereto, are hereby made proponents in the proceeding;

It is further ordered, That Seatrain Lines, Inc., is hereby made a protestant in this proceeding;

It is further ordered, That the matter be referred for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges, to be held on a date and place set by the Presiding Administrative Law Judge provided however, that the said hearing commence on or before December 1, 1977.

It is further ordered, That, in addition to any other evidence which proponents elect to present, proponents will present evidence on the following questions:

(1) What information discussed at meetings held pursuant to Agreement No 8600 is considered confidential?

(2) What would be the adverse effect upon conference lines if information discussed at 8600 meetings was revealed to conference lines' competitors?

(3) What agreements have come out of these meetings?

(4) How, and in what form, are these agreements implemented?

(5) What agents have participated in 8600 meetings in the capacity to which the conferences complain?

(6) What lines have participated in 8600 meetings in the capacity to which the conferences complain? and

(7) What specific adverse effects have occurred to date from the participation of agents and lines in 8600 meetings in the capacity to which the conferences complain?

It is further ordered, That Notice of this Order be published in the FEDERAL REGISTER, and that a copy thereof and notice of hearing be served upon proponents and protestant;

It is further ordered, That any person other than proponents, protestant, and the Commission's Bureau of Hearing Counsel having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure, 46 CFR 502.72;

It is further ordered, That all future notices, orders and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of time and place of prehearing conference and hearing shall be mailed directly to all parties of record.

By the Commission.

JOSEPH C. POLKING,
Acting Secretary.

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[1] 17. Non-Conference Representation.—No party hereto shall be represented at any port or ports covered by this agreement, by any agent engaged in the solicitation, booking, receipt and/or documentation of cargoes without requiring such agent to agree that such agent will not represent, except as husbanding agent, or chartering broker as referred to in Article 18(c), any common, private, or contract carrier in the trades within the scope of this agreement other than a carrier who is a party to this agreement; and each party hereto agrees to be fully responsible to the other parties hereto for any loss or damage sustained by such other parties by reason of any act or omission of an agent which shall constitute a violation by such agent of this agreement, or would constitute a violation hereof if such agent were himself a party to this agreement; and no party shall act as agent in the solicitation, booking, receipt and/or documentation of cargoes for any common, contract, or private carrier, other than another party to this agreement, in trades within the scope of the agreement; *Provided, however*, That nothing in this agreement shall operate to restrict the right of any party to act as the agent of its Government subject to the understanding that the conference shall be fully informed in advance, with respect to the nature and effect of any such arrangements and same shall be fully recorded in conference minutes; and *Provided further*, That the furnishing of information in violation of the security regulation of the Government shall not be required of any party. Carriers in the local trades from Korea to Japan, who do not have sailings to the United States ports of discharge covered by this Agreement, shall not be considered "carriers in trades within the scope of this Agreement" for the purpose of the agency restrictions of this Article.

APPENDIX

Trans-Pacific Freight Conference of Japan/Korea, Robert D. Grey, Chairman, Sumitomo Seimei Yaesu Building, 3, Yaesu 4-Chome, Chuo-Ku, Tokyo 104, Japan.
Charles F. Warren, Esquire, George A. Quadrino, Esquire, Charles F. Warren, 1100 Connecticut Avenue NW., Washington, D.C. 20036 (Attorneys for the Conference and its member lines).

MEMBER LINES OF THE CONFERENCE

American President Lines, Ltd., 601 California Street, San Francisco, California 94108.
Barber-Blue Sea Line, Barber Steamship Lines, Inc. (USA), General Agent, 17 Battery Place, New York, New York 10004.
Japan Line, Ltd., One World Trade Center, Suite 2867, New York, New York 10048.
Kawasaki Kisen Kaisha, Ltd., 90 Washington Street, New York, New York 10006.
Knutsen Line, Boyd, Weir & Sewell, Inc., Agent, 17 Battery Place, New York, New York 10004.
Korea Shipping Corporation, Korea Shipping America, Inc., General Agents, One California Street, San Francisco, California 94111.
Mitsui O.S.K. Lines, Ltd., One World Trade Center, Suite 2211, New York, New York 10048.
A. P. Moller-Maersk Line, One World Trade Center, Suite 3527, New York, New York 10048.
Nippon Yusen Kaisha, One World Trade Center, Suite 5031, New York, New York 10048.
Orient Overseas Container Line, Inc., Eckert Overseas Agency, Inc., General Agents, 88 Pine Street, New York, New York 10005.
Phoenix Container Liners, Ltd., Kerr Steamship Co., Inc., General Agents, One California Street, San Francisco, California 94111.
Sea-Land Service, Inc., Terminal and Fleet Streets, Post Office Box 1050, Elizabeth, New Jersey 07207.
Showa Line, Ltd., Norton, Lilly & Co., Inc., 90 West Street, New York, New York 10006.
States Steamship Company, 320 California Street, San Francisco California 94104.
United States Lines, Inc., 1 Broadway, New York, New York 10004.
United Yugoslav Line, Kerr Steamship Company, Inc., General Agents, One California Street, San Francisco, California 94111.
Yamashita-Shinnihon Steamship Co., Ltd., TTT, Inc., General Agents, 21 West Street, New York, New York 10006.
Zim Container Service F. E., One World Trade Center, Suite 2969, New York, New York 10048.

Japan/Korea-Atlantic & Gulf Freight Conference, Robert D. Grey, Chairman, Sumitomo Seimei Yaesu Building, 3, Yaesu 4-Chome, Chuo-Ku, Tokyo 104, Japan.
Charles F. Warren, Esquire, George A. Quadrino, Esquire, Charles F. Warren, 1100 Connecticut Avenue NW., Washington, D.C. 20036 (Attorneys for the Conference and its member lines).

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Japan Line, Ltd., One World Trade Center, Suite 2867, New York, New York 10048.
Kawasaki Kisen Kaisha, Ltd., 90 Washington Street, New York, New York 10006.
Korea Shipping Corporation, Korea Shipping America Inc., General Agents, One California Street, San Francisco, California 94111.
Lykes Bros. Steamship Company, Inc., Lykes Center, 300 Poydras Street, New Orleans, Louisiana 70130.
Mitsui O.S.K. Lines, Ltd., One World Trade Center, Suite 2211, New York, New York 10048.
A. P. Moller-Maersk Line, One World Trade Center Suite 3527, New York, New York 10048.
Nippon Yusen Kaisha, One World Trade Center, Suite 3527, New York, New York 10048.
Orient Overseas Container Line, Inc., Eckert Overseas Agency, Inc., General Agents, 88 Pine Street, New York, New York 10005.
Sea-Land Service, Inc., Terminal and Fleet Streets, Post Office Box 1050, Elizabeth, New Jersey 07207.
United States Lines, Inc., 1 Broadway, New York, New York 10004.
Yamashita-Shinnihon Steamship Co., Ltd., TTT, Inc., General Agents, 21 West Street, New York, New York 10004.
Zim Container Service F. E., One World Trade Center, Suite 2969, New York, New York 10048.

PETITIONER

Seatrain Line, Inc., Port Seatrain, Weehawken, New Jersey 07087.
Neal M. Mayer, Esquire, Paul D. Coleman, Esquire, Coles & Goertner, 10000 Connecticut Avenue, Washington, D.C. 20036 (Attorneys for Seatrain Lines, Inc.).

[FR Doc.77-16067 Filed 6-6-77;8:45 am]

UNITED STATES LINES, INC. AND ISLAND NAVIGATION CO., LTD.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 16, 1977. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Joseph J. Fanelli, Division Manager, Pricing and Conference Affairs, United States Lines, Inc., 1579 Middle Harbor Road, Oakland, California 94607.

Agreement No 10297, a cooperative working arrangement entered into between United States Lines, Inc. (U.S. Lines) and Island Navigation Company, Ltd. (Island) provides for the lease of U.S. Lines' containers and other container equipment, including chasis, by Island in the trade between Guam, Mariana Islands and the Trust Territory of the Caroline Islands and Northern Mariana Islands, in accordance with the terms and conditions set forth in the agreement.

By Order of the Federal Maritime Commission.

Dated: June 1, 1977.

JOSEPH C. POLKING,
Acting Secretary.

[FR Doc.77-16064 Filed 6-6-77;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP76-10]

ARKANSAS LOUISIANA GAS CO.

Order Approving Pipeline Rate Settlement Proposal With Condition

MAY 31, 1977.

On February 17, 1977 Arkansas Louisiana Gas Company (Arkla) filed a settlement proposal with the Commission which, if approved, would resolve all issues in the captioned proceeding except for the issue of rate of return on equity and its related effect upon overall return, income taxes and company produced gas. For the reasons set forth below, the Commission finds that the settlement proposal should be approved and adopted.

This proceeding was initiated on September 15, 1975, when Arkla tendered for filing revised tariff sheets which would increase from 24.27¢ per Mcf to 55.64¢ per Mcf the rate charged under its Rate Schedule X-26 for service to Cities Services Gas Company (Cities Service). This rate change, to be effective November 1, 1975, would add $5,700,000 to Arkla's jurisdictional revenues based on the twelve month period ended June 30, 1975, as adjusted. The filing also included a proposed purchased gas adjustment (PGA) clause.

By order issued on October 31, 1975, the Commission suspended Arkla's proposed rate increase for five months until April 1, 1976, and set the matter for hearing. The tariff sheets in which Arkla's proposed PGA clause was set forth were suspended for one day until November 2, 1976, when they were permitted to become effective, subject to refund.

In its October 31, 1975, order, the Commission additionally ordered that there be an investigation under Section 5 of the Natural Gas Act into the justness and reasonableness of the PGA clause contained in Arkla's Rate Schedule G-2. A hearing on the justness

and reasonableness of both the Rate Schedule G–2 PGA clause and the proposed Rate Schedule X–26 PGA clause was ordered. This proceeding regarding the PGA clauses was severed from the proceeding involving the proposed rate increase and was separately docketed as Docket No. RP76–10 (PGA). On July 26, 1976, Arkla filed a settlement proposal in Docket No. RP76–10 (PGA) intended to resolve all PGA clause issues in the proceeding. The settlement proposal was approved and adopted by the Commission by order issued on January 12, 1977.

On November 5, 1975, Arkla filed a Motion for Reconsideration of the Commission's October 31, 1975, order. Arkla requested that the Commission reconsider its five month suspension of the proposed rate increase and, upon reconsideration, reduce the suspension period from five months to one day. By order issued on December 12, 1975, the Commission granted Arkla's motion. Accordingly, the proposed rate increase became effective on November 2, 1975, subject to refund.

By order issued on March 22, 1976, the Commission consolidated the proceeding in Docket No. RP76–10 with the proceeding in Docket No. RP76–18 involving a proposed increase in the rates charged by Arkla to Arkansas-Missouri Power Company for transportation service. On April 1, 1976 Arkla gave notice of withdrawal of the rate increase proposed in Docket No. RP76–18. The withdrawal became effective on May 1, 1976.

While the proceeding in Docket No. RP76–10 has been pending, hearings have been held in Arkansas-Louisiana Gas Company, Docket No. RP75–32, regarding a proposed increase in Arkla's transportation rate charged to Reynolds Metal Company. The Initial Decision of the Presiding Administrative Law Judge was issued on December 27, 1976. Briefs on Exceptions were due on March 1, 1977 with Briefs Opposing Exceptions due on March 21, 1977. In both Docket No. RP75–32 and the instant docket a primary issue is that of rate of return on equity. Arkla has proposed in both dockets that the return on equity should be 15.32 percent. The Commission's Staff has taken the position that it should be 12.0 percent.

Following the conclusion of settlement discussions among the parties to this proceeding, Arkla filed its settlement proposal with the Commission. Arkla states in the settlement proposal that agreement was reached between Staff and Arkla on all issues in Docket No. RP76–10 except for the issue of rate of return on equity and its related effect upon overall rate of return, income taxes and company produced gas. A revised cost of service reflecting all adjustments on which Arkla and Staff agreed is set forth as Appendix A of this order. That cost of service reflects the 15.32 percent return on equity proposed by Arkla as applied to the company's capitalization ratio as of December 31, 1976, attached hereto as Appendix B. The revised cost of service is $9,265,409 less than the $182,763,114 cost of service as originally filed by the company.

As a means of resolving the disputed equity return question, Arkla proposes that the return on equity in this proceedbe the same as that ultimately determined to be proper in Docket No. RP75–32. The overall return to be allowed in this proceeding shall be derived by applying the return on equity ultimately allowed in Docket No. RP75–32 to Arkla's capitalization as of December 31, 1976. The resulting overall return shall be used to adjust the return, income tax, and company produced gas portions of the revised cost of service set forth in Appendix A for purposes of determining a final settlement rate. Upon approval of its settlement proposal and final determination of the proper rate of return in Docket No. RP75–32, Arkla shall file revised tariff sheets to reflect the final settlement rate and make refunds in accordance therewith.

Public notice of the filing of the settlement proposal was issued on March 21, 1977 with comments due on or before April 4, 1977 and reply comments due on or before April 18, 1977. Cities Service and Staff filed comments in support of the settlement proposal. No other comments were received.

The Commission notes that Arkla's settlement proposal does not provide for an interim reduction in Arkla's rate charged to Cities Service pending final Commission determination of the rate of return on equity in Docket No. RP75–32. The Commission finds that an interim rate adjustment should be made. Accordingly, the Commission shall condition approval of the settlement proposal so as to require that Arkla shall file an interim rate reflecting the cost of service set forth in Appendix A attached hereto. Arkla shall refund to Cities Service the difference between the interim rate and the filed rate together with interest calculated at the rate of 9 percent per annum. Further refunds, if any, shall be made following final determination of the rate of return issue.

Based upon a review of the record in this proceeding, including the settlement proposal itself and the comments submitted in support thereof, the Commission finds that the settlement proposal represents a reasonable resolution of issues in this proceeding in the public interest and that the proposal, as conditioned, should accordingly be approved and adopted as hereinafter ordered.

The Commission orders: (A) The settlement proposal filed by Arkla on February 17, 1977, is incorporated herein by reference and is approved and adopted as hereinafter conditioned.

(B) Within 15 days from the date of this order Arkla shall file an interim rate, to be effective November 2, 1975, subject to refund, which shall reflect the cost of service set forth in Appendix A of this order.

(C) Within 15 days from the date the interim rate described in paragraph B is accepted for filing, Arkla shall refund to Cities Service all amounts collected in excess of such rate together with interest calculated at 9 percent per annum. Within 10 days thereafter Arkla shall submit a report of the refunds and interest with the Commission.

(D) Within 15 days from the date on which the Commission's decision in Docket No. RP75–32 becomes final and nonappealable, Arkla shall file a revised rate reflecting the cost of service set forth in Appendix A as adjusted if necessary to reflect the return on equity found to be proper by the Commission in Docket No. RP75–32.

(E) Within 15 days from the date the revised rate described in ordering paragraph (D) is accepted for filing, Arkla shall refund to Cities Service all amounts, if any, collected in excess of such rate together with interest calculated at 9 percent per annum. Within 10 days thereafter Arkla shall file a report of refunds and interest with the Commission.

(F) Upon compliance by Arkla with the terms of this order, this proceeding shall be terminated.

(G) This order is without prejudice to any findings or order 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 or any other party or person affected by this order in any proceeding now pending or hereinafter instituted by or against Arkla by 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.

APPENDIX A.—*Arkansas Louisiana Gas Co., FPC Docket No. RP76–10*

INTERIM SETTLEMENT COST OF SERVICE

Line No.	Description	
1	Company produced gas	[1] $9,380,273
2	Purchased gas supply cost	88,452,249
3	Total gas supply cost	97,832,522
4	Gathering expenses	4,054,706
5	Purchased gas expenses	1,205,711
6	Products extraction expenses	6,720,047
7	Underground storage expenses	312,389
8	Transmission expenses	7,062,199
9	Total operation and maintenance expense	19,355,052
10	Depreciation expense	9,302,522
11	Gas revenue credited to cost of service	(10,751,072)
12	Ad valorum and other taxes	5,358,410
13	Federal income taxes	[2] 19,060,400
14	State income taxes	[2] 1,228,252
15	Return	[2] 32,111,619
16	Total cost of service	173,497,705
17	Cost of service per million cubic feet at 14.65 lb/in² (cents)	52.91

[1] Rate base portion of company-produced gas reflects any change in rate-of-return.
[2] Settlement column overall rate-of-return of 12.26 pct (and associated income taxes) reflects return-on-equity of 15.32 pct on current capitalization at Dec. 31, 1976.

APPENDIX B.—*Arkansas Louisiana Gas Co., consolidated capitalization at Dec. 31, 1976*

PERCENT OF CAPITALIZATION AND COST OF CAPITAL

Type of capital	Amount	Percent	Cost rate (percent)	Return component (percent)
Long-term debt	$255,027,600	46.88	8.88	4.16
Preference stock	2,186,920	.40	4.50	.02
Common equity	286,807,127	52.72	[1] 15.32	8.08
Total	544,021,647	100.00		[1] 12.26

[1] Return on equity (and, accordingly, overall return) in Docket No. RP76-10 to be determined by return on equity allowed in Commission's final order in Docket No. RP75-32.

[FR Doc.77-15897 Filed 6-6-77;8:45 am]

[Docket No. RP76-59]

EL PASO NATURAL GAS CO.

Order Approving Pipeline Rate Settlement

MAY 31, 1977.

On November 9, 1976, the Presiding Administrative Law Judge certified to the Commission for consideration and disposition a proposed Stipulation and Agreement which, if approved, would resolve all issues in the captioned proceeding, except the reserved issue of rate design. For the reasons set forth below the Commission finds that the proposed settlement agreement is reasonable and should be approved.

This proceeding originated when El Paso Natural Gas Company (El Paso) tendered for filing certain revised tariff sheets, seeking an increase of approximately $50 million annually in revenues for jurisdictional natural gas sales and services. El Paso's proposed rate increase was suspended until August 1, 1976, and was set for hearing by Commission order issued February 27, 1976. The rate increase became effective subject to refund on August 1, 1976.

Following the conclusion of settlement discussions between El Paso, certain interveners and the Commission Staff, the proposed settlement agreement was submitted to the Presiding Administrative Law Judge on November 4, 1976, with a request for certification thereof to the Commission. Public notice of the proposed settlement was issued on November 16, 1976. Comments in support of the proposed settlement were filed on December 3, 1976, by Southern Union Gas Company and San Diego Gas and Electric Company.

The Commission Staff filed on December 3, 1976, its comments which noted that the instant settlement's effectiveness is expressly conditioned upon the approval by the Commission of a pending settlement agreement concerning El Paso in Docket Nos. RP72-150 (Rate Design), RP73-104, RP74-57, and RP75-39 (First Stipulation). Staff noted that if the Commission did not approve the First Stipulation the instant settlement would have no effect. Staff objected to the First Stipulation's disposition of two issues.[1] However, Staff stated that if the First Stipulation received Commission approval, making it possible for the instant settlement to become effective, then Staff would support the instant settlement.

Further comments in support of this settlement were filed on December 6, 1976, by the People of the State of California and the Public Utilities Commission of the State of California and on December 10, 1976, by Pacific Gas and Electric Company. On December 14, 1976, El Paso filed its reply comments urging prompt approval of the instant settlement and the First Stipulation.

The Commission approved the First Stipulation in its order of February 16, 1977, in Docket Nos. RP72-150, et al. Therefore, the issues raised by Staff's comments are now moot. Consequently, the instant settlement is now uncontested.

The settlement rates are predicated upon a total cost of service of $740.6 million as set forth in Appendix A of the settlement agreement and of this order. The agreement further provides for refunds of approximately $25.5 million, plus 9 percent interest from August 1, 1976, until date of refund.

The settlement rates are in effect for the locked-in period commencing August 1, 1976, and ending May 31, 1977, at which time superseding rates in Docket No. RP77-18 go into effect June 1, 1977, subject to refund following suspension. The settlement cost of service includes a rate of return of 9.88 percent on El Paso's net investment rate base, with a return on common equity of 14.50 percent. The settlement capitalization and rate of return determinants are set forth in Appendix B of the settlement and of this order. The Commission finds that the settlement cost of service and resulting rates are reasonable and they are accordingly approved.

Article VII of the settlement includes in El Paso's rate base $3.3 million of advance payments made by El Paso to Beta Development Company (Beta) pursuant to agreements dated September 3, 1963, between El Paso and Beta. The $3.3 million represents the average annual amount estimated to be outstanding during the period 1976 through 1985.

Article VIII reflects the impact of increased regular royalty and production tax expenses which El Paso has experienced as a result of a higher national rate ordered by Opinion No. 770-A. If producer rate levels are reduced during the period that the settlement rates are in effect, El Paso will refund those dollars by means of a credit to Account 191.

Settlement Article IX confirms El Paso's use of the normalization method of accounting with respect to its utility property, pursuant to the requirements of section 167(l) of the Internal Revenue Code of 1954 and U.S. Treasury Regulations Section 1.167 (l)-1(h). Pursuant to Article IX the Commission's approval of the settlement shall be considered a determination by the Commission that the settlement is in conformity with such tax requirements.

Article X severs the contested rate design issue from the agreement. Currently there is a settlement agreement pending Commission approval on the rate design issue in this docket. Article X provides that the resolution of the rate design issue shall be predicated upon the cost of service and sales volumes of the present settlement.

Based upon a review of the record in this proceeding including the settlement agreement itself and the pleadings, evidence, and comments submitted in support thereof, 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 agreement should be accordingly approved and adopted, as hereinafter ordered.

The Commission orders: (A) The Stipulation and Agreement certified on November 9, 1976, is incorporated herein by reference and is approved and adopted.

(B) Within 30 days from the date of this order, El Paso shall file revised tariff sheets in accordance with the settlement agreement and this order.

(C) As soon as practicable but not later than 45 days after the date of this order, El Paso shall refund all amounts collected in excess of the settlement rates, together with interest at the rate of 9 percent per annum. El Paso shall within 10 days thereafter submit a report of the refunds and interest to the Commission.

(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, the staff, or any other party or person affected by this order in any proceeding now pending or hereinafter instituted by or against El Paso or any other person or party.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[1] The two disputed issues concern (1) the propriety of cost of service treatment for increased amounts paid by El Paso to owners of "special overriding royalty" interests, and (2) the proposed supplementation of El Paso's Reserve for Exploration.

APPENDIX A.—*El Paso Natural Gas Co., Docket No. RP76-59*

SETTLEMENT COST OF SERVICE

[Excludes Rhodes storage project]

Line No.	Description (a)	Amount (b)
1	Total operation and maintenance	$542,566,974
2	Donations	402,462
3	Depreciation and amortization	77,721,035
4	Depletion	1,556,452
5	Taxes other than income taxes	31,908,901
6	State income taxes	3,607,534
7	Federal income tax	89,430,506
8	Return at 9.88 pct	95,883,210
9	Carrying charges on unrecovered purchased gas costs	2,052,495
10	Impact of purchased fuel adjustment	8,451,035
11	Subtotal	823,670,604
12	Revenues deducted	(89,721,101)
13	Subtotal cost of service	733,949,503
14	Rhodes storage adjustment	930,220
15	Subtotal cost of service	734,879,723
16	Adjustment for additional sales volumes	35,814,005
17	Total cost of service	770,693,728
18	Jurisdictional cost of service (sheet 2)	740,603,979

APPENDIX B.—*El Paso Natural Gas Co., Docket No. RP76-59*

CAPITALIZATION AND RATE OF RETURN

[In percent]

Line No	Description (a)	Percent (b)	Cost or allowance (c)	Return (d)
1	Debt	65.86	8.01	5.27
2	Preferred	4.77	7.31	.35
3	Common	29.37	14.50	4.26
4	Total	100.00		9.88

[FR Doc.77-15898 Filed 6-6-77;8:45 am]

[Docket Nos. CI77-278 and CI77-311]

COASTAL STATES GAS PRODUCING CO.

Notice of Further Extension of Time

MAY 31, 1977.

On May 24, 1977, Coastal States Gas Producing Company filed a motion for a further extension of time to answer Trunkline Gas Company's petition for leave to itnervene filed April 15, 1977, in the above designated proceeding. The motion states that Trunkline Gas Company does not object to the requested extension.

Upon consideration, notice is hereby given that a further extension of time is granted to and including June 15, 1977, within which to answer the petition for leave to intervene in the above proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-15984 Filed 6-6-77;8:45 am]

[Docket Nos. RP74-82]

COLUMBIA GAS TRANSMISSION CO.

Order Approving Settlement Agreement

MAY 31, 1977.

On November 22, 1976, the Presiding Administrative Law Judge certified to the Commission a proposed stipulation and agreement in the captioned proceeding. The proposed agreement is intended to resolve for purposes of this proceeding the issue of cost of service treatment for the new lease production operations of Columbia Gas Transmission Corporation (Columbia Gas) in the Appalachian area. For the reasons set forth below the Commission finds that the proposed settlement agreement is reasonable and should be approved.

This proceeding originated on April 15, 1974, when Columbia Gas and Columbia Gulf Transmission Corporation filed revised tariff sheets to become effective on July 1, 1974. By order issued on May 31 1974, the Commission suspended the effectiveness of the proposed tariff sheets for five months.

A proposed stipulation and agreement intended to resolve certain issues in the case was certified to the Commission on August 21, 1975. By order issued on March 19, 1976, the Commission accepted and approved the proposed agreement except for Article IV which involved the issue of cost of service treatment for the new lease production operations of Columbia Gas in the Appalichian area. This issue was remanded by the Commission for hearing. The present settlement agreement disposes of the remanded issues.

Article I of the agreement provides that Columbia Gas shall refund to its jurisdictional customers a total principal amount of $1,500,000 plus simple interest at nine percent per annum calculated to and including the date the Commission's order approving the settlement becomes final. Article I further provides that this refund shall represent a full and complete settlement of the Appalachian production issue as it arises in Docket No. RP74-82 and that such refund shall apply to the entire locked-in period, November 1, 1974, through December 14, 1975, during which the rates proposed by Columbia Gas in this proceeding were in effect. Article II provides that the refund and related interest shall be applied by Columbia Gas as a commodity credit in Account 191 as of the date the Commission's order approving the proposed agreement becomes final.

Public notice of the proposed settlement agreement was issued on November 30, 1976, with comments due on or before December 13, 1976. No adverse comments were received.

Based upon a review of the entire record in this proceeding, including the proposed settlement agreement and the evidence, pleadings, and other materials submitted by the parties, the Commission finds that the proposed agreement represents a reasonable resolution of the Appalachian production issue in this proceeding and that the agreement should be approved and adopted as hereinafter ordered.

The Commission orders: (A) The stipulation and agreement certified on November 22, 1976, is incorporated herein by reference and is approved and adopted.

(B) As of the date this order becomes final and nonappealable, Columbia Gas shall refund to its jurisdictional customers $1,500,000 plus interest calculated at nine percent per annum, such refund to be made in the manner prescribed in the stipulation and agreement.

(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 Columbia Gas or any other person or party.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-15978 Filed 6-6-77;8:45 am]

[Docket No. RP77-18]

EL PASO NATURAL GAS CO.

Notice of Certification of Stipulation and Agreement in Settlement of Rate Proceeding

MAY 31, 1977.

Take notice that on May 27, 1977, Presiding Administrative Law Judge Walter T. Southworth certified to the Commission for its consideration and disposition a Stipulation and Agreement in settlement of the above entitled proceeding together with the entire record relating thereto. The settlement, if approved, would resolve all issues in the proceeding.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before June 17, 1977. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-15982 Filed 6-6-77;8:45 am]

[Docket No. ER77-175]

FLORIDA POWER & LIGHT CO.

Order Granting Motion for Reconsideration and Establishing Procedures

MAY 31, 1977.

On April 12, 1977, the Commission issued a Corrected Order Accepting for Filing and Suspending Proposed Rate Change, Granting Intervention and Establishing Procedures in the above-captioned docket. The Corrected Order was issued to replace a March 31, 1977 Order which contained inaccuracies and was therefore withdrawn prior to publication in the FEDERAL REGISTER.[1]

On May 2, 1977, Florida Power & Light Company (FP&L) filed an Application for Rehearing of both the March 31, 1977 Order and April 12, 1977 Order. Since both Orders are interlocutory, no application for rehearing is permitted.[2] However, the Commission will treat the application as a Motion for Reconsideration of both Orders.

Because the March 31, 1977, Order was inadvertently issued, we will not attempt to answer FP&L's contentions as to its errors. However, we will discuss FP&L's alleged "grounds for rehearing" of the April 12, 1977 Order.

FP&L's argument that it has never rendered transmission service to New Smyrna Beach before and therefore the rate for service must be an initial rate was raised by FP&L in its Response to the Petition to Intervene of New Smyrna Beach and discussed by the Commission in its April 12 Order. The Commission stated:

> The City, at present, provides some of its own electric power generation capacity and receives its remaining capacity requirements from FP&L. FP&L thus provides the City with firm partial requirements service. In providing this service, FP&L necessarily provides the City with the transmission services necessary to carry FP&L's generating capacity to the City.

Repetition of an argument previously rejected in a Commission order is not a ground for reconsideration of that order.

FP&L also alleged that New Smyrna never asked that the rate filing be considered as a change in rate subject to Section 205 of the Federal Power Act. This is mere word play. FP&L admitted that New Smyrna's Petition to Intervene stated that "it is appropriate that the acceptance contain a condition allowing the Commission to order refunds with interest of excessive rate charges." The Commission can only order refunds if rates are found to be excessive after a section 205 suspension period and subsequent hearing. The rate must be supplemental in order to be subject to a section 205 suspension.

FP&L took issue with the Commission's waiver of a filing requirement not yet complied with even though a deficiency letter had been sent to FP&L by the Commission. The Company contended that the waiver was unnecessary because the deficiency letter was issued 32 days after FP&L's date of submittal and the Secretary, according to Commission Regulation 35.2(c), is to notify the filing utility of the deficiency within 30 days of the receipt of the submittal; therefore, FP&L claimed that the deficiency letter was of no effect and the filing was deemed accepted. Whether or not the deficiency letter was properly issued is irrelevant at this juncture since the Commission Order explicitly accepted the submittal for filing without requiring the future submission of material.

Additionally, FP&L claimed that the proposed effective date was March 1, 1977, rather than the date of commencement of commercial operation, thereby making the post-March 1 suspension order ineffective. The Commission interpreted FP&L's cover letter to its initial submittal in this docket to request, as an effective date, the date FP&L would begin to transmit power once the nuclear unit commenced commercial operation. As FP&L stated on page 2 of the letter:

> Although FP&L and City have had extensive negotiations with regard to the enclosed Agreement, City has declined to sign the Agreement. However, FP&L is tendering at this time the Agreement executed only by it in order to *provide the transmission service* to City as specified in the Agreement, when *commercial operation of the Crystal River Nuclear Unit begins* on March 1, 1977.
>
> (Emphasis supplied.)

Since the rates would not be applicable until service was initiated, and since service could not be initiated until the unit became commercially operational, the Commission determined that the effective date proposed by FP&L was the date transmission service could commence.

However, since the date of issuance of the April 12 Order, the Commission Staff has checked Florida Power Corporation's tariff filing for power to be transmitted from the Crystal River No. 3 Nuclear Power Unit. By Order issued March 10, 1977, in Docket No. ER77-196, the Commission suspended Florida Power Corporation's proposed transmission rate and allowed it to become effective on March 14, 1977. Our Staff has been informed by Florida Power Corporation in a telephone inquiry that it began to sell energy to FP&L for transmission service from its Crystal River unit on March 30, 1977. Therefore, that part of the April 12 Order suspending the rate for the transmission service and making the rates subject to refund was a nullity because service had already begun and "the Commission cannot suspend a rate schedule after its effective date." Section 2.4 of the Rules of Practice and Procedure.

Consistent with our April 12 Order, we continue to view the rates for transmission service as a rate change subject to section 205(e) of the Federal Power Act, even though the rate may not be suspended or be subject to refund. FP&L shall still be required to file its case-in-chief so that Staff can evaluate the justness and reasonableness of the rates, and a public hearing will continue to be required.

The Commission finds: (1) Good cause exists to grant FP&L's Motion for Reconsideration.

(2) The rates for FP&L's transmission service to New Smyrna Beach were not suspended or subject to refund, although the rates constituted supplemental rates subject to Section 205 of the Federal Power Act.

(3) It is necessary and in the public interest that an evidentiary hearing be held in this docket in order for the Commission to discharge its statutory re-

[1] The March 31, 1977 Order was posted in the Office of Public Information but no copies were ever placed for distribution.

[2] See Section 1.34 of the Commission's Rules of Practice and Procedure, which requires a final decision or order before an application for rehearing can lie. Such an application would not lie for the March 31, 1977 Order in any event since FP&L submitted its "application" more than 30 days after the order's issuance.

sponsibilities under Section 205 of the Federal Power Act.

The Commission orders: (A) That FP&L's Motion for Reconsideration is hereby granted.

(B) That, consistent with the April 12, 1977 Order issued in this proceeding, a public hearing shall be held pursuant to the authority contained in the Federal Power Act, except that the rates may not be suspended or subject to refund.

(C) That the Order of April 12, 1977, issued in this proceeding shall remain in full force and effect except as hereinabove modified.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-15980 Filed 6-6-77;8:45 am]

[Docket No. RP76-93]

KENTUCKY WEST VIRGINIA GAS CO.

Order Approving Partial Settlement Agreement

MAY 31, 1977.

On February 16, 1977, the Presiding Administrative Law Judge certified to the Commission for consideration and disposition a proposed stipulation and agreement which, if approved, would resolve all issues in the captioned proceeding except for the issue of rate of return and related income taxes. For the reasons set forth below the Commission finds that the proposed settlement agreement is reasonable and should be approved and adopted.

This proceeding originated on April 29, 1976 when Kentucky West Virginia Gas Company (Kentucky West) tendered for filing First Revised Volume No. 1 of its FPC Gas Tariff seeking a $6.3 million increase in jurisdictional revenues. By order issued on May 28, 1976, the Commission accepted the proposed tariff for filing except for a portion which was found to be barred by the Mobile-Sierra[1] doctrine, suspended the tariff's effectiveness for five months until October 31, 1976, and set the matter for hearing. The Commission also ordered Kentucky West to file an amended tariff index of purchasers excluding Equitable Gas Company as a purchaser under Kentucky West's GSS-1 rate schedule.[2] An amended index was filed by Kentucky West on June 28, 1976.

Following the conclusion of settlement discussions among the parties to the proceeding the proposed settlement agreement was presented to the Presiding Administrative Law Judge with a request for certification thereof to the Commission.

Public notice of certification of the proposed agreement was issued on March 3, 1977 with comments due on or before April 1, 1977. On March 29, 1977, Staff filed a comment in support of the agreement. No other comments were received.

The proposed settlement agreement is intended to resolve all issues in this proceeding except the issue of rate of return and related income taxes. The settlement cost of service, attached hereto as Appendix A, represents a $587,506 reduction from the originally claimed overall cost of service of $25,665,752. The issue of rate of return and related income taxes is reserved for hearing and decision by the Commission. Accordingly, the settlement cost of service reflects the 17 percent rate of return and the related income taxes claimed by Kentucky West.

The proposed partial settlement agreement provides that Kentucky West shall, upon Commission acceptance of the agreement, file a revised interim rate for sales of gas under Kentucky West's Rate Schedule PLS-1.[3] The interim rate shall be based on the settlement cost of service. Within ninety days after issuance of the Commission's order accepting the agreement, Kentucky West shall refund to the purchasers under Rate Schedule PLS-1 any amounts collected in excess of the interim rate. No rate reduction shall be made in any other rate schedule pending final disposition in this proceeding.

The agreement also provides that within sixty days after the Commission's order approving the agreement becomes final and nonappealable, Kentucky West shall execute amendments to its advance payment and gas purchase contracts with Philadelphia Oil Company covering gas produced from the wells listed in Exhibit 1 of the Stipulation and Agreement so as to require all of the associated gas reserves and production to be dedicated and sold to Kentucky West.

Based upon a review of the record in this proceeding, including the settlement agreement itself and the pleadings, evidence and comments submitted in support thereof, 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 agreement should, accordingly, be approved and adopted as hereinafter ordered.

The Commission orders: (A) The proposed stipulation and agreement certified on February 16, 1977, is incorporated herein by reference and is approved and adopted.

(B) In accordance with the proposed stipulation and agreement and this order, as soon as practicable but not later than 60 days from the date of this order Kentucky West shall file the interim PLS-1 rate to be effective October 31, 1976, subject to refund.

(C) As soon as practicable but not later than 90 days from the date of this order Kentucky West shall refund all amounts collected in excess of the interim PLS-1 rate together with interest calculated at the rate of 9 percent per annum and shall within 10 days thereafter file a report of refunds and interest with the Commission.

(D) Within 60 days after this order becomes final and nonappealable, Kentucky West shall execute and tender for filing amendments to its advance payment and gas purchase contracts with Philadelphia Oil Company covering the wells listed in Exhibit 1 of the stipulation and agreement so as to require all of the gas and reserve to be sold to Kentucky West.

(E) 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 Kentucky West or any other person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

APPENDIX A.—*Kentucky West Virginia Gas Co., Interim Settlement Cost of Service for the year ended Dec. 31, 1975 (adjusted)*

1.	Operation and maintenance expenses	$8,358,411
2.	Depreciation, depletion and amortization	3,991,764
3.	Federal and state income taxes	6,815,335
4.	Taxes other than income	520,258
5.	Return company at 17 pct	4,616,297
6.	Other operating revenues	(151,592)
7.	Total cost of service	24,159,473
8.	Plus noncost of service gas	918,773
9.	Total overall cost of service	25,078,246
	Rate design:	
10.	Jurisdictional cost of service	$21,071,536
11.	Annual volumes (dth)	27,967,337
12.	Unit cost (cents per dth)	75.343
13.	Unit rate (cents per dth):	
	Pipeline sales (revised interim rate)	75.34
	City gate sales	54.15

[FR Doc.77-15977 Filed 6-6-77;8:45 am]

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[1] *United Gas Pipe Line Co.* v. *Mobil Gas Service Corp.*, 350 U.S. 332 (1956); *Federal Power Commission* v. *Sierra Pacific Co.*, 350 U.S. 348 (1956).

[2] Sales are made under Rate Schedule GSS-1 to the following city gate purchasers: City of Paintsville, Kentucky; City of Prestonburg, Kentucky; Ohio-Kentucky Utilities, Inc.; Johnson County Gas Company, Inc.; Mountain Utilities, Inc.; Mike Little Gas Company, Inc.; Mountain Investment, Inc.; and City of Hazard, Kentucky.

[3] Sales are made under Rate Schedule PLS-1 to two pipeline companies: Equitable Gas Company and Columbia Gas Transmission Corporation.

[Docket No. CP77-399]

MID LOUISIANA GAS CO.

Notice of Application

MAY 31, 1977.

Take notice that on May 20, 1977, Mid Louisiana Gas Company, (Applicant), 300 Poydras Street, New Orleans, Louisiana 70130, filed in Docket No. CP77-399 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to retain in place and operate for an additional limited-term period certain emergency gas purchase facilities constructed in the False River Field area in West Baton Rouge Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that on March 27, 1977, Applicant began an emergency purchase of gas produced from the Morris Heirs No. 1 well located in the False River Field, West Baton Rouge Parish, Louisiana (the False River gas) and that the purchase of this gas would continue through July 31, 1977. The producer-sellers are South Louisiana Production Company, Inc., CRA Oil Exploration Company, Carpenter Oil & Gas Co., W. A. Moncrief, Jr., and Reidy International, Inc. (SLAPCO, et al.), it is said.

Applicant states that pursuant to a letter agreement dated February 14, 1977, SLAPCO, et al., agreed to sell, and it agreed to purchase, the False River gas for an additional limited-term period beginning August 1, 1977 and extending through the 360th day following the date of which the emergency purchase began.

Applicant would pay SLAPCO, et al., a rate of $1.53 per million Btu on a dry basis, plus 7 cents per Mcf as severance tax reimbursement, for all gas delivered and Applicant would reimburse SLAPCO, et al., for any new, increased or additional severance, production or similar taxes levied on and paid by SLAPCO, et al., it is said.

Applicant indicates its transmission facilities do not extend into West Baton Rouge Paris and that Texas Eastern Transmission Corporation (Texas Eastern) would receive, transport and deliver the False River gas to Transcontinental Gas Pipe Line Corporation (Transco), at an existing point of interconnection between the facilities of Texas Eastern and Transco near St. Francisville, in East Feliciana Parish, Louisiana, for ultimate redelivery to Applicant. It is stated that Transco would accept delivery of the False River gas at the existing St. Francisville interconnection and would make redeliveries to Applicant in East Feliciana Parish or at any other mutually agreeable existing exchange point. The transportation of the False River gas by Texas Eastern and Transco for Applicant was initiated on March 27, 1977 as an emergency service, and both parties have agreed to continue the transportation of the gas for Applicant through the 360th day following March 27, 1977, it is said.

It is stated that the False River gas is gathered by the producers-sellers and delivered to Applicant at a delivery point located on Texas Eastern's existing 36-inch Venice/New Roads pipeline. In order to measure and deliver this gas into Texas Eastern's facilities, Applicant installed a meter station and appurtenant facilities at the delivery point in West Baton Rouge Parish, it is said. Applicant also states that it installed certain desulfurizing equipment consisting of a 6⅝ inch O.D. meter run, meter, temperature recorders and miscellaneous fittings, and that the desulfurizing equipment consists of two 42-inch O.D. by 17-foot iron sponge towers and miscellaneous fittings. The annual rental of the towers is $68,000, and the total cost of the meter station and of making the installations is estimated to be $8,500, it is said. Applicant proposes to maintain the facilities in place and to operate them through the remaining part of the 360-day limited-term purchase period. Applicant indicates that the purchase was made and the facilities were installed and have been operated under the Emergency Natural Gas Act of 1977.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 15, 1977, file with the Federal Power Commission, Washington, D.C. 20425, 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 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.77-15974 Filed 6-6-77;8:45 am]

[Docket No. ER77-378]

THE MONTANA POWER CO.

Notice of Filing

JUNE 1, 1977.

Take notice that on May 18, 1977, The Montana Power Company (Company) tendered for filing the following contracts with respect to service rendered by the Company to the Big Horn County Electric Coperative, Inc. (Big Horn):

(a) Agreement for Purchase of Power dated March 12, 1971.

(b) Letter Agreement dated March 12, 1971 relating to the implementation of the Agreement for Purchase of Power.

(c) Supplement No. 1 to Agreement for Purchase of Power, dated February 15, 1974.

The Company states that the Agreement for Purchase of Power and the Letter Agreement, both dated March 12, 1971, supersede the Agreement for Purchase of Power dated May 9, 1956 (Rate Schedule FPC No. 16) by providing for an upgrading of service rendered by the Company to Big Horn. The Company has requested waiver of the notice provisions of Section 35.3 of the Commission's regulations in order to permit these agreements to become effective on April 14, 1971, the date of their approval by the Administrator of the Rural Electrification Administration.

The Company states that Supplement No. 1 to the Agreement for Purchase of Power provides for an increase in rates for service by the Company to Big Horn and that based on the year ending June 30, 1977, the revised rates, which are identical to those incorporated in the Company's Rate Schedule FPC No. 39, would have provided the Company with increased revenues of $43,139.36. The Company has proposed to make Supplement No. 1 to the Agreement for Purchase of Power effective on July 1, 1977.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest wih the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sectoins 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 June 8, 1977. 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.77-15981 Filed 6-6-77;8:45 am]

[Docket No. RP73-109 and RP74-95; AP76-1]

NORTHWEST PIPELINE CORP.

Order Approving Proposed Settlement Agreement

MAY 31, 1977.

On December 13, 1976, the Presiding Administrative Law Judge certified a

proposed settlement agreement concerning the lawfulness of Northwest Pipeline Company's (Northwest) proposed rate increase in the above-captioned proceeding attributable to advances made under certain agreements. For the reasons stated, the Commission shall approve the proposed settlement.

By order issued September 28, 1976, the Commission accepted for filing and suspended a proposed tariff sheet tendered by Northwest in the instant dockets. In this order the Commission stated:

Northwest's filing includes a rate increase to reflect additional advance payments of $5,706,514 pursuant to Article VIII of the Settlement Agreement in Docket Nos. RP73-109 and RP74-95. *The Commission's review of the advances made under nine of the advance payment agreements indicates that the advances may not be reasonably related to the producer's expenditures for exploration, development and production.* Accordingly, the Commission will set the lawfulness of the advances made under those nine agreements for hearing. (footnote omitted). (emphasis added)

Following the conclusion of the prehearing conference held on November 9, 1976, the parties entered into settlement discussions resulting in the settlement agreement now before the Commission. Public notice of the proposed agreement was issued on January 4, 1977, with comments due on or before January 21, 1977.

Staff in its "top sheets" eliminated the advances associated with an agreement which did not comply with the requirements of Order No. 529. Under the proposed agreement Northwest obtained an amendment to the Exploration Agreement between it and Northwest Exploration Company to comply with the requirements of Order No. 529, Docket No. RM75-6, (issued June 17, 1975). The specific amendments, as stated in the proposed agreement, are:

(1) Northwest shall have first-call on any gas produced pursuant to the agreement under a long-term contract which is for a minimum initial term computed as the lesser of 15 years or the life of the reserve in the field, and (2) the selling price of the gas committed by producers whose sales are subject to price regulations shall be governed by and limited to the area rate or national rate or, under appropriate showing of special circumstances, such other rate as may be authorized by the Commission under the provisions of optional pricing and special relief.

The Commission's review of the supporting data filed by Northwest shows that the advances in question were reasonably related to producer expenditures for exploration, development and production.

The Commission's review of the proposed agreement indicates that it should be approved. The single deficient agreement has been amended to comply with the requirements of Order No. 529, supra. This will provide sufficient protection for the consumer. Furthermore, the amounts included in Northwest's rate base are related directly to the producer's expenditures, thus directly benefit the consumer through the development of additional gas supplies. Accordingly, Northwest shall be allowed to include these amounts in rate base.

The Commission orders: (A) The proposed settlement agreement certified to the Commission on December 13, 1976 in the instant docket is hereby approved.

(B) The amounts relating to the nine advance payment agreements set for hearing in the September 28, 1976, order in this proceeding are hereby permitted to be included in Northwest's rate base, and Northwest is relieved of any refund liability for inclusion of these amounts in rate base.

(C) The hearing ordered in this docket to determine the lawfulness of the amounts advanced under the nine agreements is hereby terminated.

(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.77-15979 Filed 6-6-77;8:45 am]

[Docket No. CP77-389 and CP77-390]

PACIFIC GAS TRANSMISSION CO.

Notice of Applications

MAY 31, 1977.

Take notice that on May 18, 1977, Pacific Gas Transmission Company (Applicant), 77 Beal Street, San Francisco, California 94106 filed in Docket No. CP77-389 and CP77-390 applications pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation, exchange, and sale of natural gas to Northwestern Pipeline Corporation (Northwest), and the construction and operation of a compressor facility in Lincoln County, Wyoming, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

It is indicated that Applicant, directly or through its wholly owned subsidiary, Pacific Transmission Supply Company (PTS), has been involved in 23 gas exploration projects in the Rocky Mountain area of the United States, and as of February 28, 1977, 84 wells have been drilled. Applicant states that only 27 of these wells are considered to be potential commercial gas wells, and that 13 are in the Fontenelle Prospect in western Wyoming where PTS holds a working interest of approximately 37½ percent and has the right to purchase additional gas from other participants in the Prospect.

Applicant states that it has entered into a gas purchase contract with PTS which provides for the sale by PTS of its share of the production of natural gas from certain wells in the Prospect. The gas sold would be delivered to Applicant at a central point in the Fontenelle Prospect, downstream of the gathering system meter facility, at the fence enclosing the compressor facility proposed to be constructed by Applicant, it is said.

Applicant proposes in Docket No. CP-77-390 to transport, exchange and sell natural gas to Northwest. Pursuant to a gas transportation and exchange agreement with Northwest dated January 4, 1977, Applicant proposes to deliver up to 10,000 Mcf of gas per day from certain acreage in the Fontenelle Prospect to Northwest at a point adjacent to Northwest's 16- and 30-inch pipelines in Lincoln County, Wyoming, at which location Northwest proposes to construct a meter facility. It is stated that such gas would be processed for removal of liquid hydrocarbons at Northwest's Opal processing plant.

Applicant states that in order to provide Northwest with sufficient gas to account for shrinkage in processing of the gas delivered for redelivery by Northwest, Applicant would sell 5 percent of such volumes to Northwest, for the same price paid by Applicant for such gas, and that Northwest would also have the right to purchase 25 percent of the volumes of gas delivered to Northwest. Applicant further states that if Northwest exercises such right, it would pay Applicant the same price paid by Applicant for such volumes plus a portion of PGT's cost-of-service for compressing and delivery of such gas, based on volumes received by Applicant for sale to Northwest divided by the total volumes received by Applicant for delivery to Northwest.

It is stated that Northwest would redeliver to Applicant, by exchange, volumes equivalent to what Applicant delivered to Northwest at Spokane, Washington, less certain volumes for shrinkage, compressor fuel use and sale to Northwest. It is indicated that the gas redelivered to Applicant by Northwest would be transported and sold to Pacific Gas and Electric Company (PGandE) at the junction of Applicant's and PGand E's pipelines located at the Oregon-California border, and that the service provided to PGandE by Applicant would be paid for under Applicant's Rate Schedule PL-1 or any effective superseding rate schedule.

In Docket No. CP77-389 Applicant proposes to construct and operate a compressor facility connecting the Fontenelle Prospect, in order to effectuate the said gas transportation and exchange agreement. The facilities proposed by Applicant are estimated to cost $333,665, and Applicant would finance the cost of this project entirely from existing financing, it is said.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 15, 1977, 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) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission would be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. 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 section 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, hearings will be held without further notice before the Commission on these applications if no petitions to intervene are filed within the time required herein, if the Commission on its own review of the matters finds that grants of the certificates 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 hearings.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-15975 Filed 6-6-77;8:45 am]

[Docket No. CP77-394]

TENNESSEE GAS PIPELINE CO.

Notice of Application

MAY 31, 1977.

Take notice that on May 18, 1977, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP77-394 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Connecticut Natural Gas Corporation (CNG) and Lowell Gas Company (Lowell), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport and deliver to National Fuel Gas Supply Corporation (National Fuel) during the 1977 summer injection period ending October 31, 1977, up to 18,182 Mcf of natural gas per day at 14.73 psia for Lowell's account, not to exceed a total volume of 2,000,000 Mcf during the injection period, and up to 6,667 Mcf of natural gas per day for CNG's account, not to exceed a total volume of 1,000,000 Mcf during the injection period. Applicant states that the gas would be stored by National Fuel for Lowell and CNG at their request during the 1977 summer for withdrawal and sale by Lowell and CNG during the 1977-78 winter to their Priority 1 and 2 customers.

Applicant also proposes to transport and deliver during the withdrawal period from November 1, 1977, through March 31, 1978, up to 18,182 Mcf of natural gas per day to Lowell, not to exceed a total volume of 2,000,000 Mcf during the withdrawal period, less a volume equal to 2.62 percent to be retained by Applicant as a supplement to Applicant's system gas supply for Applicant's fuel and use requirements, and up to 6,667 Mcf of natural gas per day to CNG, not to exceed a total volume of 1,000,000 Mcf during the withdrawal period less a volume equal to 2.02 percent for Applicant's fuel and use requirements. It is stated that such gas proposed to be transported during this period would be daily volumes nominated by Lowell and CNG from their respective stored gas balances with National Fuel and which volumes National Fuel would make available to Applicant for Lowell's and CNG's account.

Applicant states that the receipt and redelivery points for the volumes of gas it proposes to transport for Lowell would be at the interconnection of Applicant's and Lowell's facilities at Applicant's existing Tewksbury Sales Meter Station delivery point to Lowell located in Middlesex County, Massachusetts. Applicant further states that the receipt and redelivery points for the volumes of gas it proposes to transport for CNG would be at the interconnection of Applicant's and CNG's existing facilities in Fairfield County, Connecticut. The delivery and receipt points for the volumes delivered to and received from National Fuel for Lowell's account would be at the interconnection of Applicant's and National Fuel's facilities at Applicant's existing Ellisburg Sales Meter Station delivery point to National Fuel located in Potter County, Pennsylvania, or from time to time, when operating conditions may require, at other mutually agreed upon existing interconnections between the facilities of Applicant and National Fuel, it is said.

It is stated that Lowell would pay Applicant a transportation charge of 25.97 cents per Mcf of gas transported and delivered to Lowell for the short term natural gas transportation services. CNG would pay Applicant a transportation charge of 16.65 cents per Mcf of gas transported and delivered to it, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 15, 1977, file with the Federal Power Commission, Washington, D.C. 20425, 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 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.77-15976 Filed 6-6-77;8:45 am]

[Docket No. ER77-339]

WEST TEXAS UTILITIES CO.

Order Accepting for Filing, Suspending Service Agreement and Establishing Procedures

JUNE 1, 1977.

On May 2, 1977, West Texas Utilities Company (WTU) tendered for filing with the Commission a superseding service agreement[1] with the Community Public Service Company (Community), requested to become effective on June 1, 1977.[2] The proposed rates would increase revenues for the twelve month period succeeding the proposed effective date of June 1, 1977, by approximately $392,533 (11.96 percent). For the reasons as set forth hereinafter, the Commission will accept the proposed tariff sheet reflecting the higher rates for filing, suspend its effectiveness for five months and permit it to become effective subject to refund.

Public notice of the filing was issued on May 10, 1977, with comments, protests and petitions to intervene due on or before May 25, 1977. None have been filed as of yet and if any are filed within the specified time they will be the subject of a subsequent order.

The fuel adjustment clause included in the proposed rate comports with the requirements as set forth in Order 517.

In addition, the Commission's review of WTU's filing indicates that the terms and conditions of the proposed service agreement have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, the Commission will accept WTU's proposal for filing and suspend its operation for five (5) months, to become effective on

[1] Designated as West Texas Utilities Company, Rate Schedule FPC No. 39 and Supplement No. 1 thereto, superseding FPC No. 37 as supplemented.

[2] Section 205(d) of the Act provides in pertinent part that no change shall be made by any public utility in any such rates, * * * except after thirty days notice to the Commission and to the public. WTU did not seek waiver of the notice requirements of Section 35.11 of the Commission's Regulations; and therefore, the earliest that this filing could become effective is June 2, 1977.

November 2, 1977, subject to refund, and will establish hearing procedures.

The Commission by orders issued July 21, 1976, and September 17, 1976, in Docket No. E-9558, determined that West Texas Utilities Company is a "public utility" within the meaning of Section 201 of the Federal Power Act (16 U.S.C. 824) and, therefore, subject to the jurisdiction of this Commission.[1]

The Commission finds: Good cause exists to accept for filing WTU's proposed increased rates filed May 2, 1977, and to suspend those rates for five (5) months to become effective November 2, 1977, subject to refund, pending the outcome of a hearing and decision thereon.

The Commission orders: (A) Pending a hearing and decision thereon, WTU's proposed rate schedules are hereby accepted for filing and suspended from operation for five (5) months, to become effective November 2, 1977, subject to refund.

(B) Pursuant to the authority of the Federal Power Act, particularly Sections 205 and 206 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act, a hearing shall be held concerning the justness and reasonableness of the rate increases proposed by WTU's filing.

(C) The Commission Staff shall prepare and serve top sheets on all parties for purposes of settlement on or before September 1, 1977.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall convene a settlement conference in this proceeding on a date certain within ten (10) days after the service of top sheets by the Staff, in a hearing or conference room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. Said Presiding Administrative Law Judge is hereby authorized to establish all procedural dates and to rule on all motions (with the exceptions of petitions to intervene, motions to consolidate and sever, and motions to dismiss), as provided for in the Rules of Practice and Procedure.

(E) WTU shall file monthly with the Commission the report on billing determinants and revenues collected under the presently effective rates and the proposed increased rates filed herein, as required by Section 35.19(a) of the Commission's Regulations, 18 CFR Section 35.19(a).

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.77-15983 Filed 6-6-77;8:45 am]

[1] By order issued May 3, 1977, in *Re: the Application of Houston Lighting and Power Company, et al., For Reconnection of the Texas Interconnect System*, Docket No. 14, the Public Utility Commission of Texas ordered WTU and others, inter alia, "* * * immediately reestablish the Texas Interconnect System as it existed on May 3, 1976, and as contractually agreed to by such parties and that any and all disconnects which must be made to remove the contract impediments to such reconnection be made immediately * * *". The effect, if any, of that order on this Commission's determination of WTU's jurisdictional status is not at this time determinable.

FEDERAL RESERVE SYSTEM

[Docket No. TCR 76-131]

CLINTON CABLE TV CO., INC.

Prior Certification Pursuant to the Bank Holding Company Tax Act of 1976

Clinton Cable TV Co., Inc., Clinton, Indiana ("Clinton"), has requested a prior certification pursuant to § 1101(b) of the Internal Revenue Code (the "Code"), as amended by § 2(a) of the Bank Holding Company Tax Act of 1976 (the "Tax Act"), that its proposed divestiture of all of the 10,002 shares of Dulaney National Bank of Marshall, Marshall, Illinois ("Bank"), presently held by Clinton, through the pro rata distribution of such shares to the common shareholders of Clinton, is necessary or appropriate to effectuate the policies of the Bank Holding Company Act (12 U.S.C. § 1841 et seq.) ("BHC Act").

In connection with this rquest, the following information is deemed relevant, for purposes of issuing the requested certification:[1]

1. Clinton is a corporation organized under the laws of the State of Indiana on January 25, 1965.

2. On February 16, 1968, Clinton acquired ownership and control of 5,376 shares, representing 53.76 percent of the outstanding voting shares of Bank.

3. Clinton became a bank holding company on December 31, 1970, as a result of the 1970 Amendments to the BHC Act, by virtue of its ownership and control at that time of more than 25 percent of the outstanding voting shares of Bank, and it registered as such with the Board on July 8, 1971. Clinton would have been a bank holding company on July 7, 1970, if the BHC Act Amendments of 1970 had been in effect on such date, by virtue of its ownership and control on such date of more than 25 percent of the outstanding voting shares of Bank. Clinton presently owns and controls 10,002 shares, representing 50.01 percent of the outstanding voting shares, of Bank.

4. More than 85 per centum of the voting stock of Clinton was collectively owned on June 30, 1968, and has been so owned continuously thereafter, directly or indirectly, by members of the same family, or their spouses, who are lineal descendants of common ancestors. Accordingly, Clinton has been exempt from the prohibitions of § 4 of the BHC Act by virtue of clause (ii) of § 4(c) of the BHC Act.

5. Clinton holds property acquired by it on or before July 7, 1970, the disposition of which would, but for the proviso of § 4(a)(2) and clause (ii) of § 4(c) of the BHC Act, be necessary or appropriate to effectuate § 4 of the BHC Act if Clinton were to remain a bank holding company beyond December 31, 1980, and which property would, but for such proviso and such clause, be "prohibited property" within the meaning of § 1103(c) of the Code. Sections 1103(g) and 1103(h) of the Code provide that any bank holding company may elect, for purposes of Part VIII of subchapter O of chapter 1 of the Code, to have the determination whether property is "prohibited property" or is property eligible to be distributed without recognition of gain under § 1101(b)(1) of the Code, made under the BHC Act as if such Act did not contain, respectively, the proviso of § 4(a)(2) thereof and clause (ii) of § 4(c) thereof. Clinton has represented that it will make such an election.[2]

On the basis of the foregoing information, it is hereby certified that:

(A) Clinton is a qualified bank holding corporation, within the meaning of subsection (b) of section 1103 of the Code, and satisfies the requirements of that subsection,

(B) the Shares of Bank that Clinton proposes to distribute to its shareholders are all or part of the property by reason of which Clinton controls (within the meaning of § 2(a) of the BHC Act) a bank or bank holding company; and

(C) the distribution of such shares is necessary or appropriate to effectuate the policies of the BHC Act.

This certification is based upon the representations made to the Board by Clinton and upon the facts set forth above, and is conditioned upon Clinton's making the elections required by §§ 1103(g) and 1103(h) of the Code at such time and in such manner as the Secretary of the Treasury or his delegate may by regulation prescribe. In the event that the Board should hereafter determine that facts material to this certification are otherwise than as represented by Clinton, or that Clinton has failed to disclose to the Board other material facts, it may revoke this certification.

By order of the Board of Governors, acting through its General Counsel, pursuant to delegated authority (12 CFR § 265.2(b)(3)), effective May 31, 1977.

RUTH A. REISTER,
Assistant Secretary of the Board.

[FR Doc.77-15995 Filed 6-6-77;8:45 am]

[1] This information derives from Clinton's correspondence with the Board concerning its request for this certification, Clinton's registration statement filed with the Board pursuant to the BHC Act, and other records of the Board.

[2] Sections 1103 (g) and (h) require that an election thereunder be made "at such time and in such manner as the Secretary [of the Treasury] or his delegate may by regulations prescribe." As of this date no such regulations have been promulgated.

METROPOLITAN BANK AND TRUST COMPANY, PHILIPPINE SECURITIES CORPORATION AND TYTANA CORPORATION

Formation of Bank Holding Companies

Metropolitan Bank and Trust Company, Philippine Securities Corporation and Tytana Corporation, all of Makati, Rizal, Philippines, have applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become bank holding companies through the direct or indirect acquisition of 35 percent or more of the voting shares of International Bank of California, Los Angeles, California. The factors that are considered in acting on the applications are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the applications should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than June 29, 1977.

Board of Governors of the Federal Reserve System, June 1, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-16087 Filed 6-6-77;8:45 am]

PANNATIONAL GROUP, INC.

Request for Determination and Notice Providing Opportunity for Hearing

Notice is hereby given that a request has been made to the Board of Governors of the Federal Reserve System, pursuant to the provisions of section 2(g)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. § 1841(g)(3)) ("Act"), by PanNational Group, Inc., El Paso, Texas ("PanNational"), which has indirectly transferred all of its stockholdings in Charles Bassett Center, Inc., El Paso, Texas ("Bassett"), a shopping center, to Lone Star Growth Corp., El Paso, Texas ("Lone Star"), for a determination that PanNational is not nor will be capable of controlling Lone Star, nothwithstanding a sale agreement whereby a portion of the purchase price has been paid by Lone Star in the form of a note, the note being secured by a pledge of the Bassett stock being sold, and notwithstanding the fact that the President, director and owner of Lone Star is also a director of PanNational. PanNational originally transferred Bassett to Trans-Mountain Capital Corporation, El Paso, Texas ("Trans-Mountain") and Trans-Mountain was subsequently merged into Lone Star. Notice of a request for a determination under section 2(g)(3) of the Act with regard to PanNational's ability to control Trans-Mountain was issued by the Board on January 27, 1977 (42 FEDERAL REGISTER 6409). That notice is hereby superseded by the instant notice.

Section 2(g)(3) of the Act provides that shares transferred after January 1, 1966, by any bank holding company (or any company which but for such transfer, would be a bank holding company) directly or indirectly to any transferee that is indebted to the transferor or has one or more officers, directors, trustees, or beneficiaries in common with or subject to control by the transferor, shall be deemed to be indirectly owned or controlled by the transferor, unless the Board, after opportunity for hearing, determines that the transferor is not, in fact, capable of controlling the transferee.

Notice is hereby given, that, pursuant to section 2(g)(3) of the Act, an opportunity is provided for filing a request for oral hearing. Any such request or written comments on the application should be submitted in writing (in duplicate) to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than June 28, 1977. If a request for oral hearing is filed, each request should contain a statement of the nature of the requesting person's interest in the matter, his reasons for wishing to appear at an oral hearing, and a summary of the matters concerning which such person wishes to give testimony. The Board subsequently will designate a time and place for any hearing it orders, and will give notice of such hearing to the transferor, the transferee, and all persons that have requested an oral hearing. In the absence of a request for an oral hearing, the Board will consider the requested determination on the basis of documentary evidence filed in connection with the application.

Board of Governors of the Federal Reserve System, May 31, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-15996 Filed 6-6-77;8:45 am]

UNION FINANCIAL CORP.

Formation of Bank Holding Company

Union Financial Corporation, Manhattan, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Union National Bank and Trust Company of Manhattan, Kansas, Manhattan, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 29, 1977.

Board of Governors of the Federal Reserve System, June 1, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc.77-15997 Filed 6-6-77;8:45 am]

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-26]

CERTAIN SOLDER REMOVAL WICKS

Order; Change of Place of Hearing

Notice is hereby given that the hearing in this matter set to begin at 10 a.m., e.d.t., June 10, 1977, will be held at the aforementioned time in room 119 of the United States International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436. The hearing had previously been scheduled for the Commission's Hearing Room.

The notice and order concerning the procedure for this hearing was published in the FEDERAL REGISTER of May 24, 1977 (42 FR 26478).

Issued: June 2, 1977.

By order of the Commission:

KENNETH R. MASON,
Secretary.

[FR Doc.77-16071 Filed 6-6-77;8:45 am]

VETERANS ADMINISTRATION

CHIEF MEDICAL DIRECTOR'S AD HOC ADVISORY COMMITTEE ON SPINAL CORD INJURY

Termination

The Veterans Administration hereby gives notice that the Chief Medical Director's Ad Hoc Advisory Committee on Spinal Cord Injury has been terminated effective April 25, 1977.

Dated: June 1, 1977.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

[FR Doc.77-16023 Filed 6-6-77;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-389A]

FLORIDA POWER & LIGHT CO. (ST. LUCIE NUCLEAR POWER PLANT, UNIT NO. 2)

Notice of Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's order of June 2, 1977, oral argument on the applicant's appeal from the Licensing Board's memorandum and order of April 5, 1977 will be held at 9:30 a.m., Friday, June 10, 1977 in the Nuclear Regulatory Commission's Public Hearing Room, 5th floor, East-West Towers, 4350 East West Highway, Bethesda, Maryland.

For the Atomic Safety and Licensing Appeal Board.

Dated: June 2, 1977.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.77-16113 Filed 6-3-77;1:43 pm]

ENVIRONMENTAL PROTECTION AGENCY

[FRL740-3; OPP-66021]

PESTICIDE PROGRAMS

Cancellation of Registration of Pesticide Products

Pursuant to section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (86 Stat. 973, 89 Stat. 751, 7 U.S.C. 136(a) et seq.), the firms listed below have requested that the Environmental Protection Agency (EPA) cancel the registrations of several pesticide products. Such cancellation shall be effective on July 5, 1977, unless the registrant or an interested person with the concurrence of the registrant, requests that the registration be continued in effect.

The Agency has determined that the distribution, sale, and use of stocks of these products which were in existence on the effective date of cancellation would not be inconsistent with the purposes of FIFRA and would not have an unreasonable adverse effect on the environment. Pursuant to section 6(a)(1) of FIFRA, therefore, the distribution, sale, and use of existing stocks of these products shall be permitted until the supply is exhausted or for one year from receipt of the notice of intended cancellation sent to each registrant by certified mail, whichever occurs earlier, provided that these products shall be used only in a manner consistent with the label and labeling registered with EPA.

Requests that the registration of these products be continued may be submitted in triplicate to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington D.C. 20460. Any comments filed regarding this notice of intended cancellation will be available for public inspection in the office of the Product Control Branch from 8:30 a.m. to 4 p.m. Monday through Friday.

The registrants concerned and the products affected by this action are as follows:

Dated: May 25, 1977.

JAMES M. CONLON,
Acting Deputy Assistant Administrator for Pesticide Programs.

EPA registration No.	Product name	Registrant
70-168	Kill-Ko 50 percent Methoxychlor	Rigo Chemical Co., 1200 Fort Wayne National Bank Bldg., Fort Wayne, Ind. 46802.
100-447	Atra-Bor 8P Granular Herbicide	Ciba-Geigy Agricultural Division, P.O. Box 11422, Greensboro, N.C. 27409.
100-480	Evik 2 E Herbicide	Do.
148-868	Depester Septemic Insecticide	Thompson-Hayward Chemical Co., 5200 Speaker Rd., Kansas City, Kans. 66110.
168-335	Morgro Shrub and Evergreen Fertilizer Plus Systemic Insecticide 16-16-8.	Entruda Industrial, Inc., Wasatch Chemical Division, P.O. Box 6129, Salt Lake City, Utah 84106.
168-479	Morgro Lawn Weed Killer 2,4-D Amine	Do.
168-481	Morgro Lawn Weed Killer	Do.
239-612	Ortho Methoxychlor 50 Wettable	Chevron Chemical Co., Ortho Division, 940 Hensley St., Richmond, Calif. 94804.
239-761	Ortho Malathion 4 Dust	Do.
239-848	Ortho Karathane 1 Dust	Do.
239-1100	Ortho Malathion Sulfur 4-25 Dust	Do.
239-1158	Ortho Phosdrin 2 Dust	Do.
239-1241	Ortho C-B Weed Killer	Do.
239-1264	Ortho 2,4-Butyl Ester 2.65	Do.
239-1354	Ortho Thiodan Sulfur 3-50 Dust	Do.
239-1357	Ortho Thiodan 25 Dust Concentrate	Do.
239-1410	Ortho Phosdrin Sulfur 2-30 Dust	Do.
239-1561	Ortho Thiodan 50 Wettable	Do.
239-1626	Ortho Thiodan 4 Dust	Do.
239-1796	Ortho Malathion 6 Dust	Do.
239-1855	Ortho Thiodan Kelthane 4-4 Dust	Do.
239-1856	Ortho Thiodan Kelthane Sulfur 4-4-30 Dust	Do.
239-1862	Ortho Thiodan Sulfur 5-25 Dust	Do.
239-1888	Orthocide Phosdrin 5-2 Dust	Do.
239-1930	Orthocide-Thiodan 5-2 Dust	Do.
239-1962	Ortho Thiodan Sulfur 4-25 Dust	Do.
239-2014	Ortho Thiodan Sulfur 5-40 Dust	Do.
239-2132	Otho Thiodan Karathane 3-1 Dust	Do.
257-191	Scale Remover	Fuld-Stalfort, Inc., 1354 Old Post Rd., Havre De Grace, Md. 21078.
264-6	Weedone Concentrate 48	Amchem Products, Inc., Brookside Ave., Ambler, Pa. 19002.
264-23	Weed Killer 650	Do.
264-56	Weedar 96A	Do.
264-75	2,4-D Low Volatile Ester Weed Killer	Do.
279-457	Methoxcide 5 Dust	FMC Corp., Agricultural Chemical Division, 100 Niagara St., Middleport, N.Y. 14105.
279-1710	Thiodan Kolodust 3-25 Dust	Do.
279-1811	Leaf Dropper Defoliant	Do.
279-2213	Sulfur 50 Thiodan 4 Dust	Do.
279-2325	Kolodust 50 Thiodan 5 Dust	Do.
279-2548	Sulfur-10 Thiodan 3 Dust	Do.
279-2628	Karathane 1 Thiodan 4 Dust	Do.
279-2703	Estasol 2,4-D Ester	Do.
279-2725	Sunland-11-48-0 With 1.0 pct Di-Syston	Do.
279-2889	Sunland Fertilizers With 0.2 pct Di-Syston	Do.
323-48	Holcomb Select-O-Kill Selective Non-Volatile Weed Killer.	J. I. Holmcomb Manufacturing Co., 4415 Euclid Ave., Cleveland, Ohio 44103.

EPA registration No.	Product name	Registrant
359-54	Chipman Chlorax Liquid	Rhodia, Inc., Agricultural Division, P.O. Box 125, Monmouth Junction, N.J. 08852.
359-79	Chipman Sodium Chlorate 99 percent	Do.
359-186	Atlacide	Do.
359-245	Rhodia 2,4-D Butyl Ester 6	Do.
359-262	Chipman Chlorax "40"	Do.
359-399	Shed-A-Leaf "L"	Do.
359-400	Shed-A-Leaf	Do.
359-423	Rhodia 2,4-D Sodium Salt 95	Do.
359-440	Methoxone 2L	Do.
359-499	Bine-Trol Granular	Do.
359-512	Chipman Chlorax 285	Do.
359-524	Rhodia 2,4-D Low Volatile Ester 6	Do.
359-538	Chipman Propyl Butyl 33	Do.
359-551	Chlorax Liquid S.F. No. 2	Do.
359-585	Chipman 2,4-D Isopropyl Ester Technical	Do.
359-614	Atlacide Granular	Do.
449-152	Colorado 44 40 percent Butyl Ester Weed Killer	Farmland Industries, Inc., P.O. Box 7305, Kansas City, Mo. 64116.
449-311	SFA 20 percent 2,4-D Granules	Do.
449-331	Woodbury's Sure Death Brand No. 2 Low Vol. 2,4-D.	Do.
449-338	Sure Death Brand No. 6-D Low Vol. 2,4-D	Do.
449-339	Sure Death Brand LV 2,4-D Weed Killer	Do.
449-398	Sure Death Brand O.S. No. 6-D Low Vol. 2,4-D	Do.
449-454	Sure Death Brand Low-Vol O.S. 2,4-D	Do.
450-71	Lovol No. 4 2,4-D Ester Weed Killer	Miller Chemical Co., Inc., 1442 California St., Omaha, Nebr. 68102.
450-72	Miller No 4 Ester Weed Killer	Do.
450-73	Miller No. 6 Ester Weed Killer	Do.
450-76	Miller's Weedeth Amine Salt Weed Killer	Do.
464-150	Esteron 76-E	Dow Chemical Co., Agricultural Department, P.O. Box 1706, Midland, Mich. 48640.
464-309	Dow Muriatic Acid	Do.
464-373	Verton 4 D Weed and Brush Killer	Do.
464-459	Dow 2,4-D Isopropyl Ester	Do.
464-460	Dow 2,4-D Butylisopropyl Esters 50-50 Mixture	Do.
476-243	Methoxychlor 5 Dust	Stauffer Chemical Co., 1200 S. 47th St., Richmond, Calif. 94804.
476-679	Cythion-Sulfur 5-50 Dust	Do.
476-762	Cythion 25 WP	Do.
476-806	Stauffer Ferbam 76-WP	Do.
476-1554	Thiodan 50-WP	Do.
476-1981	Captan-Thiodan 5-2 Dust	Do.
476-2074	Cythion-Sulfur 4-50 Dust	Do.
476-2077	Captan-Thiodan 7.5-3 Dust	Do.
477-157	Farmrite Ferbam 76-W	Grow-All, Inc., Division of Central Chemical Corp., P.O. Box 918, Hagerstown, Md. 21740.
477-162	Farmrite Thiodan 50-W	Do.
477-253	Farmrite 3 percent Dichlone Dust	Do.
477-255	Farmrite 6 percent Dichlone Dust	Do.
477-256	Farmrite 9 percent Dichlone Dust	Do.
477-260	Farmrite Thiodan 3 percent Dust	Do.
554-31	Kill Weed Dust 1E-5	AGSCO Chemicals, Inc., P.O. Box 458, Grand Forks, N. Dak. 58201.
554-39	Kill Weed Dust 1E-8	Do.
557-1737	Vigoro Garden Weeder	Swift Agricultural Chemical Corp., 115 West Jackson Blvd., Chicago, Ill. 60604.
557-1842	Vigoro 2 in 1 Rose Care	Do.
569-54	Para Bomb-M	Haver-Lockhart Laboratories, Division of Bayvet Corp., Box 300, Shawnee Mission, Kans. 66201.
572-171	Rockland Banvel-D	Rockland Chemical Co., Inc., P.O. Box 809, West Caldwell, N.J. 07006.
595-233	Methoxychlor Dust No. 5	Haviland Products Co., 421 Ann St. NW., Grand Rapids, Mich. 49504.
595-271	Botran 6 percent Dust Fungicide	Do.
595-279	3 percent Methoxychlor Dust	Do.
602-175	Purina Weed Kill (Pressurized) Spot Treat Weeds.	Ralston Purina Co., 835 South 8th St., St. Louis, Mo. 63188.
635-455	Super Kill Delnav 25 (Wettable Powder)	E-Z Flo Chemical Co., Kirsto Co., P.O. Box 808, Lansing, Mich. 48903.
655-68	Prentox Nicotine Sulphate	Prentiss Drug and Chemical Co., Inc., 363 7th Ave., New York, N.Y. 10001.
655-427	Pyrethrum Dust Base 1 percent Pyrethrins	Do.
655-493	Prentox Pyrethrum Coil Powder	Do.
677-110	Crop Rider LV 4-D Weed Killer	Diamond Shamrock Chem. Co., 1100 Superior Ave., Cleveland, Ohio 44114.
677-161	Crop Rider "45"	Do.
702-12	Blitz 64 Liquid 2,4-D Weed Killer	ALFCO, Inc., P.O. Box 267, Marietta, Ohio 45750.
731-14	Chaperone Rabbit Repellent and Deer Repellent (Liquid).	Sudbury Laboratory, Inc., 572 Dutton Rd., Sudbury, Mass. 01776.
731-24	Chaperone Rabbit and Deer Repellent (Aerosol)	Do.
802-501	Miller's LV 2,4-D Ester 6E	The Chas. H. Lilly Co., 7737 NE Killingsworth, Portland, Oreg. 97218.
802-442	Miller's 2,4-Dichlorophenoxyacetic Acid Sodium Salt.	Do.
909-42	Cooke 5 percent Malathion Dust With Sulfur	Cooke Laboratory Products, P.O. Box 877, Pico Rivera, Calif. 90660.
961-83	Amine 40 2,4-D Weed Killer	Lebanon Chemical Corp., P.O. Box 180, Lebanon, Pa. 17042.
961-292	Expel Liquid Lawn Weed Killer	Do.
961-294	Expel Granular Lawn Weed Killer	Do.
961-296	Improved Two-Way Green Power	Do.
961-307	Homestead Weed and Feed 10-6-4 Fertilizer	Do.
961-325	Lebanon Turf Food Plus Weed Control With Iron 25-6-6.	Do.
1022-417	Chapman Bromacil 8P	Chapman Chemical Co., P.O. Box 9158, Memphis, Tenn. 38109.
1022-420	Chapman Bromacil 4P	Do.
1022-425	Chapman Bromacil 0.5 Liquid Weed Killer	Do.
1022-430	Chapman Weed-Free D-8P	Do.

EPA registration No.	Product name	Registrant
1023-18	Botran 50 percent Wettable Powder	Tuco Products Co., Division of Upjohn Co. 7171 Portage Rd., Kalamazoo, Mich. 49001.
1145-6	Amoco 2,4-D Weed Killer No. 2	Amoco Oil Co., 200 East Randolph Dr., Chicago, Ill. 60601.
1145-7	Amoco 2,4-D Granules	Do.
1145-17	Amoco 2,4-D, Weed Killer No. 5-Ester Concentration.	Do.
1145-18	Amoco 2,4-D LV Ester Low Volatile	Do.
1145-20	Amoco MCP Weed Killer	Do.
1145-21	Amoco 2,4-D Weed Killer No. 3E	Do.
1145-72	Amoco 2,4-D Weed Killer No. 6-B Emulsifiable concentrate.	Do.
1145-86	Amoco granular 2, 4-D for Corn	Do.
1145-117	Amoco 2,4-D LV 6	Do.
1145-131	Amoco 2,4-D Weed Killer No. 3-E-M	Do.
1180-15	Midland B-40, 2,4-D Weed Killer	Midland Cooperatives, Inc., 2021 East Hennepin Ave., Minneapolis, Minn. 55440.
1258-862	Ammo-Phos Lawn Fertilizer 12-12-12 Balan Pre-Emergence Herbicide Added.	Olin Chemicals, 120 Long Ridge Rd., Stamford, Conn. 06904.
1258-863	Ammo-Phos Lawn Fertilizer 12-12-12 Betasan Herbicide Added.	Do.
1269-116	DeWitt 38D70 Selective Weed Killer	Dewitt Chemical Co., P.O. Box 343, Atlanta, Ga. 30301.
1348-140	Selco TMTD-Rhoplex Rabbit and Deer Repellent.	Selco Supply Co., Collins Ave. and RR, Eaton, Colo. 80615.
1348-208	Selco Hornfly Dust	Do.
1430-14	Camp Lake Weed Killer (Amine)	Camp Chemical Co., 2d Ave. and 13th St., Brooklyn, N.Y. 11215.
1430-25	Killer Diller 2,4-D Weed Killer	Do.
1430-44	Weed Away Concentrate	Do.
1461-36	Linn 430 2,4-D Lawn Weed Killer	Linn Chemical Co., 9229 West Grand Ave., Franklin Park, Ill. 60131.
1471-15	Greenfield Rose Preen Weeds as it Feeds Roses	Elanco Products Co., A Division of Eli Lilly and Co., P.O. Box 1750, Indianapolis, Ind. 46206.
1471-38	Greenfield Flora Preen Weeds as it Feeds Flowers and Shrubs.	Do.
1526-412	Phoenix Brand Karathan 0.75	Chemical Distributors, DBA Arizona Agro., Co., P.O. Box 21537, Phoenix, Ariz. 85036.
1526-467	Agro-Chem Brand With 0.2 pct Thimet	Do.
1598-220	FCX 2 pct Methomyl Insecticide Dust	FCX, Inc., P.O. Box 2419, Raleigh, N.C. 27602.
1624-81	Liquid Weed Killer	U.S. Borax and Chemical Corp., P.O. Box 75128, Sanford Station, Los Angeles, Calif. 90075.
1624-89	Liquid Weed Killer B-5	Do.
1685-42	Formula 876 Sure-Kil Selective Weed Killer	The State Chemical Manufacturing Co., 3100 Hamilton Ave., Cleveland, Ohio 44114.
1691-72	Quist Selective Weed Killer No. 1700	Chemical Compounding Corp., 680 Elton Ave., Riverhead, N.Y. 11901.
1691-74	Quist No. 1706 Lake-Super Weed Killer	Do.
1691-75	Quist No. 1707 Lake Medium Weed Killer	Do.
1706-84	Nalkil Weed Killer DC-8 Granular	Nalco Chemical Co., 2901 Butterfield Rd., Oak Brook, Ill. 60521.
1842-111	Triangle 2 percent Phosdrin Dust	Triangle Chemical Co., P.O. Box 4538, Macon, Ga. 31208.
1990-330	Co-op Fertilizer Mixture contains 2 pct Disyston	Farmland Industries, Inc., P.O. Box 7305, Kansas City, Mo. 64116.
1990-341	Co-op Systemic Insecticide Granules	Do.
2139-111	Norex 50 WP Herbicide	Nor-Am Agricultural Products, Inc., 1275 Lake Ave., Woodstock, Ill. 60098.
2155-47	Formula 402 2,4-D Alkanolamine Weed Killer	I. Schneid, Inc., 1429 Fairmont Ave., NW., Atlanta, Ga. 30318.
2155-49	Formula 405 2,4-D Ester Weed Killer Concentrate.	Do.
2169-76	Dairy Cattle Dust	Patterson's Greenup Chemical Co., 1400 Union Ave., Kansas City, Mo. 64101.
2342-700	Fasco Gransil Super 85 Pellets	Kerr-McGee Chemical Corp., Kerr-McGee Center, Oklahoma City, Okla. 73125.
2342-702	Fasco Diphenamid 50 WP	Do.
2342-709	7-10-14 Plus .15D Contains 0.15 pct Di-Syston	Do.
2342-800	7-10-14 Plus 0.40D	Do.
2342-706	Fasco Diphenamid 80 WP	Do.
2342-802	0.20D Contains 0.20 pct Di-Syston	Do.
2342-805	10-20-10 Premium +D Contains 0.20 Di-Syston	Do.
2342-807	10-10-10-0.20D Contains 0.20 pct Di-Syston	Do.
2342-808	6-12-12+0.133D Contains 0.113 pct Di-Syston	Do.
2342-809	4-8-16+0.20D for Tobacco Contains 0.20 pct Di-Syston.	Do.
2342-810	8-8-8+0.250 Contains 0.25 pct Di-Syston	Do.
2342-811	8-16-14 Premium Plus 0.40D Contains 0.40 pct Di-Syston.	Do.
2342-829	10-20-20+0.625D Contains 0.625 pct Di-Syston	Do.
2342-833	6-8-6+0.166D Contains 0.166 pct Di-Syston	Do.
2342-834	8-16-16+0.20D Contains 0.20 pct Di-Syston	Do.
2342-837	16-8-8+D Contains 0.2 pct Di-Syston	Do.
2342-857	9 pct Dichlone Dust	Do.
2342-865	3 pct Dichlone Dust	Do.
2342-872	10-10-25+0.50D for Use on Spinach	Do.
2342-874	Dichlone 50-W	Do.
2342-884	8-16-24+D for Tobacco	Do.
2342-885	8-15-24+D for Tobacco	Do.
2342-924	6 Percent Phygon Dust	Do.
2491-136	Holiday Dandelion Killer	Koos, Inc., 4500 13th Ct., Kenosha, Wis. 53140.
2491-140	Mr. Turf's Dandelion Killer	Do.
2491-174	C to C Coastway Weed and Feed	Do.
2491-200	Mr. Turf's Double Action Weed Killer and Turf Fertilizer.	Do.
2491-211	Pure-Gro Weed and Feed	Do.
2491-215	Weed and Feed 20-10-5	Do.
2491-246	Town and Country Weed and Dandelion Killer	Do.
2491-265	Holiday 2,4-D Amine 4-WS Weed Killer	Do.
2491-269	Holiday Systemic 2 in 1 Rose Care	Do.

EPA registration No.	Product name	Registrant
3125-81	Metasystox-R 5 Percent Granular	Chemagro Agricultural Division, Mobay Chemical Corp., P.O. Box 4913, Kansas City, Mo. 64120.
3125-157	Di-Syston Concentrate for Production of 5 percent Granules.	Do.
3125-159	Di-Syston Concentrate for production of 2 percent Granules.	Do.
3125-211	Dasanit 15 percent Granular Ornamental and Turf Nematicide.	Do.
3442-682	USS Toxaphene 6 EC Delta	USS Agri-Chemicals, Division of United States Steel Corp., P.O. Box 1085, Atlanta, Ga. 30301.
3442-689	USS Methyl Parathion 4 EC Delta	Do.
3442-692	USS EPN-Methyl Parathion 2-A EC Delta	Do.
3442-693	USS EPN-Methyl Parathion 3-3 EC Delta	Do.
4185-280	Nutro Systemic Insect Control Rose Food	Smith-Douglass Division, Borden Chemical, Borden, Inc., P.O. Box 419, Norfolk, Va. 23501.
4185-304	Borden Chemical CTCB Nutro Weed Bomb	Do.
4185-315	Nutro Dandelion and Turf Killer	Do.
4185-372	Nutro Triple Action Rose Care	Do.
4185-381	Nutro Lawn Weed Killer	Do.
4185-394	Borden Nutro Systemic Weed and Feed	Do.
4456-470	Tempo Crabgrass Preventer	International Minerals and Chemical Corp., IMC Plaza, Libertyville, Ill. 60048.
4581-18	Malathion W-25	Pennwalt Corp., P.O. Box C, King of Prussia, Pa. 19406.
4581-83	10 percent Malathion Dust	Do.
4581-107	Penco Ferban D-87½	Do.
4581-144	Penco Thiram Animal Repellent	Do.
4581-151	5 percent Malathion Dust	Do.
5238-13	Mock's Green Magic 2,4-D Weed Killer	Mock Seed Co., P.O. Box 1525, Pittsburgh, Pa. 15230.
5265-7	Diamond Formaldehyde Solution	Diamond Laboratories, Inc., P.O. Box 863, Des Moines, Iowa 50304.
5278-3	Sta-Fresh No. 101	FMC Corp., Citrus Machinery Division, Box 1708, Lakeland, Fla. 33802.
5288-61	General Green Crabgrass Control	Federal Chemical Co., 646 Starks Bldg., Louisville, Ky. 40202.
5288-64	Lawn Master Crabgrass Control	Do.
5288-80	Revelation Weed and Feed	Do.
5288-85	Lakeshore 12-4-8 Turf Fertilizer With Weed Control.	Do.
5535-54	Gro Well Flower and Shrub Bed Weeder	J & L Adikes, Inc., 182-12 93d Ave., Jamaica, N.Y. 11423.
5967-85	Endosulfan Dust No. 4-25	Moyer Chemical Co., P.O. Box 945, San Jose, Calif. 95108.
5967-102	Grandak 5 Granular Herbicide	Do.
5967-115	Endosulfan Dust No. 5	Do.
6186-26	2,4-D Weed Killer	Damon Chemical Co., P.O. Box 480, Alliance, Ohio 44601.
6294-23	CMC Weed Killer 2,4-D	Comet Manufacturing Corp., 1381 Dalon Dr. NE., Atlanta, Ga. 30306.
6294-24	CMC Supercide Concentrated Weed Killer	Do.
6735-111	Farmacy Chlorate Defoliant	Tide Products, Inc., 800 North Closner, P.O. Box 1020, Edinburg, Tex. 78539.
6735-112	Tide Chlorate Defoliant	Do.
6837-21	Will Select Weed Killer	Wilmar, Inc., P.O. Box 3111, Charlotte, N.C. 28233.
6900-124	Formula 86G Crabgrass Killer	The J. J. Dill Co., P.O. Box 788, Kalamazoo, Mich. 49005.
7764-15	Heritage House One Step Systemic Rose and Flower Care.	Famco, Inc., 300 Lake Rd., Medina, Ohio 44256.
7985-2	Fibrex Root Insulator and Weeder	Masonite Corp., 29 North Wacker Dr., Chicago, Ill. 60606.
8450-8	Sno-Bol Liquid Toilet Bowl Cleaner	A. E. Staley Manufacturing Co., P.O. Box 151, Decatur, Ill. 62525.
8521-109	Gabriel Methoxychlor Technical	Gabriel Chemicals, Ltd., 204 21st Ave., Paterson, N.J. 07509.
8521-118	Gabriel Methoxychlor 50 percent Wettable Powder	Do.
8521-145	Gabriel Diuron 80 percent W.P	Do.
8521-148	Gabriel Diuron Technical	Do.
8590-264	2,4-D Weed Killer	Agway, Inc., P.O. Box 1333, Syracuse, N.Y. 13201.
8590-288	Ferti-Flow With 0.20 percent Insecticide (Disyston).	Do.
8590-295	Ferti-Flow W/0.60 percent Insecticide (Disyston)	Do.
8590-318	Agway Louse Powder With 3 percent Clodrin Dust.	Do.
8660-3	Rocket 10-5-6 With Systemic Insecticide	Sta-Green Plant Food Co., P.O. Box 540, Sylacauga, Ala. 35150.
8764-8	Sta-Fresh 102	FMC Corp., Citrus Machinery Division, P.O. Box 552, Riverside, Calif. 92502.
8773-2	Phillips 66 Butyl Ester 6 No. 2,4-D Weed Killer	American Fertilizer and Chemical Co., P.O. Box 98, Henderson, Colo. 80640.
8823-1	Habco Chlorate Liquid No. 1	Habco, Inc., 10501 Wayzata Blvd., Hopkins, Minn. 55343.
8823-9	Habco 10K	Do.
9461-47	Navicote Vinyl Antifouling White M-080	Celanese Coatings and Specialties Co., P.O. Box 99038, Jeffersontown, Ky. 40269.
9779-126	Riverside Herbicide Low Volatile 4D	Riverside Chemical Co., P.O. Box 17119, Memphis, Tenn. 38117.
9779-127	Riverside Herbicide A-4D—2,4-D	Do.
9876-44	Columbia Brand Tobacco Fertilizer Contains 0.4 percent Di-Syston.	Columbia Nitrogen Corp., P.O. Box 1483, Augusta, Ga. 30903.
9876-45	Columbia Brand Tobacco Fertilizer Contains 0.2 percent Di-Syston.	Do.
9936-1	Grace Fertilizer Contains 0.3 percent Di-Syston	W. R. Grace & Co., Agricultural Chemical Group, 100 North Main St., Memphis, Tenn. 38101.
9936-2	Grace Fertilizer Contains 0.2 percent Di-Syston	Do.
9936-3	Grace Fertilizer Contains 1.0 percent Di-Syston	Do.
9936-4	Grace Fertilizer Contains 0.7 percent Di-Syston	Do.
9936-5	Grace Fertilizer Contains 0.4 percent Di-Syston	Do.
9936-6	Grace 16-20-0 Fertilizer Contains 0.6 percent Di-Syston.	Do.
9936-7	Grace Fertilizer Contains 0.5 percent Di-Syston	Do.
9936-8	Grace Fertilizer Contains 0.9 percent Di-Syston	Do.
10645-1	Home Pride Pre-Emergence Crabgrass Killer With 10-6-4 Fertilizer.	Jubilee Products, Inc., 1014 Vine St., Cincinnati, Ohio 45201.

EPA registration No.	Product name	Registrant
10050-11	Oxy Diuron Weedkiller	Occidental Chemical Co., P.O. Box 1185, Houston Tex. 77001.
10050-42	Tru-Green Weed-n-Feed	Do.
10050-43	Super Turf Lite Weight Weed-n-Feed	Do.
11050-4	Western Farm Service Amine 4 Herbicide	Western Farm Service, Inc., c/o Shell Chemical Co., 1025 Connecticut Ave., NW., Washington, D.C. 20036.
11658-1	Zelan Dyram 20 Diuron Weed Killer Wettable Powder.	Ivon Watkins-Dow Ltd., P.O. Box 144, New Plymouth, New Zealand.
22427-6	Allied Services Al-Stop 4B	Allied Services, Division of Allied Equities Corp., 765 Landess Ave., Milpitas, Calif. 95035.
32973-1	1 percent Malathion Dusting Powder	Department of Health, Education, and Welfare, Public Health Service, Supply Service Center, Perry Point, Md. 21902.

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DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AA-6688-A]

ALASKA

Native Claims Selection

On December 22, 1961, the State of Alaska filed general purposes selection applications A-056426 and A-056427, as amended, pursuant to section 6(b) of the Alaska Statehood Act. The applications selected lands near the Native village of Ouzinkie. On April 24, 1964 decisions to tentatively approve were issued for certain lands within Ts. 25 and 26 S., Rs. 19 and 20 W., Seward Meridian (A-056427) and certain lands within T. 27 S., R. 20 W., Seward Meridian (A-056426).

On December 18, 1971, section 11 of the Alaska Native Claims Settlement Act (85 Stat. 688) withdrew the lands surrounding the village of Ouzinkie including the lands in the subject state selections for Native selection. On September 24, 1974, Ouzinkie Native Corporation filed village selection application AA-6688-A under the provisions of section 12(a) of the act for lands located near the village, including all lands within the subject state selections. The application was amended on December 13, 1974 to give a new description of the lands to be selected and to supersede the previously filed application.

Subsection 12(a)(1) of the act provides that village selections "shall be made from lands withdrawn by subsection 11(a)." Subsection 11(a)(2) withdrew for possible selection by the Native corporation those lands "that have been selected by, or tentatively approved to, but not yet patented to, the State under the Alaska Statehood Act."

The following described lands, which were state selected and were tentatively approved in part have been properly selected by village selection application AA-6688-A. Accordingly, the tentative approval given in the decisions of April 24, 1964 is hereby vacated in part and State selection applications A-056426 and A-056427 are rejected as to the following described lands:

STATE SELECTION A-056426

T. 27 S., R. 20 W., Seward Meridian, Alaska (Unsurveyed),
Secs. 3 to 8, inclusive;
Secs. 17, 18 and 20.

STATE SELECTION A-056427

U.S. SURVEY 5690

T. 25 S., R. 19 W., Seward Meridian, Alaska (Unsurveyed),
Sec. 31 (fractional).
T. 25 S., R. 20 W., Seward Meridian, Alaska (Unsurveyed),
Secs. 23, 26 and 34 (fractional);
Secs. 35 and 36 (fractional).
T. 26 S., R. 19 W., Seward Meridian, Alaska (Unsurveyed),
Secs. 6, 7 and 8 (fractional);
Sec. 14 (fractional);
Sec. 15 (fractional), excluding Native allotment AA-2911 Parcel B;
Secs. 16, 17 and 18 (fractional);
Sec. 19 (fractional), excluding U.S. Survey 1671 and Native alloments AA-7571 and AA-2911 Parcel A;
Sec. 20 (fractional), excluding Native allotment AA-7571;
Sec. 21;
Sec. 22 (fractional), excluding Native allotment AA-2911 Parcel B;
Secs. 23, 26 and 27 (fractional);
Sec. 28 (fractional), excluding U.S. Survey 470 Tracts B and C and Native allotments AA-5970 Parcel B and AA-7572;
Sec. 29 (fractional), excluding Native allotment AA-7571;
Sec. 30 (fractional), excluding U.S. Survey 2583 and Native allotment AA-2911 Parcel A;
Secs. 32 and 33 (fractional).
T. 26 S., R. 20 W., Seward Meridian, Alaska (Unsurveyed)
Sec. 1 (fractional);
Sec. 2 (fractional), excluding U.S. Survey 3256 and 3255 and Native allotment AA-7387;
Sec. 3 (fractional);
Sec. 10 (fractional), excluding U.S. Survey 4871 and Native allotment AA-6114;
Sec. 11 (fractional), excluding Native allotments AA-6077 Parcels A and B and AA-6114;
Secs. 12 and 13;
Sec. 14, excluding U.S. Surveys 4871 and 1702;
Secs. 18, 19 and 20 (fractional);
Sec. 21 (fractional), excluding U.S. Survey 4871 and Native allotment AA-7370;
Sec. 22 (fractional), excluding Executive Order 4257 and Native allotment AA-7383;
Sec. 24 (fractional);
Sec. 27;
Sec. 28, excluding Native allotment AA-7147;
Sec. 29 (fractional), excluding Native allotments AA-7386 Parcel A, AA-8052, AA-7192 Parcel A, AA-7556 and AA-7147;
Secs. 30 and 31;
Sec. 32, excluding Native allotments AA-7192 Parcel A and AA-7556;
Secs. 33 and 34.

Aggregating approximately 20,222 acres.

Further action on the subject State selection applications, as to those lands not rejected herein, will be taken at a later date.

The above described lands and the lands described as follows were available and properly selected by the village of Ouzinkie pursuant to section 12(a) of the act. The subject lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the above described lands excluding U.S. Survey 5690 and the lands described as follows, aggregating approximately 42,054.85 acres, of which approximately 21,988 acres are in the Chugach National Forest, are considered proper for acquisition by the Ouzinkie Native Corporation, and are hereby approved for interim conveyance pursuant to section 14(a) of the act:

The following lands are within the Chugach National Forest.

T. 24 S., R. 18 W., Seward Meridian, Alaska (Unsurveyed),
Secs. 5 and 6 (fractional).
T. 24 S., R. 19 W., Seward Meridian, Alaska (Unsurveyed),
Secs. 1, 2 and 3 (fractional);
Sec. 4 (fractional, excluding U.S. Survey 454 Tract E and Native allotment AA-7070 Parcel A;
Sec. 5 (fractional), excluding Native allotment AA-7070 Parcel A;
Secs. 6, 11, 12 and 14 (fractional).
T. 24 S., R. 20 W., Seward Meridian, Alaska (Unsurveyed),
Secs. 1 and 2 (fractional);
Sec. 3;
Secs. 4 to 7, inclusive (fractional);
Secs. 9, 10 and 11 (fractional);
Secs. 15, 16 and 18 (fractional);
Secs. 21 and 22 (fractional).
T. 24 S., R. 21 W., Seward Meridian, Alaska (Unsurveyed),
Secs. 1 to 12, inclusive;
Sec. 13 (fractional);
Secs. 14 to 18 inclusive;
Secs. 22 and 23;
Secs. 24, 25 and 26 (fractional);
Sec. 27;
Sec. 34 (fractional), excluding Native allotment AA-7914;
Sec. 35 (fractional).

U.S. Survey 5690 and U.S. Survey 4871 Tract A, block 15, lot 7 aggregating 155.17 acres were available and properly selected. The lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title. Therefore, U.S. Survey 5690 and U.S. Survey 4871 Tract A, block 15, lot 7 are considered proper for acquisition by Ouzinkie Native Corporation and are hereby approved for patent pursuant to section 14 (a) of the act.

The conveyance issue for the surface estate of the lands described above shall contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

2. A right-of-way thereon for the construction of railroads, telegraph and telephone lines, as prescribed and directed

by the act of March 12, 1914, 38 Stat. 305, 43 U.S.C. 975(d).

3. The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688; 43 U.S.C. 1601–1624.

4. Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971, 85 Stat. 688, the following public easements referenced by easement identification number (EIN) on the easement maps in case file AA–6688–EE are reserved to the United States and subject to further regulation thereby:

a. (EIN D9–10) A streamside easement twenty-five (25) feet in width upland of and parallel to the ordinary high-water mark on all banks and an easement on the entire bed of Marka Creek from the Tidewater on Marka Bay upstream to the north boundary of section 15, T. 24 S., R. 21 W., Seward Meridian. Purpose is to provide for public use of waters having highly significant present recreational use.

b. (EIN D9–31) An easement for an existing access trail twenty-five (25) feet in width from Neva Cove to Monashka Bay. The trail follows the right bank of the creek for the first one-quarter (¼) mile as it leaves Neva Cove. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

c. (EIN F–22) An easement one hundred (100) feet in width for a proposed road from the head of Kazakof Bay in section 33, T. 22 S., R. 20 W., Seward Meridian, to Afognak Bay in section 29, T. 24 S., R. 21 W., Seward Meridian for access to public lands from public waters. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

d. (EIN F–29) An easement one hundred (100) feet in width for a proposed road from the Afognak Bay road (F–22) in section 17, T. 24 S., R. 21 W., Seward Meridian southwesterly to public lands for access to isolated public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

e. (EIN F–37) An easement for a proposed access trail twenty-five (25) feet in width from proposed road easement F–29 in section 18, T. 24 S., R. 21 W., Seward Meridian northwesterly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

f. (EIN P–1) A continuous easement twenty-five (25) feet in width upland of and parallel to the mean high tide line in order to provide access to and along the marine coastline and use of such shore for purposes such as the beaching of watercraft or aircraft, travel along the shore, recreation, and other similar uses. Deviations from the waterline are permitted when specific conditions so require, e.g., impassable topography or waterfront obstruction. This easement is subject to the right of the owner of the servient estate to build upon such easement a facility for public or private purposes, such right to be exercised reasonably and without undue or unnecessary interference with or obstruction of the easement. When access along the marine coastline easement is to be obstructed, the owner of the servient estate will be obligated to convey to the United States, an acceptable alternate access route, at no cost to the United States, prior to the creation of such obstruction.

g. (EIN P–4) An easement for an existing access trail twenty-five (25) feet in width from Ouzinkie southeasterly to Sunny Cove. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

h. (EIN P–11) The right of the United States to enter upon the lands herein for cadastral, geodetic or other survey purposes, together with the right to do all things necessary in connection therewith.

The grant of the above described land is subject to:

1. Issuance of a patent confirming the boundary description of the lands granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act (72 Stat. 339, 341)), contract, permit, right-of-way, or easement and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him;

3. Requirements of section 14(c) of the Alaska Native Claims Settlement Act, 85 Stat. 688, 703; 43 U.S.C. 1613(c), that the grantee hereunder convey those portions, if any, if the land hereinafter granted, as are prescribed in said section;

4. Requirements of section 22(k) of the Alaska Native Claims Settlement Act, 85 Stat. 688, 703; 43 U.S.C. 1621(k), that (a) the above-described lands are located within the boundaries of a national forest and that until December 18, 1976, the sale of timber from such lands be subject to the same restrictions relating to the export of timber from the United States as are applicable to national forest lands in Alaska under rules and regulations of the Secretary of Agriculture; and that (b) until December 18, 1983, such lands shall be managed under the principle of sustained yield and under management practices for protection and enhancement of environmental quality no less stringent than such management practices on adjacent national forest lands; and

5. The terms and conditions of the agreement dated November 12, 1976 between the Secretary of the Interior, Koniag, Inc., Ouzinkie Native Corporation, and other Koniag village corporations. A copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in the Bureau of Land Management case file for Ouzinkie Native Corporation, serialized AA–6688–EE. Any person wishing to examine this agreement may do so at the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

Conveyance to the subsurface estate of the land described above will be granted to Koniag, Inc. pursuant to section 14(f) of the act, when conveyance is granted to Ouzinkie Native Corporation for the surface estate. Interim conveyance of the remaining entitlement will be made at a later date.

There are no inland water bodies known to be navigable by reason of travel, trade, and commerce within the areas described above.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks, in the Anchorage Daily Times and Kodiak Times. Any party claiming a property interest in land affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 and with a copy served upon the Bureau of Land Management and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501; also:

1. Any party receiving actual notice of this decision shall have 30 days from the receipt of actual notice to file an appeal.

2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign a receipt for actual notice, shall have until July 7, 1977, to file an appeal.

3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived their rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

4. If Ouzinkie Native Corporation or Koniag, Inc., objects to any easement identified herein for reservation in the conveyance, which is subject to the discretion of the State Director and not reserved pursuant to an express Secretarial directive, they must file a petition for reconsideration with the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501, or it will be deemed that they have waived the right to contest it. A copy of the petition should be served upon the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of, and requirements for, filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

ROBERT E. SORENSON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.77–16070 Filed 6–6–77;8:45 am]

NEVADA

Off-Road Vehicle Closure of Blue Lake Area

As described in the Blue Lake Area Closure Plan, an area of approximately 16,000 acres is designated closed to vehicle use. Except for portions lying on the eastern extremities this area is unsurveyed. Thus, to delineate the area, the attached map is necessary.

The area is best described as beginning near Wood Camp at the northwest corner of Section 19, T. 44 N., R. 30 E., Mt. Diablo Meridian, then proceeding south for 1.3 miles to the northeast corner of Section 17, then west for 1.1 miles to the north quarter corner in Section 18, then south for 2.1 miles to the quarter corner between Sections 19 and 30 and then west for 1 mile to a point lying approximately .2 mile southeast of a peak whose elevation is 7772 feet and .4 mile due north of Chicken Creek and then south for 1 mile to a point located ½ mile west of the southwest corner of Section 30, then 2.6 miles due west to a point .1 mile west of Snow Creek intersecting the jeep trail from Rodeo Flat to McCully Cabin, then following the jeep train south and west around the mountain with an elevation of 7580 feet and continuing north past Rodeo Flat Spring, intersecting the Knott Creek Reservoir, Little Onion Reservoir Trail, then continuing north along the trail, past Hollwood Meadow to a point 100 yards south of the line shack located near Little Onion Reservoir, then to a point 200 yards east, then north 300 yards to a point, then west to rejoin the Knott Creek Reservoir, Little Onion Reservoir Trail, continuing north along that trail until the 7200 contour interval is reached, which is located approximately .2 mile from the southwest shore of Onion Valley Reservoir. The boundary then follows the contour eastward to a point 150 yards beyond the unnamed stream that flows in a northwest direction to the southeast part of Onion Valley Reservoir.

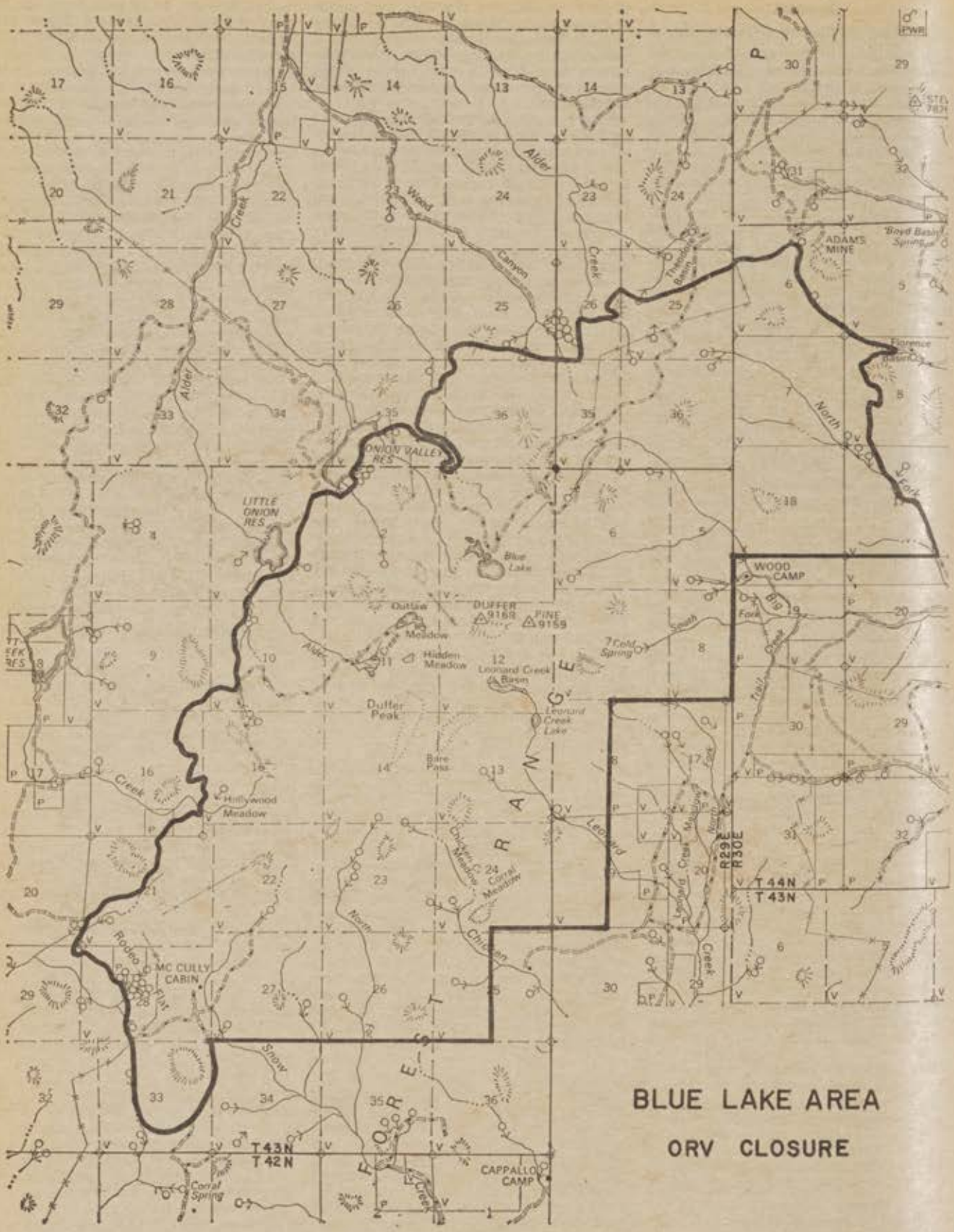
The boundary then proceeds due west to the shoreline of Onion Valley Reservoir and then follows the shoreline north to the Theodore Basin, Onion Valley Reservoir Trail, also known as the Cow Trail, and then following said trail northward to a point 50 feet southwest of the centerline of the Blue Lake, Onion Valley Reservoir Trail and then following the Blue Lake, Onion Valley Reservoir Trail towards Blue Lake, maintaining a distance of 50 feet from the centerline of the road to a point .5 from Blue Lake, also known as the Blue Lake Threshold and then crossing the road and returning along the road, but maintaining a distance of 50 feet from the centerline and returning to the Onion Valley Reservoir, Theodore Basin Road (The Cow Trail) and then continuing in a northeast direction along said road to the intersection of the Theodore Basin, Blue Lake Road and then east to the Adams Mine, Florence Basin jeep trail and then following this trail to the intersection of the Florence Basin, North Fork Big Creek Trail and then following the Florence Basin, North Fork Big Creek Trail to the north section line of Section 20, T. 44 N., R. 30 E., and then heading west for 1.9 miles to the northwest corner of Section 19, T. 44 N., R. 30 E., the starting point.

Copies of the Blue Lake Closure Plan are available at the Bureau of Land Management District Office, Winnemucca, Nevada, or by mail from the Bureau of Land Management, Room 3008, Federal Building, 300 Booth Street, Reno, Nevada 89509.

This closure is made to protect the natural values of the area until a wilderness review can be completed. The closure to vehicular use will provide for better resource management in protecting and preserving the unique natural values of the area. Blue Lake was formed by a glacier, a unique event in Nevada. The area is of high scenic quality. The designation will be effective July 7, 1977 and remain in effect until further notice.

Authority for this closure is contained in the CFR, Title 43, Subchapter F—Outdoor Recreation and Wildlife Management 6010.4: Areas may be closed temporarily to prevent excessive erosion, prevent unnecessary destruction of plant life and wildlife habitat, protect the natural environment, and preserve areas having cultural or historical value. Further authority can be found in Section 603(c) of P.L. 94-579, the Federal Land Policy and Management Act of 1976 which says "the Secretary shall * * * manage such lands * * * in a manner so as not to impair the suitability of such areas for preservation as a wilderness * * *." and "the Secretary shall by regulation or otherwise take any action required to prevent unnecessary or undue degradation of the lands and their resources." This closure is also consistent with 43 CFR 6292.4(a) which relates to off-road vehicles, the National Environmental Policy Act of 1969, and Executive Order 11644.

EDWARD R. EVATZ,
Chief, Division of Resources.



[FR Doc. 77-16027 Filed 6-6-77;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, and Corrections

By notice in the FEDERAL REGISTER of February 1, 1977, Part IX, there was published a list of the properties included in the National Register of Historic Places. Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 16 U.S.C. 470 et seq. (1970 ed.), and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800.

JERRY L. ROGERS,
Chief, Office of Archeology and Historic Preservation.

The following properties have been added to the National Register since May 3, 1977. National Historic Landmarks are designated by NHL; properties recorded by the Historic American Buildings Survey are designated by HABS; and properties recorded by the Historic American Engineering Record are designated by HAER.

ALABAMA

Jackson County

Stevenson, *Fort Harker*, S of AL 117 (5-2-77).

Macon County

Shorter vicinity, *Atasi Site*, N of Shorter (4-18-77).

Tuscaloosa County

Tuscaloosa, *Alabama Insane, Hospital*, University Blvd. (4-18-77).

ALASKA

Kenai-Cook Inlet Division

Kenai vicinity, *Holm, Victor, Cabin*, SW of Kenai on Cohoe Rd. at Kasilof River (4-13-77).

Nome Division

Nome, *Donaldson*, Belmont Point (4-11-77).
Teller vicinity, *Pilgrim Hot Springs*, E of Teller on Kugarock Rd. (4-11-77).

Upper Yukon Division

Arctic Village, *Mission Church*, E fork of Chandalar River (4-11-77).

ARIZONA

Yavapai County

Prescott, *Yavapai County Courthouse*, Courthouse Sq. (4-13-77).

ARKANSAS

Franklin County

Altus vicinity, *Wiederkehr Wine Cellar*, N of Altus at St. Mary's Mountain (5-2-77).
Ozark vicinity, *The Cabins (Deane Summer House)*, W of Ozark on AR 219 (4-13-77).

Ouachita County

Camden, *Old Camden Post Office*, 133 Washington St., SW (5-2-77).

Prairie County

Des Arc, *Prairie County Courthouse*, Main St. (4-18-77).

CALIFORNIA

Alameda County

Alameda, *Alameda High School*, 2200 Central Ave. (5-12-77).

Los Angeles County

Bell, *Bell, James George, House*, 6500 Lucille Ave. (4-18-77).

Napa County

Calistoga, *Napa Valley Railroad Depot*, Lincoln Ave. and Fair Way (4-18-77).
Napa, *Churchill Manor*, 485 Brown St. (4-18-77).
Napa, *Hatt Building*, 5th and Main Sts. (5-2-77).

Riverside County

Riverside, *San Pedro, Los Angeles, & Salt Lake R.R. Depot*, 3751 Vine St. (4-18-77).

San Bernardino County

Redlands and vicinity, *Mill Creek Zanja*, Sylvan Blvd. E to Mill Creek Rd. (5-12-77).

San Mateo County

San Gregorio, *San Gregorio House*, Old Stage Rd. (5-6-77) *HABS*.

Tulare County

Mineral King vicinity, *Quinn Ranger Station*, S of Mineral King on Sequoia National Park (4-13-77).
Visalia, *The Pioneer*, 27000 S. Mooney Blvd. (5-5-77).

Ventura County

Ventura, *Dudley House*, 4085 Telegraph Rd. (5-12-77).

COLORADO

El Paso County

Colorado Springs, *Claremont*, 21 Broadmoor Ave. (4-13-77).

DELAWARE

Kent County

Dover, *Dover Green Historic District*, bounded by Governors Ave., North, South, and East Sts. (5-5-77).

New Castle County

New Castle, *Amstel House*, Delaware and 4th Sts. (5-12-77) HABS.
Newark vicinity, *Eastburn-Jeanes Lime Kilns Historic District*, N of Newark on Limestone Rd. (4-28-77) HAER.

Sussex County

Lewes, *Russell, William, House*, 410 Pilot Town Rd. (4-18-77).

GEORGIA

Chatham County

Savannah, *Massie Common School House*, 207 E. Gordon St. (4-13-77).

Fulton County

Atlanta, *Hurt Building*, 45 Edgewood Ave., NE (4-13-77).

IDAHO

Ada County

Boise, *Moore-Cunningham House*, 1109 Warm Springs Ave. (4-29-77) HABS.

ILLINOIS

Lake County

Zion, *Shiloh House*, 1300 Shiloh Blvd. (5-12-77).

INDIANA

Monroe County

Bloomington, *Wylie, Andrew, House*, 307 E. 2nd St. (4-18-77).

Switzerland County

Patriot vicinity, *Merit-Tandy Farmstead*, NE of Patriot on IN 156 (4-29-77).

Vanderburgh County

Evansville vicinity, *Hooker-Ensle-Pierce House*, 6531 Oak Hill Rd. (4-28-77).

IOWA

Blackhawk County

LaPorte City, *LaPorte Town Hall and Fire Station*, 413 Chestnut (5-12-77).

Crawford County

Denison, *Chamberlin, Clarence D., House*, 1434 2nd Ave. S. (4-28-77).

Des Moines County

Sperry vicinity, *Baptist Church*, W of Sperry off U.S. 61 (4-18-77).

Johnson County

Iowa City vicinity, *First Welsh Congregational Church*, 5 mi. SW of Iowa City off IA 1 (4-13-77).
Solon vicinity, *Buresh Farm*, W of Solon off IA 382 (4-29-77).

Mitchell County

Stacyville vicinity, *Union Presbyterian Church*, NW of Stacyville (4-13-77).

Webster County

Fort Dodge, *Oak Hill Historic District*, 8th-12th Sts., 2nd and 3rd Aves. (5-5-77).

KANSAS

Johnson County

Hillsdale Archeological District. Reference—see Miami County.

Miami County

Paola vicinity, *Hillsdale Archeological District*, NW of Paolo (5-12-77) (also in Johnson County).

Russell County

Lucas, *Garden of Eden*, 2nd and Kansas Ave. (4-28-77).

KENTUCKY

Fayette County

Lexington vicinity, *Paris Pike Historic District*, NE of Lexington, both sides of U.S. 27/68 (5-16-77).

Jefferson County

Louisville, *Louisville Trust Building*, 208 S. 5th St. (4-18-77).
Louisville, *Tompkins-Buchanan House*, 851 S. 4th St. (4-27-77).

Knott County

Hindman vicinity, *Stewart, Dr. Jasper, House*, 5.75 mi. N of Hindman (4-18-77).

Trigg County

Golden Pond vicinity, *Center Furnace*, N of Golden Pond (5-12-77).

Wayne County

Mt. Pisgah, *Adkins-Hurt Mill*, off KY 167 (5-6-77).

LOUISIANA

Assumption Parish

Napoleonville, *Christ Episcopal Church and Cemetery*, LA 1 between Courthouse St. and LA 1008 (5-2-77).

Iberia Parish

New Iberia, *Episcopal Church of the Epiphany*, 303 W. Main St. (4-29-77).

Jefferson Parish

Metairie, *Camp Parapet Powder Magazine*, Arlington St., E of Causeway Blvd. (5-24-77).

Rapides Parish

Cheneyville vicinity, *Loyd Hall Plantation*, NW of Cheneyville on Loyd Bridge Rd. (4-29-77).

St. Landry Parish

Opelousas, *Prudhomme, Michel, House*, 1152 Prudhomme Circle (5-24-77).

MAINE

Kennebec County

Waterville, *Waterville Post Office*, Main and Elm St. (4-18-77).
Winslow vicinity, *Brick School*, S of Winslow on Cushman Rd. (4-18-77).

Knox County

Rockland, *Knox County Courthouse*, 62 Union St. (4-18-77).

Lincoln County

Boothbay Harbor, *Boothbay Harbor Memorial Library*, ME 27 (4-18-77).

MARYLAND

Montgomery County

Bethesda, *Bethesda Meetinghouse*, 9400 Wisconsin Ave. (4-18-77).

Washington County

Boonsboro, *Boteman House*, 323 N. Main St. (4-29-77).

MASSACHUSETTS

Middlesex County

Concord, *Post House*, 153 Fairhaven Rd. (4-18-77).

Norfolk County

Norwood, *Day, Fred Holland, House*, 93 Day St. (4-18-77).

MINNESOTA

Cottonwood County

Windom, *Cottonwood County Courthouse*, 10th St. (4-18-77).

Hennepin County

Excelsior, *Wyer-Pearce House*, 201 Mill St. (4-18-77).
Minneapolis, *Lohmar, John, House*, 1514 Dupont Ave., N. (4-18-77).

Koochiching County

Island View vicinity, *Gold Mine Sites*, NE of Island View (5-6-77).

Pipestone County

Pipestone, *Pipestone Architectural District*, Main St. (5-2-77).

Rice County

Faribault, *Congregational Church of Faribault*, 227 NW 3rd St. (5-12-77).

Rock County

Luverne, *Rock County Courthouse and Jail*, Cedar St. N. and Luverne St. E. (4-18-77).

MISSISSIPPI

Adams County

Natchez vicinity, *Elizabeth Female Academy Site*, E of Natchez on U.S. 84/98 (5-6-77).

Jefferson County

Church Hill, *Christ Church*, MS 553 (5-6-77) HABS.

Lowndes County

Columbus, *Hickory Sticks (Weir-Haden House)*, 1206 N. 7th St. (4-29-77).

Warren County

Vicksburg, *St. Francis Xavier Convent*, 1021 Crawford St. (4-18-77).

MISSOURI

Carroll County

Carrollton, *U.S. Post Office*, 101 N. Folger St. (5-12-77).

Jackson County

Kansas City, *Kansas City Public Library*, 500 E. 9th St. (5-23-77).
Kansas City, *Scarritt, Edward Lucky, House*, 3500 Gladstone Blvd. (5-23-77).
Kansas City, *Waldo Water Tower*, 75th St. and Holmes Rd., Tower Park (4-18-77).
Kansas City, *Warner, Maj. William, House*, 1021 Pennsylvania Ave. (5-23-77).

St. Louis (independent city)

Campbell, Robert G., House, 1508 Locust St. (4-21-77) HABS.

MONTANA

Carbon County

Dryhead vicinity, *Ewing-Snell Ranch*, S of Dryhead (5-12-77).

NEBRASKA

Polk County

Osceola, *Mickey, Gov. John Hopwood, House*, State St. (5-12-77).

Saunders County

Ashland vicinity, *Beetison, Israel, House*, SE of Ashland (4-18-77).

NEW JERSEY

Burlington County

Moorestown vicinity, *Ivins-Conover House*, N of Moorestown off U.S. 130 on Cox Rd. (4-29-77).
Smithville, *Smithville Historic District*, off NJ 38 (5-12-77).

Cumberland County

Cedarville vicinity, *Old Stone Church*, N of Cedarville on NJ 553 (5-12-77) HABS.

Hudson County

Hoboken, *Church of the Holy Innocents*, Willow Ave. and 6th St. (5-24-77).
Jersey City, *Barrow, Dr. William, Mansion*, 83 Wayne St. (5-2-77).

Mercer County

Titusville vicinity, *Phillips, Joseph, Farm*, N of Titusville on Hunter Rd. (5-2-77).
Trenton, *Trenton Battle Monument*, Warren and Broad Sts. (5-6-77).

Middlesex County

Perth Amboy, *St. Peter's Episcopal Church*, Rector and Gordon Sts. (5-12-77).

Union County

Elizabeth, *First Presbyterian Church of Elizabeth*, 14-44 Broad St. (5-6-77) HABS.

NEW MEXICO

Bernalillo County

Albuquerque, *KiMo Theater*, 421 Central Ave. (5-2-77).
Albuquerque, *Rancho de Carnue Site*, off U.S. 66 (5-4-77).

Sandoval County

Bernalillo, *Our Lady of Sorrows Church*, U.S. 85 (4-29-77).
Bernalillo vicinity, *Jemez Pueblo*, 28 mi. N of Bernalillo on NM 4 (5-2-77).

Santa Fe County

Santa Fe, *Hayt-Wientge House*, 620 Paseo de la Cuma (5-6-77).

NEW YORK

New York County

New York, *Fraunces Tavern Block*, bounded by Pearl, Water, Broad Sts. and Coenties Slip (4-28-77).
New York, *New York Cancer Hospital*, 2 W. 106th St. (4-29-77).

Onondaga County

Syracuse, *Loew's State Theater*, 362-374 S. Salina St. (5-2-77).

NORTH CAROLINA

Alamance County

Alamance vicinity, *Holt, L. Banks, House*, S of Alamance on NC 62 (4-18-77).

Lincoln County

Denver vicinity, *Graham, William A. Jr., Farm*, S of Denver on SR 1360 (5-6-77).

Moore County

Southern Pines, *Boyd, James, House*, Ridge Rd. and Connecticut Ave. (5-12-77).

Vance County

Kittrell vicinity, *Capehart, Thomas, House*, W of Kittrell on SR 1105 (5-6-77).

OHIO

Hamilton County

Cincinnati, *Mills' Row*, 2201-2209 Park Ave. (4-29-77).

Summit County

Everett vicinity, *Everett Knoll Complex*, S of Everett (5-25-77).

OKLAHOMA

Comanche County

Fort Sill, *Camp Comanche Site*, Off U.S. 277 (5-12-77).

PENNSYLVANIA

Centre County

Madisonburg, *Pickle, Simon, Stone House*, jct. of PA 192 and PA 445 (4-18-77).
Spring Mills vicinity, *Allison, William, House*, 1 mi. W of Spring Mills on PA 45 (4-18-77).

Crawford County

Meadville, *Bently Hall*, Allegheny College campus (5-6-77) HABS.

Northampton County

Easton, *Seipsville Hotel*, 2912 Old Nazareth Rd. (5-6-77).

Warren County

Warren, *Warren County Courthouse*, Market St. and 4th Ave. (4-18-77).

Wayne County

South Canaan vicinity, *Octagon Stone Schoolhouse*, 1 mi. SW of South Canaan (5-6-77).

RHODE ISLAND

Bristol County

Bristol, *Mount Hope Farm (Gov. William Bradford House)*, Metacom Ave. (5-2-77) HABS.

SOUTH CAROLINA

Cherokee County

Gaffney, *Davis, Winnie, Hall*, 1115 College Dr. (4-29-77).

Horry County

Conway vicinity, *Hebron Church*, 10 mi. S of Conway off U.S. 701 (5-16-77).

TENNESSEE

Scott County

Huntsville vicinity, *Paint Rock Creek Covered Bridge*, SE of Huntsville on Jacksboro Rd. (4-18-77).

Shelby County

Memphis, *Porter, Dr. D. T., Building*, 10 N. Main St. (4-18-77).
Memphis, *Rayner, Eli, House*, 1020 Rayner St. (5-9-77).

Williamson County

Thompson Station vicinity, *Homestead Manor*, N of Thompson Station on U.S. 31 (4-29-77).

Wilson County

Lebanon, *Memorial Hall, Cumberland University*, Cumberland University campus (4-29-77).
Lebanon, *Pickett Chapel Methodist Church*, E. Market St. (4-18-77).

TEXAS

Hudspeth County

Allamore vicinity, *Red Rock Archeological Complex*, 4.8 mi. NE of Allamore (5-2-77).

VERMONT

Windham County

West Townshend, *West Townshend Stone Arch Bridge*, spans Tannery Brook (4-18-77).

VIRGINIA

Henrico County

Varina vicinity, *Varina Plantation*, SE of Varina off VA 5 (4-29-77).

WASHINGTON

Lewis County

Curtis vicinity, *Wolfenbarger Site*, S of Curtis (5-2-77).

Whatcom County

Bellingham, *Young Women's Christian Association*, 1026 N. Forest St. (4-21-77).

WEST VIRGINIA

Kanawha County

St. Albans, *Chilton House*, off U.S. 60 (4-29-77).

Wood County

Parkersburg, *Julia-Ann Square Historic District*, both sides of Juliana and Ann Sts. from cemetery to 9th St. (5-24-77).

WISCONSIN

Manitowoc County

Manitowoc, *Vilas, Joseph Jr., House*, 610-616 N. 8th St. (4-29-77).

* * * * *

The following is a list of corrections to properties previously listed in the FEDERAL REGISTER:

DISTRICT OF COLUMBIA

Washington

Coues, Elliott, House, 1726 N St., NW (5-15-75) NHL.

GEORGIA

Thomas County

Thomasville, *Bryan, Hardy, House*, 312 N. Broad St. (8-12-70).

VIRGINIA

Fluvanna County

Bremo Bluff vicinity, *Bremo Plantation*, W of Bremo Bluff off U.S. 15 (11-12-69) NHL; HABS.

* * * * *

The following properties were omitted from February 1, 1977, listing of properties in the FEDERAL REGISTER.

ALASKA

Nome Division

Wales vicinity, *Wales Sites* (10-15-66) NHL.

NEW YORK

Suffolk County

Mastic, *Floyd, William, House*, 20 Washington Ave. (4-21-71).

VIRGINIA

Arlington County

Arlington, *Quarters 1, Fort Myer*, Grant Ave. (11-28-72) NHL.

Lexington (independent city)

Virginia Military Institute Historic District, VMI campus (5-30-74) NHL.
Washington and Lee University Historic District, W and L University campus (11-11-71) NHL.

* * * * *

The following properties have been determined to be eligible for inclusion in the National Register. All determinations of eligibility are made at the request of the concerned Federal Agency under the authorities in section 2(b) and 1(3) of Executive Order 11593 as implemented by the Advisory Council on Historic Preservation, 36 CFR Part 800. This listing is not complete. Pursuant to the authorities discussed herein, an Agency Official shall refer any questionable actions to the Director, Office of Archeology and Historic Preservation, National Park Service, Department of the Interior, for an opinion respecting a property's eligibility for inclusion in the National Register.

Historical properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800. Agencies are advised that in accord with the procedures of the Advisory Council on Historic Preservation, before an agency of the Federal Government may undertake any project which may have an effect on such a property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal.

ALABAMA

Green County

Gainesville vicinity, *Archeological Sites in Gainesville Project*, Tombigbee Waterway (also in Pickens and Sumter counties).

Jefferson County

Site 1Je36, Project I-459-4(4).

Madison County

Huntsville, *Lee House*, Red Stone Arsenal.

Maricopa County

Site U:1:30 (ASU).
Site U:1:31 (ASU).

Washington County

Sunflower vicinity, *Dr. Williams Home*, AL project RF-98(7).

ALASKA

Nome Division

Little Diomede Island, *Iyapana, John House.*

Sitka Division

Crab Bay, *Crab Bay Petroglyph.*

ARIZONA

Conconino County

Gray Mountain Site, (AR-02-020-946).
Grand Canyon National Park, *Old Post Office.*
House Rock Springs, Upper Houserock Valley.
Paria Plateau Archeological District.

Graham County

Foote Wash—No name Wash Archeological District.

Maricopa County

Beth Israel Synagogue, 120 E. Culver.
Cave Creek Archeological District.
Glendale vicinity, *Cave Creek Dam.*
New River Dams Archeological District.
Phoenix, *Brooks, M. B., House*, 334B 75th Ave.
Phoenix, *Ellis-Shackleford House*, 1242 N. Central.
Phoenix, *Evans Barn*, 67th Ave., between Van Buren and McDowell.
Phoenix, *Fennemore House*, 501 E. Moreland.
Phoenix, *Hidden-Porcher House*, 763 E. Moreland.
Phoenix, *Ivy House*, 111 W. Monroe St.
Phoenix, *Kenilworth Elementary School*, 1210 N. 5th Ave.
Phoenix, *Stewart House*, 1115 N. Central.

Maricopa County

Tempe, *Andre Building*, 401 S. Mill Ave.
Site T:4:6.
Site U:1:30 (A.S.U.).
Site U:1:31 (A.S.U.).
Skunk Creek Archeological District.

Mohave County

Colorado City vicinity, *Short Creek Reservoir States NA 13,257 and NA 13,258.*

Navajo County

Polacca vicinity, *Walpi Hopi Village*, adjacent to Polacca.

Pima County

Tucson, *Convento Site.*

Yavapai County

Copper Basin Archeological District, Prescott National Forest.

Yuma County

Eagle Tail Mountains Archeological Site.
Yuma, Southern Pacific Depot.

ARKANSAS

Archeological Sites, Black River Watershed.

Clay County

Site 3CY34, Little Black River Watershed.

Faulkner County

Site 3WH145, E fork of Cadron Creek Watershed (also in White county).
Sites 3VB49–3VB51, N fork Cadron Creek Watershed.

Hempstead County

Archeological Sites in Ozan Creeks Watershed.

Sabastian County

Booneville, *Sliding Slab Shelter Site*, 116 W. Cooke St.

CALIFORNIA

Archeological Sites, Buchanan Dam at Chowchilla River.

Alpine County

Woodsford vicinity, *Archeological Site 4-Alp-105.*

Amador County

Amador City, 35 mi. SE of Sacramento.

Benito County

Chalone Creek Archeological Sites, Pinnacles National Monument.

Calavras County

New Melones Historical District, New Melones Lake Project area, Stanislaus River (also in Tuolumne County).

Colusa County

Stoneyford vicinity, *Upper and Lower Letts Valley Historical District*, 12 mi. SW of Stoneyford.

Del Norte County

Chimney Rock, Six Rivers National Forest.
Doctor Rock, Six Rivers National Forest.
Peak No. 8, Six Rivers National Forest.

El Dorado County

Site Eld–58.
Giebenhahn House and Mountain Brewery Complex.

Fresno County

Helms Pumped Storage Archeological Sites, Sierra National Forest.
Home Camp T.S. (6 archeological sites) in Sierra National Forest.

Glenn County

Black Saddle Site, Mendocino National Forest
Willows vicinity, *White Hawk Top Site*, Twin Rocks Ridge Road Reconstruction Project.

Humbolt County

Eureka, Eureka Historic District.

Imperial County

Glamis vicinity, *Chocolate Mountain Archeological District.*
Lake Cahuilla, *Lot 1.*
Lake Cahuilla, *Lot 5.*

Inyo County

Scotty's Castle, Death Valley National Monument.
Scotty's Ranch, Death Valley National Monument.
The Twenty Mule Team Borax Wagon Road (also in Kern and San Bernardino counties).

Kern County

Site Ca-Ker-322.

Lassen County

Archeological Site HJ–1 and HJ–5.

Los Angeles County

Big Tuijunga Prehistoric Archeological Site, I 210 Project.
Los Angeles, *Fire Station No. 26*, 2475 W. Washington Blvd.
Simi Valley, *Archeological Site Ven–341.*
Van Norman Reservoir, Site CA–LAN 646, CA–LAN 643, Site CA–LAN 490, and a cluster made up of Sites CA–LAN, 475, 491, 492, and 493.

Madera County

Bass Lake Archeological Sites CA–MAD 176–185.
Lower China Crossing.
New Site.

Marin County

Point Reyes, P. E. Booth Company Pier, Point Reyes National Seashore.
Point Reyes, *Point Reyes Light Station.*

Modoc County

Alturas vicinity, *Rail Spring*, about 30 mi. N of Alturas in Modoc National Forest.
Johnson Slough Site (Site 1).
Tulelake vicinity, *Lava Bed National Monument Archeological District*, S of Tulelake (also in Siskiyou County).

Mono County

Archeological Site CA–MNO–684.

Monterey County

Big Sur, *Point Sur Light Station.*
Pacific Grove, *Point Pinos Light Station.*

Napa County

Archeological Sites 4–Nap–14, 4–Nap–261. Napa River Flood Control Project.

Plumas County

Mineral, *Hay Barn and Cook's Cabin, Drakesbad (Sifford Family) Guest House*, Lassen Volcanic National Park.
Mineral, *Summit Lake Ranger Station*, Lassen Volcanic National Park.

Riverside County

Twentynine Palms, *Cottonwood Oasis (Cottonwood Springs)*, Joshua Tree National Monument.
Twentynine Palms, *Lost Horse Mine*, Joshua Tree National Monument.

Sacramento County

Sacramento River Bank Protection Project, Site 1, Sacramento River.
Sacramento Weir
Sacramento, *Tower Bridge*, M St. over Sacramento River (also in Yolo County).

San Bernardino County

Squaw Spring Well Archeological District.
Steam Well Petroglyph Archeological District.
Trona Pinnacles Railroad Camp.
Twentynine Palms, *Keys, Bill, Ranch*, Joshua Tree National Monument.
Twentynine Palms, *Twentynine Palms Oasis*, Joshua Tree National Monument.

San Diego County

North Inland, *Camp Howard, U.S. Marine Corps*, Naval Air Station.
North Island, *Rockwell Field*, Naval Air Station.
San Diego, *Marine Corps Recruit Depot*, Barnett Ave.

San Francisco County

San Francisco, *Twin Peaks Tunnel.*

San Luis Obispo County

New Cuyana vicinity, *Caliente Mountain Aircraft Lookout Tower*, 13 mi. NW of New Cuyana off Rte. 166.
San Luis Obispo, *San Luis Obispo Light Station.*

San Mateo County

Hillsborough, *Point Montara Light Station.*

Santa Barbara County

Santa Barbara, *Site SBa–1330*, Santa Monica Creek.
Site CA–Sba–1325.

Santa Clara County

Sunnyvale, *Theuerkauf House*, Naval Air Station, Moffett Field.

Shasta County

Mineral, *Comfort Station*, Lassen Volcanic National Park.
Mineral, *Park Entrance Station and Residence*, Lassen Volcanic National Park.
Mineral, *Park Naturalist's Residence*, Lassen Volcanic National Park.
Mineral, *Warner Valley Ranger Station*, Lassen Volcanic National Park.
Redding vicinity, *Squaw Creek Archeological Site*, NE of Redding.
Whiskeytown, *Irrigation System (165 and 166)*, Whiskeytown National Recreation Area.

Sierra County

Archeological Site HJ–5 (Border Site 26WA-1676).
Properties in Bass Lake Sewer Project.

Siskiyou County

Thomas-Wright Battle Site, Lava Beds National Monument.

Sonoma County

Dry Creek-Warm Springs Valley Archeological District.
Petaluma, *Ferrell Home*, 500 E. Washington St.
Santa Rosa, *Santa Rosa Post Office.*

Tehama County

Los Molinos vicinity, *Ishi Site (Yahi Camp)*, E of Los Molinos in Deer Creek Canyon.

Tulare County

Atwell's Mill, Sequoia National Park.
Cattle Cabins, Sequoia National Park.

Yuba County

Site 4–Yub–S27 (Marysville Riverfront Park Project), along the Feather River, City of Marysville.

COLORADO

Denver County

Denver, *Eisenhower Memorial Chapel*, Building No. 27, Reeves St., on Lowry AFB.

Douglas County

Keystone Railroad Bridge, Pike National Forest.

El Paso County

Colorado Springs, *Alamo Hotel*, corner of Tejon and Cucharras Sts.
Colorado Springs, *Old El Paso County Jail*, corner of Vermijo and Cascade Ave.

Larimer County

Estes Park, *Beaver Meadows Maintenance Area*, Rocky Mountain National Park utility area.
Sites 5–LR–257 and 5–LR–263, Boxelder Watershed Project.

Pueblo County

Pueblo, *Pueblo Federal Building (U.S. Post Office)*, 5th and Main Sts.

CONNECTICUT

Fairfield County

Bridgeport Harbor, *Bridgeport Canal Barges.*
Norwalk, *Washington Street—S. Main Street Area.*

Hartford County

Farmington, *Gridley-Parsons-Staples Homestead*, Rte. 4, Farmington Ave.
Hartford, *Christ Church Cathedral and Cathedral House*, 955 Main St. and 45 Church St.
Hartford, *Houses on Charter Oak Place.*
Hartford, *Houses on Wethersfield Avenue*, between Morris and Wyllys Sts., particularly Nos. 97–81, 65.
Southington, *Lewis, Sally, House*, 500 N. Main St.

Middlesex County

Middletown, *Cookson, John, House*, S. Main St.
Middletown, *Fuller, Caleb, House*, Upper Williams St.
Middletown, *Southmayd, William, House*, Lower Williams St.

New London County

New London, *Washington Street Historic District*, project 103–159.
New London, *Williams Memorial Institute Building*, 110 Broad St.
Norwich, *Buckingham Memorial Building*, 307 Main St.

DISTRICT OF COLUMBIA

Auditors' Building, 201 14th St. SW.
Brick Sentry Tower and Wall, along M St. *Central Heating Plant*, 13th and C Sts. SW. SE between 4th and 6th Sts SE
1700 Block Q Street NW, 1700–1744, 1746, 1748 Que St. NW.; 1536, 1538, 1540, 1602, 1604, 1606, 1608, 17th St. NW.

FLORIDA

Broward County

Hillsboro Inlet, *Coast Guard Light Station.*

Collier County

Marco Island, *Archeological Sites on Marco Island.*

Monroe County

Knights Key Moser Channel—Packet Channel Bridge (Seven Mile Bridge)
Long Key Bridge
Old Bahia Honda Bridge

Pinellas County

Bay Pines, *VA Center*, Sections 2, 3, and 11 TWP 31–S, R–15E.

GEORGIA

Bibb County

Macon, *Vineville Avenue Area*, both sides of Vineville Ave. from Forsyth and Hardman Sts. to Pio Nono Ave.

Chatham County

Archeological Site, end of Skidway Island.
Savannah, *516 Ott Street.*
Savannah, *908 Wheaton Street.*
Savannah, *914 Wheaton Street.*
Savannah, *920 Wheaton Street.*
Savannah, *828 Wheaton Street.*
Savannah, *930 Wheaton Street.*
Skidaway Island, *Priest's Landing Mounds.*

Clay County

Archeological Site WGC–73, downstream from Walter F. George Dam.

Cobb County

Bostwick, Charles C., House, 325 Atlanta St.
Brumby, Arnoldus, House, 472 Powder Springs St.
Clay, Alexander Stephens, House, 353 Atlanta St.
McCullock–Wellons House, 348 Powder Springs Rd.
Slaughter, M. G., Cottage, 216 Fraser St.

De Kalb County

Atlanta, *Atkins Park Subdivision*, St. Augustine, St. Charles, and St. Louis places.
Decatur, *Sycamore Street Area.*

Fulton County

Atlanta, *Downtown Atlanta Historic District*, beginning at jct. Atlanta St. and Central Ave.

Gordon County

Haynes, Cleo, House and Frame Structure, University of Georgia.
Moss—Kelly House, Sallacoa Creek area.

Greene County

Wallace Reservoir Archeological District, (also in Hancock, Morgan, and Putnam counties).

Gwinnett County

Duluth, *Hudgins, Scott, Home (Charles W. Summerour House)*, McClure Rd.

Heard County

Philpott Homesite and Cemetery, on bluff above Chattahoochee River where Grayson Trail leads into river.

Richmond County

Archeological Sites Project F–117–1 (7).
Augusta, *Blanche Mill.*
Augusta, *Enterprise Mill.*
Augusta, *Green Street.*

Stewart County

Rood Mounds, Walter F. George Dam and Reservoir.

Sumter County

Americus, *Aboriginal Chet Quarry*, Souther Field.

HAWAII

Hawaii County

Hawaii Volcanoes National Park, *Mauna Loa Trail.*
Kwalakakwa Bay, *Kona Field System*

Maui County

Hana vicinity, *Kipahulu Historic District*, SW of Hana on Rts. 31.

Oahu County

Moanalua Valley.

IDAHO

Ada County

Boise, *Alexanders*, 826 Main St.
Boise, *Falks Department Store*, 100 N. 8th St.
Boise, *Idaho Building*, 216 N. 8th St.
Boise, *Simplot Building (Boise City National Bank)*, 805 Idaho St.
Boise, *Union Building*, 712½ Idaho St.

Clearwater County

Orofino vicinity, *Canoe Camp—Suite 18*, W of Orofino on U.S. 12 in Nez Perce National Historical Park.

Gem County

Marsh and Ireton Ranch, Montour Flood project.
Town of Montour, Montour Flood project.

Idaho County

Kamiah vicinity, *East Kamiah*—Suite 15, SE of Kamiah on U.S. 12 in Nez Perce National Historical Park.

Lemhi County

Tendoy, *Lewis and Clark Trail, Pattee Creek Camp.*

Nez Perce County

Lapwai, *Fort Lapwai Officer's Quarters*, Phinney Dr. and C St. in Nez Perce National Park.
Lapwai, *Spalding.*
Lewiston, *Fix Building*, 211–213 Main St.
Lewiston, *Lower Snake River Archeological District*
Lewiston, *Moxley Building*, 215 Main St.
Lewiston, *Scully Building*, 209 Main St.

ILLINOIS

Bureau County

I & M Canal (also in Henry, Rock Island, and Whiteside counties).

Carroll County

Savanna vicinity, *Spring Lake Cross Dike Island Archeological Site*, 2 mi. SE of Savanna.

Cook County

Chicago, *Ogden Building*, 180 W. Lake St.
Chicago, *Oliver Building*, 159 N. Dearborn St.
Chicago, *Springer Block (Bay, State, and Kranz Buildings)*, 126–146 N. State St.
Chicago, *Unity Building*, 127 N. Dearborn St.

De Kalb County

De Kalb, *Haish Barbed Wire Factory*, corner of 6th and Lincoln Sts.

Lake County

Fort Sheridan, *Museum Bldg. 33*, Lyster Rd.
Fort Sheridan, *Water Tower*, Bldg. 49, Leonard Wood Ave.

Madison County

American Botroms, 69 archeological sites in Madison, Monroe, and St. Clair counties.

Rock Island County

Archeological Site 11–Ri–337, East Moline, Mississippi and Rock Rivers.

Scott County

Naples vicinity, *Naples-Castle Site*, SW of Naples.

Williamson County

Wolf Creek Aboriginal Mound, Crab Orchard National Wildlife Refuge.

INDIANA

Lawrence County

Mitchell, *Riley School.*

Marion County

Indianapolis, *Lockfield Gardens Public Housing Project*, 900 Indiana Ave.
Indianapolis vicinity, *Garfield Park Pagoda*, 2 mi S of Indianapolis in Garfield Park.

Monroe County

Bloomington, *Carnegie Library.*

Orange County

Cox Site, Lost River Watershed.
Half Moon Spring, Lost River Watershed.

St. Joseph County

Mishawaka, *100 NW Block*, properties fronting N. Main St. and W. Lincoln Way.

Spencer County

Evansville, *Pollard, Maier, House.*

Vanderburgh County

Evansville, *Riverside Neighborhood.*

Vermillion County

Houses in SR 63/32 Project, jct. of SR 32 and SR 63 and 1st rd. S. of Jct.

IOWA

Boone County

Saylorville Archeological District (also in Polk and Dallas counties).

Ida County

Muri Brown Site (13–IA–4), County Courthouse.

Johnson County

Indian Lookout.

KANSAS

Douglas County

Lawrence, *Curtis Hall (Kiva Hall)*, Haskell Institute.

KENTUCKY

Jefferson County

Archeological Sites: Section 2, SW Jefferson County Local Protection Project.

Johnson County

Fishtrap United Methodist Church.
Volga, *McKenzie Log Cabin*, McKenzie Branch.

Lawrence County

Fort Ancient Archeological Site.

LOUISIANA

East Baton Rouge Parish

Baton Rouge, *Spanish Town*, Baton Rouge.

Orleans Parish

New Orleans, *Casey, Kate, House*, 932–934 Howard.
New Orleans, *Central City District.*
New Orleans, *Cordes, John, House*, 3027–3029 Royal St., Square 170.
New Orleans, *Deyron, Dr. J. A., House*, 3037 Royal St., Square 170.
New Orleans, *Dunn, Andrew Jackson, House*, 928–930 Calliope St., Square 119.
New Orleans, *Duyer, James, House*, 933–935 Galenne St., Square 119.
New Orleans, *Gasquet, William, Houses*, 1128–1130 Constance St., Square 119.
New Orleans, *Hart, James S., House*, 615 Erato St., Square 71.
New Orleans, *I-Sea Storage and Transfer Company Building*, 2201 Clio St., Square 348.
New Orleans, *Jahncke Building*, 814 Howard Ave., Square 237.
New Orleans, *Lee Circle and Lee Monument*, St. Charles Ave. at Howard Ave.
New Orleans, *Maginnis Cotton Mills*, 1054 Constance St., Square 120.
New Orleans, *McDowall, Robert, House*, 1119–1121 Constance St., Square 130.
New Orleans, *McLaughlin, M. A., House*, 1122–1126 Constance St., Square 119.
New Orleans, *McLeod, Euphenia Napir, House*, 1523–1525 Calliope St., Square 183.
New Orleans, *Murray, Thomas, House*, 1131 S. Rampart St., Square 290.
New Orleans, *Old Firehouse*, 1045 Magazne St., Square 158.
New Orleans, *Peyton, William H., House*, 1135 S. Rampart St., Square 290.
New Orleans, *Roper, George W., House*, 1032 St. Charles Ave., Square 183.
New Orleans, *St. John the Baptist Church*, 1139 Dryedes St., Square 277.
New Orleans, *Saulet, Marie Theresa, House*, 1218–1222 Annunciation St., Square 100.
New Orleans, *Schwegmann, G. A., House* 3044 Royal St., Square 142.
New Orleans, *Sincer, Louis, House*, 1061 Camp St., Square 183.
New Orleans, *Sporl, C. J., House*, 3015 Royal St., Square 142.
New Orleans, *Talen, Aaldemar Appollonius, Studio-House*, 1029 Calliope St., Square 137.
New Orleans, *Temple Sinai*, 1032 Ceroudelet St., Square 215.
New Orleans, *Verret, Theodore, House*, 1216 Annunciation St., Square 109.
New Orleans, *Tourae, Nicholas, House*, 1169 Tchoupitoulas St., Square 71.
New Orleans, *Zangel, Frederick, House*, 1118 Constance St., Square 119.

St. Martins Parish

Site 16, Sm—45, Atchafalaya Basin Floodway.

Vernon Parish

Ft. Polk, *Site 16 VN 18.*

MARYLAND

Allegany County

Flintstone vicinity, *Martin Gordon Farm*, Breakneck Rd. (Rte. 1).
Flintstone vicinity, *Martins Mountain Farm*, Breakneck Rd. (Rte. 1).

Anne Arundel County

Claiborne, *Bloody Point Bar Light*, on Chesapeake Bay.
Skidmore, *Sandy Point Shoal Light*, on Chesapeake Bay.

Baltimore (independent city)

Baltimore Belt (Baltimore and Ohio) Railroad (Howard Street Tunnel and Power House).
Barre Circle Historic District, Lombard St., Fremont Ave., Scott St.
Mount Calvary Church Historic District, Biddle St., Madison Ave., N. Eutaw St.

Baltimore County

Fayette Street Methodist Episcopal Church, 745 West Fayette St.

Baltimore County

Federal Hill-Riverside Park Historic District, Federal Hill and Riverside Park areas.
Fort Howard, *Craighill Channel Upper Range Front Light*, on Chesapeake Bay.
Hollins-Lombard Historic District, 800 blocks of Hollins and Lombard Sts., bet. Fremont and Callender; unit block of Parkin St.
New Owings Mills Railroad Station, W of Reisterstown Rd.
Old Owings Mills Railroad Station, Reisterstown Rd.
Old Western Police Station (Old Pine Street Station).
Ridgely's Delight Historic District.
Sparrows Point, *Craighill Channel Range Front Light*, on Chesapeake Bay.
St. Paul's Cemetery, Union Block, Fremont Ave.

Carroll County

Bridge No. 1–141 on Hughes Road.

Cecil County

Sassafras Elk Neck, *Turkey Point Light*, at Elk River and Chesapeake Bay.

Dorchester County

Hoppersville, *Hooper Island Light*, Chesapeake Bay-Middle Hooper Island.

Frederick County

Fort Detrick, *Horton Test Sphere (One-Million-Liter Test Sphere).*

Montgomery County

Rockville, *Third Addition to Rockville and Old St. Mary's Church and Cemetery.*

St. Marys County

Piney Point, *Piney Point Light Station.*
St. Inigoes, *St. Inigoes Manor House*, Naval Electronic System Test and Evaluation Detachment.
St. Marys City, *Point No Point Light*, on Chesapeake Bay.

Talbot County

Tilghman Island, *Sharps Island Light*, on Chesapeake Bay.

MASSACHUSETTS

Barnstable County

North Eastham, *French Cable Hut*, jct. of Cable Rd. and Ocean View Dr.
Rider, Samuel, House, Gull Pond Rd. off Mid-Cape Hwy. 6.
Truro, *Highland Gold Course*, Cape Cod Light, area.
Truro, *Highland House*, Cape Cod Light (Highland Light) area.
Wellfleet vicinity, *Atwood—Higgins House*, Boundbrook Island.

Bristol County

New Bedford, *Fire Station No. 4*, 79 S. 6th St.

Hampden County

Holyoke, *Caledonia Building (Crafts Building)*, 185–193 High St.
Holyoke, *Cleary Building (Stiles Building)*, 190–196 High St.
Holyoke, *Steamer Company No. 3.*

Middlesex County

Wayland, *Old Town Bridge (Four Arch Bridge)*, Rte. 217, 1.5 m. NW of Rte. 126 Jct.

Suffolk County

Northern Avenue Bridge, Fort Point Channel.

Worcester County

Leicester, *Shaw Site (Sites 4, 5, and 6)*, Upper Quaboag River Watershed project.
North Brookfield, *Meadow Site No. 11*, Upper Quaboag River Watershed.
Worcester, *Oxford-Crown Streets District*, Chatham, Congress, Crown, Pleasant, Oxford Sts., and Oxford Pl.

MICHIGAN

Kalamazoo County

Masonic Temple, corner Rose and Eleanor Sts.
Little Forks Archeological District.

Marquette County

White Deer Lake Camp, Ottawa National Forest.

MINNESOTA

St. Louis County

Duluth, *Morgan Park Historic District.*

Winona County

Winona, *Second Street Commercial Block.*

MISSISSIPPI

Lowndes County

Tibbee Creek Archeological Site, Columbus lock and dam project.

Tishomingo County

Tennessee—Tombigbee Waterway.

MISSOURI

Buchanan County

St. Joseph, *Hall Street Historic District*, bounded by 4th St. on W., Robidoux on S., 10th on E., and Michel, Corby, and Ridenbaugh on N.

Dent County

Lake Spring, *Hyer, John, House.*

Franklin County

Leslie, *Noser's Mill and adjacent Miller's House*, Rural Rte. 1.

Greene County

Springfield, *Landers Theater*, 311 East Walnut St.

Henry County

La Due, *Batschelett House*, near Harry S Truman Dam and Reservoir.
Little Black River Watershed (also in Ripley County).

Monroe County

Violette, Alexander House.

MONTANA

Big Horn County

Fort Smith *Big Horn Canal Headgate.*

Carbon County

Hardin *Pretty Creek Site (Hough Creek Site)* Big Horn Canyon National Recreation Area.

Cascade County

Great Falls, *Building at 108 Central Avenue.* 108 Central Ave.

Custer County

"Old Fort" at Fort Keogh.

Fergus County

Lewis & Clark, Campsite, May 23, 1805.
Lewis & Clark, Campsite, May 24, 1805.

Lewis and Clark County

Marysville, *Marysville Historic District.*

NEBRASKA

Cherry County

Valentine vicinity, *Fort Niobrara National Wildlife Refuge.*
Valentine vicinity, *Newman Brothers House.*

Knox County

Niobrara Historic Properties.

NEVADA

Clark County

Las Vegas vicinity, *Blacksmith Shop*, Desert National Wildlife Range.
Las Vegas Vinicity, *Las Vegas Wash Archeological District.*
Las Vegas vicinity, *Mesquite House*, Desert National Wildlife Range.

Elko County

Carlin vicinity, *Archeological Sites 26EK1669, 26EK1672.*

Nye County

Las Vegas vicinity, *Emigrant's Trail*, about 75 mi. NW of Las Vegas on U.S. 95.

Pershing County

Lovelock vicinity, *Adobe in Buddell Ranch Complex.*
Lovelock vicinity, *Lovelock Chinese Settlement Site.*

Storey County

Sparks vicinity, *Derby Diversion Dam*, on the Truckee River 19 mi. E of Sparks, along I 80 (also in Washoe County).

Washoe County

Site 26Wa2065.

NEW HAMPSHIRE

Hillsborough County

Amoskaag Millyard Complex.
Smyth Tower.

Rockingham County

Portsmouth, *Pulpit Rock Observation Station*, Portsmouth Harbor.

Strafford County

Odd Fellow's Hall (Morning Star Block).
O'Neill House (Cocheco Co. Housing).
Public Market (Morrill Block).
Trella House (Dover Manufacturing Co. Housing).
Veteran's Building (Central Fire House).
Western Auto Block (Merchants Row).

NEW JERSEY

Hudson County

S.S. Newton, midway between Ellis and Liberty islands.

Mercer County

Hamilton and West Windsor Townships, *Assunpink Historic District.*
Trenton, *Lamberton Interceptor.*
West Windsor Township Wastewater Facilities (Archeological Site 3313.14)—Extended.

Middlesex County

Cranbury Historic District.
New Burnswick, *Delaware and Raritan Canal*, between Albany St. Bridge and Landing Lane Bridge.

Monmouth County

Long Branch, *The Reservation*, 1-9 New Ocean Ave.

Morris County

Morristown, *Abbett Avenue Bridge.*

Ocean County

Joseph Holmes Mill (The Mill Site), SW corner of intersection of Mill and Parker Sts.

Warren County

Oxford Industrial District, Oxford Township.

NEW MEXICO

Chaves County

Cites LA11809—LA11822, Cottonwood-Walnut Creek Watershed (also in Eddy County).

Dona Ana County

Placitas Arroyo, *Sites SCSPA 1—8.*

Guadalupe County

Los Esteros Lake Archeological Site.

Lee County

Laguna Plata Archeological District.

McKinley County

Zuni Pueblo Watershed, *Oak Wash Sites N.M.G.:13:19—N.M.G.:13:37.*

Otero County

Three Rivers Petroglyphs.

Rio Arriba County

Cerrito Recreation Site Archeological District.

NEW YORK

Albany County

Guilderland, *Nott Prehistoric Site.*
Tetilla Peak Site.

Bronx County

New York, *Bronx Post Office.*
New York, *North Brothers Island Light Station*, in center of East River.

Broome County

Mill Site at Site 7-A, Manticoke Creek project (also in Tioga County).
Vestal, *Vestal Nursery Site*, Vestal Project (also in Union County).

Chautauqua County

Dunkirk, *Properties in the city of Dunkirk.*
Loomis Archeological Site, South and Central Chautauqua Lake

Greene County

New York, *Hudson City Light Station*, in center of Hudson River.

Kings County

Steeplechase Parachute Jump.

Nassau County

Greenvale, *Toll Gate House*, Northern Blvd.
Long Island, *Seafood Park Archeological Site.*

New York County

New York, *Colonial Park Pool Complex*, Bradhurst Ave.
New York, *Harlem Courthouse*, 170 E. 121st St.
New York, *New York Cancer Hospital (Towers Nursing Home)*, 2 W. 106th St.

Orange County

Port Jervis, *Church Street School*, 55 Church St.
Port Jervis, *Farnum, Samuel, House*, 21 Ulster Pl.

Oswego County

Gustin-Earle Factory Site, village of Mexico.
Musico Motors Building, W. First and W Seneca Sts.

Otsego County

Swart-Wilcox House

Queens County

Fort Totten Officers' Club.

Richmond County

New York, *Romer Shoal Light Station*, located in lower bay area of New York Harbor.
Staten Island, *U.S. Coast Guard Base, St. George.*

Saratoga County

Saratoga Springs, *Yaddo House and Gardens, District.*
Satatoga Springs, *Yaddo House and Gardens*, Saratoga Springs Historic District.
Schuylerville, *Archeological Site*, Schuylerville Water Pollution Control Facility.

Schoharie County

Breakabeen, *Breakabeen Historic District*, between village of North Blenheim and Breakabeen.

Staten Island

Tottenville, *Ward's Point*, Oakwood Beach Project.

Suffolk County

Janesport vicinity, *East End Site.*
Janesport vicinity, *Hallock's Pond Site*
New York, *Fire Island Light Station*, U.S Coast Guard Station.
New York, *Little Gull Island Light Station*, off North Point of Orient Point, Long Island.
New York, *Plum Island Light Station*, off Orient Point, Long Island.
New York, *Race Rock Light Station*, S. of Fishers Island, 10 mi. N. of Orient Point.
Northville Historic District, houses along Sound Ave.

Ulster County

Kingston vicinity, *Esopus Meadows Light Station*, middle of Hudson River.
New York, *Rondout North Dike Light*, center of Hudson River at Jct. of Rondout Creek and Hudson River.
New York, *Saugerties Light Station*, Hudson River.
Wildmere and Cliffhouse Resort Hotels (Minnewaska Acquisition Project), towns of Gardiner and Rochester.

Warren County

Lake George, *Boyau*, portion of Montcalm St.

Washington County

Greenwich, *Palmer Mill (Old Mill)*, Mill St.

Westchester County

Port Washington vicinity, *Execution Rocks Light Station*, lower SW portion of Long Island Sound.
Yonkers, *Women's Institute Building.*
Yorktown, *Yorktown Railroad Station.*

NORTH CAROLINA

Alamance County

Burlington, *Clapp's Mill and Dam Site* (also in Guilford County).
Burlington, *Faust Mill* (also in Guilford County).
Burlington, *Low House* (also in Guilford County).
Burlington, *Southern Railway Passenger Depot*, NE corner Main and Webb Sts.

Brunswick County

Southport, *Fort Johnston*, Moore St.

Caswell County

Archeological Sites CS-12, County Line Creek Watershed Project (also in Rockingham County).
Womack's Mill, in County Creek Watershed Project (also in Rockingham County).

Cleveland County

Archeological Resources in Second Brood River Watershed Project (also in Rutherford County).

Cumberland County

Fayetteville, *Veterans Administration Hospital Confederate Breastworks*, 23 Ramsey St.

Dare County

Buxton, *Cape Hatteras Light*, Cape Hatteras National Seashore.

Forsyth County

Winston-Salem, *Atkins, Dr. Simon Green, House*, 346 Atkins St.
Winston-Salem, *Hill, James S., House*, 914 Stadium Dr.
Winston-Salem, *Paisley, J. W., House*, 934 Stadium Dr.

Hyde County

Ocracoke, *Ocracoke Lighthouse.*

NORTH DAKOTA

Burleigh County

Bismarck, *Fort Lincoln Site.*

OHIO

Adams County

Wrightsville vicinity, *Grimes Site (33 AD 39)*, Killen Electric Generating Station.
Wrightsville vicinity, *Killen Bridge Site, (33 AD 36), Killen Electric Generating Station.*

Astabula County

Astabula, *West Fifth Street Bridge*, over Astabula River.

Clermont County

Neville vicinity, *Maynard House*, 2 mi. E of Neville off U.S. 52.

Crawford County

Calvary Reformed Church, First United Methodist Church, Crestline Shunk Museum.

Darke County

DAR-S.A.-571-0.00.

Montgomery County

Columbia Bridge Works.
Lower Cratis Road Bridge.

Pickaway County

Williamsport vicinity, *The Shack (Daugherty, Harry, House)*, 5.5 mi. NW of Williamsport.

Richland County

Mansfield, *Ritter, William, House*, 181 S. Main.

Seneca County

Tiffin, *Old U.S. Post Office*, 215 S. Washington St.

Summit County

United Way Building, Perkins St.

Tuscarawas County

Conotton Creek Bridge, CR 90 in Warren Township, over Conotton Creek.

Warren County

Corwin, *Shafer Mound*, S of New Burlington Rd.
Harveysburg, *E. L. Anderlee Mound*, S of New Burlington Rd. in Caesar Creek Lake Project.

Wayne County

Wooster, *Thorne House*, 1576 Beall Ave.

OKLAHOMA

Atoka County

Estep Shelter, Lower Clear Boggy Watershed.
Graham Site, Lower Clear Boggy Watershed.

Comanche County

Fort Sill, *Blockhouse on Signal Mountain* off Mackenzie Hill Rd.
Fort Sill, *Chiefs Knoll, Post Cemetery*, N of

Haskell County

Keota vincinity, *Otter Creek Archeological Site*, SW of Keota.

Kay County

Newkirk vicinity, *Bryson Archeological Site*, NE of Newkirk.

OREGON

Baker County

Baker vicinity, *Virtue Flat Mining District*, 10 mi. E of Baker off Hwy. 86.

Columbia County

Scappose vicinity, *Portland and Southwestern Railroad Tunnel*, 13 mi. NW of Scappose.

Coos County

Charleston, *Cape Arago Light Station.*

Curry County

Port Orford, *Cape Blanco Light Station.*

Douglas County

Winchester Bay, *Umpqua River Lighthouse.*

Gilliam County

Archeological Sites (Ghost Camp Reservoir).
Arlington vicinity, *Four Mile Canyon Area (Oregon Trail)*, 10 mi. SE of Arlington.
Crum Gristmill, Ghost Camp Reservoir area.
Old Wagon Road, Ghost Camp Reservoir area.
Olex School, Ghost Camp Reservoir area.
Steel Truss Bridge, Ghost Camp Reservoir area.

Klamath County

Crater Lake National Park, *Crater Lake Lodge.*

Lane County

Roosevelt Beach, *Heceta Head Lighthouse.*
Roosevelt Beach, *Heceta Head Light Station.*

Lincoln County

Agate Beach, *Yakuina Head Lighthouse.*

Tillamook County

Tillamook, *Cape Meares Lighthouse.*

Wasco County

Memaloose Island, River Mile 177.5 in Columbia River.

Wheeler County

Antone, *Antone Mining Town*, Barite 1901-1906.

PENNSYLVANIA

Adams County

Gettysburg, *Barlow's Knoll*, adjacent to Gettysburg National Military Park.
Kuhn's Fording Bridge, spans Conewago Creek.

Allegheny County

Bruceton, *Experimental Mine*, U.S. Bureau of Mines, off Cochran Mill Rd.
McJunkin Site, New Texas Rd.

Berks County

Mt. Pleasant, *Berger-Stout Log House*, near jct. of Church Rd. and Tulephocken Creek.
Mt. Pleasant, *Conrad's Warehouse*, near jct. of Rte. 183 and Powder Mill Rd.
Mt. Pleasant, *Heck-Stamm-Unger Farmstead*, Gruber Rd.
Mt. Pleasant, *Miller's House*, jct. of Rte. 183 and Powder Mill Rd.
Mt. Pleasant, *O'Bolds-Billman Hotel and Store*, Gruber Rd. and Rte. 183.
Mt. Pleasant, *Pleasant Valley Roller Mill*, Gruber Rd.
Mt. Pleasant, *Reber's Residence and Barn*, on Tulephocken Creek.
Mt. Pleasant, *Union Canal*, Blue Marsh Lake Project area.
Reading vicinity, *Blue Marsh Archeological District.*

Butler County

Butler, *Bonnie Brook Archeological Site.*

Chester County

Charlestown, *Nesspor House (Thomas Davis House)*, State Rd.
Charlestown, *Pickering Creek Ice Dam*, State Rd.
Lock Aerie.
Nature Center of Charleston, State Rd. Charleston township.

Clinton County

Lockhaven, *Apsley House*, 302 E. Church St.
Lockhaven, *Harvey Judge, House*, 29 N. Jay St.
Lockhaven, *McCormick, Robert, House*, 234 E. Church St.
Lockhaven, *Mussina, Lyons, House*, 23 N. Jay St.

Delaware County

I 476 Historic Sites (20 Historic Sites), Mid-County Expwy. (also in Montgomery County).
Minshall House, Media Borough.

Huntingdon County

Brumbaugh Homestead, Raystown Lake Project.

Lackawanna County

Carbondale, *Miners and Mechanics Bank Bldg.*, 13 N. Main St.

Lancaster County

Bainbridge Township, *Haldeman Mansion.*

Lehigh County

Colesville vicinity, *Site 1: Farmhouse, barn, and outbuildings*, I-78.
Dorneyville, *King George Inn and two other stone houses*, Hamilton and Cedar Crest Blvds.

Lycoming County

Williamsport, *Fazon Co., Inc.*, Williamsport Beltway.

Northampton County

Lehigh Canal.
Site 3: Farmhouse, barn, and outbuildings, I-78.
Site 4: Farmhouse, barn, and outbuildings, I-78.

Philadelphia County

Philadelphia, *Bridge on "I" Street*, over Tacony Creek.
Philadelphia, *Courthouse and Post Office*, 9th St., between Chestnut and Market Sts.
Philadelphia, *New Forest Theatre*, 1108-1114 Walnut St.
Philadelphia, *Poth, Frederick, House*, 216 N. 33rd St.
Philadelphia, *Tremont Mills*, Wigonocking St. and Adams Ave.
U.S. Naval Base, *Quarters "A" Commandant's Quarters.*

Washington County

Charleroi, *Ninth Street School.*
Somerset Township, *Wright No. 22 Covered Bridge.*

York County

Wellsville Historic District.

RHODE ISLAND

Providence County

Providence, *Woonesquatucket Bridge.*
Woonsocket, *Club Marquette Building (St. Anne's Gymnasium)*, Cumberland St.

Washington County

Narragansett, *Sprague, Gov., Bridge*, Boston Neck Rd.

SOUTH CAROLINA

Beaufort County

Parris Island, *Marine Corps Recruit Depot.*

Charleston County

Charleston, *139 Ashley St.*
Charleston, *69 Barre St.*
Charleston, *69r Barre St.*
Charleston, *316 Calhoun St.*
Charleston, *316r Calhoun St.*
Charleston, *268 Calhoun St.*
Charleston, *274 Calhoun St.*
Charleston, *Old Rice Mill*, off Lockwood Dr.

Florence County

Florence, *United States Post Office-Florence*, South Carolina, corner of Irby St. and Evan St.

SOUTH DAKOTA

Minnehaha County

Orpheum Theater, 315 N. Phillips Ave.

Pennington County

Rapid City, *612-632 Main St.*

TENNESSEE

Davidson County

Nashville, *Ancient Indian Village and Burial Ground*, section 203(b).

TEXAS

Bexar County

Port Sam Houston, *Eisenhower House*, Artillery Post Rd.

Concho County

Middle Colorado River Watershed, *Prehistoric Archeology in the Southwest Laterals Subwatershed* (also in McCulloch County).

Denton County

Hammons, George House, between Sangers and Pilot Point.

El Paso County

Castner Range Archeological Sites.

Galveston County

Galveston, *U.S. Customhouse*, bounded by Avenue B, 17th, Water, and 18th Sts.

Hardeman County

Quanah, *Quanah Railroad Station*, Lots 2, 3, and 4 in Block 2.

Uvalde County

Leona River Watershed, Archeological Sites.

Webb County

Laredo, *Bertani, Paul Prevost House*, 604 Iturbide St.
Laredo, *De Leal, Viscaya, House*, 620 Zaragoza St.
Laredo, *Garza, Zoila De La, House*, 500 Iturbide St.
Laredo, *Leyendecker/Salinas House*, 702 Iturbide St.
Laredo, *Montemayor, Jose A., House (Carols Vela House)*, 601 Zaragosa St.

TRUST TERRITORY OF THE PACIFIC ISLANDS

Truk District

Sapore Village, *Aikei/Winas*, Fefen Island.

UTAH

Emery County

Site ML-2145, Manti-LaSal National Forest.

Salt Lake County

Salt Lake City, *Lollin Block*, 238-240 S. Main St.

VERMONT

Chittenden County

Clark Memorial Building.

Windham County

Rockingham, *Bellow Falls Armory*, 72 Westminster St., Bellows Falls.

Windsor County

Windsor, *Post Office Building.*

VIRGINIA

Accomack County

Captain's Cove Dev., Archeological Sites (Chincoteague Bay).

Allegheny County

Gathright Lake Project (Archeological sites), (also in Bath County).

Wythe County

Fort Criswell

WASHINGTON

Benton County

Richland vicinity, *Paris Archeological Site*, Hanford Works Reservation.
Richland vicinity, *Wooded Island Archeological District*, N of Richland.

Callam County

Cape Alava vicinity, *White Rock Village Archeological Site*, S of Cape Alava.
Olympic National Park Archeological District, Olympic National Park (also in Jefferson County).
Segium, *New Dungeness Light Station.*

Grays Harbor County

West Port, *Grays Harbor Light Station.*

King County

Burton, *Point Robinson Light Station.*
Seattle, *Alki Point Light Station.*
Seattle, *Home of the Good Shepherd.*
Seattle, *West Point Light Station.*

Kitsap County

Hansville, *Point No Point Light Station.*

Pacific County

Ilwaco, *North Head Light Station.*

Pierce County

Fort Lewis Military Reservation, *Captain Wilkes, July 4, 1841, Celebration Site.*
Longmire, *Longmire Cabin*, Mount Rainier National Park.

San Juan County

San Juan Islands, *Patos Island Light Station.*

Skamania County

North Bonneville, *Site 44SA11*, Bonneville Dam Second Powerhouse Project.

Snohomish County

Mukilteo, *Mukiltea Light Station.*

Wahkiakum County

Skamokawa village, *Archeological site 45-WK-5.*

WEST VIRGINIA

Barbour County

Covered Bridge across Rooting Creek, Elk Creek Watershed (also in Harrison County).

Cabell County

Huntington, Old Bank Building, 1208 3rd Ave.

Kanawha County

Charleston, *Kanawha County Courthouse.*

Wood County

Parkersburg, *Wood County Courthouse.*
Parkersburg, *Wood County Jail.*

WISCONSIN

Ashland County

Ashland vicinity, *Madeline Island Site 7302.*

Fond du Lac County

Fond du Lac, Aetna Station No. 5, 193 N Main St.

LaCrosse County

LaCrosse, *LaCrosse Post Office.*

Rock County

Portion of Evansville Historic District.

WYOMING

Albany County

Woods Landing vicinity, *Boswell Ranch*, WY 10.

Fremont County

Pilot Butte Powerplant, Wind River Basin.

Johnson County

Casper, *Cantonment Reno.*
Casper, *Castle Rock Archeological Site.*
Casper, *Dull Knife Battlefield.*
Casper, *Middle Fork Pictograph-Petroglyph Panels.*
Casper, *Portuguese Houses.*

Park County

Mammouth, *Chapel at Fort Yellowstone*, Yellowstone National Park.

PUERTO RICO

Mona Island, *Sardinero Site and Ball Courts.*

[FR Doc.77-12617 Filed 5-2-77;8:45 am]

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 May 31, 1977. 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 June 17, 1977.

JERRY L. ROGERS,
Chief, Office of Archeology and Historic Preservation.

ARIZONA

Maricopa County

Phoenix, *Monroe School*, 215 N. 7th St.

CALIFORNIA

Monterey County

King City vicinity, *Milpitas Ranchhouse*, S of King City.

GEORGIA

Fulton County

Atlanta, *Citizen's and Southern Bank Building*, 35 Broad St.
Atlanta, *Georgia Institute of Technology Historic District*, North Ave.

IDAHO

Bannock County

Pocatello, *St. Joseph's Catholic Church*, 455 N. Hayes.

Bear Lake County

Paris, *Dance Pavilion*, Main and E. 1st South.

Bonneville County

Idaho Falls, *First Presbyterian Church*, 325 Elm St.

Elmore County

Mountain Home, *Anchustegui, Pedro, Pelota Court*, W. 2nd North St.

Kootenai County

Coeur d'Alene, *Coeur d'Alene Federal Building*, 4th and Lakeside.
Coeur d'Alene, *Kootenai County Courthouse*, 501 Government Way.

Latah County

Moscow, *Administration Building, University of Idaho*, University of Idaho campus.
Moscow, *Cornwall, Mason, House*, 308 S. Hayes.
Moscow, *First Methodist Church*, 322 E. 3rd St.

Lemhi County

Salmon, *Myers, Socrates A., House*, 300 Hall St.

Twin Falls County

Twin Falls, *Twin Falls City Park Historic District*, city park and environs.

Washington County

Weiser, *St. Agnes Catholic Church*, 204 E. Liberty St.

KENTUCKY

Adair County

Columbia vicinity, *Archeological Site 15 Ad 33*, N of Columbia.

Columbia vicinity, *Archeological Site 15 Ad 54*, N of Columbia.
Glens Fork vicinity, *Archeological Site 15 Ad 36*, W of Glens Fork.

Bourbon County

Paris vicinity, *Kiser Station*, Peacock Rd.

Carroll County

Carrollton, *Turpin House*, Butler State Park off 11th St.

Edmonson County

Park City vicinity, *Mill Hole Farm*, W of Park City off U.S. 31W.

Jefferson County

Louisville, *Loew's and United Artists' State Theatre*, 625 S. 4th St.
Louisville, *Louisville War Memorial Auditorium*, 970 S. 4th St.
Louisville, *Spring Station*, 3241 Trinity Rd.
Louisville, *Weissinger-Gaulbert Apartments*, 709 S. 3rd St.
Louisville, *Y.M.C.A. Building*, 227-229 W. Broadway.

Jessamine County

Nicholasville, *Brown, George I., House, (Edgewood)*, 206 Linden Lane.

LaRue County

Hodgenville, *Hodgenville Christian Church*, 100 W. Main St.

Monroe County

Gamaliel vicinity, *Mount Vernon A.M.E. Church*, N of Gamaliel on KY 100.

Nelson County

Lenore vicinity, *Archeological Site 15 Ne 3*, E of Lenore.

Shelby County

Shelbyville, *Shelby County Courthouse and Main Street Commercial District*, Main St.

Washington County

Springfield, *Elmwood*, KY 55.

MINNESOTA

Fillmore County

Harmony vicinity, *Ravine House*, NW of Harmony.

Hennepin County

Minneapolis, *Minneapolis Public Library: North Branch*, 1834 Emerson Ave. N.

McLeod County

Hutchinson, *Hutchinson Free Public Library*, Public Sq.

Ramsey County

St. Paul, *Germania Bank Building*, 6 W. 5th St.
St. Paul, *Woodland Park District*, roughly bounded by Marshall and Selby Aves. and Arundel and Dale Sts.

Washington County

Lakeland, *Oliver, Capt. John, House*, 1544 Rivercrest Rd.

Winona County

Winona, *Grain and Lumber Exchange Building*, 51 E. 4th St.

NORTH CAROLINA

Buncombe County

Asheville, *Battery Park Hotel*, Battle Sq.
Asheville, *Biltmore Village Historic District*, roughly bounded by U.S. 25, RR tracks, Lula and Reed Sts.
Asheville, *Manor and Cottages*, 265 Charlotte St.
Asheville, *Young Men's Institute Building*, Market and Eagle Sts.

Hyse County

Engelhard vicinity, *Wynne's Folly*, W of Engelhard on U.S. 264.

Warren County

Warrenton vicinity, *Thronton, Mansfield, House*, SE of Warrenton on SR 1600.

Washington County

Creswell vicinity, *Belgrade and St. David's Church*, E of Creswell on SR 1158.

OHIO

Washington County

Marietta, *Mound Cemetery Mound (Conus Mound)*, 5th and Scammel Sts. (boundary revision).

OKLAHOMA

Blaine County

Bridgeport, *Bridgeport Toll Bridge*, off U.S. 281 at Canadian River.

Oklahoma County

Arcadia, *Arcadia Round Barn*, U.S. 66.

OREGON

Lane County

Eugene vicinity, *Flanagan Site*, W of Eugene.

TENNESSEE

Dickson County

Cumberland Furnace, *Drouillard House*, off TN 48.

TEXAS

Archer County

Archer City, *Archer County Courthouse and Jail*, Public Sq., Sycamore and Pecan Sts.

Kendall County

Comfort, Brinkmann, Otto, House, 701 High St.

Leon County

Centerville, *Leon County Courthouse and Jails*, Public Sq.

Milam County

Cameron, *Milam County Courthouse and Jail*, Public Sq., S. Fannin and E. 1st St.

Potter County

Amarillo, *Landergin-Harrington House*, 1600 Polk st.

Robertson County

Franklin, *Robertson County Courthouse and Jail*, Public Sq.

Travis County

Austin, *St. David's Episcopal Church*, 304 E. 7th St.

WISCONSIN

Crawford County

Prairie du Chien vicinity, *Pedretti III*, N of Prairie du Chien.

[FR Doc.77-15766 filed 6-6-77;8:45 am]

Office of the Secretary

DELAWARE WATER GAP NATIONAL RECREATION AREA, NEW JERSEY AND PENNSYLVANIA

Notice of Establishment

Whereas, more than 33,500 acres of land are now under the ownership of the United States and under the administrative jurisdiction of the National Park Service within the boundaries of Delaware Water Gap National Recreation Area, as the boundaries are referenced in section 2(a) of the Act of September 1, 1965 (79 Stat. 612), and the acreage so acquired, in my opinion, is efficiently administrable to carry out the purposes of such Act within the meaning of section 3(a) thereof.

Now, therefore, I, Cecil D. Andrus, Secretary of the Interior, hereby give notice of the establishment of Delaware Water Gap National Recreation Area.

The boundaries of the National Recreation Area, which encompass an area generally identical to that referenced in section 2(a) of the Act of September 1, 1965, are located in Sussex and Warren Counties, State of New Jersey and Northampton, Monroe and Pike Counties, State of New Jersey and Northampton, Monroe and Pike Counties, Commonwealth of Pennsylvania and are more particularly described as follows:

Adjustments may be subsequently made in the boundaries of the area by publication of the amendments to the boundary description thereof in the FEDERAL REGISTER as provided in section 3(b) of the Act of September 1, 1965 (79 Stat. 612).

Delaware Water Gap National Recreation Area shall be administered in accordance with the Act of September 1, 1965 (79 Stat. 612) and in accordance with the Act of August 25, 1916 (39 Stat. 535) as amended and supplemented (16 U.S.C. 1–4).

Dated: May 18, 1977.

Approved by:

CECIL D. ANDRUS,
Secretary of the Interior.

DELAWARE WATER GAP NATIONAL RECREATION AREA

PART 1—NEW JERSEY

A certain tract of land situated in Montague Township, Sandyston Township, Stillwater Township, now or formerly Walpack Township all in Sussex County; Hardwick Township, Blairstown Township, Knowlton Township, now or formerly Pahaquarry Township all in Warren County; State of New Jersey and more particularly bounded and described as follows:

Beginning at a corner common to the lands now or formerly owned by Birchwood Farm, Inc. and the lands now or formerly owned by Stanley Buczek and at the mean low water mark of the left descending bank of the Delaware River, Montague Township, Sussex County; thence, leaving the said mean low water of the left descending bank of the Delaware River and with the line between the lands of the said Farm and the said Buczek,

South 42°44' East 697 feet to a corner common to the lands of the said Buczek and the lands now or formerly owned by Charles Pratschler and in the line of the lands of the said Farm; thence, leaving the lands of the said Buczek and with the line between the lands of the said Farm and the said Pratschler,

South 42°44' East 2069 feet to a corner common to the lands of the said Farm and the said Pratschler and in the line of the lands now or formerly owned by John Buczek, et al.; thence, leaving the lands of the said Pratschler and with the line between the lands of the said Farm and the said Buczek, et al,

North 58°59' East 173 feet to a corner common to the lands of the said Farm and the said Buczek, et al. and the lands now or formerly owned by Sylvia E. Penney; thence, leaving the lands of the said Farm and with the line between the lands of the said Penney and the said Buczek, et al.

South 35°06' East 495 feet to a corner common to the lands of the said Penney and the said Buczek, et al.; thence, leaving the lands of the said Buczek, et al. and severing the lands of the said Penney,

South 51°24' East 346 feet to a corner common to the lands of the said Penney and the lands now or formerly owned by George Hazelton, Jr., et ux; thence, with the line between the lands of the said Hazelton, Jr., et ux and the said Penney,

South 36°11' East 81 feet to a corner common to the lands of the said Penney and the lands now or formerly owned by Charles T. Pratschler, et ux and in the line of the lands or the said Hazelton, Jr., et ux; thence, leaving the lands of the said Penney and with the line between the lands of the said Hazelton, Jr., et ux and the said Pratschler, et ux,

South 36°11' East 284 feet to a corner common to the lands of the said Hazelton, Jr., et ux and the said Pratschler, et ux and in the line of the lands now or formerly owned by the County of Sussex and in the Northwesterly right-of-way line of River Road; thence, leaving the lands of the said Hazelton, Jr., et ux and with the line between the lands of the said County and the said Pratschler, et ux and with the Northwesterly right-of-way line of the said River Road;

In a generally Southwesterly direction approximately 203 feet to a corner common to the lands of said Pratschler, et ux and the said Penney and in the line of the lands of the said County; thence, leaving the lands of the said Pratschler, et ux and with the line between the lands of the said County and the said Penney and with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 1104 feet to a corner common to the lands of the said Penney and the lands now or formerly owned by Raymond A. Westbrook and in the line of the lands of the said County; thence, leaving the lands of the said Penney and with the line between the lands of the said County and the said Westbrook and with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 458 feet to a corner common to the lands of the said Westbrook and the lands now or formerly owned by Holiday Lake, Inc. and in the line of the lands of the said County; thence, leaving the lands of the said Westbrook and with the line between the lands of the said Holiday Lake, Inc. and the said County and with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 587 feet to a corner common to the lands of the said Holiday Lake, Inc. and the lands now or formerly owned by Richard E. Hoffman, et ux and in the line of the lands of the said County; thence, leaving the lands of the said Holiday Lake, Inc. and with the line between the lands of the said Hoffman, et ux and the said County, continuing with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 127 feet to a corner common to the lands of the said Hoffman, et ux and the lands now or formerly owned oy Harrison Irwin, et ux and in the line of the lands of the said County; thence, leaving the lands of the said Hoffman, et ux and with the line between the lands of the said Irwin, et ux and the said County, continuing with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 161 feet to a corner common to the lands of the said Irwin, et ux and the lands now or formerly owned by Stanley Buczek, et al and in the line of the lands of the said County; thence, leaving the lands of the said Irwin, et ux and with the line between the lands of the said Buczek, et al and the said County, continuing with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 452 feet to a corner common to the lands of the said Buczek, et al and the lands now or formerly owned by Louis J. Chianca, et ux and in the line of the lands of the said County; thence, leaving the lands of the said Buczek, et al and with the line between the lands of the said Chianca, et ux and the said County, continuing with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 180 feet to a corner common to the lands of the said Chianca, et ux and the lands now or formely owned by Robert W. Blasberg, et ux and in the line of the lands of the said County; thence, leaving the lands of the said Chianca, et ux and with the line between the lands of the said Blasberg, et ux and the said County, continuing with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 100 feet to the corner common to the lands of the said Blasberg, et ux and the lands now or formely owner by Rudolf Ulirsch, et ux and in the line of the lands of the said County; thence, leaving the lands of the said Blasberg, et ux and with the line between the lands of the said Ulirsch, et ux and the said County, continuing with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 73 feet to a corner common to the lands of the said Ulirsch, et ux and the lands now or formerly owned by Louis Huebner, et ux; thence, leaving the lands of the said Ulirsch, et ux and with the line between the lands of the said Huebner, et ux and the lands of the said County, continuing with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 77 feet to a corner common to the lands of the said Huebner, et ux and the lands now or formerly owner by Beatrice C. Liptak, et vir and in the line of the lands of the said County; thence, leaving the lands of the said Huebner, et ux and with the line between the lands of the said Liptak, et vir and the said County, continuing with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 222 feet to a corner common to the lands of the said Liptak, et vir and the lands now or formely owned by Emil L. Merusi, et ux and in the line of the lands of the said County; thence, leaving the lands

of the said Liptak, et vir and with the line between the lands of the said Merusi, et ux and the said County, continuing with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 121 feet to a corner common to the lands of the said Merusi, et ux and the lands now or formely owner by Irma I. Huebner and in the line of the lands of the said County; thence, leaving the lands of the said Merusi, et ux and with the line between the lands of the said Huebner and the said County, continuing with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 54 feet to a corner common to the lands of the said Huebner and the lands now or formerly owner by Christopher Decker and in the line of the lands of the said County; thence, leaving the lands of the said Huebner and with the line between the lands of the said Decker and the said County, continuing with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 54 feet to a corner common to the lands of the said Decker and the lands now or formerly owned by Joseph Pratschler and in the line of the lands of the said County; thence, leaving the lands of the said Decker and with the line between the lands of the said Pratschler and the said County, continuing with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 260 feet to a corner common to the lands of the said Pratschler and the lands now or formely owned by T. Bernard Simmons, et ux and in the line of the lands of the said County; thence, leaving the lands of the said Pratschler and with the line between the lands of the said Simmons, et ux and the said County, continuing with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 683 feet to a corner common to the lands of the said Simmons, et ux and the lands now or formerly owned by James M. Goyena, et ux and in the line of the lands of the said County; thence, leaving the lands of the said Simmons, et ux and with the line between the lands of the said Goyena, et ux and the said County, continuing with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 366 feet to a corner common to the lands of the said Goyena, et ux and the lands now or formerly owned by Emily D. Peterman and in the line of the lands of the said County; thence, leaving the lands of the said Goyena, et ux and with the line between the lands of the said Peterman and the said County, continuing with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 144 feet to a corner common to the lands of the said Peterman and the lands now or formerly owned by Gladys J. Kerr and in the line of the lands of the said County; thence, leaving the lands of the said Peterman and with the line betwen the lands of the said Kerr and the said County, continuing with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 527 feet to a corner common to the lands of the said Kerr and the lands nor or formerly owned by The Arthur D. Crane Company and in the line of the lands of the said County; thence, leaving the lands of the said Kerr and with the line betwen the lands of the said Crane Company and the said County, continuing with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 759 feet to a corner common to the lands of the said Crane Company and the lands now or formerly owned by Eugene R. Sullivan, et ux and in the line of the lands of the said County; thence, leaving the lands of the said Crane Company and with the line between the lands of the said Sullivan, et ux and the said County, continuing with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 116 feet to a corner common to the lands of the said Sullivan, et ux and the lands now or formerly owned by Elizabeth R. Schille and in the line of the lands of the said County; thence, leaving the lands of the said Sullivan, et ux and with the line betwen the lands of the said Schille and the said County, continuing with the said Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 97 feet to a corner common to the lands of the said Schille and the lands now or formerly owned by Grace J. Ford and in the line of the lands of the said County; thence, leaving the lands of the said Schille and with the line between the lands of the said Ford and the said County, continuing with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 306 feet to a corner common to the lands of the said Ford and the lands now or formerly owned by Estelle M. Hewitt Schwenke and in the line of the lands of the said County; thence, leaving the lands of the said Ford and with the line between the lands of the said Schwenke and the said County, continuing with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 104 feet to a corner common to the lands of the said Schwenke and the lands now or formerly owned by Edmund W. Falkowski, et ux and in the line of the lands of the said County; thence, leaving the lands of the said Schwenke and with the line between the lands of the said Falkowski, et ux and the said County, continuing with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 422 feet to a corner common to the lands of the said Falkowski, et ux and the lands now or formerly owned by Gladys V. LaBar, Trustee, and in the line of the lands of the said County; thence, leaving the lands of the said Falkowski, et ux and with the line between the lands of the said LaBar and the said County, continuing with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 147 feet to a corner common to the lands of the said LaBar and the lands now or formerly owned by John Durrof, et ux and in the line of the lands of the said County; thence, leaving the lands of the said LaBar and with the line between the lands of the said Durrof, et ux and the said County, continuing with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 105 feet to a corner common to the lands of the said Durrof, et ux and the lands now or formerly owned by Victor D. Roberts, et ux and in the line of the lands of the said County; thence, leaving the lands of the said Durrof, et ux and with the line between the lands of the said Roberts, et ux and the said County, continuing with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 48 feet to a corner common to the lands of the said Roberts, et ux and the lands now or formerly owned by Michael McHugh, et ux and in the line of the lands of the said County; thence, leaving the lands of the said Roberts, et ux and with the line between the lands of the said McHugh, et ux and the said County, continuing with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 37 feet to a corner common to the lands of the said McHugh, et ux and the other lands now or formerly owned by The Arthur D. Crane Company and in the line of the lands of the said County; thence, leaving the lands of the said McHugh, et ux and with the line between the said other lands of the said Crane Company and the said County, continuing with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 750 feet to a corner common to the said other lands of the said Crane Company and the lands now or formerly owned by Beatrice McCarty Keller, et vir and in the line of the lands of the said County; thence, leaving the said other lands of the said Crane Company and with the line between the lands of the said Keller, et vir and the said County, continuing with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction crossing the center of a right-of-way of the Tennessee Gas Transmission Company at approximately 149 feet, in all approximately 739 feet to a corner common to the lands of the said Keller, et vir and lands now or formerly owned by Agnes L. Wells, et al and in the line of the lands of the said County; thence leaving the lands of the said Keller, et vir and with the line between the lands of the said Wells, et al and the said County, continuing with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 1057 feet to a point, thence, leaving the said Northwesterly right-of-way line and severing the lands of the said Wells, et al,

South 49°52' East, crossing the Southeasterly side of the said River Road at approximately 33 feet, in all 291 feet to a corner common to the lands of the said Wells, et al and the lands now or formerly owned by Charles R. Wellhausen; thence, with the line between the lands of the said Wellhausen and the said Wells, et al,

South 48°35' West, passing a corner common to the lands of the said Wellhausen and the lands now or formerly owned by Lloyd Rackmill at approximately 471 feet, in all 1220 feet to a point in the line of the lands now or formerly owned by Raymond G. Walls, et al; thence, leaving the lands of the said Wells, et al and with the line between the lands of the said Rackmill and the said Walls, et al,

South 14°22' East, crossing the center of Shimers Brook at approximately 107 feet, in all 253 feet to a corner common to the lands of the said Walls, et al and the said Rackmill; thence, leaving the lands of the said Rackmill and severing the lands of the said Walls, et al,

South 77°20' West 205 feet to a point in the line of the lands now or formerly owned by The Township of Montague, said point being in the Northeasterly right-of-way line of Old Mine Road; thence, with the lands of the said Township, crossing the center of the said Old Mine Road,

North 77°20' West 33 feet to a corner common to the lands of the said Walls, et al, lands now or formerly owned by Irvine DeRemer, et ux and the lands of the said Township, said point being on the Southwesterly right-of-way line of the said Old Mine Road; thence, leaving the lands of the said Township and the said Southwesterly right-of-way line and with the line between the lands of

the said Walls, et al and the said DeRemer, et ux,

South 77°20' West 449 feet to a point in the line of the lands of the said Rackmill; thence, leaving the lands of the said DeRemer, et ux and with the line between the lands of the said Walls, et al and the said Rackmill,

North 27°01' West 174 feet to a corner common to the lands of the said DeRemer, et ux, lands now or formerly owned by George W. Bloomer, et ux and lands of the said County, said point being in the said Northwesterly right-of-way line of the said River Road; thence, leaving the lands of the said Bloomer, et ux and with the line between the lands of the said DeRemer, et ux and the said County and with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 1,199 feet to a corner common to the lands of the said DeRemer, et ux and lands of the said Rackmill and in the line of the lands of the said County; thence, leaving the lands of the said DeRemer, et us and with the line between the lands of the said Rackmill and the said County, continuing with the said Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 958 feet to a corner common to the lands of the said Rackmill and lands now or formerly owned by George Armstrong III, et ux and in the line of the lands of the said County; thence, leaving the lands of the said Rackmill and with the line between the lands of the said Armstrong III, et ux and the said County, continuing with the said Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 60 feet to a point; thence, leaving the said Northwesterly right-of-way line of the said River Road, crossing the center of the said River Road,

South 46°09' East 33 feet to a point on the Southeasterly right-of-way line of the said River Road; thence, leaving the lands of the said County and the said Southeasterly right-of-way line and severing the lands of the said Armstrong III, et ux, the following courses and distances:

South 46°09' East 386 feet,

South 44°31' West 204 feet,

South 38°21' West 440 feet,

South 74°01' West 192 feet to a corner common to the lands of the said Armstrong III, et ux and the lands now or formerly owned by Donald S. Cole, et ux; thence, with the line between the lands of the said Armstrong III, et ux and the said Cole, et ux,

North 61°15' West 575 feet to a corner common to the lands of the said Armstrong III, et ux, the lands of the said Cole, et ux and the lands now or formerly owned by Florence W. Watkins; thence leaving the lands of the said Armstrong III, et ux and with the line between the lands of the said Cole, et ux and the said Watkins, the following courses and distances:

South 65°24' West 91 feet,

North 37°06' West 103 feet to a point in the Southeasterly right-of-way line of the said River Road; thence, leaving the lands of the said Cole, et ux and the lands of the said Watkins, crossing the center of the said River Road,

North 37°06' West 33 feet to a point on the line of the lands now or formerly owned by Richard Ackerman, said point being on the Northwesterly right-of-way line of the said River Road; thence, with the line between the lands of the said Ackerman and the said County and with the said Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 250 feet to a corner common to the lands of the said Ackerman and the lands now or formerly owned by Katherine O'Grady Preston and in the line of the lands of the said County; thence, leaving the lands of the said Ackerman and with the line between the lands of the said Preston and the said County, continuing with the said Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 38 feet to a corner common to the lands of the said Preston, the lands of the said Cole, et ux and in the line of the lands of the said County, said corner being in the center of Tappan Road; thence, leaving the lands of the said Preston and the center of the said Tappan Road and with the line between the lands of the said Cole, et ux and the said County, continuing with the Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction, crossing the Southeasterly right-of-way line of the said Tappan Road at approximately 30 feet, in all 705 feet to a corner common to the lands of the said Cole, et ux and the lands now or formerly owned by The Ministers, Elders, and Deacons of The Reformed Dutch Church in Minisink and in the line of the lands of the said County; thence, leaving the lands of the said Cole, et ux and with the line between the lands of the said Reformed Dutch Church and the said County, continuing with the said Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 251 feet to a corner common to the lands of the said Reformed Dutch Church and lands now or formerly owned by The Montague Reformed Church Cemetary Association and in the line of the lands of the said County; thence, leaving the lands of the said Reformed Dutch Church and with the line between the lands of the said Church Cemetery Association and the said County, continuing with the said Northwesterly right-of-way line of the said River Road,

In a generally Southwesterly direction approximately 103 feet to a corner common to the lands of the said Church Cemetery Association and the lands now or formerly owned by Donald Cole, Trustee and in the line of the lands of the said County; thence, leaving the lands of the said Church Cemetery Association and with the line between the lands of the said Cole, Trustee and the said County, continuing with the Northwesterly right-of-way line of the said River Road,

In a generally Southeasterly direction approximately 300 feet to a point; thence, leaving the said Northwesterly right-of-way line of the said River Road and with the lands of the said County,

South 80°12' East 33 feet to a point on the Southeasterly side of the said River Road; thence, leaving the lands of the said County and severing the lands of the said Cole, Trustee, the following courses and distances:

South 80°12' East 455 feet,

South 20°30' West 420 feet to a corner common to the lands of the said Cole, Trustee and the lands now or formerly owned by Dora A. Conklin; thence, with the line between the lands of the said Cole, Trustee and the said Conklin, the following courses and distances:

North 62°10' West 108 feet,

South 31°40' West 110 feet to a point in the Northeasterly right-of-way line of Rubin Hill Road; thence, leaving the lands of the said Cole, Trustee and the said Conklin and the said Northeasterly right-of-way line of the said Rubin Hill Road, crossing the said Rubin Hill Road,

South 31°40' West 40 feet to a point on the line of the lands now or formerly owned by Mabel E. Roberts, said point being in the Southwesterly right-of-way line of the said Rubin Hill Road; thence, with the lands of the said Roberts and the said Southwesterly right-of-way line of the said Rubin Hill Road,

In a generally Southeasterly direction approximately 1070 feet to a point; thence, leaving the said Southeasterly right-of-way line of the said Rubin Hill Road and severing the lands of the said Roberts,

South 21°25' West 1402 feet to a point in the line of the lands now or formerly owned by The County of Sussex, said point being on the Northeasterly right-of-way line of Deckertown Pike; thence, leaving the lands of the said Roberts and the said Northeasterly right-of-way line of the said Deckertown Pike and severing the said lands of the said County, crossing the said Deckertown Pike,

South 46°00' West 66 feet to a point in the line of other lands of the said Roberts, said point being on the Southwesterly right-of-way line of the said Deckertown Pike; thence, leaving the said other lands of the said County and the said Southwesterly right-of-way line and severing the lands of the said Roberts, the following courses and distances:

South 45°05' West 670 feet,

South 30°00' East 1836 feet to a corner common to the said other lands of the said Decker and the lands now or formerly owned by Donie F. Cortright; thence, with the line between the lands of the said Roberts and the said Cortright;

South 50°14' West 362 feet to a point in the line of the lands now or formerly owned by The State of New Jersey, said point being in the Northeasterly right-of-way line of United States Highway Route Number 206; thence, leaving the lands of the said Roberts and the said Cortright and the said Northeasterly right-of-way line and severing the lands of the said State of New Jersey, crossing the said United States Highway Route Number 206,

South 50°14' West 70 feet to a point in the line of other lands of the said Roberts, said point being on the Southwesterly right-of-way line of the said United States Highway Route Number 206; thence, with the line between the lands of the said State of New Jersey and the said other lands of the said Roberts and with the said Southwesterly right-of-way line of the said United States Highway Route Number 206,

In a generally Southerly direction approximately 1010 feet to a corner common to lands now or formerly owned by Charles J. Bongiorno, et ux and the lands of the said Roberts and in the line of the lands of the said State of New Jersey; thence, leaving the lands of the said State of New Jersey and the said Southwesterly right-of-way line and with the line between the lands of the said Bongiorno, et ux and the said other lands of the said Roberts, the following courses and distances:

North 51°52' West 883 feet,

South 84°22' West 216 feet to a corner common to the lands of the said Bongiorno, et ux and the lands now or formerly owned Robert J. Pollara, et ux and in the line of the lands of the said other lands of the said Roberts; thence, leaving the lands of the said Bongiorno, et ux and with the line between the lands of the said Pollara, et ux and the said other lands of the said Roberts, the following courses and distances:

South 83°51' West 507 feet,

North 87°26' West 572 feet,

North 80°27' West 179 feet to a point; thence, leaving the said other lands of the said Roberts and severing the lands of the said Pollara, et ux,

South 19°10' West, passing a corner common to the lands of the said Pollara, et ux and the lands now or formerly owned by Roland D. Larrison, et ux at approximately 975 feet, in all 1352 feet to a corner common to the lands of the said Pollara, et ux and the lands of the said Larrison, et ux; thence, leaving the lands of the said Larrison, et ux

and severing the lands of the said Pollara, et ux,

South 19°27' West 37 feet to a corner common to the lands now or formerly owned by Miles E. Chamberlain, et ux and the lands now or formerly owned by Marie Pollara and in the line of the lands of the said Pollara, et ux; thence, leaving the lands of the said Pollara, et ux and with the line between the lands of the said Pollara and the said Chamberlain, et ux,

South 19°00' West 242 feet to a corner common to the lands of the said Pollara, the lands of the said Chamberlain, et ux and the lands now or formerly owned by Victor Pollara; thence, leaving the lands of the said Chamberlain, et ux and with the line between the lands of the said Marie Pollara and the said Victor Pollara,

South 20°32' West approximately 266 feet to a corner common to the lands of the said Marie Pollara, the lands of the said Victor Pollara and the lands now or formerly owned by George Pollara, et ux; thence, leaving the lands of the said Victor Pollara and with the line between the lands of the said Marie Pollara and the said George Pollara, et ux,

South 19°12' West 197 feet to a point in the line of the lands now or formerly owned by Lloyd Rackmall; thence, leaving the lands of the said Marie Pollara and with the line between the lands of the said George Pollara, et ux and the said Rackmill, the following courses and distances:

South 50°31' East 220 feet,

South 65°58' East 105 feet to a corner common to the lands of the said Rackmill and the said George Pollara, et ux; thence, leaving the lands of the said George Pollara, et ux and severing the lands of the said Rackmill,

South 27°07' West 1442 feet to a corner common to the lands of the said Rackmill and the lands now or formerly owned by Tocks Island Realty Corp.; thence, with the line between the lands of the said Realty Corp. and the said Rackmill,

South 71°31' East 184 feet to a point in the line of the lands now or formerly owned by The Township of Montague, said point being in the Northerly right-of-way line of Van Etten Road; thence, leaving the lands of the said Realty Corp. and with the line between the lands of the said Rackmill and the said Township of Montague and with the said Northerly right-of-way line of the said Van Etten Road,

In a generally Easterly direction approximately 1,300 feet to a corner common to the lands of the said Rackmill and lands now or formerly owned by Edward L. Herman and in the line of the lands of the said Township of Montague; thence, leaving the lands of the said Rackmill and with the line between the lands of the said Herman and the said Township of Montague, continuing with the said Northerly right-of-way line of the said Van Etten Road,

In a generally Northeasterly direction approximately 200 feet to a point; thence, leaving the lands of the said Herman and the said Northerly right-of-way line of the said Van Etten Road and severing the said lands of the said Township of Montague, crossing the said Van Etten Road,

South 27°46' West 40 feet to a corner common to the lands of the said Realty Corp., the lands now or formerly owned by Harry E. Phillips and in the line of the lands of the said Township of Montague, said point being on the Southerly right-of-way line of the said Van Etten Road; thence, leaving the lands of the said Township of Montague and the said Southerly right-of-way line of the said Van Etten Road and with the line between the lands of the said Realty Corp. and the said Phillips, the following courses and distances:

South 27°46' West 261 feet,

South 66°04' East 251 feet to a point in the line of the lands of the said State of New Jersey, said point being on the Northwesterly right-of-way line of United States Highway Route Number 206; thence, leaving the lands of the said Herman and with the line between the lands of the said State of New Jersey and the said Realty Corp. and with the said Northwesterly right-of-way line of the said United States Highway Route Number 203,

In a generally Southwesterly direction crossing the line between Sandyston Township and Montague Township at approximately 896 feet, in all 1555 feet to a point in the line of lands now or formerly owned by the said Township of Sandyston, said point being at the intersection of the Northwesterly right-of-way line of the said United States Highway Route Number 206 with the Northwesterly right-of-way line of Ayers Road; thence, leaving the lands of the said State of New Jersey and the said Northwesterly right-of-way line of the said United States Highway Route Number 206 and with the line between the lands of the said Realty Corp. and the said Township of Sandyston and with the Northerly right-of-way line of the said Ayers Road,

In a generally Southwesterly direction approximately 216 feet to a corner common to the lands of the said Realty Corp., other lands now or formerly owned by the said Mabel E. Roberts and in the line of the lands of the said Township of Sandyston; thence, leaving the lands of the said Realty Corp. and the lands of the said Township of Sandyston and the said Northerly right-of-way line of the said Ayers Road and severing the said other lands of the said Roberts, the following courses and distances:

South 46°09' West 1233 feet,

South 62°56' West 3044 feet to a corner common to the said other lands of the said Roberts, the lands now or formerly owned by Wantage Land Corporation and in the line of the lands now or formerly owned by Julius Calestini; thence, leaving the said other lands of the said Roberts and with the line between the lands of the said Calestini and the lands of the said Land Corporation,

South 33°13' West 517 feet to a corner common to the lands of the said Calestini and the lands of the said Land Corporation; thence, leaving the lands of the said Calestini and severing the lands of the said Land Corporation, the following courses and distances:

South 61°38' East 305 feet,

South 35°36' West 1310 feet to a point in the line of the lands now or formerly owned by J. Laurence Black, et ux; thence, with the lands of the said Black, et ux,

South 49°20' East, passing a corner common to the lands of the said Land Corporation and the lands now or formerly owned by Clinton B. Jager, et al at approximately 345 feet, in all 559 feet to a corner common to the lands of the said Black, et ux and the lands of the said Jager, et al; thence, leaving the lands of the said Black, et ux and severing the lands of the said Jager, et al, the following courses and distances:

South 19°34' East 273 feet,

South 29°44' West 705 feet to a point in the line of the lands of the said County of Sussex, said point being in the Northerly right-of-way line of Ridge Road; thence, leaving the lands of the said Jager, et al and severing the lands of the said County of Sussex, crossing the said Ridge Road,

South 29°44' West 40 feet to a point on the line of other lands of the said Jager, et al, said point being in the Southerly right-of-way line of the said Ridge Road; thence, with the line between the said other lands of the said Jager, et al and the lands of the said County of Sussex and with the Southerly right-of-way line of the said Ridge Road,

In a generally Easterly direction approximately 710 feet to a corner common to the lands of the said Jager, et al, lands now or formerly owned by The Township of Sandyston and in the line of the lands of the said County of Sussex, said corner being at the intersection of the Westerly right-of-way line of Upper Ridge Road with the said Southerly right-of-way line of said Ridge Road; thence, leaving the lands of the said Jager, et al and with the lands of the said County of Sussex,

In a generally Southeasterly direction approximately 34 feet to a corner common to other lands of the said Jager, et al, the lands of the said Township of Sandyston and in the line of the lands of the said County of Sussex, said point being in the Easterly right-of-way line of the said Upper Ridge Road and at the intersection of the said Easterly right-of-way line of the said Upper Ridge Road with the Southerly right-of-way line of the said Ridge Road; thence, leaving the lands of the said County of Sussex and the said Township of Sandyston and the said road intersection and severing the lands of the said Jager, et al,

South 18°30' West 1835 feet to a corner common to the lands of the said Jager, et al and the lands now or formerly owned by Alfred J. Luciano, et al; thence, with the line between the lands of the said Luciano, et al and the said Jager, et al,

South 13°38' West 548 feet to a point in the line of the lands now or formerly owned by Rex B. Altchuler; thence, leaving the lands of the said Luciano, et al and with the line between the lands of the said Jager, et al and the said Altchuler,

South 70°05' East 194 feet to a point in the line of other lands of the said Luciano, et al; thence, leaving the lands of the said Jager, et al and with the line between the lands of the said Altschuler and the said other lands of the said Luciano, et al,

South 42°02' West, passing a corner common to the said other lands of the said Luciano, et al and the lands now or formerly owned by Russell D. Smith, et al at approximately 456 feet, in all 1092 feet to a corner common to the lands of the said Altchuler and the lands of the said Smith, et al; thence, continuing with the line between the lands of the said Altschuler and the said Smith, et al,

South 14°35' East 311 feet to a corner common to the lands of the said Altschuler, the lands of the said Smith, et al and the lands now or formerly owned by William Thierbach, et ux; thence, leaving the lands of the said Altschuler and with the line between the lands of the said Smith, et al and the said Thierbach, et ux, the following courses and distances:

South 63°19' East 440 feet,

South 40°22' East 274 feet,

South 38°08' West 512 feet to a point in the line of the lands now or formerly owned by Eston S. Major, et al; thence, leaving the lands of the said Smith, et al and with the line between the lands of the said Thierbach, et ux and the said Major, et al, the following courses and distances:

North 81°26' West 289 feet,

South 04°31' West 134 feet,

South 71°34' East 60 feet,

South 17°13' West 616 feet,

North 76°34' West 676 feet to a point; thence, leaving the lands of the said Thierbach, et ux and severing the lands of the said Major, et al,

South 15°36' West 516 feet to a point in the line of the lands now or formerly owned by Edward Ibsen; thence, leaving the lands

of the said Major, et al and severing the lands of the said Ibsen, the following courses and distances:

South 37°21' West 1762 feet,
South 49°24' East 645 feet,
South 38°22' West 306 feet,
South 54°28' East 172 feet,
South 34°49' West 402 feet to a point in the line of the lands now or formerly owned by Wesley J. Oliver, et ux; thence, leaving the lands of the said Ibsen and severing the lands of the said Oliver, et ux,

South 36°33' West 709 feet to a point in the line of the lands now or formerly owned by The Township of Sandyston, said point being in the Northerly right-of-way line of Van Ness Road; thence, leaving the lands of the said Oliver, et ux and the said Northerly right-of-way line of the said Van Ness Road and severing the lands of the said Township of Sandyston, crossing the said Van Ness Road,

South 36°33' West 40 feet to a point on the line of the lands now or formerly owned by George B. Harper, said point being on the Southerly right-of-way line of the said Van Ness Road; thence, leaving the lands of the said Township of Sandyston and the said Southerly right-of-way line of the said Van Ness Road and severing the lands of the said Harper, the following courses and distances:

South 22°54' West 713 feet,
South 28°31' West 1364 feet to a corner common to the lands of the said Harper and the lands now or formerly owned by Joseph J. Lennington, et ux; thence, leaving the lands of the said Harper and severing the lands of the said Lennington, et ux,

South 28°31' West 400 feet to a corner common to the lands of the said Lennington, et ux, the lands now or formerly owned by John Cron, Jr. and the lands now or formerly owned by Frank Meier, et al; thence, leaving the lands of the said Harper and with the line between the lands of the said Meier, et al and the said Cron, Jr.,

South 78°25' West 644 feet to a corner common to the lands of the said Cron, Jr., the lands of the said Meier, et al and the lands now or formerly owned by Alfred M. Ellett, Executor Trustee; thence, leaving the lands of the said Meier, et al and with the line between the lands of the said Cron, Jr. and the said Ellett, Executor Trustee,

South 12°32' West 66 feet to a corner common to the lands of the said Ellett, Executor Trustee and the said Cron, Jr. and in the line of the lands now or formerly owned by The County of Sussex, said point being on the Northerly right-of-way line of Township Route Number 521; thence, leaving the lands of the said Ellett, Executor Trustee and the said Cron, Jr. and the said Northerly right-of-way line, severing the said lands of the said County of Sussex, crossing the said Township Route Number 521,

South 11°59' West 66 feet to a corner common to other lands of the said Ellett, Executor Trustee and other lands of the said Cron, Jr. and in the line of the lands of the said County of Sussex, said point being on the south right-of-way line of the said Township Route Number 521; thence, leaving the lands of the said County of Sussex and the said Southerly right-of-way line of the said Township Route Number 521 and with the line between the lands of the said Ellett, Executor Trustee and the said other lands of the said Cron, Jr.,

South 11°59' West 1318 feet to a corner common to the said other lands of the said Ellett, Executor Trustee and the said Cron, Jr. and the lands now or formerly owned by Arthur E. Bevans, et ux; thence, leaving the said other lands of the said Ellett, Executor Trustee and with the line between the lands of the said Bevans, et ux and the said other lands of the said Cron, Jr.,

South 23°16' West, passing a corner common to the lands of the said Cron, Jr. and the lands now or formerly owned by John Raser, et ux at approximately 2614 feet, in all 2977 feet to a point in the line of the lands now or formerly owned by the said Township of Sandyston, said point being in the Northerly right-of-way line of Old Dingmans Road; thence, leaving the lands of the said Bevans, et ux and the lands of the said Raser, et ux and the said Northerly right-of-way line of the said Old Dingmans Road and severing the lands of the said Township of Sandyston, crossing the said Old Dingmans Road,

South 23°16' West 33 feet to a point; thence, leaving the lands of the said Raser, et ux and the said Bevans, et ux and leaving the Northerly right-of-way line of the said Old Dingmans Road and severing the said other lands of the said Township of Sandyston,

South 23°16' West 44 feet to a corner common to other lands of the said Raser, et ux and other lands of the said Bevans, et ux and in the line of the said other lands of the said Township of Sandyston and in the Southerly right-of-way line of the said Old Dingmans Road; thence, leaving the said other lands of the said Township of Sandyston and leaving the Southerly right-of-way line of the said Old Dingmans Road and with the line between the said other lands of the said Raser, et ux and the said other lands of the said Bevans, et ux,

South 22°26' West passing a corner common to the said other lands of the said Raser, et ux and the lands now or formerly owned by John Cron, Jr. at approximately 1376 feet, in all 1774 feet to a corner common to the said other lands of the said Bevans, et ux and the lands now or formerly owned by Helka Joan Fay and in the line of the lands of the said Cron, Jr.; thence, leaving the said other lands of the said Bevans, et ux and with the line between the lands of the said Cron, Jr. and the said Fay,

South 22°26' West 557 feet to a corner common to the lands of the said Cron, Jr. and the said Fay and the lands now or formerly owned by Ned-Fay-Gil Company; thence, leaving the lands of the said Cron, Jr. and with the line between the lands of the said Ned-Fay-Gil Company and the said Fay,

South 33°03' West 59 feet to a corner common to the lands of the said Fay and the lands now or formerly owned by John Bevans and in the line of the lands of the said Ned-Fay-Gil Company; thence, leaving the lands of the said Fay and with the line between the lands of the said Ned-Fay-Gil Company and the said Bevans,

South 33°03' West 130 feet to a corner common to the lands of the said Bevans and the lands now or formerly owned by Edwin A. Freudenheim, et ux and in the line of the lands of the said Ned-Fay-Gil Company; thence, leaving the lands of the said Bevans and with the line between the lands of the said Ned-Fay-Gil Company and the said Freudenheim, et ux,

South 33°03' West passing a corner common to the lands of the said Ned-Fay-Gil Company and the lands now or formerly owned by the State of New Jersey at approximately 453 feet, in all 1478 feet to a corner common to the lands of the said Freudenheim, et ux and the lands now or formerly owned by Lee C. Fitch, et ux and in the line of the lands of the said State; thence, leaving the lands of the said Freudenheim, et ux and with the line between the lands of the said State and the said Fitch, et ux,

South 33°03' West 817 feet to a corner common to the lands of the said State and the lands now or formerly owned by Joseph J. Lennington and in the line of the lands of the said Fitch, et ux; thence, leaving the lands of the said Fitch, et ux and with the line between the lands of the said State and the said Lennington, the following courses and distances:

South 57°07' East 1062 feet,
South 33°15' West 203 feet to a corner common to the lands of the said Lennington, and the lands now or formerly owned by George L. Lennington, and in the line of the lands of the said State; thence, leaving the lands of the said Lennington, and with the line between the lands of the said State and the said George L. Lennington,

South 33°15' West 200 feet to a corner common to the lands of the said George L. Lennington and the lands now or formerly owned by Warren E. Gibbs, et ux, and in the line of the lands of the said State; thence, leaving the lands of the said George L. Lennington and with the line between the lands of the said State, and the said Gibbs, et ux the following courses and distances:

South 33°15' West 903 feet,
South 62°12' West 504 feet,
North 72°12' West 89 feet to a corner common to the lands of the said State and the lands now or formerly owned by Robley K. Williamson, and in the line of the lands of the said Gibbs, et ux; thence, leaving the lands of the said Gibbs, et ux, and with the line between the lands of the said State, and the said Williamson, the following courses and distances:

South 45°50' West 163 feet,
North 74°13' West 71 feet to a point in the line of the lands now or formerly owned by the Township of Sandyston and in the Easterly right-of-way line of Walpack Road; thence, leaving the lands of the said State and the lands of the said Williamson, and leaving the Easterly right-of-way line of the said Walpack Road, severing the lands of the said Township of Sandyston,

South 79°20' West 66 feet to a point in the line of the lands now or formerly owned by Herbert Birchenough, et ux and in the Westerly right-of-way line of the said Walpack Road; thence, with the line between the lands of the said Birchenough, et ux and the said Township of Sandyston, and along the Westerly right-of-way line of the said Walpack Road,

In a Southerly direction approximately 100 feet to a corner common to the lands of the said Birchenough, et ux and the lands now or formerly owned by Robert E. Kuhn, et al and in the line of the lands of the said Township of Sandyston; thence, leaving the lands of the said Birchenough, et ux and with the line between the lands of the said Township of Sandyston and the said Kuhn, et al and continuing with the Westerly right-of-way line of the said Walpack Road,

In a generally Southerly direction approximately 1103 feet to a corner common to the lands of the said Kuhn, et al and the lands now or formerly owned by Addison K. Bevans, et ux and in the line of the lands of the said Township of Sandyston; thence, leaving the lands of the said Kuhn, et al and with the line between the lands of the said Bevans, et ux and the said Township of Sandyston, and continuing with the Westerly right-of-way line of the said Walpack Road,

In a generally Southerly direction approximately 571 feet to a corner common to the lands of the said Bevans, et ux and the lands now or formerly owned by Kenneth Treible, et ux and in the line of the lands of the said Township of Sandyston; thence, leaving the lands of the said Bevans, et ux and with the line between the lands of the said Township of Sandyston and the said Treible, et ux and continuing with the Westerly right-of-way line of the said Walpack Road,

In a generally Southerly direction approximately 140 feet to a corner common to the lands of the said Treible, et ux and to the lands now or formerly owned by William G. Pitman, et ux and in the line of the lands of the said Township of Sandyston; thence, leaving the lands of the said Treible, et ux and the said Pitman, et ux and leaving the Westerly right-of-way line of and severing the said Walpack Road,

In an Easterly direction approximately 66 feet to a corner common to the lands now or formerly owned by the State of New Jersey and to the lands now or formerly owned by Frank H. Overly, et ux and in the line of the lands of the said Township of Sandyston and in the Easterly right-of-way line of the said Walpack Road; thence, leaving the lands of the said Township of Sandyston and leaving the Easterly right-of-way line of the said Walpack Road and with the line between the lands of the said State and the said Overly, et ux,

South 69°49' East 142 feet to a corner common to the lands of the said State and the said Overly, et ux and in the line of the lands now or formerly owned by the County of Sussex and being also a point in the Northwesterly right-of-way line of the Sandyston-Haney's Mill Road; thence, leaving the lands of the said State and with the line between the lands of the said County of Sussex and the said Overly, et ux and with the Northwesterly right-of-way line of the said Sandyston-Haney's Mill Road,

In a Southwesterly direction approximately 66 feet to a point in the line between the lands of the said County of Sussex and the said Overly, et ux and in the Northwesterly right-of-way line of the said Sandyston-Haney's Mill Road; thence, leaving the lands of the said Overly, et ux and leaving the Northwesterly right-of-way line of the said Sandyston-Haney's Mill Road and severing the said Sandyston-Haney's Mill Road,

In a Southeasterly direction approximately 33 feet to a corner common to the lands now or formerly owned by the said State and the lands now or formerly owned by Gilbert J. Smith, and in the line of the lands of the said County of Sussex, and being also a point in the Southeasterly right-of-way line of the said Sandyston-Haney's Mill Road; thence, leaving the lands of the said County of Sussex and leaving the Southeasterly right-of-way line of the said Sandyston-Haney's Mill Road and with the line between the lands of the said State and the said Smith, the following courses and distances:

South 68°20' East 79 feet,

South 02°42' East 33 feet to a corner common to the lands of the said Smith and the lands now or formerly owned by Paul Norman McEvoy and in the line of other lands of the said State; thence, leaving the lands of the said Smith, and with the line between the lands of the said McEvoy and the said other lands of the said State,

South 03°44' East 85 feet to a corner common to the lands of the said McEvoy and the other lands now or formerly owned by the said Gilbert J. Smith, and in the line of the said other lands of the said State; thence, leaving the lands of the said McEvoy, and with the line between the said other lands of the said State and the said other lands of the said Smith,

South 02°36' East 66 feet to a corner common to the said other lands of the said Smith and the lands now or formerly owned by John W. Raser, et ux and in the line of the said other lands of the said State; thence leaving the said other lands of the said Smith and with the line between the said other lands of the said State and the said Raser, et ux,

South 02°34' East 51 feet,

South 32°19' West 94 feet to a corner common to the lands of the said Raser, et ux and to the lands now or formerly owned by Paul R. Angerman, et ux and in the line of the said other lands of the said State; thence, leaving the lands of the said Raser, et ux and with the line between the said other lands of the said State and the said Angerman, et ux,

South 32°19' West 101 feet to a corner common to the said other lands of the said State and to the lands now or formerly owned by Madge M. Doremus, et vir and being a point in the line of the lands of the said Angerman, et ux; thence, leaving the lands of the said Angerman, et ux and with the line between the said other lands of the said State and the said Doremus, et vir, the following courses and distances:

South 19°05' East 374 feet,

South 12°04' East 300 feet to a corner common to the said other lands of the said State and the said Doremus, et vir and the lands now or formerly owned by Jane Blewett Sherwin, et al; thence, leaving the lands of the said Doremus, et vir and with the line between the said other lands of the said State and the said Sherwin, et al,

South 87°25' East 66 feet to a corner common to the said other lands of the said State and the said Sherwin, et al; thence, continuing with the line between the said other lands of the said State and the said Sherwin, et al, the following courses and distances:

South 44°26' East 577 feet,

South 43°25' East, crossing the center of Little Flat Brook at approximately 777 feet, crossing the center of Big Flat Brook at approximately 1,340 feet, in all 2,515 feet to a corner common to the said other lands of the said State and the said Sherwin, et al. and to the lands now or formerly owned by Merton Henry and to the lands now or formerly owned by Donald B. MacMillan, et ux; thence, leaving the said other lands of the said State and the said Sherwin, et al and with the line between the lands of the said Henry and the said MacMillan, et ux,

South 59°02' East 497 feet to a corner common to the lands of the said Henry and the said MacMillan, et ux and in the line of other lands now or formerly owned by the Township of Sandyston, and being also a point in the Northwesterly right-of-way line of Brook Road; thence, leaving the lands of the said Henry and with the line between other lands of the said Township of Sandyston and the lands of the said MacMillan, et ux and with the Northwesterly right-of-way line of the said Brook Road,

In a generally Southwesterly direction approximately 1,310 feet to a point in the line between the lands of the said Township of Sandyston, and the said MacMillan, et ux and in the Northwesterly right-of-way line of the said Brook Road; thence, leaving the lands of the said MacMillan, et ux and leaving the Northwesterly right-of-way line of the said Brook Road and severing the said Brook Road,

South 56°18' East 33 feet to a corner common to the lands of the said Township of Sandyston and to other lands now or formerly owned by the said State, and to the lands now or formerly owned by Andrew Stewart, et ux and in the Southeasterly right-of-way line of the said Brook Road; thence, leaving the lands of the said Township of Sandyston and leaving the Southeasterly right-of-way line of the said Brook Road and with the line between the other lands of the said State and the said Stewart, et ux, the following courses and distances:

South 56°18' East 32 feet,

South 35°07' West 1,170 feet,

North 52°47' West 760 feet to a corner common to the lands of the said Stewart, et ux and the said Township of Sandyston and to other lands now or formerly owned by the said State and in the Southeasterly right-of-way line of the said Brook Road; thence, leaving the lands of the said Stewart, et ux and leaving the Southeasterly right-of-way line of the said Brook Road and severing the lands of the said Township of Sandyston,

North 52°47' West 37 feet to a corner common to the lands of the said Township of Sandyston and the said other lands of the said State and the other lands now or formerly owned by Andrew Stewart, et ux and in the Northwesterly right-of-way line of the said Brook Road; thence, leaving the said other lands of the said Stewart, et ux and with the line between the lands of the said Township of Sandyston, and the said other lands of the said State and with the Northwesterly right-of-way line of the said Brook Road,

In a generally Southwesterly direction approximately 332 feet to a corner common to the lands of the said Township of Sandyston, and the said other lands of the said State and to other lands now or formerly owned by the said Township of Sandyston, and being a point at the intersection of the Northwesterly right-of-way line of the said Brook Road with the Easterly right-of-way line of Mountain Road; thence, leaving the said lands of the said Township of Sandyston and the said other lands of the said State and leaving the Northwesterly right-of-way line of the said Brook Road and the said Easterly right-of-way line of Mountain Road and severing the said Mountain Road,

In a Westerly direction approximately 33 feet to a point in the line between the said other lands of the said Township of Sandyston and other lands now or formerly owned by the said State and being a point in the Northwesterly right-of-way line of the said Mountain Road; thence, with the line between the said other lands of the said Township of Sandyston, and the said other lands of the said State and with the Northwesterly right-of-way line of the said Mountain Road,

In a generally Southwesterly direction approximately 3,050 feet to a corner common to the said other lands of the said Township of Sandyston and the said other lands of the said State and other lands now or formerly owned by the said Township of Sandyston, and being a point at the intersection of the Northwesterly right-of-way line of the said Mountain Road with the Northerly right-of-way line of the Fish and Game Road; thence, leaving the said other lands of the said State and the Northerly right-of-way line of the said Fish and Game Road, and with the line between the said other lands of the said Township of Sandyston and other lands of the said State and continuing with the Northwesterly right-of-way line of the said Mountain Road,

In a generally Southerly direction, passing the Southerly right-of-way line of the said Fish and Game Road at approximately 33 feet, crossing the center of an unnamed drain at approximately 1,560 feet, and crossing the line between the Township of Sandyston and the Township of Walpack at approximately 2,607 feet, in all approximately 2,819 feet, to a corner common to the lands of the said Township of Walpack and the said other lands of the said State and the lands now or formerly owned by Flatbrook Experimental Farms, Inc.; thence, leaving the lands of the said State and continuing with the Northwesterly right-of-way line of the said Mountain Road and with the line between the lands of the said Township of Walpack and the said Experimental Farms,

In a Southwesterly direction approximately 2,457 feet to a corner common to the lands of the said Experimental Farms and the lands now or formerly owned by David

B. Fairman, et ux and in the line of the lands of the said Township of Walpack; thence, leaving the lands of the said Experimental Farms and continuing with the Northwesterly right-of-way line of the said Mountain Road and with the line between the lands of the said Township of Walpack and the said Fairman, et ux,

In a Southwesterly direction approximately 1,109 feet to a corner common to the lands of the said Fairman, et ux and the lands now or formerly owned by B. Douglas Gordon and in the line of the lands of the said Township of Walpack; thence, leaving the lands of the said Fairman, et ux and continuing with the Northwesterly right-of-way line of the said Mountain Road and with the line between the lands of the said Township of Walpack and the said Gordon,

In a Southwesterly direction approximately 115 feet to a point in the line between the lands of the said Township of Walpack and the said Gordon; thence, leaving the lands of the said Gordon and leaving the Northwesterly right-of-way line of the said Mountain Road and severing the lands of the said Township of Walpack,

South 66°35' East 33 feet to a corner common to the lands now or formerly owned by Vivian A. Carrougher, et ux and the lands now or formerly owned by John A. Carrougher, et ux and in the line of the lands of the said Township of Walpack and in the Southeasterly right-of-way line of the said Mountain Road; thence, leaving the lands of the said Township of Walpack and leaving the Southeasterly right-of-way line of the said Mountain Road and with the line between the lands of the said Vivian A. Carrougher, et ux and the said John A. Carrougher, et ux,

South 66°35' East 558 feet to a corner common to the lands of the said Vivian A. Carrougher, et ux and the said John A. Carrougher, et ux and in the line of other lands of the said Gordon; thence, leaving the lands of the said John A. Carrougher, et ux and with the line between the lands of the said Vivian A. Carrougher, et ux and the said other lands of the said Gordon, the following courses and distances:

North 20°45' East 239 feet,

South 72°34' East 2,432 feet to a corner common to the lands of the said Vivian A. Carrougher, et ux and the said other lands of the said Gordon and in the line of the lands of the said State; thence, leaving the lands of the said Vivian A. Carrougher, et ux and with the line between the lands of the said State and the said other lands of the said Gordon,

South 42°16' West 431 feet to a corner common to the lands of the said State and the said other lands of the said Gordon and in the line of other lands now or formerly owned by the said Township of Walpack and in the Northwesterly right-of-way line of Walpack Center Road; thence, leaving the lands of the said State and with the line between the said other lands of the said Township of Walpack and the said other lands of the said Gordon and with the Northwesterly right-of-way line of the said Walpack Center Road,

In a generally Southwesterly direction approximately 1,643 feet to a corner common to the said other lands of the said Gordon and other lands of the said State and in the line of the said other lands of the said Township of Walpack; thence, leaving the said other lands of the said Township of Walpack and leaving the Northerly right-of-way line of the said Walpack Center Road and with the line between the said other lands of the said State and the said other lands of the said Gordon, the following courses and distances:

North 13°26' West 145 feet,

South 86°03' West 185 feet to a corner common to the said other lands of the said State and the said other lands of the said Gordon and in the line of the said other lands of the said Township of Walpack and in the Northerly right-of-way line of the said Walpack Center Road; thence, leaving the said other lands of the said State and the said other lands of the said Gordon and leaving the Northerly right-of-way line of the said Walpack Center Road and severing the said other lands of the said Township of Walpack,

South 86°03' West 76 feet to a corner common to other lands now or formerly owned by the said State and other lands now or formerly owned by the said Gordon and in the line of the said other lands of the said Township of Walpack and in the Southerly right-of-way line of the said Walpack Center Road; thence, leaving the said other lands of the said Township of Walpack and leaving the Southerly right-of-way line of the said Walpack Center Road and with the line between the said other lands of the said State and the said other lands of the said Gordon, the following courses and distances:

South 86°06' West 105 feet,

North 89°46' West 222 feet to a corner common to the said other lands of the said State and the said other lands of the said Gordon and in the line of the said other lands of the said Township of Walpack and in the Southerly right-of-way line of the said Walpack Center Road; thence, leaving the said other lands of the said State and the said other lands of the said Gordon and leaving the Southerly right-of-way line of the said Walpack Center Road and severing the said other lands of the said Township of Walpack,

North 89°46' West 90 feet to a corner common to other lands now or formerly owned by the said State and the said other lands of the said Gordon and in the line of the said other lands of the said Township of Walpack and in the Northerly right-of-way line of the said Walpack Center Road; thence, leaving the said other lands of the said Township of Walpack and leaving the Northerly right-of-way line of the said Walpack Center Road and with the line between the said other lands of the said State and the said other lands of the said Gordon,

North 88°31' West 158 feet to a corner common to the said other lands of the said State and the said other lands of the said Gordon and in the line of the said other lands of the said Township of Walpack and in the Northerly right-of-way line of the said Walpack Center Road; thence, leaving the said other lands of the said State and with the line between the said other lands of the Township of Walpack and the said other lands of the said Gordon and with the Northerly right-of-way line of the said Walpack Center Road,

In a generally Westerly direction approximately 710 feet to a point in the line between the said other lands of the said Township of Walpack and the said other lands of the said Gordon; thence, leaving the said other lands of the said Gordon and leaving the Northerly right-of-way line of the said Walpack Center Road and severing the said other lands of the Township of Walpack,

Due South 50 feet to a corner common to the said other lands of the said State and the lands now or formerly owned by Charles H. Emery, Sr., et al and in the line of the said other lands of the said Township of Walpack and in the Southerly right-of-way line of the said Walpack Center Road; thence, leaving the said other lands of the said Township of Walpack and leaving the Southerly right-of-way line of the said Walpack Center Road and with the line between the said other lands of the said State and the lands of the said Emery, Sr., et al,

South 82°17' West 268 feet to a corner common to the said other lands of the said State and the lands of the said Emery, Sr., et al and the lands now or formerly owned by the Thayandaga Rod and Gun Club; thence, leaving the lands of the said Emery, Sr., et al and with the line between the said other lands of the said State and the lands of the said Rod and Gun Club,

South 45°34' West 188 feet to a corner common to the said other lands of the said State and the lands of the said Rod and Gun Club and in the line of other lands now or formerly owned by the said Township of Walpack and in the Easterly right-of-way line of Haney's Mill-Walpack Center Road; thence, leaving the said other lands of the said State and the lands of the said Rod and Gun Club and leaving the Easterly right-of-way line of the said Haney's Mill-Walpack Center Road and severing the said other lands of the said Township of Walpack,

South 45°34' West 36 feet to a corner common to the lands now or formerly owned by Paul E. Darrone, et al and the lands now or formerly owned by the Trustees of the Walpack Center Cemetery Association and in the line of the said other lands of the said Township of Walpack and in the Westerly right-of-way line of the said Haney's Mill-Walpack Center Road; thence, leaving the lands of the said Cemetery Association and with the line between the said other lands of the said Township of Walpack and the lands of the said Darrone, et al and with the Westerly right-of-way line of the said Haney's Mill-Walpack Center Road,

In a generally Southeasterly direction approximately 2,677 feet to a corner common to the lands of the said Darrone, et al and other lands now or formerly owned by the said Darrone, et al and in the line of the said other lands of the said Township of Walpack; thence leaving the lands of the said Darrone, et al and the said other lands of the said Darrone, et al and leaving the Westerly right-of-way line of the said Haney's Mill-Walpack Center Road and serving the lands of the said Township of Walpack,

South 62°06' East 33 feet to a corner common to the lands of the said State and other lands now or formerly owned by the said Darrone, et al and in the line of the lands of the said Township of Walpack and in the Easterly right-of-way line of the said Haney's Mill-Walpack Center Road; thence, leaving the lands of the said Township of Walpack and leaving the Easterly right-of-way line of the said Hanley's Mill-Walpack Center Road and with the line between the lands of the said State and the said other lands of the said Darrone, et al, the following courses and distances:

South 57°02' East 930 feet,

North 27°54' East 749 feet,

South 65°03' East 2,371 feet to a corner common to the lands of the said State and the said other lands of the said Darrone, et al and in the line of the lands now or formerly owned by Vicel Corporation; thence, leaving the said other lands of the said Darrone, et al and with the line between the lands of the said State and the said Vicel Corporation, the following courses and distances:

North 40°35' East 76 feet,

North 15°19' West 238 feet,

South 71°16' East 305 feet,

South 40°04' East 855 feet,

North 84°52' East 525 feet,

North 49°54' East 1,200 feet to a point in the line between the Township of Walpack and the Township of Sandyston; thence continuing with the line between the lands of the said State and the said Vicel Corporation and with the line between the Township of Sandyston and the Township of Walpack,

South 15°34' East 1,721 fet to a corner common to the lands of the said Vicel Corpora-

tion and the lands now or formerly owned by the Young Men's Christian Association of the City of Newark and in the line of the lands of the said State; thence, leaving the lands of the said Vicel Corporation, and with the line between the lands of the said State and the said Young Men's Christian Association, and continuing with the line between the Township of Sandyston and the Township of Walpack,

South 15°44' East 564 feet to a corner common to the lands of the said State and the said Young Men's Christian Association and the lands now or formerly owned by Mecca Farms; thence, leaving the lands of the said State and leaving the said Township Line, and with the line between the lands of the said Mecca Farms and the said Young Men's Christian Association,

South 49°57' West 90 feet to a corner common to the lands of the said Mecca Farms and the said Young Men's Christian Association; thence, leaving the lands of the said Mecca Farms and severing the lands of the said Young Men's Christian Association, the following courses and distances:

South 32°17' West 450 feet,

South 70°11' West 800 feet to a corner of the lands of the said Young Men's Christian Association, and in the line of the lands of the said Vicel Corporation; thence, with the line between the lands of the said Vicel Corporation and the said Young Men's Christian Association,

South 35°58' West 1150 feet to a corner common to the lands of the said Vicel Corporation and the lands now or formerly owned by Florian Walchak, et al and in the line of the lands of the said Young Men's Christian Association; thence, leaving the lands of the said Vicel Corporation and severing the lands of the said Young Men's Christian Association, the following courses and distances:

South 03°07' East 975 feet,

South 32°17' West 1,440 feet to a corner common to the lands of the said Young Men's Christian Association and the said Walchak, et al; thence, with the line between the said Young Men's Christian Association and the said Walchak, et al,

South 37°46' West 906 feet to a corner common to the lands of the said Young Men's Christian Association and the said Walchak, et al and the lands now or formerly owned by Garrett H. Pittinger, et al and the lands now or formerly owned by Vernon J. McQuarry, et ux; thence, leaving the lands of the said Young Men's Christian Association and the said Walchak, et al and the said McQuarry, et ux and severing the lands of the said Pittinger, et al,

South 38°12' West 728 feet to a point in the line of the lands of the said Pittinger, et al and the lands now or formerly owned by Joseph Stepongzi, et ux; thence, leaving the lands of the said Pittinger, et al and severing the lands of the said Stepongzi, et ux,

South 38°12' West 1238 feet to a point in the line between the lands of the said Stepongzi, et ux and the lands now or formerly owned by Charles Shotmeyer, et al and in the Northeasterly right-of-way line of a 25 foot wide private road; thence, leaving the lands of the said Stepongzi, et al and severing the lands of the said Shotmeyer, et al and severing the said private road,

South 38°12' West 25 feet to a point in the line between the lands of the said Shotmeyer, et al and the other lands now or formerly owned by Garrett H. Pittinger, et al and also being a point in the Southwesterly right-of-way line of the said private road; thence, leaving the lands of the said Shotmeyer, et al and leaving the Southwesterly right-of-way line of the said private road, and severing the other lands of the said Pittinger, et al,

South 38°32' West 1805 feet to a corner common to the other lands of the said Pittinger, et al and the lands now or formerly owned by Charles Conover, et al; thence, with the line between the other lands of the said Pittinger, et al and the said Conover, et al,

South 46°22' West 751 feet to a corner common to the other lands of the said Pittinger, et al and the said Conover, et al and the lands now or formerly owned by Brunswick Homes, Inc.; thence, leaving the other lands of the said Pittinger, et al and the said Conover, et al and severing the lands of the said Brunswick Homes, Inc.,

South 43°37' West 875 feet to a point in the line of the lands now or formerly owned by Thomas E. Murray; thence, leaving the lands of the said Brunswick Homes, Inc. and severing the lands of the said Murray,

South 43°37' West 101 feet to a point in the line of other lands now or formerly owned by the said Brunswick Homes, Inc.; thence, leaving the lands of the said Murray and severing the said other lands of the said Brunswick Homes, Inc.,

South 43°37' West 51 feet to a point in the line of the lands now or formerly owned by John Walsh, et ux; thence, leaving the said other lands of the said Brunswick Homes, Inc., and severing the lands of the said Walsh, et ux,

South 43°37' West 51 feet to a point in the line of the lands now or formerly owned by Katherine Lynapp; thence, leaving the lands of the said Walsh, et ux and severing the lands of the said Lynapp,

South 43°37' West 101 feet to a point in the line of the lands now or formerly owned by Henry Hoffman, et al; thence, leaving the lands of the said Lynapp and severing the lands of the said Hoffman, et al,

South 43°37' West 51 feet to a point in the line of the lands now or formerly owned by Charles A. Fairchild, et ux; thence, leaving the lands of the said Hoffman, et al and severing the lands of the said Fairchild, et ux,

South 43°37' West 51 feet to a point in the line of the lands now or formerly owned by John Bjerke, et ux; thence, leaving the lands of the said Fairchild, et ux and severing the lands of the said Bjerke, et ux,

South 43°37' West 152 feet to a point in the line of other lands now or formerly owned by the said Brunswick Homes, Inc.; thence, leaving the lands of the said Bjerke, et ux and severing the said other lands of the said Brunswick Homes, Inc.,

South 43°37' West 51 feet to a point in the line of the lands now or formerly owned by James K. Whaley, et ux; thence, leaving the said other lands of the said Brunswick Homes, Inc., and severing the lands of the said Whaley, et ux,

South 43°47' West 51 feet to a point in the line of other lands now or formerly owned by the said Brunswick Homes, Inc.; thence, leaving the lands of the said Whaley, et ux and severing the said other lands of the said Brunswick Homes, Inc.,

South 43°37' West 1916 feet to a corner common to the said other lands of the said Brunswick Homes, Inc. and the lands now or formerly owned by Joseph Napoli; thence, with the line between the lands of the said Napoli and the said other lands of the said Brunswick Homes, Inc.,

South 39°53' West, passing a corner common to the lands of the said Napoli and the lands now or formerly owned by Robert C. Turnock, et ux at approximately 101 feet, passing a corner common to the lands of the said Turnock, et ux and the lands now or formerly owned by Paul J. Lizotte, et ux at approximately 151 feet, passing a corner common to the lands of the said Lizotte, et ux and the lands now or formerly owned by Joseph A. Martin at approximately 227 feet, passing a corner common to the lands of the said Martin and the lands now or formerly owned by George Bonge, et ux at approximately 383 feet, passing a corner common to the lands of the said Bonge, et ux and the lands now or formerly owned by Stephen Bonge, et ux at approximately 433 feet, passing a corner common to the lands of the said Stephen Bonge, et ux and other lands of the said Brunswick Homes, Inc., at approximately 483 feet, in all 618 feet, to a point in the line between the said other lands of the said Brunswick Homes, Inc., and the lands now or formerly owned by Skyline Acres, Inc.; thence, with the line between the said other lands of the said Brunswick Homes, Inc., and the said Skyline Acres, Inc., the following courses and distances:

South 42°08' East 89 feet,

South 46°28' West 386 feet,

South 41°32' East, passing the center of Success Drive at approximately 85 feet, in all 256 feet,

South 50°59' East 550 feet,

South 39°14' West 190 feet to a corner common to the lands of the said Brunswick Homes, Inc. and the said Skyline Acres, Inc. and in the line of the lands now or formerly owned by Aaron O. Alter, et al; thence, leaving the lands of the said Brunswick Homes, Inc. and with the line between the lands of the said Alter, et al and the said Skyline Acres, Inc.,

North 51°52' West 603 feet to a corner common to the lands of the said Alter, et al and the said Skyline Acres, Inc.; thence, leaving the lands of the said Skyline Acres, Inc. and severing the lands of the said Alter, et al,

South 19°25' West 1664 feet to a corner common to the lands of the said Alter, et al and the said Skyline Acres, Inc.; thence, with the line between the lands of the said Alter, et al and the said Skyline Acres, Inc.,

South 36°09' West, passing a corner common to the lands of the said Alter, et al and the lands now or formerly owned by R. Barbara Myers, et al at approximately 2,550 feet, in all 2,784 feet to a corner common to the lands of the said Skyline Acres, Inc. and the said Myers, et al; thence, leaving the lands of the said Skyline Acres, Inc. and severing the lands of the said Myers, et al,

South 44°57' West 1,630 feet to a corner common to the lands of the said Myers, et al and the lands now or formerly owned by Sidney R. Hamby, et ux; thence, leaving the lands of the said Myers, et al and severing the lands of the said Hamby, et ux,

South 44°57' West 708 feet to a point in the line of the lands now or formerly owned by The ABC Rod and Gun Club; thence, with the line between the lands of the said Hamby, et ux and the said The ABC Rod and Gun Club, the following courses and distances:

South 47°27' East 20 feet,

South 44°57' West 198 feet to a corner common to the lands of the said Hamby, et ux and the said The ABC Rod and Gun Club and the lands now or formerly owned by Jesse S. Sohn, et ux; thence, leaving the lands of the said Hamby, et ux and with the line between the lands of the said Sohn, et ux and the said The ABC Rod and Gun Club,

North 45°40' West 20 feet to a corner common to the lands of the said Sohn, et ux and the said The ABC Rod and Gun Club; thence, leaving the lands of the said The ABC Rod and Gun Club and severing the lands of the said Sohn, et ux,

South 44°57' West 1021 feet to a corner common to the lands of the said Sohn, et ux and the lands of the said Skyline Acres, Inc.; thence, with the line between the lands of the said Sohn, et ux and the said Skyline Acres, Inc.,

South 43°24' West 2004 feet to a corner common to the lands of the said Sohn, et ux and the said Skyline Acres, Inc. and the lands now or formerly owned by Trustees of the

Young Men's Christian Association of the Oranges; thence, leaving the lands of the said Sohn, et ux and leaving the lands of the said Skyline Acres, Inc. and severing the lands of the said Trustees of the Young Men's Christian Association of the Oranges, the following courses and distances:

South 42°39' West 1728 feet,

South 46°20' West, crossing the center of Township Route Number 521 at approximately 15 feet, in all 1147 feet to a point in the line of the lands now or formerly owned by Alhtaha Council, Inc., Boy Scouts of America; thence, leaving the lands of the said Trustees of the Young Men's Christian Association of the Oranges and severing the lands of the said Alhtaha Council, the following courses and distances:

South 46°20' West 1664 feet,

South 47°28' West 1536 feet to a point in the line of the lands now or formerly owned by Arnold Rippe, et al, Trustees; thence, leaving the lands of the said Alhtaha Council and severing the lands of the said Rippe, et al, Trustees, the following courses and distances:

South 47°28' West 168 feet,

South 49°04' West 3978 feet to a corner common to the lands of the said Rippe, et al, Trustees, the lands now or formerly owned by the Bergen Council of Boy Scouts of America, Inc. and the lands now or formerly owned by Willy H. M. Cahsens, et ux; thence, leaving the lands of the said Rippe, et al, Trustees and the said Cahsens, et ux and severing the lands of the said Bergen Council, the following courses and distances:

South 54°10' West, passing the line between Stillwater Township, Sussex County and Hardwick Township, Warren County at approximately 2235 feet, in all 3469 feet,

South 43°33' West 2591 feet to a point in the line of the lands now or formerly of a disputed ownership; thence, with the line between the lands of the said disputed ownership and the said Bergen Council, the following courses and distances:

North 39°43' West 306 feet,

South 21°58' West 718 feet to a corner common to the lands of the said disputed ownership and the said Bergen Council and the lands now or formerly of another disputed ownership and the lands now or formerly owned by Realty Transfer Company, et al; thence, leaving the lands of the said disputed ownership and the said Bergen Council and with the line between the lands of the said other disputed ownership and the said Transfer Company, et al,

South 21°58' West, crossing the center of Jacksonburg Creek at approximately 573 feet, in all 925 feet to a corner common to the lands of the said other disputed ownership and the said Transfer Company, et al and in the line of the lands of Frank L. Miller, et ux; thence, leaving the lands of the said Transfer Company, et al and with the line between the lands of the said other disputed ownership and the said Miller, et ux,

South 63°37' East 140 feet to a corner common to the lands of the said other disputed ownership and other lands now or formerly owned by the said Transfer Company, et al and in the line of the lands of the said Miller, et ux; thence, leaving the lands of the said other disputed ownership and with the line between the said other lands of the said Transfer Company, et al and the lands of the said Miller, et ux,

South 66°28' East 455 feet to a corner common to the said other lands of the said Transfer Company, et al and the said Miller, et ux and the lands now or formerly owned by Clarence D. Kerr, et al, Trustees; thence, leaving the said other lands of the said Transfer Company, et al and with the line between the lands of the said Kerr, et al, Trustees and the said Miller, et ux, the following courses and distances:

South 72°05' West 797 feet,

South 72°39' West 264 feet to a corner common to the lands of the said Kerr, et al, Trustees and the lands now or formerly owned by Ada G. Koch, et vir and in the line of the lands of the said Miller, et ux; thence, leaving the lands of the said Miller, et ux and with the line between the lands of the said Kerr, et al, Trustees and the said Koch, et vir,

South 34°59' West, passing a corner common to the lands of the said Kerr, et al, Trustees and the lands now or formerly owned by Lloyd Williames, et ux at 80 feet and recrossing the center of the said Jacksonburg Creek at approximately 225 feet, in all 619 feet to a corner common to the lands of the said Williames, et ux and the said Koch, et vir and in the line of the lands now or formerly owned by the said Hardwick Township and in the Northerly right-of-way line of Sand Pond Road; thence, leaving the lands of the said Williames, et ux and the said Koch, et vir and leaving the Northerly right-of-way line of the said Sand Pond Road and severing the lands of the said Hardwick Township,

South 34°59' West 80 feet to a corner common to other lands now or formerly owned by the said Williames, et ux and other lands nor or formerly owned by the said Koch, et vir and in the line of the lands of the said Hardwick Township and in the Southerly right-of-way line of the said Sand Pond Road; thence, leaving the lands of the said Hardwick Township and leaving the Southerly right-of-way line of the said Sand Pond Road and with the line between the said other lands of the said Williames, et ux and the said other lands of the said Koch, et vir,

South 36°52' West 893 feet to a corner common to the said other lands of the said Williames, et ux, the said other lands of the said Koch, et vir, other lands now or formerly owned by the said Koch, et vir and the lands now or formerly owned by Fred M. Benjamin, et ux; thence, leaving the said other lands of the said Koch, et vir and the lands of the said Benjamin, et ux and with the line between the said other lands of the said Williames and the said other lands of the said Koch, et vir,

South 07°26' West 2074 feet to a corner common to the said other lands of the said Williames, et ux and the said other lands of the said Koch, et vir and the lands now or formerly owned by Floyd E. Layton, et ux; thence, leaving the said other lands of the said Koch, et vir and with the line between the said other lands of the said Williames, et ux and the said Layton, et ux,

South 01°45' West, passing a corner common to the said other lands of the said Williames, et ux and the lands now or formerly owned by an Unknown Owner at 250 feet, in all 425 feet to a corner common to the lands of the said Layton, et ux and the lands now or formerly owned by Claus W. Heitman, et ux and in the line of the lands of the said Unknown Owner; thence, leaving the lands of the said Unknown Owner and with the line between the lands of the said Heitman, et ux and the said Layton, et ux, the following courses and distances:

North 57°55' West 1269 feet,

North 48°53' West crossing the Southeasterly right-of-way line of the Blairstown-Millbrook Road at 146 feet, leaving the lands of the said Heitman, et ux and severing the lands of the Township of Hardwick, in all 213 feet to a point in the Northwesterly right-of-way line of the said Blairstown-Millbrook Road and in the line of the lands now or formerly owned by Bertha G. Gaisler, et vir; thence, along the Northwesterly right-of-way line of the said Blairstown-Millbrook Road and with the line of the lands of the said Gaisler, et vir,

In a Southwesterly direction, approximately 580 feet; thence, leaving the Northwesterly right-of-way line of the said Blairstown-Millbrook Road and with the line of the lands of the said Gaisler, et vir,

In a Southwesterly direction, approximately 580 feet; thence, leaving the Northwesterly right-of-way line of the said Blairstown-Millbrook Road and severing the lands of the said Gaisler, et vir,

South 52°40' West 1426 feet to a point in the line between the lands of the said Gaisler, et vir and the lands now or formerly owned by Augustus Gaisler, Trustee; thence, leaving the lands of the said Gaisler, et vir and severing the lands of the said Gaisler, Trustee,

South 46°07' West 985 feet to a point in the Northwesterly right-of-way line of Public Service Electric and Gas Company; thence, with the said Public Service right-of-way line and continuing to sever the lands of the said Gaisler, Trustee, the following courses and distances:

South 49°38' West, crossing the line between the Township of Hardwick and the Township of Blairstown at approximately 1680 feet, in all 2221 feet,

South 57°36' West 1212 feet,

South 38°57' West 973 feet to a point in the line between the lands of the said Gaisler, Trustee and the lands now or formerly owned by Charles H. Raisch, et ux; thence, leaving the lands of the said Gaisler, Trustee and continuing with the said Public Service right-of-way line, severing the lands of the said Raisch, et ux, the following courses and distances:

South 38°57' West 84 feet,

South 51°30' West 3081 feet to a point in the line between the lands of the said Raisch, et ux and the lands now or formerly owned by W. Flock Read; thence, leaving the lands of the said Raisch, et ux and continuing with the said Public Service right-of-way line, severing the lands of the said Read,

South 51°30' West 1291 feet to a point in the line of the lands of the said Read and the lands now or formerly owned by George William Jones; thence, leaving the lands of the said Read and continuing with the said Public Service right-of-way line, severing the lands of the said Jones, the following courses and distances:

South 51°30' West 640 feet,

South 24°37' West 246 feet to a point in the center of the road leading to Camp Mohican; thence, leaving the said Public Service right-of-way line and with the center of the said road to Camp Mohican and continuing to sever the lands of the said Jones, the following courses and distances:

North 36°00' West 208 feet,

South 86°39' West 110 feet,

South 66°02' West 275 feet to a corner common to the lands of the said Jones and the the lands now or formerly owned by Newark Council, Inc., Boy Scouts of America and in the center of the said road to Camp Mohican; thence, leaving the center of the said road to Camp Mohican and with the line between the lands of the said Jones and the said Newark Council,

South 54°40' West 3022 feet to a corner common to the lands of the said Jones, the lands now or formerly owned by Public Service Electric and Gas Company, et al, and the lands of the said Newark Council; thence, leaving the lands of the said Jones and with the line between the lands of the said Public Service and the said Newark Council,

South 60°11' West 3780 feet to a corner common to the lands of the said Public Service and the said Newark Council and the lands now or formerly owned by the Robert Treat Council, Boy Scouts of America; thence, leaving the lands of the said Newark Council and with the line between the lands of the said Public Service and the said Robert Treat Council, the following courses and distances:

South 67°45' West 1247 feet,
North 28°20' East 375 feet to a corner common to the lands of the said Public Service and the said Newark Council and in the line of the lands of the said Robert Treat Council; thence, leaving the lands of the said Robert Treat Council and with the line between the lands of the said Public Service and the said Newark Council,
South 70°03' West 1206 feet to a corner common to the land of the said Public Service and the said Newark Council and the lands now or formerly owned by Edmund T. Scholz, et al; thence, leaving the lands of the said Newark Council and with the line between the lands of the said Public Service and the said Scholz, et al., the following courses and distances:
South 04°09' East 1138 feet,
South 62°56' West 461 feet to a corner common to the lands of the said Public Service and the said Scholz, et al. and the lands now or formerly owned by the State of New Jersey; thence, leaving the lands of the said Scholz, et al. and with the line between an Unknown Owner and the said State, the following courses and distances:
South 26°37' West 2142 feet,
South 00°55' East 1250 feet,
North 81°29' West 226 feet,
South 38°06' West 1290 feet, to a corner common to the lands of the said State and the lands now or formerly owned by the New Jersey Power and Light Company; thence, leaving the lands of the said State and with the line between the said Unknown Owner and the said New Jersey Power and Light Company,
South 38°06' West 175 feet to a corner common to the said Unknown Owner and the said New Jersey Power and Light Company, and the previous lands of the said State; thence, leaving the lands of the said New Jersey Power and Light Company and with the line between the lands of the said Unknown Owner and the said State, the following courses and distances:
South 38°06' West 735 feet,
South 45°18' East 254 feet,
South 61°17' West 416 feet,
South 43°53' West 180 feet,
South 30°35' West 383 feet,
South 47°55' West 209 feet,
South 45°27' East 449 feet,
South 46°30' West 676 feet,
North 48°27' West 588 feet,
South 52°26' West 984 feet,
South 27°44' West 2203 feet,
North 47°26' West 917 feet,
South 56°32' West 707 feet,
South 60°14' West 9850 feet to a corner common to the lands of the said Unknown Owner, the lands of the said State of New Jersey and the lands now or formerly owned by George D. Hellicks, et al., Trustees; thence, leaving the lands of the said State of New Jersey, and with the line between the lands of the said Unknown Owner, and the said Hellicks, et al., Trustees, the following courses and distances:
South 53°55' West 5900 feet,
South 40°03' East 253 feet,
South 50°03' East 633 feet,
South 59°35' East, passing the center of an unnamed drain at approximately 620 feet, in all 691 feet,
North 22°59' East, passing the center of another unnamed drain at approximately 220 feet, in all 538 feet,
North 63°52' East 420 feet,
North 52°18' East, passing the center of a road at approximately 190 feet, in all 278 feet,
North 36°29' East 908 feet,
South 19°35' East 1444 feet,
South 48°41' West 1377 feet,
North 82°45' East 1181 feet,
South 02°41' West 3085 feet,
North 80°26' East 551 feet,
South 21°37' East 404 feet,
North 41°12' East 395 feet,
South 37°03' East 189 feet,
South 35°48' West 628 feet,
North 80°00' West 190 feet,
South 52°13' West 591 feet,
South 83°15' West 298 feet,
North 36°50' West 557 feet,
South 81°58' West 494 feet,
North 11°25' West 212 feet,
North 06°29' West 380 feet,
North 03°26' West 200 feet,
South 82°40' West 212 feet,
South 00°36' West 191 feet,
South 87°53' West 324 feet,
South 02°25' West 166 feet,
South 79°53' West 1276 feet,
South 39°59' West 1211 feet,
South 07°41' East 673 feet,
South 57°03' West 725 feet,
South 12°12' East 292 feet to a corner common to the lands of the said Unknown Owner and the lands of the said Hellick, et al, Trustees and the lands now or formerly owned by the said State of New Jersey, said corner being a point in the Northeasterly right-of-way line of Interstate Highway Number 80 and United States Highway Number 611; thence, leaving the lands of the said Unknown Owner and the lands of the said George D. Hellick et al, Trustees, and crossing the said Interstate Highway Number 80 and United States Highway Number 611,
South 46°30' West, crossing the Southwesterly right-of-way line of the said Highway at approximately 303 feet, said point being in the left descending bank of the Delaware River in all 458 feet to a point in the line between the said State of New Jersey and the Commonwealth of Pennsylvania, said point being in the approximate center of the said River, the coordinate value of which is North 295,835 and East 2,728,664; thence, with the said line between the said State and the said Commonwealth upstream, passing the center of the said Interstate Highway Number 80 bridge at approximately 2.8 miles, passing the center of Labar Island at approximately 7.1 miles, passing the center of Tocks Island at approximately 8.0 miles, passing the center of Poxono Island at approximately 10.9 miles, passing the center of Depew Island at approximately 12.4 miles, passing the center of Dingmans Ferry bridge at approximately 29.3 miles, passing the center of Namanock Island at approximately 33.0 miles, passing the center of Minisink Island at approximately 35.1 miles, passing the center of United States Highway Number 206 bridge at approximately 36.8 miles, passing the center of Quick Island at approximately 39.5 miles, in all 40.8 miles to a point in the said river opposite the line between the lands of the said Birchwood Farms, Inc. and the said Stanley Buczek, the coordinate value of which is North 442,602 and East 2,821,297; thence, leaving the center of the said river and the said line between the said Commonwealth and the said State,
South 42°44' East 145 feet to a point in the line of the lands now or formerly owned by Joseph M. Finkelstein, said point being in the bank of an Unnamed Island; thence, leaving the said bank and severing the lands of the said Finkelstein, crossing the said Island,
South 42°44' East 220 feet to a point in the opposite bank of the said Island; thence, leaving the lands of the said Finkelstein,
South 42°44' East 289 feet to the place of beginning, containing 39,015 acres (land area only), more or less, of which 11,171 acres (land area only) are located within the Tocks Island Lake.

The bearings used herein are referenced to the Pennsylvania State Rectangular Grid System (North Zone) 1927 N. A. Datum.

PART II—PENNSYLVANIA

A certain tract of land situated in Upper Mount Bethel Township, Northampton County; Stroud Township, Smithfield Township, Middle Smithfield Township, Borough of Delaware Water Gap all in Monroe County; Lehman Township, Delaware Township, Dingman Township, Milford Township, Westfall Township, Borough of Milford all in Pike County; Commonwealth of Pennsylvania and more particularly bounded and described as follows:

Beginning at a corner common to the lands now or formerly owned by an Unknown Owner and the lands now or formerly owned by Madeline M. Siegel, said corner being at the confluence of the center of Slateford Creek, Upper Mount Bethel Township, Northampton County, with the right descending bank of the Delaware River; thence, leaving the said right descending bank, upstream with the center of the said creek along the line between the lands of the said Siegel and the said Unknown Owner, the following courses and distances:
South 51°26' West 101 feet,
South 28°49' West 91 feet,
South 42°36' West 84 feet to a point in the line of the lands now or formerly owned by the Erie Lackawanna Railroad; thence, leaving the lands of the said Siegel, continuing upstream with the center of said creek, severing the lands of the said Railroad,
South 52°03' West 63 feet to a point; thence, leaving the center of the said creek and continuing to sever the lands of the said Railroad, the following courses and distances:
North 39°48' West 31 feet,
South 61°04' West 44 feet,
South 34°26' East 43 feet to a point in the center of said creek; thence, continuing to sever the lands of the said Railroad, upstream with the center of the said creek, the following courses and distances:
South 57°01' West 112 feet,
South 65°36' West 119 feet to a point in the line of the lands now or formerly owned by Theodore K. Rothermund, Jr.; thence, leaving the center of the said creek and with the line between the lands of the said Railroad and the said Rothermund, Jr.,
South 25°33' East 39 feet to a corner common to the lands of the said Rothermund, Jr. and the lands now or formerly owned by Milton L. Williams, et ux and in the line of the lands of the said Railroad; thence, leaving the lands of said Rothermund, Jr. and with the line between the lands of the said Williams, et ux and the said Railroad, the following courses and distances:
South 25°49' East 526 feet,
South 64°46' West, passing a corner common to the lands of the said Railroad and lands now or formerly owned by Samuel E. Sigafuss at approximately 50 feet, passing a corner common to the lands of the said Williams, et ux and the lands now or formerly owned by an Unknown Owner at 294 feet, in all 414 feet to a point in the center of Township Route Number 738; thence, leaving the lands of the said Unknown Owner and severing the lands of the said Sigafuss along the center of the said Township Route Number 7338, the following courses and distances:
South 13°24' East 86 feet,
South 21°03' West 24 feet to a point in the line of the lands now or formerly owned by Melvin Jay Fisher; thence, leaving the lands of the said Sigafuss and continuing with the center of said Township Route Number 738, severing the lands of the said

Fisher, the following courses and distances:
South 32°31' West 42 feet,
South 65°26' West 77 feet,
North 88°20' West 40 feet to a point in the line of the lands of the said Unknown Owner; thence, leaving the lands of the said Fisher and continuing with the center of the said Township Route Number 738, severing the lands of the said Unknown Owner, the following courses and distances:
South 78°48' West 99 feet,
South 62°32' West 85 feet,
South 44°22' West 64 feet,
South 52°59' West 81 feet,
South 35°08' West 99 feet to a point in the line of the lands now or formerly owned by Pasquale De Nardo, et ux; thence, leaving the lands of the said Unknown Owner, continuing with the center of said Township Route Number 738, severing the lands of the said De Nardo, et ux, the following courses and distances:
South 32°59' West 68 feet,
South 13°24' East 86 feet,
South 29°45' West 65 feet,
South 64°48' West 75 feet,
South 82°24' West 136 feet,
South 62°32' West 85 feet,
South 44°22' West 64 feet,
South 52°59' West 81 feet,
South 33°09' West 465 feet,
South 26°34' West 72 feet,
South 34°17' West 240 feet to a corner common to the lands of the said De Nardo, et ux and other lands now or formerly owned by Samuel E. Sigafuss; thence, with the line between the lands of the said De Nardo, et ux and the said other lands of the said Sigafuss, continuing with the center of the said Township Route Number 738,
South 32°36' West 102 feet to a corner common to the lands of the said De Nardo, et ux and the said Sigafuss; thence, leaving the lands of the said De Nardo, et ux, continuing with the center of the said Township Route Number 738 and severing the lands of the said Sigafuss,
South 34°28' West 163 feet to a point in the center of the said Township Route Number 738; thence, leaving the center of the said Township Route Number 738 and continuing to sever the lands of the said Sigafuss, the following courses and distances:
North 45°34' West 211 feet,
North 54°45' West 113 feet,
South 88°22' West 70 feet,
South 50°55' West 617 feet,
North 39°24' West 73 feet to a corner common to the lands of the said Sigafuss and lands now or formerly owned by the Borough of Portland; thence, with the line between the lands of the said Sigafuss and the said Borough,
North 39°05' West 1283 feet to a corner common to the lands of the said Sigafuss, the said Borough and the lands now or formerly owned by Dorothy M. Roberts; thence, leaving the lands of the said Sigafuss and with the line between the lands of the said Roberts and the said Borough, the following courses and distances:
South 79°49' West 843 feet,
North 53°48' East 152 feet to a corner common to the lands of the said Roberts, the lands of the said Borough and the lands now or formerly owned by Catherine Wilson; thence, leaving the lands of the said Roberts and with the line between the lands of the said Borough and the said Wilson,
North 52°15' West, crossing the center of the said Slateford Creek at approximately 364 feet, in all 560 feet to a corner common to the lands of the said Borough, the lands of the said Wilson, lands now or formerly owned by Theodore K. Rothermund, Jr. and lands now or formerly owned by Joe Cain, et al, said corner being in the center of Township Route Number 707; thence, leaving the lands of the said Wilson and the said Rothermund, Jr. and with the line between the lands of the said Borough and the lands of the said Cain, et al, and with the center of the said Township Route Number 707, the following courses and distances:
South 13°30' West 77 feet,
South 33°54' West 151 feet,
South 39°08' West 194 feet to a corner common to the lands of the said Cain, et al and said Borough; thence, leaving the lands of the said Cain, et al, continuing with the center of the said Township Route Number 707, severing the lands of the said Borough,
In a generally westerly direction approximately 1416 feet to the intersection of the center of the said Township Route Number 707 with the center of Township Route Number 734; thence, continuing with the center of the said Township Route Number 707 and continuing to sever the lands of the said Borough,
North 61°01' West 497 feet to a corner common to the lands of the said Borough and the lands now or formerly owned by William H. Kirkpatrick, et al; thence, with the line between the lands of the said Borough and the said Kirkpatrick, et al, continuing with the center of the said Township Route Number 707, the following courses and distances:
North 42°53' West 153 feet,
North 63°44' West 88 feet to a corner common to the lands of the said Kirkpatrick, et al, and the lands of the said Borough; thence, leaving the lands of the said Kirkpatrick, et al., continuing with the center of the said Township Route Number 707, severing the lands of the said Borough,
In a generally westerly direction approximately 2514 feet to a corner common to the lands of the said Borough and the lands now or formerly owned by Rose Marguerite De Bon O'Brien; thence, leaving the lands of the said Borough, continuing with the center of the said Township Route Number 707, severing the lands of the said O'Brien, the following courses and distances:
North 86°51' West 346 feet,
North 71°09' West 300 feet,
North 63°05' West 148 feet,
North 50°30' West 318 feet,
North 54°18' West 276 feet,
North 84°10' West 49 feet,
South 77°12' West 303 feet,
South 75°17' West 165 feet,
South 77°48' West 151 feet to a corner common to the lands of the said O'Brien and the lands now or formerly owned by Nellie Vogt; thence, leaving the lands of the said O'Brien, continuing with the center of the said Township Route Number 707 and the lands of the said Vogt, the following courses and distances:
South 82°23' West 189 feet,
South 65°05' West 437 feet,
South 59°20' West 169 feet to a corner common to the lands of the said Vogt and the said O'Brien; thence, leaving the lands of the said Vogt and continuing with the center of the said Township Route Number 707, severing the lands of the said O'Brien, the following courses and distances:
South 56°14' West 588 feet,
South 63°12' West 213 feet,
South 73°18' West 178 feet,
South 87°03' West 136 feet to a corner common to the lands of the said O'Brien and the lands now or formerly owned by Edith Weinmann; thence, leaving the lands of the said O'Brien and continuing with the center of the said Township Route Number 707 and the lands of the said Weinmann, the following courses and distances:
South 81°17' West 165 feet,
South 77°32' West 514 feet to a corner common to the lands of the said O'Brien and the lands now or formerly owned by Karl H. Vliet, et al and in the line of the lands of the said Weinmann; thence, leaving the lands of the said O'Brien and with the line between the lands of the said Weinmann and the said Vliet, et al, continuing with the center of the said Township Route Number 707,
South 64°42' West 122 feet to a corner common to the lands of the said Vliet, et al and the lands now or formerly owned by George J. Krivan, et ux; thence, leaving the lands of the said Weinmann and with the line between the lands of the said Krivan, et ux and the said Vliet, et al, continuing with the center of the said Township Route Number 707,
South 59°27' West 238 feet to a corner common to the lands of the said Krivan, et ux and the said Vliet, et al; thence, leaving the lands of the said Krivan, et ux and severing the lands of the said Vliet, et al along the center of said Township Route Number 707, the following courses and distances:
South 48°45' West 184 feet,
South 55°48' West 219 feet,
South 54°54' West 226 feet,
South 73°44' West 450 feet to a point at the intersection of the center of the said Township Route Number 707 with the center of the Township Route Number 730; thence, leaving the center of the said Township Route Number 707 and continuing to sever the lands of the said Vliet, et al along the center of the said Township Route Number 730,
North 36°13' West 227 feet to a corner common to the lands of the said Vliet, et al and other lands now or formerly owned by the said Rose Marguerite De Bon O'Brien; thence, with the line between the lands of the said Vliet, et al and the said O'Brien, continuing along the center of the said Township Route Number 730, the following courses and distances:
North 36°09' West 303 feet,
North 25°15' West 176 feet to a corner common to the lands of the said Vliet, et al and the said O'Brien and the lands now or formerly owned by the Stewart Wolf Medical Research Fund; thence, leaving the lands of the said Vliet, et al and the said O'Brien and leaving the center of the said Township Route Number 730 and severing the lands of the said Fund, the following coures and distances:
South 26°04' West 305 feet,
North 55°43' West 266 feet,
North 34°38' West 271 feet,
North 14°25' West 221 feet,
North 04°13' East 232 feet,
North 23°30' East 226 feet,
North 44°04' East 173 feet,
North 59°06' East 349 feet,
North 65°22' East 758 feet,
North 14°53' West 775 feet to a corner common to the lands of the said Fund and the lands now or formerly owned by James Weidman, Jr., et al and at a point in the line of the lands now or formerly owned by Ida M. Dennis, said point being in the line between Northampton and Monroe Counties; thence, leaving the lands of the said Fund and the said Weidman, Jr., et al and the said County line and severing the lands of the said Dennis,
North 14°55' East, passing the Appalachian Trail at approximately 50 feet, in all 1089 feet to a point in the line of the lands now or formerly owned by Lillian C. Acker, et al; thence, leaving the lands of the said Dennis and severing the lands of the said Acker, et al,
North 15°00' West 1132 feet to a corner common to the lands now or formerly owned by Spring Del; thence, continuing with the lands of the said Del,
North 14°23' West 447 feet to a corner common to the lands of the said Del and the said Acker, et al; thence; leaving the lands of the said Del and severing the lands of the said Acker, et al,

North 14°58' West 360 feet to a point in the center of Township Route Number 418; thence, continuing to sever the lands of said Acker, et al along the center of the said Township Route Number 418,

North 40°35' West 515 feet to a corner common to the lands of the said Acker, et al and lands now or formerly owned by Gustav Aernecke, et ux; thence, continuing with the center of the said Township Route Number 418 and the line between the lands of the said Aernecke, et ux and the said Acker, et following courses and distances:

North 27°39' West 119 feet,

North 18°15' West 99 feet to a corner common to the lands of the said Aernecke, et ux and the said Acker, et al; thence, leaving the lands of the said Aernecke, et ux and continuing with the center of the said Township Route Number 418 and severing the lands of the said Acker, et al,

North 10°50' West 330 feet to a corner common to the lands of the said Acker, et al and the lands now or formerly owned by Leon Berger, et ux; thence, continuing with the line between the lands of the said Acker, et al and the said Berger, et ux and the center of the said Township Route Number 418, the following courses and distances:

North 08°26' West 184 feet,

North 37°14' East 157 feet to a corner common to the lands of the said Berger, et ux and the said Acker, et al, the lands now or formerly owned by Austin Flotten, et ux, and the lands now or formerly owned by Regina Lawler Prosser, said corner being at the intersection of the center of the said Township Route Number 418 with the center of the Township Route Number 383; thence, leaving the lands of the said Acker, et al and the said Berger, et ux and the center of the said Township Route Number 418 and with the line between the lands of the said Prosser and the said Flotten, et ux, with the center of the said Township Route Number 383,

North 54°48' East 54 feet to a point; thence, leaving the lands of the said Flotten, et ux and the center of the said Township Route Number 383 and severing the lands of the said Prosser, the following courses and distances:

North 16°09' West 651 feet,

North 76°23' East 234 feet,

North 68°15' East, passing the line between Smithfield Township and Stroud Township at approximately 911 feet, in all 944 feet to a point in the center of the said Township Route Number 383, said point being in the line of the lands now or formerly owned by Joseph Farda, et ux; thence, with the line between the lands of the said Prosser, and the said Farda, et ux and with the center of the said Township Route Number 383, the following courses and distances:

North 23°37' East 182 feet,

North 28°02' East 192 feet to a corner common to the lands of the said Prosser and the lands now or formerly owned by Frank Perry and in the line of the lands of the said Farda, et ux; thence, leaving the lands of the said Prosser and with the line between the lands of the said Perry and the said Farda, et ux, continuing with the center of the said Township Route Number 383, the following courses and distances:

North 35°08' East 342 feet,

North 32°08' East 337 feet to a point in the line of the lands now or formerly owned by Franklin V. Webb, et ux; thence, leaving the lands of the said Perry and the said Farda, et ux and continuing with the center of the said Township Route Number 383, severing the lands of the said Webb, et ux, the following courses and distances:

North 28°49' East 239 feet,

North 20°31' East 157 feet,

North 23°14' East 254 feet to a corner common to the lands now or formerly owned by George Mate, et al and the lands now or formerly owned by William O. Phillips, et ux and in the line of the lands of the said Webb, et ux; thence, leaving the lands of the said Webb, et ux and with the line between the lands of the said Mate, et al and the said Phillips, et ux, continuing with the center of the said Township Route Number 383,

North 23°03' East 147 feet to a corner common to the lands of the said Mate, et al and the lands now or formerly owned by Lewis Marki, et ux and in the line of the lands of the said Phillips, et ux; thence, leaving the lands of the said Mate, et al and with the line between the lands of the said Marki, et ux and the said Phillips, et ux, continuing with the center of the said Township Route Number 383,

North 23°49' East 159 feet to a corner common to the lands of the said Marki, et ux and the said Phillips, et ux; thence, leaving the lands of the said Marki, et ux and continuing with the center of said Township Route Number 383, severing the lands of the said Phillips, et ux, the following courses and distances:

North 30°18' East 206 feet,

North 23°50' East 235 feet,

North 18°53' East 201 feet to a point in the line of the lands now or formerly owned by Charles B. Miller, et ux; thence, leaving the lands of the said Phillips, et ux and continuing with the center of the said Township Route Number 383, severing the lands of the said Miller, et ux, the following courses and distances:

North 19°48' East 186 feet,

North 26°00' East 91 feet,

North 26°46' East 251 feet to a point; thence, continuing with the center of said Township Route Number 383, the following courses and distances:

North 25°03' East 272 feet,

North 19°56' East 376 feet to a point in the line of the lands now or formerly owned by Jerry Volpe, et ux; thence, leaving the center of the said Township Route Number 383 and with the line between the lands of the said Miller, et ux and the said Volpe, et ux,

South 55°34' East 170 feet to a corner common to the lands of the said Volpe, et ux and lands now or formerly owned by Walter Reed Dent, et ux and in the line of the lands of the said Miller, et ux; thence, leaving the lands of the said Miller, et ux and with the line between the lands of the said Dent, et ux and the said Volpe, et ux,

North 37°40' East 332 feet to a corner common to the lands of the said Dent, et ux, the lands of the said Volpe, et ux and the lands now or formerly owned by the Fairway Realty Corporation; thence, leaving the lands of the said Volpe, et ux and with the line between the lands of the said Realty Corporation and the said Dent, et ux,

South 53°52' East 409 feet to a corner common to the lands of said Realty Corporation and the lands now or formerly owned by Stewart I. Huffsmith and in the line of the lands of the said Dent, et ux; thence, leaving the lands of the said Realty Corporation and with the line between the lands of the said Huffsmith and the said Dent, et ux, the following courses and distances:

South 53°15' East 197 feet,

North 62°33' East 263 feet to a point in the center of a private road leading from the said Township Route Number 383 to Mountain Road; thence, continuing with the line between the lands of the said Huffsmith and the said Dent, et ux and the center of the said private road, the following courses and distances:

North 69°49' East 125 feet,

North 52°22' East 193 feet to a point in the line of the lands of the said Realty Corporation; thence, leaving the lands of the said Huffsmith and the center of the said private road and with the line between the lands of the said Dent, et ux and the said Realty Corporation,

South 29°07' East 16 feet to a point in the Southerly side of the said private road; thence, leaving the lands of the said Dent, et ux and severing the lands of the said Realty Corporation and with the Southerly side of the said private road, the following courses and distances:

North 58°54' East 289 feet,

North 59°58' East 413 feet,

North 64°08' East, crossing the center of an unnamed drain at approximately 75 feet, in all 844 feet,

North 55°00' East 125 feet,

North 40°41' East 171 feet,

North 36°30' East 378 feet,

North 41°11' East 84 feet,

North 57°09' East, passing the line between Smithfield Township and the Borough of Delaware Water Gap at approximately 62 feet, in all 114 feet,

North 51°27' East 91 feet,

North 35°15' East, passing the Southeasterly side of the said private road at 56 feet, more or less, in all 78 feet to a point in the line of the lands now or formerly owned by the Borough of Delaware Water Gap and at the center of the said Mountain Road; thence, with the line between the lands of the said Borough and the said Realty Corporation and with the center of said Mountain Road,

Due North, passing the center of a left descending branch of Caledonia Creek at approximately 61 feet, in all 86 feet to a point in the line of the lands now or formerly owned by Margaret W. Maxwell; thence, leaving the lands of the said Borough and the said Realty Corporation and continuing with the center of the said Mountain Road, severing the lands of the said Maxwell,

North 17°06' East 218 feet to a point in the line of the lands now or formerly owned by Robert C. Challis, et al; thence, leaving the lands of the said Maxwell and with the lands of the said Challis, et al, continuing with the center of the said Mountain Road,

North 25°14' East 192 feet to a point in the line of the lands now or formerly owned by Arthur D. Bartron, et ux; thence, leaving the lands of the said Challis, et al and with the lands of the said Bartron, et ux continuing with the center of the said Mountain Road,

North 24°00' East 150 feet to a corner common to the lands of the said Bartron, et ux and the lands now or formerly owned by Stanley D. Morgan, et ux; thence, leaving the lands of the said Bartron, et ux and with the lands of the said Morgan, et ux, continuing with the center of the said Mountain Road,

North 29°57' East 114 feet to a corner common to the lands of the said Morgan, et ux and the lands now or formerly owned by Ida W. Bartron; thence, leaving the lands of the said Morgan, et ux and with the lands of the said Bartron, continuing with the center of the said Mountain Road, the following courses and distances:

North 31°33' East 170 feet,

North 31°21' East 129 feet to a corner common to the lands of the said Bartron and the lands now or formerly owned by Jesse V. Hawkins, et ux; thence, leaving the lands of the said Bartron and with the lands of the said Hawkins, et ux, continuing with the center of the said Mountain Road, the following courses and distances:

North 34°19' East 76 feet,

North 21°42' East 227 feet to a corner common to the lands of the said Hawkins, et ux and the lands now or formerly owned by an Unknown Owner; thence, leaving the lands of the said Hawkins, et ux and with the lands

of the said Unknown Owner, continuing with the center of the said Mountain Road.

North 29°22' East 55 feet to a corner common to the lands of the said Unknown Owner and lands now or formerly owned by Frederick S. Shoemaker, et ux; thence, leaving the lands of the said Unknown Owner and with the lands of the said Shoemaker, et ux, continuing with the center of the said Mountain Road,

North 28°01' East 124 feet to a corner common to the lands of the said Shoemaker, et ux and the lands now or formerly owned by Richard G. Hauser, et al; thence, leaving the lands of the said Shoemaker, et ux and with the lands of the said Hauser, et al, continuing with the center of the said Mountain Road,

North 25°46' East 129 feet to a corner common to the lands of the said Hauser, et al and the lands now or formerly owned by Harold E. Pugh, et ux; thence, leaving the lands of the said Hauser, et al and with the lands of the said Pugh, et ux, continuing with the center of the said Mountain Road,

North 27°17' East 107 feet to a corner common to the lands of the said Pugh, et ux and the lands now or formerly owned by Stanley E. Smith, et ux; thence, leaving the lands of the said Pugh, et ux and with the lands of the said Smith, et ux, continuing with the center of the said Mountain Road, the following courses and distances:

North 26°34' East 47 feet,

North 20°00' East 196 feet to a corner common to the lands of the said Smith, et ux and other lands of the said Hauser, et al; thence, leaving the lands of the said Smith, et ux and with the said other lands of the said Hauser, et al, continuing with the center of the said Mountain Road,

North 26°56' East 280 feet to a corner common to the other lands of the said Hauser, et other lands of the said Hauser, et al; thence, Bernard Shurkin, said corner being at the intersection of the said Mountain Road with the road leading south from the said Mountain Road to Lake Lenape; thence, leaving the lands of the said Hauser, et al and the said road intersection and with the lands of the said Shurkin, continuing with the center of the said Mountain Road,

North 30°43' East 507 feet to a corner common to the lands of the said Shurkin and the lands now or formerly owned by Michele A. Maggio, et al; thence, leaving the lands of the said Shurkin and with the lands of the said Maggio, et al, continuing with the center of the said Mountain Road,

North 28°15' East 199 feet to a corner common to the lands of the said Maggio, et al. and the lands now or formerly owned by Frank Kozemko, said corner being at the intersection of the center of the said Mountain Road with the center of Alternate United States Highway Route Number 611; thence, leaving the lands of the said Maggio, et al. and the center of the said Alternate Route Number 611 and with the lands of the said Kozemko, continuing with the center of the said Mountain Road,

North 40°21' East 96 feet to a point at the intersection of the center of the said Mountain Road with the center of Delaware Avenue; thence, leaving the center of the said Mountain Road and continuing with the lands of the said Kozemko and the center of the said Avenue,

South 68°37' East 258 feet to a corner common to the lands of the said Kozemko and the lands now or formerly owned by Mabel A. Younkin; thence, leaving the lands of the said Kozemko and with the lands of the said Younkin, continuing with the center of the said Avenue,

South 69°23' East 99 feet to a corner common to the lands of the said Younkin and the lands now or formerly owned by the Delaware River Joint Toll Bridge Commission and in the line of the lands now or formerly owned by the Castle Inn Hotel Corporation; thence, leaving the lands of the said Younkin and with the line between the lands of the said Commission and the said Hotel Corporation, continuing with the center of the said Avenue,

South 70°14' East 30 feet to a corner common to the lands of the said Commission and the said Hotel Corporation; thence, leaving the lands of the said Hotel Corporation and continuing with the center of the said Avenue, severing the lands of the said Commission,

South 70°14' East, passing the end of the said Avenue at approximately 350 feet, in all 529 feet to a point; thence, continuing to sever the lands of the said Commission,

North 11°05' West 603 feet to a point in the line of the lands of the said Hotel Corporation; thence, continuing with the line between the lands of the said Hotel Corporation and the said Commission, the following courses and distances,

North 77°20' East 173 feet,

South 77°57' East 196 feet to a corner common to the lands of the said Hotel Corporation and the said Commission and in the Westerly right-of-way line of the said Railroad Company; thence, leaving the lands of the said Hotel Corporation and the said Commission and with the said Westerly right-of-way line of the said Railroad Company,

In a Northwesterly direction approximately 1177 feet to a point in the center of Cherry Creek, said point being distant 33 feet at right angles from railroad centerline Valuation Station 4649+86; thence, leaving the said Westerly right-of-way line and severing the lands of the said Railroad Company along the center of the said Cherry Creek,

North 63°51' East, passing the centerline of the said right-of-way at 33 feet, in all 61 feet to a point in the line of other lands of the said Borough of Delaware Water Gap; thence, with the line between the lands of the said Railroad Company and the said Borough, continuing with the center of the said Cherry Creek,

North 66°48' East, passing a corner common to the lands of the said Railroad Company and the lands now or formerly owned by Cherry Creek, Inc. at 38 feet, in all 61 feet; thence, continuing with the line between the lands of the said Cherry Creek, Inc. and the said Borough and with the center of the said Cherry Creek, the following courses and distances:

South 44°03' East 128 feet,

South 68°55' East 192 feet,

South 52°18' East 83 feet,

South 07°02' East 82 feet to a point; thence, leaving the lands of the said Borough and the center of the said Cherry Creek and severing the lands of the said Cherry Creek, Inc., the following courses and distances:

North 42°20' East 179 feet,

North 10°21' East 234 feet,

North 14°10' West 519 feet,

North 15°42' East 451 feet to a point in the line of the lands now or formerly owned by A. M. Price, et ux, said point being in the right descending bank of a back channel of the Delaware River and at a point in the line between the Borough of Delaware Water Gap and Smithfield Township; thence, leaving the lands of the said Cherry Creek, Inc. and the said right descending bank and the said Borough-Township line, severing the lands of the said Price, et ux, the following courses and distances:

North 48°40' East 321 feet,

North 76°21' East 182 feet,

North 39°36' East, crossing the center of Brodhead Creek at approximately 220 feet, in all 359 feet to a point in the line of the lands now or formerly owned by John R. Lesoine, et ux, said point being marked by a stake and designated as Monument A-54, established by Aero Service Corporation, the coordinate value of which is North 311,300.70 and East 2,722,381.96; thence, leaving the lands of the said Price, et ux and serving the lands of the said Lesoine, et ux,

North 33°44' East 114 feet to a point in the line of the lands now or formerly owned by Clifford R. Kintner, et ux; thence, leaving the lands of the said Lesoine, et ux and severing the lands of the said Kintner, et ux,

North 33°44' East 86 feet to a point in the line of the lands now or formerly owned by Thomas P. Mulherin, et ux; thence, leaving the lands of the said Kinter, et ux and severing the lands of the said Mulherin, et ux,

North 33°44' East 86 feet to a point in the line of the lands now or formerly owned by Willard Weidlich, et ux; thence, leaving the lands of the said Mulherin, et ux and severing the lands of the said Weidlich, et ux,

North 33°44' East 51 feet to a point in the line of the lands now or formerly owned by Leroy H. Tucker, et ux; thence, leaving the lands of the said Weidlich, et ux and severing the lands of the said Tucker, et ux,

North 33°44' East 57 feet to a point in the line of the lands now or formerly owned by John C. Masters, et ux; thence, leaving the lands of the said Tucker, et ux and severing the lands of the said Masters, et ux,

North 33°44' East 57 feet to a point in the line of the lands of the said Price, et ux, said point being marked by a stake and designated as Monument A-52, established by Aero Service Corporation, the coordinate value of which is North 311,675.31 and East 2,722,632.05; thence, leaving the lands of the said Masters, et ux and severing the lands of the said Price, et ux,

North 26°54' East 110 feet to a point in the line of the lands now or formerly owned by A. J. Harlacher, et ux; thence, leaving the lands of the said Price, et ux and severing the lands of the said Harlacher, et ux,

North 26°54' East 50 feet to a point in the line of the lands now or formerly owned by Christine A. Lauer, said point being marked by a stake and designated as Monument A-51, established by Aero Service Corporation, the coordinate value of which is North 311,817.99 and East 2,722,716.05; thence, leaving the lands of the said Harlacher, et ux and severing the lands of the said Lauer,

North 02°03' East 94 feet to a point in the line of the lands now or formerly owned by Anna R. Costenbader; thence, leaving the lands of the said Lauer and severing the lands of the said Costenbader,

North 02°03' East 93 feet to a point in the line of the lands now or formerly owned by the Monroe Security Bank and Trust Company; thence, leaving the lands of the said Costenbader and severing the lands of the said Monroe Security Bank,

North 02°03' East 77 feet to a point in the line of the lands of the said A. M. Price, et ux; thence, leaving the lands of the said Monroe Security Bank and severing the lands of the said Price, et ux,

North 02°03' East 60 feet to a point in the line of the lands now or formerly owner by Chester M. Phillips, et ux, said point being marked by a stake and designated as Monument A-50, established by Aero Service Corporation, the coordinate value of which is North 312,141.91 and East 2,722,716.05; thence, leaving the lands of the said Price, et ux and severing the lands of the said Phillips, et ux,

North 06°55' West 97 feet to a point in the line of the lands now or formerly owned by Foster S. Minnich, et ux; thence, leaving the lands of the said Minnich, et ux and severing the lands of the said Minnich, et ux,

North 06°55' West 83 feet to a point in the line of the lands now or formerly owned by William B. Corey, et ux; thence, leaving the

lands of the said Minnich, et ux and severing the lands of the said Corey, et ux,

North 06°55' West 82 feet to a point in the line of the lands now or formerly owned by Ernest H. Klingel, et ux; thence, leaving the lands of the said Corey, et ux and severing the lands of the said Klingel, et ux,

North 06°55' West 82 feet to a point in the line of the lands now or formerly owned by Elizabeth Rockefeller, et al; thence, leaving the lands of the said Klingel, et ux and severing the lands of the said Rockefeller, et al,

North 06°55' West 92 feet to a point in the line of the lands now or formerly owned by Floyd O. Cyphers, et ux; thence, leaving the lands of the said Rockefeller, et al and severing the lands of the said Cyphers, et ux,

North 06°55' West 137 feet to a point in the line of the lands now or formerly owned by The Big Brothers Association, said point being marked by a stake and designated as Monument A–48, established by Aero Service Corporation, the coordinate value of which is North 312, 710.78 and East 2,722,647.12; thence, with the line between the lands of the said Cyphers, et ux and the said Big Brothers,

North 59°14' West 101 feet to a point, the said point being marked by a stake and designated as Monument A–47 established by Aero Service Corporation, the coordinate value of which is North 312,723.56 and East 2,722,625.25; thence, leaving the lands of the said Cyphers, et ux and severing the lands of the said Big Brothers, the following courses and distances:

North 04°20' East 450 feet,
North 10°57' East 141 feet,
North 25°16' East 169 feet to a point in the line of the lands now or formerly owned by Moses L. Silverwater, et ux; thence, with the line between the lands of the said Big Brothers and the said Silverwater, et ux,

North 50°19' West 28 feet to a point, the said point being marked by a stake and designated as Monument A–43, established by Aero Service Corporation, the coordinate value of which is North 313,481.39 and East 2,722,736.95; thence, leaving the lands of the said Big Brothers and severing the lands of the said Silverwater, et ux, the following courses and distances:

North 36°38' East 275 feet,
North 38°03' East 232 feet,
North 44°47' East 127 feet,
North 44°06' East 182 feet,
North 43°31' East 303 feet to a point in the line of the lands now or formerly owned by Manwalamink, Inc., et al; thence, leaving the lands of the said Silverwater, et ux and severing the lands of the said Manwalamink, Inc., et al,

North 43°31' East 60 feet to a point in the line of the lands now or formerly owned by Karl Hope, et ux; thence, leaving the lands of the said Manwalamink, Inc. and severing the lands of the said Hope, et ux,

North 43°31' East 81 feet to a point in the line of the lands now or formerly owned by F. Earl Miller, et ux; thence, leaving the lands of the said Hope, et ux and severing the lands of the said F. Earl Miller, et ux,

North 43°31' East 170 feet to a point in the line of the said other lands of the said Hope, et ux, the said point being marked by a stake and designated as Monument A–38, established by Aero Service Corporation, the coordinate value of which is North 314,-551.09 and East 2,723,683.06; thence, leaving the lands of the said F. Earl Miller, et ux and severing the said other lands of the said Hope, et ux,

North 46°27' East 1578 feet to a point in the line of the lands now or formerly owned by Jacob James, the said point being marked by a stake and designated as Monument A–32, established by Aero Service Corporation, the coordinate value of which is North 315,-638.45 and East 2,724,827.16; thence, leaving the said other lands of the said Hope, et ux and severing the lands of the said James,

North 52°13' East 141 feet to a point in the line of the lands now or formerly owned by Renie I. Gable, et ux; thence, leaving the lands of the said James and severing the lands of the said Gable, et ux,

North 52°13' East 61 feet to a point in the line of the lands now or formerly owned by Jule Rasconna; thence, leaving the lands of the said Gable, et ux and severing the lands of the said Rasconna,

North 52°13' East 68 feet to a point in the line of the lands now or formely owned by Donald J. Armitage, et ux; thence, leaving the lands of the said Rasconna and severing the lands of the said Armitage, et ux,

North 52°13' East 117 feet to a point in the line of the lands now or formerly owned by Ruben Armitage, et al; thence, with the line between the lands of the said Armitage, et ux and the said Armitage, et al,

North 36°54' West 136 feet to a corner common to the lands of the said Armitage, et ux and the said Armitage, et al and in the line of the said other lands the said Hope, et ux, the said corner being marked by a stake and designated as Monument A–29A, established by Aero Service Corporation, the coordinate value of which is north 315,985.24 and East 2,725,052.20; thence, leaving the lands of the said Armitage, et ux and with the line between the said other lands of the said Hope, et ux and the said Armitage, et al,

North 63°48' East 59 feet to a corner common to the lands of the said Armitage, et al and the lands now or formerly owned by Allan R. Paul, et ux and in the line of the said other lands of the said Hope, et ux; thence, leaving the lands of the said Armitage, et al and with the line between the said other lands of the said Hope, et ux and the said Paul, et ux,

North 63°48' East 59 feet to a corner common to the said other lands of the said Hope, et ux and the said Paul, et ux, the said corner being marked by a stake and designated as Monument A–29, established by Aero Service Corporation, the coordinate value of which is North 316,037.36 and East 2,725,158.16; thence, leaving the lands of the said Paul, et ux and severing the said other lands of the said Hope, et ux, the following courses and distances:

North 56°23' East 137 feet,
North 46°58' East 207 feet,
North 07°18' West 202 feet,
North 61°55' East 188 feet,
North 52°40' East 242 feet,
North 75°14' East 331 feet,
North 66°10' East 258 feet,
North 57°51' East 401 feet,
South 64°31' East 564 feet,
South 72°02' East, crossing the center of Shawnee Creek at approximately 55 feet, in all 161 feet,
South 80°35' East 490 feet,
North 88°07' East 1029 feet,
North 48°59' East 209 feet,
North 15°06' East 290 feet,
North 10°14' West 162 feet,
North 34°04' West 212 feet to a corner common to the said other lands of the said Hope, et ux and the lands now or formerly owned by Lucille Mundy, et al; thence, with the line between the said other lands of the said Hope, et ux and the said Mundy, et al,

North 05°07' West 72 feet to a corner common to the said other lands of the said Hope, et ux and the said Mundy, et al and in the line of the lands now or formerly owned by Shawnee Village, Inc., the said corner being marked by a stake and designated as Monument A–12, established by Aero Service Corporation, the coordinate value of which is North 317,578.52 and East 2,728,905.35; thence, leaving the said other lands of the said Hope, et ux and with the line between the lands of the said Village and the said Mundy, et al,

North 77°26' East 71 feet to a corner common to the lands of the said Village and the said other lands of the said Hope, et ux and in the line of the lands of the said Mundy, et al; thence, leaving the lands of the said Mundy, et al and with the line between the lands of the said Village and the said other lands of the said Hope, et ux,

North 00°29' West 110 feet to a point in the line between the lands of the said Village and the said Hope, et ux and in the Easterly side of a private road 12 feet in width commonly known as Delaware Drive; thence, leaving the lands of the said Village and with the Easterly side of the said Delaware Drive, severing the said other lands of the said Hope, et ux,

In a generally Northeasterly direction approximately 450 feet to a point in the line of the lands of the said Village and in the Easterly side of the said Delaware Drive; thence, leaving the Easterly side of the said Delaware Drive and with the line between the lands of the said Village and the said other lands of the said Hope, et ux,

North 17°29' East 84 feet to a corner common to the lands of the said Village and the said other lands of the said Hope, et ux and in the center of Worthington Street; thence, leaving the lands of the said Village and leaving the center of the said Worthington Street and severing the said other lands of the said Hope, et ux, the following courses and distances:

North 15°36' East 60 feet,
North 43°26' West 80 feet,
North 50°43' East, passing the center of Minisink Avenue at approximately 184 feet, in all 205 feet to a point in the Easterly right-of-way line of the said Minisink Avenue; thence, with the Easterly right-of-way line of the said Minisink Avenue, continuing to sever the said other lands of the said Hope, et ux,

North 36°42' West 77 feet to a point in the Easterly right-of-way line of the said Minisink Avenue; thence, leaving the Easterly right-of-way line of the said Minisink Avenue and continuing to sever the said other lands of the said Hope, et ux,

North 51°39' East 190 feet to a point in the line of the lands now or formerly owned by Alexander Coles, Jr., et al, the said point being marked by a stake and designated as Monument A–9, established by Aero Service Corporation, the coordinate value of which is North 318,652.28 and East 2,729,289.46; thence, leaving the said other lands of the said Hope, et ux and severing the lands of the said Coles, Jr., et al,

North 43°36' East 184 feet to a point in the line of other lands of the said Hope, et ux; thence, leaving the lands of the said Coles, Jr., et al and severing the said other lands of the said Hope, et ux,

North 43°36' East 148 feet to a point, said point being marked by a stake designated as Monument A–8, established by Aero Service Corporation, the coordinate value of which is North 318,892.97 and East 2,729,518.84; thence, continuing to sever the said other lands of the said Hope, et ux, the following courses and distances:

North 63°34' East 863 feet,
North 43°39' East 442 feet,
North 50°10' East 447 feet,
North 56°22' East 321 feet to a point in the line of the lands now or formerly owned by Minhard Flor, the said point being marked by a stake and designated as Monument A–3, established by Aero Service Corporation, the coordinate value of which is North 320,061.16 and East 2,731,206.95; thence, leaving the said other lands of the said Hope, et ux and severing the lands of the said Flor, the following courses and distances:

North 61°50' East 409 feet,

North 15°15' West 66 feet to a point in the center of Legislative Route Number 45012, the said point being marked by a railroad spike and designated as Monument A-1, established by Aero Service Corporation, the coordinate value of which is North 320,318.03 and East 2,731,549.78; thence, continuing to sever the lands of the said Flor and with the center of the said Legislative Route Number 45012, the following courses and distances:

North 73°10' East 195 feet,

North 63°51' East 133 feet to a point in the line of the lands now or formerly owned by Residential Investments, Inc.; thence, leaving the lands of the said Flor and continuing with the center of the said Legislative Route Number 45012, severing the lands of the said Investments,

North 65°28' East 147 feet to a corner common to the lands of the said Investments and the lands now or formerly owned by Thomas J. Welch, et ux; thence, continuing with the center of the said Legislative Route Number 45012 and with the line between the lands of the said Investments and the said Welch, et ux,

North 64°39' East 446 feet to a corner common to the lands of the said Welch, et ux and the lands now or formerly owned by John W. Brink and in the line of the lands of the said Investments; thence, leaving the lands of the said Welch, et ux and continuing with the center of the said Legislative Route Number 45012 and with the line between the lands of the said Investments and the said Brink,

North 65°07' East 107 feet to a corner common to the lands of the said Brink and the lands now or formerly owned by Alfred J. Tosi, et ux and in the line of the lands of the said Investments; thence, leaving the lands of the said Brink and continuing with the center of the said Legislative Route Number 45012 and with the line between the lands of the said Investments and the said Tosi, et ux,

North 64°49' East 240 feet to a corner common to the lands of the said Investments and the lands now or formerly owned by Curtis W. Hickman and in the line of the lands of the said Tosi, et ux; thence, leaving the lands of the said Investments and continuing with the center of the said Legislative Route Number 45012 and with the line between the lands of the said Hickman and the said Tosi, et ux,

North 64°06' East 114 feet to a corner common to the lands of the said Tosi, et ux and the lands now or formerly owned by Walter R. Surrell, et ux and in the line of the lands of the said Hickman; thence, leaving the lands of the said Tosi, et ux and continuing with the center of the said Legislative Route Number 45012 with the line between the lands of the said Hickman and the said Surrell, et ux,

North 61°58' East 87 feet to a corner common to the lands of the said Hickman and the lands now or formerly owned by Samuel Hohensheldt, et ux and in the line of the lands of the said Surrell, et ux; thence, leaving the lands of the said Hickman and continuing with the center of the said Legislative Route Number 45012 and with the line between the lands of the said Hohensheldt, et ux and the said Surrell, et ux,

North 64°08' East 37 feet to a corner common to the lands of the said Surrell, et ux and the lands now or formerly owned by Edward J. McManus, et ux and in the line of the lands of the said Hohensheldt, et ux; thence, leaving the lands of the said Surrell, et ux and continuing with the center of the said Legislative Route Number 45012 and with the line between the lands of the said Hohensheldt, et ux and the said McManus, et ux,

North 61°36' East 153 feet to a corner common to the lands of the said Hohensheldt, et ux and the said McManus, et ux; thence leaving the lands of the said Hohensheldt, et ux and continuing with the center of the said Legislative Route Number 45012, severing the lands of the said McManus, et ux, the following courses and distances:

North 60°24' East 51 feet,

North 71°34' East 79 feet,

North 74°03' East 73 feet to a corner common to lands of the said McManus, et ux and the lands now or formerly owned by Omar H. Michaels; thence, continuing with the center of the said Legislative Route Number 45012 and with the line between the lands of the said Michaels and the said McManus, et ux,

North 83°23' East 69 feet to a corner common to the lands of the said McManus, et ux and the lands now or formerly owned by Patrick F. Rooney, et ux and in the line of the lands of the said Michaels; thence, leaving the lands of the said McManus, et ux and continuing with the center of the said Legislative Route Number 45012 and with line between the lands of the said Michaels and the said Rooney, et ux, the following courses and distances:

North 80°45' East 131 feet,

North 77°19' East 164 feet,

North 75°22' East 25 feet to a corner common to the lands of the said Michaels and the said Rooney, et ux; thence, leaving the lands of the said Rooney, et ux and continuing with the center of the said Legislative Route Number 45012, severing the lands of the said Michaels, the following courses and distances:

North 75°22' East 137 feet,

North 71°57' East 371 feet to a corner common to the lands of the said Michaels, the lands now or formerly owned by Henry G. Tucker, et ux and the lands now or formerly owned by Frank LeBar, et al and at the intersection of the center of the said Legislative Route Number 45012 with the Westerly right-of-way line of Cedar Street extended; thence, leaving the lands of the said Michaels and continuing with the center of the said Legislative Route Number 45012 and with the line between the lands of the said Tucker, et ux and the said LeBar, et al,

North 77°30' East 20 feet to a corner common to the lands of the said LeBar, et al and the lands now or formerly owned by Frank M. LeBar and in the line of the lands of the said Tucker, et ux and at the intersection of the center of the said Legislative Route Number 45012 with the Easterly right-of-way line of the said Cedar Street extended; thence, leaving the lands of the said Frank LeBar, et al and continuing with the center of the said Legislative Route Number 45012 and with the line between the lands of the said Tucker, et ux and the said LeBar, the following courses and distances:

North 70°37' East 183 feet,

North 66°53' East 178 feet,

North 60°20' East 182 feet,

North 57°02' East 236 feet to a corner common to the lands of the said LeBar and the lands now or formerly owned by the Hialeah Cottage Association and in the line of the lands of the said Tucker, et ux; thence, leaving the lands of the said LeBar and continuing with the center of the said Legislative Route Number 45012 and with the line between the lands of the said Tucker, et ux and the said Association, the following courses and distances:

North 57°02' East 5 feet,

North 67°37' East 15 feet to a corner common to the lands of the said Association and the said LeBar and in the line of the lands of the said Tucker, et ux; thence, leaving the lands of the said Association and continuing with the center of the said Legislative Route Number 45012 and with the line between the lands of the said Tucker, et ux and the said LeBar,

North 67°37' East 40 feet to a corner common to the lands of the said LeBar and the lands now or formerly owner by Sidney M. Newcomb, et ux and in the line of the lands of the said Tucker, et ux; thence, leaving the lands of the said LeBar and continuing with the center of the said Legislative Route Number 45012 and with the line between the lands of the said Tucker, et ux and the said Newcomb, et ux,

North 70°25' East 63 feet to a corner common to the lands of the said Tucker, et ux and other lands of the said Association and in the line of the lands of the said Newcomb, et ux; thence, leaving the lands of the said Tucker, et ux and continuing with the center of the said Legislative Route Number 45012 and with the line between the said other lands of the said Association and the lands of the said Newcomb, et ux,

North 72°50' East 58 feet to a corner common to the lands of the said Association and the said Newcomb, et ux; thence, leaving the lands of the said Association and continuing with the center of the said Legislative Route Number 45012, severing the lands of the said Newcomb, et ux, the following courses and distances:

North 76°44' East 78 feet,

North 81°00' East 205 feet,

North 85°39' East 122 feet to a point in the line of the lands of the said Tucker, et ux; thence, leaving the center of the said Legislative Route Number 45012 and with the line between the lands of the said Newcomb, et ux and the said Tucker, et ux,

North 23°34' West 616 feet to a corner common to the lands of the said Newcomb, et ux and the said Tucker, et ux; thence, leaving the lands of the said Newcomb, et ux and severing the lands of the said Tucker, et ux,

North 23°34' West 532 feet to a point in the line of the lands now or formerly owned by Spencer C. Cramer, et ux; thence with the line between the lands of the said Cramer, et ux and the said Tucker, et ux,

North 67°58' East 1,087 feet to a corner common to the lands of the said Cramer, et ux and the lands now or formerly owned by Florence Carter and in the line of the lands of the said Tucker, et ux; thence, leaving the lands of the said Tucker, et ux and with the line between the lands of the said Cramer, et ux and the said Carter,

North 13°49' West 473 feet to a point in the line between the lands of the said Cramer, et ux and the said Carter and in the center of Township Route Number 515; thence, leaving the lands of the said Cramer, et ux and with the center of the said Township Route Number 515, severing the lands of the said Carter,

In a generally Northeasterly direction, approximately 1700 feet to a corner common to the lands of the said Carter and the lands now or formerly owned by Alan M. Kyle; thence, continuing with the center of the said Township Route Number 515 and with the line between the lands of the said Carter and the said Kyle, the following courses and distances:

North 87°24' East 66 feet,

South 89°11' East 139 feet to a corner common to the lands of said Carter and the said Kyle; thence, leaving the lands of the said Kyle and continuing with the center of the said Township Route Number 515, serving the land of the said Carter,

In a generally Northeasterly direction, 800 feet to a corner common to the lands now or formerly owned by Adolf Egger, et ux, A/K/A Adolph Egger and the lands now or formerly owned by Elizabeth C. Mader, et al. and in the line of the lands of the said Carter; thence, leaving the lands of the said Carter and continuing with the center of the said Township Route Number 515 and with the line between the lands of the said Egger and the said Mader, et al. the following courses and distances:

North 14°22' East 205 feet,

North 26°16' East 337 feet to a corner common to the lands of the said Egger, et

ux and the said Mader, et al.; thence, leaving the lands of the said Mader, et al. and continuing with the center of the said Township Route Number 515, severing the lands of the said Egger, et ux,

In a Northeasterly direction, approximately 480 feet to a corner common to the lands of the said Egger and the said Mader, et al.; thence, continuing with the center of the said Township Route Number 515 and with the line between the lands of the said Egger, et ux and the said Mader, et al.,

North 53°01' East 208 feet to a corner common to the lands of the said Egger, et ux and the said Mader, et al. and the lands now or formerly owned by Katherine H. Wankow, et al.; thence, leaving the lands of the said Egger, et ux and continuing with the center of the said Township Route Number 515 and with the line between the lands of the said Wankow, et al. and the sad Mader, et al., the following courses and distances:

North 56°46' East 308 feet,

North 61°14' East 906 feet to a corner common to the lands of the said Wankow, et al., the said Mader, et al. and the lands now or formerly owned by Scranton Pocono Girl Scout Council; thence, leaving the lands of the said Mader, et al. and continuing with the center of the said Township Route Number 515 and with the line between the lands of the said Wankow, et al. and the said Council,

North 55°05' East 246 feet to a corner common to the lands of the said Wankow, et al. and the said Council and the lands now or formerly owned by Fred L. Rinker, et ux; thence, leaving the lands of the said Wankow, et al. and continuing with the center of the said Township Route Number 515 and with the line between the lands of the said Rinker, et ux and the said Council,

North 53°57' East 155 feet to a corner common to the lands of the said Rinker, et ux and the said Council and the lands now or formerly owned by Howard H. Mills, et ux; thence, leaving the lands of the said Rinker, et ux and the said Council and continuing with the center of the said Township Route Number 515, severing the lands of the said Mills, et ux,

In a Northeasterly direction, approximately 270 feet to a corner common to the lands of the said Mills, et ux and the lands now or formerly owned by John S. Michael; thence, continuing with the center of the said Township Route Number 515 and with the line between the lands of the said Mills, et ux and the said Michael;

North 56°56' East 257 feet to a corner common to the lands of the said Mills, et ux and the said Michael and the lands now or formerly owned by J. Stark Michaels, A/K/A J. Stark Michael and at the intersection of the center of the said Township Route Number 515 with the center of the Township Route Number 538; thence, leaving the land of the said Michael and the center of the said Township Route Number 515 and with the center of the said Township Route Number 538 and with the line between the lands of the said Mills, et ux and the said Michaels, the following courses and distances:

North 10°57' West 32 feet,

North 09°15' East 131 feet,

North 04°24' East 65 feet to a corner common to the lands of the said Mills, et ux and the said Michaels and the lands now or formerly owned by Robert S. Bower, et ux; thence, leaving the lands of the said Mills, et ux and continuing with the center of the said Legislative Route Number 538 and with the line between the lands of the said Bower, et ux and the said Michaels, the following courses and distances:

North 03°28' West 33 feet,

North 07°37' East 204 feet to a corner common to the lands of the said Bower, et ux and the said Michaels and the lands now or formerly owned by Frederick W. Egger, et ux; thence, leaving the lands of the said Michaels and continuing with the center of the said Township Route Number 538 and with the line between the lands of the said Bower, et ux and the said Frederick W. Egger, et ux

North 14°56' East 62 feet to a corner common to the lands of the said Bower, et ux and the said Frederick W. Egger, et ux and other lands of the said Michael; thence, leaving the lands of the said Bower, et ux and continuing with the center of the said Township Route Number 538 and with the line between the said other lands of the said Michael and the said Frederick W. Egger, et ux, the following courses and distances:

North 20°02' West 90 feet,

North 36°20' West 192 feet,

North 32°37' West 119 feet,

North 39°58' West 137 feet,

North 37°34' West 61 feet to a corner common to the said other lands of the said Michael and the said Frederick W. Egger, et ux and in the line of the lands now or formerly owned by Rita Nordt; thence, leaving the said other lands of the said Michael and the said Frederick W. Egger, et ux and continuing with the center of the said Township Route Number 538, severing the lands of the said Nordt,

North 21°42' West 100 feet,

North 19°07' West 107 feet to a corner common to the lands of the said Nordt and the lands now or formerly owned by John J. Meegan, et ux; thence, continuing with the center of the said Township Route Number 538 and with the line between the lands of the said Nordt and the said Meegan, et ux,

North 13°42' West 84 feet to a corner common to the lands of the said Nordt and the said Meegan, et ux; thence, leaving the lands of the said Nordt and continuing with the center of the said Township Route Number 538, severing the lands of the said Meegan, et ux, the following courses and distances:

North 04°20' West 66 feet,

North 09°28' East 91 feet,

North 15°59' East, crossing the line between Smithfield Township and Middle Smithfield Township at approximately 50 feet, in all 257 feet to a corner common to the lands now or formerly owned by Donald F. Snyder and the lands now or formerly owned by Lloyd H. Armitage, et ux and in the line of the lands of the said Meegan, et ux; thence, leaving the lands of the said Meegan, et ux and continuing with the center of the said Township Route Number 538 and with the line between the lands of the said Snyder and the said Armitage, et ux, the following courses and distances:

North 02°51' East 123 feet,

North 29°32' East 276 feet,

North 09°15' East 44 feet to a corner common to the lands of the said Snyder and the said Armitage, et ux and the lands now or formerly owned by Deer Haven Corporation; thence, leaving the lands of the said Armitage, et ux and continuing with the center of the said Township Route Number 538 and with the line between the lands of the said Snyder, et ux and the said Deer Haven Corporation,

North 36°24' West 624 feet to a corner common to the lands of the said Snyder, et ux and the said Deer Haven Corporation and the lands now or formerly owned by David A. Lee, et ux; thence, leaving the lands of the said Deer Haven Corporation and continuing with the center of the said Township Route Number 538 and with the line between the lands of the said Snyder, et ux and the said Lee, et ux,

North 39°03' West 341 feet to a corner common to the lands of the said Snyder, et ux and the said Lee, et ux and the lands now or formerly owned by Charles F. Clapper, et ux; thence leaving the lands of the said Lee, et ux and continuing with the center of the said Township Route Number 538 and with the line between the lands of the said Snyder, et ux and the said Clapper, et ux, the following courses and distances:

North 37°24' West 107 feet,

Due North 225 feet to a corner common to the lands of the said Snyder, et ux and the said Clapper, et ux; thence leaving the lands of the said Snyder, et ux and continuing with the center of the said Township Route Number 538, severing the lands of the said Clapper, et ux,

North 50°54' East 206 feet to a corner common to the lands of the said Clapper, et ux and the said Lee, et ux; thence, continuing with the center of the said Township Route Number 538 and with the line between the lands of the said Clapper, et ux and the said Lee, et ux, the following courses and distances:

North 51°56' East 334 feet,

North 45°57' East 128 feet,

North 25°07' East 35 feet to a corner common to the lands of the said Clapper, et ux and the said Lee, et ux and the lands now or formerly owned by Leonard Kranendonk, et ux; thence, leaving the lands of the said Lee, et ux and continuing with the center of the said Township Route Number 538 and with the line between the lands of the said Clapper, et ux and the said Kranendonk, et ux,

North 09°01' West 64 feet to a corner common to the lands of the said Clapper, et ux and the said Kranendonk, et ux; thence, leaving the center of the said Township Route Number 538 and continuing with the line between the lands of the said Clapper, et ux and the said Kranendonk, et ux,

North 34°43' West, crossing the center of the said Township Route Number 538 at approximately 319 feet, in all 369 feet to a corner common to the lands of the said Clapper, et ux and the said Kranendonk, et ux and the lands now or formerly owned by Harry J. Sykes and in the Easterly Right-of-Way line of the said Township Route Number 538; thence, leaving the lands of the said Clapper, et ux and leaving the Easterly right-of-way line of the said Township Route Number 538 and with the line between the lands of the said Sykes and the said Kranendonk, et ux,

North 34°13' West, crossing the center of the said Township Route Number 538 at approximately 50 feet, in all 347 feet to a corner common to the lands of the said Sykes and the said Kranendonk, et ux and at the intersection of the center of the said Township Route Number 538 with the center of Township Route Number 517; thence, leaving the center of the said Township Route Number 538 and with the center of the said Township Route Number 517 and with the line between the lands of the said Sykes and the said Kranendonk, et ux,

North 44°43' East 144 feet to a corner common to the lands of the Said Sykes and the said Kranendonk, et ux and the lands now or formerly owned by Lorna M. Heutchy; thence, leaving the lands of the said Sykes and leaving the center of the said Township Route Number 517 and with the line between the lands of the said Heutchy and the said Kranendonk, et ux, the following courses and distances:

South 46°20' East, crossing the Southerly right-of-way line of the said Township Route Number 517 at approximately 17 feet, in all 152 feet,

North 51°20' East, 416 feet to a corner common to the lands of the said Heutchy and the

said Kranendonk, et ux, and the lands now or formerly owned by Gilbert C. Mood, et al; thence, leaving the lands of the said Kranendonk, et ux and with the line between the lands of the said Heutchy and the said Mood, et al,

North 52°42' East crossing the Southerly right-of-way line of the said Township Route Number 517 at approximately 990 feet, in all 1,045 feet to a corner common to the lands of the said Heutchy and the said Mood, et al and in the center of the said Township Route Number 517; thence, leaving the lands of the said Heutchy and with the center of the said Township Route Number 517, severing the lands of the said Mood, et al,

North 68°20' East 262 feet to a corner common to the lands of the said Mood, et al and the lands now or formerly owned by Louis S. Langlieb, et ux; thence, continuing with the center of the said Township Route Number 517 and with the line between the lands of the said Mood, et al and the said Langlieb, et ux, the following courses and distances:

North 66°15' East 273 feet,
South 85°50' East 276 feet,
North 75°35' East 181 feet,
North 65°53' East 73 feet to a corner common to the lands of the said Mood, et al and the said Langlieb, et ux and the lands now or formerly owned by Western Heritage Properties Limited (Inc.); thence, leaving the lands of the said Mood, et al and the said Langlieb, et ux and continuing with the center of the said Township Route Number 517, severing the lands of the said Western Heritage, the following courses and distances:

North 59°55' East 550 feet,
North 65° 09' East 90 feet,
North 70°12' East 72 feet,
North 57°43' East 40 feet,
North 43°58' East 60 feet,
North 38°14' East 85 feet,
North 42°03' East 83 feet,
North 52°42' East 6[illegible] feet,
North 53°50' East 180 feet,
North 46°00' East 100 feet,
North 35°00' East 100 feet,
North 11°15' East 240 feet,
North 26°00' East 100 feet to a corner common to the lands of the said Western Heritage and the lands now or formerly owned by Virginia Anderson; thence, continuing with the center of the said Township Route Number 517 and with the line between the lands of the said Anderson and the said Western Heritage, the following courses and distances:

North 59°56' East 81 feet,
North 62°54' East 300 feet,
North 62°48' East 63 feet,
North 60°55' East 37 feet,
North 60°44' East 100 feet,
North 60°48' East 100 feet,
North 60°45' East 100 feet,
North 60°46' East 29 feet,
North 57°49' East 71 feet,
North 57°46' East 100 feet to a point in the center of Township Route Number 550,
North 65°40' East 642 feet,
North 62°43' East 72 feet,
North 61°44' East 120 feet,
North 59°39' East 257 feet,
North 51°07' East 40 feet to a corner common to the lands of the said Anderson and the lands now or formerly owned by Alvin E. Heutchey, et ux and in the line of the lands of the said Western Heritage; thence, leaving the lands of the said Anderson and continuing with the center of the said Township Route Number 517 and with the line between the lands of the said Heutchey, et ux and the said Western Heritage, the following courses and distances:

North 45°37' East 325 feet,
North 45°00' East, passing a corner common to the lands of the said Heutchey, et ux and the lands now or formerly owned by Anna Koelmel and the center of Township Route Number 631 at approximately 15 feet, in all 51 feet; thence, continuing with the center of the said Township Route Number 517 and with the line between the lands of the said Koelmel and the said Western Heritage, the following courses and distances:

North 79°09' East 457 feet,
North 72°17' East 177 feet,
Due East, crossing the center of a small unnamed drain at approximately 100 feet, in all 151 feet,
North 79°20' East 157 feet,
North 84°59' East 114 feet,
North 72°00' East 84 feet,
North 61°02' East 128 feet to a point in the center of Township Route Number 546,
North 26°09' East 61 feet,
North 41°31' East 82 feet,
North 57°15' East 170 feet,
North 59°47' East 380 feet,
North 48°51' East 179 feet to a corner common to the lands of the said Western Heritage, the lands now or formerly owned by Francis Hickok Erdman, et al and in the line of the lands of said Koelmel; thence, leaving the lands of the said Western Heritage and continuing with the center of the said Township Route Number 517 and with the line between the lands of the said Koelmel and the said Erdman, et al,

North 48°13' East 237 feet to a corner common to the lands of the said Koelmel and the said Erdman, et al; thence, leaving the lands of the said Erdman, et al and continuing with the center of the said Township Route Number 517, severing the lands of the said Koelmel, the following courses and distances:

North 44°56' East 249 feet,
North 50°00' East 137 feet,
North 59°42' East 466 feet,
North 54°09' East 169 feet,
North 48°43' East 333 feet,
North 53°59' East 218 feet,
North 48°48' East 133 feet,
North 29°48' East 248 feet,
North 39°19' East 441 feet,
North 42°35' East 532 feet to a corner common to the lands now or formerly owned by Karl Hope, et ux and the lands now or formerly owned by James T. Ogden, et ux and in the line of the lands of the said Koelmel; thence, leaving the lands of the said Koelmel and continuing with the center of the said Township Route Number 517 and with the line between the lands of the said Hope, et ux and the said Ogden, et ux,

North 43°50' East 463 feet to a corner common to the lands of the said Ogden, et ux and the lands now or formerly owned by Peter Stapansky, et ux and in the line of the lands of the said Hope, et ux; thence, leaving the lands of the said Ogden, et ux and continuing with the center of the said Township Route Number 517 and with the line between the lands of the said Hope, et ux and the said Stapansky, et ux,

North 41°06' East 149 feet to a corner common to the lands of the said Stapansky, et ux and the said Hope, et ux; thence, leaving the lands of the said Stapansky, et ux and continuing with the center of the said Township Route Number 517, severing the lands of the said Hope, et ux,

North 44°05' East 40 feet to a corner common to the lands of the said Hope, et ux and the lands now or formerly owned by John C. Mullins, et ux; thence, continuing with the center of the said Township Route Number 517 and with the line between the lands of the said Hope, et ux and the said Mullins, et ux,

North 42°37' East 128 feet to a corner common to the lands of the said Hope, et ux and the said Mullins, et ux; thence, leaving the lands of the said Mullins, et ux and continuing with the center of the said Township Route Number 517, severing the lands of the said Hope, et ux,

North 41°05' East 102 feet to a corner common to the lands of the said Hope, et ux and the lands now or formerly owned by Peter Buttacavoli, et ux; thence, continuing with the center of the said Township Route Number 517 and with the line between the lands of the said Hope, et ux and the said Buttacavoli, et ux,

North 40°47' East 102 feet to a corner common to the lands of the said Hope, et ux and the said Buttacavoli, et ux; thence, leaving the lands of the said Buttacavoli, et ux and continuing with the center of the said Township Route Number 517, severing the lands of the said Hope, et ux, the following courses and distances:

North 38°16' East 347 feet,
North 27°46' East 79 feet,
North 11°46' East 171 feet to a corner common to the lands of the said Hope, et ux and the lands now or formerly owned by John S. Walck, et ux; thence, continuing with the center of the said Township Route Number 517 and with the line between the lands of the said Walck, et ux and the said Hope, et ux, the following courses and distances:

North 10°16' East 165 feet,
North 24°53' East 142 feet to a corner common to the lands of the said Walck, et ux and the said Hope, et ux; thence leaving the lands of the said Walck, et ux and continuing with the center of the said Township Route Number 517, severing the lands of the said Hope, et ux, the following courses and distances:

North 42°46' East 109 feet,
North 46°33' East 291 feet,
North 51°03' East 305 feet,
North 71°48' East 120 feet to a corner common to the lands now or formerly owned by an Unknown Owner and the lands now or formerly owned by Edward F. Tartaglione, et ux and in the line of the lands of the said Hope, et ux; thence leaving the lands of the said Hope, et ux and continuing with the center of the said Township Route Number 517 and with the line between the lands of the said Unknown Owner and the said Tartaglione, et ux, the following courses and distances:

North 67°14' East 109 feet,
North 49°55' East 460 feet to a corner common to the lands of the said Tartaglione, et ux and the lands now or formerly owned by Robert Wolbach, et ux and in the line of the lands of the said Unknown Owner; thence, leaving the lands of the said Tartaglione, et ux and continuing with the center of the said Township Route Number 517 and with the line between the lands of the said Unknown Owner and the said Wolbach, et ux, the following courses and distances:

North 37°12' East 66 feet,
North 28°15' East 136 feet,
North 39°45' East 483 feet to a corner common to the lands of the said Unknown Owner and the said Wolbach, et ux and in the line of the lands now or formerly owned by Irvin Transue; thence, leaving the lands of the said Unknown Owner and continuing with the center of the said Township Route Number 517 and with the line between the lands of the said Transue and the said Wolbach, et ux, the following courses and distances:

North 42°05' East 203 feet,
North 47°04' East 803 feet to a corner common to the lands of the said Transue and the lands now or formerly owned by Henry W. Koons, et ux and in the line of the lands of the said Wolbach, et ux; thence leaving the lands of the said Wolbach, et ux and leaving the center of the said Township Route Number 517 and with the line between the lands of the said Transue and the said Koons, et ux,

North 43°47' West 319 feet to the center of Legislative Route Number 45012; thence, continuing with the line between the lands of the said Transue and the said Koons, et ux and with the center of the said Legislative Route Number 45012, the following courses and distances:
South 69°29' West 205 feet,
South 61°57' West 355 feet,
South 80°43' West 67 feet,
North 83°55' West 94 feet to a corner common to the lands of the said Koons, et ux and the lands now or formerly owned by Jack Gage, et ux and in the line of the lands of the said Transue; thence, leaving the lands of the said Koons, et ux and continuing with the center of the said Legislative Route Number 45012 and with the line between the lands of the said Transue and the said Gage, et ux,
North 74°18' West 119 feet to a corner common to the lands of the said Gage, et ux and the said Koons, et ux and in the line of the lands of the said Transue; thence, leaving the lands of the said Gage, et ux and continuing with the center of the said Legislative Route Number 45012 and with the line between the lands of the said Transue and the said Koons, et ux,
North 65°39' West 15 feet to a corner common to the lands of the said Koons, et ux and the lands now or formerly owned by Henry W. Koons, Jr., et ux and in the line of the lands of the said Transue; thence, leaving the lands of the said Koons, et ux, and continuing with the center of the said Legislative Route Number 45012 and with the line between the lands of the said Transue and the said Koons, Jr., et ux,
North 52°24' West, passing a corner common to the lands of the said Transue and the lands now or formerly owned by Andrew F. Cullen at approximately 40 feet, in all 133 feet to a corner common to the lands of the said Koons, Jr., et ux and the said Koons, et ux and in the line of the lands of the said Cullen; thence, leaving the lands of the said Koons, Jr., et ux and continuing with the center of the said Legislative Route Number 45012 and with the line between the lands of the said Cullen and the said Koons, et ux, the following courses and distances:
North 46°31' West 49 feet,
North 20°13' West, passing a corner common to the lands of the said Cullen and the lands now or formerly owned by Indian Lake Camp at approximately 90 feet, in all 154 feet to a corner common to the lands of the said Koons, et ux and the lands now or formerly owned by Richard H. Thomas, et ux and in the line of the lands of the said Camp; thence, leaving the lands of the said Koons, et ux and continuing with the center of the said Legislative Route Number 45012 and with the line between the lands of the said Camp and the said Thomas, et ux,
North 26°00' West 165 feet to a corner common to the lands of the said Thomas, et ux and the lands now or formerly owned by Helen A. Ahnert and in the line of the lands of the said Camp; thence, leaving the lands of the said Thomas, et ux, and continuing with the center of the said Legislative Route Number 45012 and with the line between the lands of the said Camp and the said Ahnert, the following courses and distances:
North 41°37' West 208 feet,
North 45°02' West 253 feet,
North 58°01' West 169 feet,
North 47°19' West 67 feet,
North 31°42' West 67 feet,
North 15°29' West 80 feet,
North 00°10' East 314 feet,
North 15°29' West 95 feet,
North 44°27' West 72 feet,
North 59°38' West 93 feet to a point in the center of Sand Hill Creek,
North 59°25' West 83 feet,
North 47°42' West 278 feet,
North 52°42' West 108 feet,
North 58°20' West 204 feet to a corner common to the lands of the said Camp, the said Ahnert, and the lands now or formerly owned by Henry A. Ahnert, Jr., et ux and at the intersection of the center of United States Highway Number 209 with the center of the said Legislative Route Number 45012 leading Northwesterly from Township Route Number 633; thence, leaving the lands of the said Ahnert, Jr., et ux and leaving the center of the said Legislative Route Number 45012, and continuing with the line between the lands of the said Camp and the said Ahnert and with the center of the said United States Highway Number 209,
South 51°58' West 41 feet to a corner common to the lands of the said Ahnert and the lands now or formerly owned by Donald D. Smith, et ux and in the line of the lands of the said Camp, and at the intersection of the center of the said United States Highway Number 209 with the center of Legislative Route Number 45012 leading Southeasterly from Legislative Route Number 45014; thence, leaving the center of said United States Highway Number 209 and leaving the lands of said Camp and with the center of the said Legislative Route Number 45012 and with the line between the lands of the said Ahnert and the said Smith, et ux,
North 56°07' West 557 feet to a corner common to the lands of the said Ahnert and the lands now or formerly owned by Robert M. Ahnert, et ux and in the line of lands of the said Smith, et ux; thence, leaving the lands of said Ahnert and continuing with the center of the said Legislative Route Number 45012 and with the line between the lands of the said Smith, et ux and the said Ahnert, et ux,
North 53°02' West 223 feet to a corner common to the lands of the said Ahnert, et ux and the said Ahnert and in the line of the lands of the said Smith, et ux; thence, leaving the lands of the said Ahnert, et ux and continuing with the center of the said Legislative Route Number 45012 and with the line between the lands of the said Smith, et ux and the said Ahnert, the following courses and distances:
North 54°47' West 105 feet,
North 59°26' West 83 feet,
North 63°36' West 83 feet to a corner common to the lands of the said Smith, et ux and the lands now or formerly owned by Helen Singer and in the line of the lands of the said Ahnert; thence, leaving the lands of the said Smith, et ux and continuing with the center of the said Legislative Route Number 45012 and with the line between the lands of the said Singer and the said Ahnert,
North 77°00' West 92 feet to a corner common to the lands of the said Ahnert and the said Singer; thence leaving the lands of the said Ahnert and continuing with the center of the said Legislative Route Number 45012, severing the lands of the said Singer,
North 85°46' West 70 feet to a corner common to the lands of the said Singer and the lands now or formerly owned by Theresa Marie Krogman; thence, continuing with the center of the said Legislative Route Number 45012 and with the line between the lands of the said Krogman and the said Singer,
North 85°46' West 70 feet to a corner common to the lands of the said Singer and the said Ahnert and in the line of the lands of the said Krogman; thence, leaving the lands of the said Singer and continuing with the center of the said Legislative Route Number 45012 and with the line between the lands of the said Krogman and the said Ahnert, the following courses and distances:
North 86°55' West 89 feet,
North 80°46' West 90 feet,
North 69°58' West 93 feet,
North 67°04' West 127 feet to a corner common to the lands of the said Ahnert and the lands now or formerly owned by Daniel McAuliffe, et al. and in the line of the lands of the said Krogman; thence, leaving the lands of the said Ahnert and continuing with the center of the said Legislative Route Number 45012 and with the line between the lands of the said Krogman and the said McAuliffe, et al., the following courses and distances:
North 65°11' West 59 feet,
North 49°32' West 217 feet,
North 57°04' West 195 feet,
North 62°38' West 250 feet,
North 66°11' West 44 feet,
North 58°23' West 222 feet to a corner common to the lands of the said Krogman and the lands now or formerly owned by Roy M. Squires, et ux and in the line of the lands of the said McAuliffe, et al.; thence, leaving the lands of the said Krogman and continuing with the center of the said Legislative Route Number 45012 and with the line between the lands of the said Squires, et ux and the said McAuliffe, et al., the following courses and distances:
North 57°08' West 306 feet,
North 61°24' West 208 feet,
North 50°37' West 57 feet,
North 34°14' West 40 feet,
North 08°13' West 44 feet,
North 11°27' East 60 feet to a corner common to the lands of the said Squires, et ux, the lands now or formerly owned by Woldemar Alexander Bary, et ux and other lands now or formerly owned by the said Squires, et ux and in the line of the lands of the said McAuliffe, et al and at the intersection of the center of the said Legislative Route Number 45012 with the center of Legislative Route Number 45014 and the center of Township Route Number 523; thence, leaving the lands of the said Squires, et ux and the said Bary, et ux and leaving the center of the said Legislative Route Number 45012 and the center of the said Legislative Route Number 45014 and with the line between the said other lands of the said Squires, et ux and the lands of the said McAuliffe, et al and with the center of the said Township Route Number 523, the following courses and distances:
North 30°40' East 197 feet,
North 32°37' East 174 feet,
North 37°38' East 89 feet to a corner common to the lands of the said McAuliffe, et al and the lands now or formerly owned by George E. Hattauer, et ux and in the line of the said other lands of the said Squires, et ux; thence, leaving the lands of the said McAuliffe, et al and continuing with the center of the said Township Route Number 523 and with the line between the said other lands of the said Squires, et ux and the lands of the said Hattauer, et ux,
North 19°43' East 111 feet to a corner common to the lands of the said Hattauer, et ux and the lands now or formerly owned by Anna Marie Divine and in the line of the said other lands of the said Squires, et ux; thence, leaving the lands of the said Hattauer, et ux and continuing with the center of the said Township Route Number 523 and with the line between the said other lands of the said Squires, et ux and the lands of the said Divine, the following courses and distances:
North 05°34' East 58 feet,
North 03°01' West 60 feet,
North 00°21' West, 119 feet to a corner common to the said other lands of the said

Squires, et ux, the lands of the said Bary, et ux, the lands of the said Divine, the lands now or formerly owned by Israel Live, et ux and the lands now or formerly owned by William Busch, et al; thence, leaving the said other lands of the said Squires, et ux and the lands of the said Bary, et ux and the said Divine and continuing with the center of the said Township Route Number 523 and with the line between the lands of the said Live, et ux and the said Busch, et al,

North 00°25' West 102 feet to a corner common to the lands of the said Busch, et al and the lands now or formerly owned by Frank Cotton, et ux and in the line of the lands of the said Live, et ux; thence, leaving the lands of the said Busch, et al and continuing with the center of the said Township Route Number 523 and with the line between the lands of the said Live, et ux and the said Cotton, et ux, the following courses and distances:

North 12°21' West 82 feet,

North 23°09' West 142 feet to a corner common to the lands of the said Cotton, et ux and the lands now or formerly owned by Robert Riedmiller, et ux and in the line of the lands of the said Live, et ux; thence, leaving the lands of the said Cotton, et ux and continuing with the center of the said Township Route Number 523 and with the line between the lands of the said Live, et ux and the said Riedmiller, et ux,

North 31°01' West 227 feet to a corner common to the lands of the said Riedmiller, et ux and the lands now or formerly owned by Xavier Riedmiller and in the line of the lands of the said Live, et ux; thence, leaving the lands of the said Riedmiller, et ux and continuing with the center of the said Township Route Number 523 and with the line between the lands of the said Live, et ux and the said Riedmiller, the following courses and distances:

North 34°31' West 84 feet,

North 21°05' West 38 feet,

North 20°05' West 60 feet,

North 09°52' West 75 feet to a corner common to the lands of the said Riedmiller and the lands now or formerly owned by Harold Riedmiller and in the line of the lands of the said Live, et ux; thence, leaving the lands of the said Xavier Riedmiller and continuing with the center of the said Township Route Number 523 and with the line between the lands of the said Live, et ux and the said Harold Riedmiller, the following courses and distances:

North 12°23' West 74 feet,

North 35°38' West 126 feet,

North 29°15' West 52 feet to a corner common to the lands of the said Live, et ux and the lands now or formerly owned by Albert P. Dahler, et ux and in the line of the lands of the said Harold Riedmiller; thence, leaving the lands of the said Live, et ux and continuing with the center of the said Township Route Number 523 and with the line between the lands of the said Dahler, et ux and the said Harold Riedmiller,

North 23°50' West 53 feet to a corner common to the lands of the said Harold Riedmiller and the lands now or formerly owned by Harold P. Riedmiller, et al and in the line of the lands of the said Dahler, et ux; thence, leaving the lands of the said Harold Riedmiller and continuing with the center of the said Township Route Number 523 and with the line between the lands of the said Dahler, et ux and the said Riedmiller, et al, the following courses and distances:

North 18°40' West 227 feet,

North 06°53' West 67 feet,

North 04°13' West 66 feet to a corner common to the lands of the said Riedmiller, et al and the lands now or formerly owned by Theodore Schmukler, et ux a.k.a. Theodore Schmikler, et ux and in the line of the lands of the said Dahler, et ux and in the right descending bank of Big Bushkill Creek; thence, leaving the lands of the said Riedmiller, et al and leaving the right descending bank of the said Big Bushkill Creek and continuing with the center of the said Township Route Number 523 and with the line between the lands of the said Dahler, et ux and the said Schmukler, et ux,

North 02°59' East 54 feet to a corner common to the lands of the said Dahler, et ux and the said Schmukler, et ux, said corner being in the center of the said Big Bushkill Creek and in the line between Middle Smithfield Township, Monroe County, and Lehman Township, Pike County; thence, leaving the lands of the said Dahler, et ux and leaving the center of the said Big Bushkill Creek and the said Township-County line and continuing with the center of the said Township Route Number 523, severing the lands of the said Schmukler, et ux,

In a Northerly direction approximately 233 feet to a point at the intersection of the center of the said Township Route Number 523 with the center of Township Route Number 301; thence, leaving the center of the said Township Route Number 523 and continuing to sever the lands of the said Schmukler, et ux and with the center of the said Township Route Number 301,

In a generally Northerly direction approximately 282 feet to a corner common to the lands of the said Schmukler, et ux and the lands now or formerly owned by Charles B. Illingworth, et ux and at the intersection of the center of the said Township Route Number 301 with the center of Township Route Number 300; thence, leaving the center of the said Township Route Number 301 and with the line between the lands of the said Illingworth, et ux and the said Schmukler, et ux and with the center of the said Township Route Number 300, the following courses and distances:

North 65°24' East 229 feet,

North 66°24' East 76 feet,

North 73°48' East 103 feet,

North 58°32' East 80 feet,

North 47°25' East 106 feet,

North 33°37' East 247 feet,

North 31°20' East 60 feet to a corner common to the lands of the said Illingworth, et ux, the said Schmukler, et ux, the lands now or formerly owned by Russell E. Scheller, et ux and the lands now or formerly owned by W. Rentz Mourar, et al; thence, leaving the lands of the said Illingworth, et ux and the said Schmukler, et ux and continuing with the center of the said Township Route Number 300 and the line between the lands of the said Scheller, et ux and the said Mourar, et al,

North 35°13' East 197 feet to a corner common to the lands of the said Mourar, et al and the lands now or formerly owned by George P. Angle, et ux and in the line of the lands of the said Scheller, et ux; thence, leaving the lands of the said Mourar, et al and continuing with the center of the said Township Route Number 300 and with the line between the lands of the said Scheller, et ux and the said Angle, et ux, the following courses and distances:

North 37°01' East 110 feet,

North 41°26' East 100 feet to a corner common to the lands of the said Angle, et ux and the lands now or formerly owned by Harold P. Feidmiller and in the line of the lands of the said Scheller, et ux; thence, leaving the lands of the said Angle, et ux and continuing with the center of the said Township Route Number 300 and the line between the lands of the said Scheller, et ux and the said Riedmiller, the following courses and distances:

North 42°37' East 68 feet,

North 46°18' East 10 feet to a point in the line between the lands of the said Scheller, et ux and the said Riedmiller; thence, leaving the lands of the said Scheller, et ux and the center of the said Township Route Number 300, severing the lands of the said Riedmiller,

South 57°05' East 655 feet to a point in the line between the lands of the said Riedmiller and the lands now or formerly owned by Franklin J. Riedmiller, et ux, a.k.a. Franklin J. Reidmiller, et ux; thence, leaving the lands of the said Riedmiller and severing the lands of the said Riedmiller, et ux, the following courses and distances:

South 87°58' East 705 feet,

South 58°51' East 777 feet to a point in the line between the lands of the said Riedmiller, et ux and the lands now or formerly owned by George P. Watson, et al; thence, leaving the lands of the said Riedmiller, et ux and severing the lands of the said Watson, et al, the following courses and distances:

South 58°53' East 678 feet,

North 65°09' East 730 feet to a point in the line between the lands of the said Watson, et al and the lands now or formerly owned by J. Hibbs Buckman, Junior; thence, leaving the lands of the said Watson and severing the lands of the said Buckman, Junior, the following courses and distances:

North 65°08' East 1,265 feet,

North 29°05' East 1,230 feet,

North 45°13' East 420 feet to a point in the line between the lands of the said Buckman, Junior and the lands now or formerly owned by Rodney F. Kimminour; thence, leaving the lands of the said Buckman, Junior and severing the lands of the said Kimminour, the following courses and distances:

North 45°13' East 559 feet,

North 12°37' East 471 feet,

North 16°42' West 157 feet,

North 15°59' West 199 feet to a point in the line between the lands of the said Kimminour and the lands now or formerly owned by Dorothy Van Why; thence, leaving the lands of the said Kimminour and severing the lands of the said Van Why, the following courses and distances:

North 09°47' West 576 feet,

North 30°19' East 301 feet,

North 23°04' East 955 feet to a point in the line between the lands of the said Van Why and the lands now or formerly owned by Aaron Weinstein and in the center of Township Route Number 305; thence, with the center of the said Township Route Number 305 and with the line between the lands of the said Weinstein and the said Van Why,

South 61°33' East 100 feet to a corner common to the lands of the said Van Why, the said Weinstein, the lands now or formerly owned by Eli Louis Cooper, et ux, the lands now or formerly owned by Edward S. Gormley, et ux and the lands now or formerly owned by Mary G. Costello; thence, leaving the lands of the said Gormley, et ux, the said Costello and the said Van Why and leaving the center of the said Township Route Number 305 and with the line between the lands of the said Weinstein and the said Cooper, et ux, the following courses and distances:

North 40°24' East 804 feet,

North 35°21' East 608 feet to a point in the line between the lands of the said Weinstein and the said Cooper, et ux; thence, leaving the lands of the said Cooper, et ux and severing the lands of the said Weinstein,

North 41°15' West 2275 feet to a point in the line between the lands of the said Weinstein and the lands now or formerly owned by Mildred B. Peters, et al; thence, with the line between the lands of the said Peters, et al and the said Weinstein, the following courses and distances:

North 37°51' East 229 feet,

South 41°31' East 279 feet to a corner common to the lands of the said Peters, et al and the lands now or formerly owned by Dorothy Lizun and in the line of the lands of the said Weinstein; thence, leaving the lands of the said Weinstein and with the line between the lands of the said Peters, et al and the said Lizun, the following courses and distances:

North 47°11' East 277 feet,
North 18°2' West 492 feet,
North 28°22' East 308 feet,
North 68°25' East 87 feet,

North 76°45' East 447 feet to a corner common to the lands of the said Lizun and the lands now or formerly owned by Mildred Peters Hoot, et al, Trustees and in the line of the lands of the said Peters, et al said corner being in the center of Little Bushkill Creek; thence leaving the lands of the said Peters, et al and with the line between the lands of the said Trustees and the said Lizun, and the center of the said Little Bushkill Creek, downstream, the following courses and distances:

South 03°04' East 91 feet,
South 12°09' East 137 feet,
South 01°25' West 63 feet,
South 18°25' West 76 feet,
South 28°48' West 120 feet,
South 29°51' West 106 feet,
South 10°49' West 77 feet,
South 10°15' East 72 feet,
South 27°05' East 92 feet,
South 39°39' East 126 feet,
South 38°36' East 206 feet,
South 34°49' East 108 feet,
South 50°04' East 208 feet,
South 42°01' East 149 feet,
South 58°16' East 47 feet,
South 63°29' East 56 feet,
South 82°43, East 63 feet,
South 61°32' East 42 feet,

South 46°51' East 127 feet to a corner common to the lands of the said Trustees and the lands now or formerly owned by Chester J. Brish and in the line of the lands of the said Lizun; thence, leaving the lands of the said Lizun and the center of the said Little Bushkill Creek and with the line between the lands of the said Trustees and the said Brish, the following courses and distances:

North 69°00' East 482 feet,
North 28°23' West 729 feet,

North 66°28' East 890 feet to a corner common to the lands of the said Trustees and the said Brish and the lands now or formerly owned by Gunter Stein, et ux; thence, leaving the lands of the said Brish and with the line between the lands of the said Trustees and the said Stein, et ux, the following courses and distances:

North 22°51' West 43 feet,

North 64°09' East 466 feet to a corner common to the lands of the said Trustees and the said Stein, et ux and the lands now or formerly owned by the Northeastern Pennsylvania National Bank & Trust Company, Trustee; thence, leaving the lands of the said Stein, et ux and with the line between the lands of the said Trustees and the said Bank,

North 77°47' East 72 feet to a point in the line between the lands of the said Trustees and the said Bank and in the center of Legislative Route Number 51001; thence, leaving the lands of the said Bank and with the center of the said Legislative Route Number 51001, severing the lands of the said Trustees,

North 30°31' West, passing a corner common to the lands of the said Trustees and the lands now or formerly owned by H. Nelson Albrecht, et ux at approximately 165 feet, in all 366 feet to a point in the line of the lands of the said Albrecht, et ux and the said Trustees and at the intersection of the center of the said Legislative Route Number 51001 with the center of Legislative Route Number 51002; thence, leaving the lands of the said Albrecht, et ux and continuing with the center of the said Legislative Route Number 51001, severing the lands of the said Trustees, the following courses and distances:

North 60°26' East 128 feet,
North 68°47' East 176 feet,
North 74°58' East 144 feet,
North 74°40' East 72 feet,

North 87°47' East 183 feet to a point in the line between the lands of the said Trustees and the lands now or formerly owned by Samuel T Seese, et ux; thence, leaving the lands of the said Trustees and continuing with the center of the said Legislative Route Number 51001, severing the lands of the said Seese, et ux,

In an Easterly direction approximately 610 feet to a corner common to the lands of the said Seese and the lands now or formerly owned by Wilbur Henry Zimerman; thence, continuing with the center of the said Legislative Route Number 51001 and with the line between the lands of the said Seese and the said Zimerman, the following courses and distances:

North 54°54' East 83 feet,

North 48°06' East 109 feet to a corner common to the lands of the said Samuel T. Seese, et ux and the lands now or formerly owned by George W. Seese, et ux and in the line of the lands of the said Zimerman; thence, leaving the lands of the said Samuel T. Seese, et ux and continuing with the center of the said Legislative Route Number 51001 and with the line between the lands of the said George W. Seese, et ux and the said Zimerman,

North 44°22' East 215 feet to a corner common to the lands of the said George W. Seese, et ux and the said Zimerman and the lands now or formerly owned by Helen S. Press and lands now or formerly owned by Herbert C. Brauer, et ux; thence, leaving the lands of the said George W. Seese, et ux and the said Zimerman and continuing with the center of the said Legislative Route Number 51001 and with the line between the lands of the said Press and the said Brauer, et ux,

North 45°24' East 232 feet to a corner common to the lands of the said Brauer, et ux and the lands now or formerly owned by Albert L. Schoonover and in the line of the lands of the said Press; thence, leaving the lands of the said Brauer, et ux and continuing with the center of the said Legislative Route Number 51001 and with the line between the lands of the said Press and the said Schoonover,

North 44°12' East 284 feet to a corner common to the lands of the said Press and the said Schoonover; thence, leaving the lands of the said Schoonover and continuing with the center of the said Legislative Route Number 51001, servering the lands of the said Press,

In a Northeasterly direction approximately 585 feet to a corner common to the lands of the said Press and the lands now or formerly owned by Holiday Cottages, Inc.; thence, continuing with the center of the said Legislative Route Number 51001 and with the line between the lands of the said Cottages and the said Press, the following courses and distances:

North 68°49' East 111 feet,
North 68°53' East 95 feet,
North 63°57' East 93 feet,

North 57°36' East 136 feet to a corner common to the lands of the said Press and the lands now or formerly owned by William Rogalinski, et ux and in the line of the lands of the said Cottages; thence, leaving the lands of the said Press and continuing with the center of the said Legislative Route Number 51001 and with the line between the lands of the said Cottages and the said Rogalinski, et ux,

North 47°35' East 39 feet to a corner common to the lands of the said Rogalinski, et ux and the said Cottages; thence, leaving the lands of the said Cottages and continuing with the center of the said Legislative Route Number 51001, severing the lands of the said Rogalinski, et ux,

In a Northeasterly direction approximately 420 feet to a point in the line between the lands of the said Rogalinski, et ux and the lands now or formerly owned by Anna M. Schoonover; thence, leaving the lands of the said Rogalinski, et ux and continuing with the center of the said Legislative Route Number 51001, severing the lands of the said Schoonover,

In a Northeasterly direction approximately 70 feet to a corner common to the lands of the said Schoonover and the lands now or formerly owned by David Paul; thence, continuing with the center of the said Legislative Route Number 51001 and with the line between the lands of the said Schoonover and the said Paul,

North 42°48' East 99 feet to a corner common to the lands of the said Paul and lands now or formerly owned by Ralph DeWitt, et ux and in the line of the lands of the said Schoonover; thence, leaving the lands of the said Paul and continuing with the center of the said Legislative Route Number 51001 and with the line between the lands of the said Schoonover and the said DeWitt, et ux,

North 42°36' East 104 feet to a corner common to the lands of the said Schoonover and the said DeWitt, et ux; thence, leaving the lands of the said DeWitt, et ux and continuing with the center of the said Legislative Route Number 51001, severing the lands of the said Schoonover,

In a Northeasterly direction approximately 1411 feet to a point in the center of the said Legislative Route Number 51001; thence leaving the center of the said Legislative Route Number 51001 and continuing to sever the lands of the said Schoonover,

North 42°56' West 17 feet to a corner common to the lands of the said Schoonover and the lands now or formerly owned by William J. Schoonover, et ux and in the Northwesterly right-of-way line of the said Legislative Route Number 51001; thence, with the Northwesterly right-of-way line of the said Legislative Route Number 51001 and with the line between the lands of the said Schoonover, et ux and the said Schoonover, the following courses and distances:

North 44°25' East 95 feet,
North 40°20' East 68 feet,
North 36° 10' East 69 feet,
North 35°38' East 131 feet,
North 38°45' East 56 feet,

North 45°20' East 131 feet to a corner common to the lands of the said Schoonover, et ux and the said Schoonover; thence, leaving the Northwesterly right-of-way line of the said Legislative Route Number 51001 and continuing with the line between the lands of the said Schoonover, et ux and the said Schoonover,

South 52°42' East 17 feet to a point in the center of the said Legislative Route Number 51001 and in the line between the lands of the said Schoonover, et ux and the said Schoonover; thence, leaving the lands of the said Schoonover and with the center of the said Legislative Route Number 51001, severing the lands of the said Schoonover, et ux,

In a Northeasterly direction approximately 350 feet to a corner common to the lands of the said Schoonover, et ux and the lands now or formerly owned by Marguerite J. Greinert; thence, continuing with the center of the said Legislative Route Number 51001 and with the line between the lands of the said Greinert and the said Schoonver, et ux,

North 61°55' East 203 feet to a corner common to the lands of the said Greinert and the lands now or formerly owned by Amy Rainey and in the line of the lands of the said Schoonover, et ux; thence, leaving the lands of the said Greinert and cohtinuing

with the center of the said Legislative Route Number 51001 and with the line between the lands of the said Rainey and the said Schoonover, et ux, the following courses and distances:

North 58°22' East 175 feet,
North 54°23' East 169 feet,
North 60°44' East 59 feet,
North 67°46' East 68 feet,
North 53°14' East 40 feet,
North 36°44' East 78 feet to a corner common to the lands of the said Rainey and the said Schoonover, et ux; thence, leaving the lands of the said Schoonover, et ux and continuing with the center of the said Legislative Route Number 51001, severing the lands of the said Rainey,

In a Northerly direction, passing the center of Township Route Number 304 at approximately 350 feet, in all approximately 622 feet to a point in the center of the said Legislative Route Number 51001; thence, leaving the center of the said Legislative Route Number 51001 and continuing to sever the lands of the said Rainey,

South 79°24' West 17 feet to a corner common to the lands of the said Greinert and the said Rainey and in the Westerly right-of-way line of the said Legislative Route Number 51001; thence, with the Westerly right-of-way line of the said Legislative Route Number 51001 and with the line between the lands of the said Greinert and the said Rainey,

North 10°36' West 140 feet to a corner common to the lands of the said Greinert and the said Rainey; thence, leaving the said Westerly right-of-way line of the said Legislative Route Number 51001 and the lands of the said Greinert and severing the lands of the said Rainey,

North 79°24' East 17 feet to a point in the center of the said Legislative Route Number 51001; thence, with the center of the said Legislative Route Number 51001 and continuing to sever the lands of the said Rainey,

In a generally Northerly direction approximately 1077 feet to a corner common to the lands now or formerly owned by Stewart E. Schoonover, et ux and the lands now or formerly owned by N. Kenneth Eshback, et ux and in the line of the lands of the said Rainey; thence, leaving the lands of the said Rainey and continuing with the center of the said Legislative Route Number 51001 and with the line between the lands of the said Stewart E. Schoonover, et ux and the said Eshback, et ux, the following courses and distances:

North 63°11' East 121 feet,
North 62°28' East 135 feet,
North 66°35' East 141 feet,
North 66°37' East 364 feet to a corner common to the lands of the said Stewart E. Schoonover, et ux and the lands now or formerly owned by Marvin F. Woltjen, et ux and in the line of the lands of the said Eshback, et ux; thence, leaving the lands of the said Stewart E. Schoonover, et ux and continuing with the center of the said Legislative Route Number 51001 and with the line between the lands of the said Woltjen, et ux and the said Eshback, et ux, the following courses and distances:

North 57°56' East 125 feet,
North 54°02' East 139 feet,
North 48°09' East 181 feet,
North 38°37' East 105 feet,
North 33°27' East 115 feet,
North 29° 18' East 1066 feet to a corner common to the lands of the said Woltjen, et ux and the said Eshback, et ux and in the line of the lands now or formerly owned by Freda Meyer; thence, leaving the lands of the said Woltjen, et ux and the said Eshback, et ux and continuing with the center of the said Legislative Route Number 51001, severing the lands of the said Meyer,

In a Northeasterly direction approximately 497 feet to a point in the line between the lands of the said Meyer and the said Woltjen, et ux; thence, leaving the lands of the said Meyer and continuing with the center of the and Legislative Route Number 51001, severing the lands of the said Woltjen, et ux,

In a northeasterly direction, passing the center of Legislative Route Number 51024 at approximately 1212 feet, in all approximately 2198 feet to a point in the line between the lands of the said Woltjen, et ux and the lands now or formerly owned by Percy Bensley, et ux; thence, leaving the lands of the said Woltjen, et ux and continuing with the center of the said Legislative Route Number 51001, severing the lands of the said Bensley, et ux,

In a Northeasterly direction approximately 38 feet to a corner common to the lands of the said Bensley, et ux and the lands now or formerly owned by Isaac Benton Dunlap, et ux; thence, continuing with the center of the said Legislative Route Number 51001 and with the line between the lands of the said Bensley, et ux and the said Dunlap, et ux, the following courses and distances:

North 30°42' East 71 feet,
North 22°36' East 163 feet to a corner common to the lands of the said Bensley, et ux and the said Dunlap, et ux; thence, leaving the lands of the said Dunlap, et ux and continuing with the center of the said Legislative Route Number 51001, severing the lands of the said Bensley, et ux,

In a Northeasterly direction approximately 89 feet to a corner common to the lands of the said Bensley, et ux and the lands now or formerly owned by John W. Bensley, et ux; thence, continuing with the center of the said Legislative Route Number 51001 and with the line between the lands of the said John W. Bensley, et ux and the said Percy Bensley, et ux,

North 20°54' East 150 feet to a corner common to the lands of the said John W. Bensley, et ux and lands now or formerly owned by Herbert A. Bensley and in the line of the lands of the said Percy Bensley, et ux; thence, leaving the lands of the said John W. Bensley, et ux and continuing with the center of the said Legislative Route Number 51001 and with the line between the lands of the said Bensley and the said Percy Bensley, et ux,

North 23°41' East 140 feet to a corner common to the lands of the said Bensley and the said Percy Bensley, et ux; thence, leaving the lands of the said Bensley and continuing with the center of the said Legislative Route Number 51001, severing the lands of the said Percy Bensley, et ux,

In a Northeasterly direction approximately 160 feet to a corner common to the lands of the said Percy Bensley, et ux and the lands now or formerly owned by Walter P. Bensley, et ux; thence, continuing with the center of the said Legislative Route Number 51001 and with the line between the lands of the said Walter P. Bensley, et ux and the said Percy Bensley, et ux,

North 27°25' East 155 feet to a corner common to the lands of the said Walter P. Bensley, et ux and the lands now or formerly owned by Lester R. Bensley, et ux and in the line of the lands of the said Percy Bensley, et ux; thence, leaving the lands of the said Walter P. Bensley, et ux and continuing with the center of the said Legislative Route Number 51001 and with the line between the lands of the said Lester R. Bensley, et ux and the said Percy Bensley, et ux,

North 27°11' East 147 feet to a corner common to the lands of the said Lester R. Bensley, et ux and the said Percy Bensley, et ux; thence, leaving the lands of the said Lester R. Bensley, et ux and continuing with the center of the said Legislative Route Number 51001, severing the lands of the said Percy Bensley, et ux,

In a general Northeasterly direction approximately 795 feet to a point in the line between the lands of the said Percy Bensley, et ux and the lands now or formerly owned by the Egypt Mills Club; thence, leaving the lands of the said Percy Bensley, et ux and continuing with the center of the said Legislative Route Number 51001, severing the lands of the said Club,

In a Northwesterly direction approximately 75 feet to a point in the line between the lands of the said Club and other lands of the said Woltjen, et ux; thence, leaving the lands of the said Club and continuing with the center of the said Legislative Route Number 51001, severing the said other lands of the said Woltjen, et ux,

In a generally Northerly direction, passing the center of Tom's Creek at approximately 4980 feet, passing the center of Legislative Route Number 51003 at approximately 5438 feet, in all approximately 5590 feet to a corner common to the said other lands of the said Woltjen, et ux and the lands now or formerly owned by Helen Vallerschamp and at the intersection of the center of the said Legislative Route Number 51001 with the center of Township Route Number 310; thence, continuing with the center of the said Legislative Route Number 51001 and with the line between the lands of the said Woltjen, et ux and the said Vallerschamp, the following courses and distances:

North 61°26' East 119 feet,
North 59°53' East 204 feet,
North 63°20' East 356 feet,
North 73°29' East 62 feet,
North 83°11' East 40 feet,
South 85°16' East 116 feet,
South 88°22' East 56 feet,
North 83°31' East 64 feet,
North 81°03' East 77 feet,
North 78°09' East 62 feet,
North 87°23' East 105 feet,
North 89°09' East 436 feet,
North 84°44' East 52 feet,
North 82°10' East 93 feet to corner common to the lands of the said Vallerschamp, and the said Woltjen, et ux and in the line of the lands now or formerly owned by Joseph Farda, et al; thence, leaving the lands of the said Vallerschamp and the said Woltjen, et ux and continuing with the center of the said Legislative Route Number 51001 and severing the lands of the said Farda, et al,

In a Northeasterly direction, approximately 10 feet to a corner common to the lands now or formerly owned by Harold K. Reynolds and in the line of the lands of the said Farda, et al; thence, continuing with the center of the said Legislative Route Number 51001 and with the line between the lands of the said Reynolds and the said Farda, et ux,

North 82°35' East 93 feet to a corner common to the lands of the said Reynolds and the said Farda, et ux; thence, leaving the lands of the said Reynolds and continuing with the center of the said Legislative Route Number 51001, severing the lands of the said Farda, et ux,

In a Northeasterly direction, approximately 875 feet to a corner common to the lands of the said Farda, et ux and the lands now or formerly owned by Paul Stucki, et ux, said corner being at the intersection of the center of Township Route Number 311 with the center of the said Legislative Route Number 51001; thence, continuing with the center of the said Legislative Route Number 51001 and with the line between the lands of the said Farda, et ux and the said Stucki, et ux, the following courses and distances:

North 32°33' East 188 feet,
North 55°43' East 169 feet,
North 52°07' East 125 feet,
North 43°28' East 100 feet,

North 49°14' East 102 feet,
North 53°54' East 66 feet,
North 56°19' East 194 feet,
North 53°20' East 71 feet,
North 44°37' East 282 feet,
North 40°06' East 78 feet,
North 30°53' East 58 feet,
North 30°00' East 85 feet,
North 38°53' East 199 feet,
North 43°47' East 289 feet to a corner common to the lands of the said Farda, et ux, the said Stucki, et ux, the lands now or formerly owned by Emmett Bensley, Jr., et ux and the lands now or formerly owned by Emmett Bensley, et ux; thence, leaving the lands of the said Stucki, et ux and the said Farda, et ux and continuing with the center of the said Legislative Route Number 51001 and the line between the lands of the said Bensley, Jr., et ux and the said Bensley, et ux the following courses and distances:

North 46°31' East 123 feet,
North 54°51' East 83 feet,
North 56°41' East 169 feet,
North 56°58' East 44 feet,
North 42°05' East 109 feet,
North 28°07' East 41 feet to a corner common to the lands of the said Bensley, Jr., et ux and the said Bensley, et ux; thence, leaving the lands of the said Bensley, Jr., et ux and continuing with the center of the said Legislative Route Number 51001, severing the lands of the said Bensley, et ux,

In a Northeasterly direction, approximately 370 feet to a corner common to the lands of the said Emmett Bensley, et ux and the lands now or formerly owned by Clarence I. Bensley, et ux; thence, continuing with the center of the said Legislative Route Number 51001 and with the line between the lands of the said Clarence I. Bensley, et ux and the said Emmett Bensley, et ux, the following courses and distances:

North 20°46' East 32 feet,
North 27°45' East 431 feet to a corner common to the lands of the said Clarence I. Bensley, et ux and the lands now or formerly owned by Gershom H. Litts, et ux and in the line of the lands of the said Emmett Bensley, et ux; thence, leaving the lands of the said Clarence I. Bensley, et ux and continuing with the center of the said Legislative Route Number 51001 and with the line between the lands of the said Litts, et ux and the said Emmett Bensley, et ux,

North 29°44' East 263 feet to a corner common to the lands of the said Emmett Bensley, et ux and the lands now or formerly owned by Richard P. Chase, et ux and in the line of the lands of the said Litts, et ux; thence, leaving the lands of the said Emmett Bensley, et ux and continuing with the center of the said Legislative Route Number 51001 and the line between the lands of the said Litts, et ux and the said Chase, et ux, the following courses and distances:

North 28°12' East 103 feet,
North 25°33' East 213 feet,
North 30°19' East 167 feet,
North 29°34' East 97 feet,
North 37°08' East 94 feet,
North 39°42' East 36 feet,
North 42°53' East 193 feet,
North 37°25' East 55 feet,
North 29°59' East 61 feet,
North 21°51' East 66 feet to a corner common to the lands of the said Chase, et ux, the said Litts, et ux, the lands now or formerly owned by Kristoffer O. Gabrielsen, et ux, A/K/A Christopher O. Gabrielsen, et ux and the lands now or formerly owned by Mary Ellen Chamberlain, et al; thence, leaving the lands of the said Litts, et ux and the said Chase, et ux and continuing with the center of the said Legislative Route Number 51001 and the line between the lands of the said Gabrielsen, et ux and the said Chamberlain, et al, the following courses and distances:

North 13°11' East 54 feet,
North 20°16' East 79 feet,
North 28°08' East 115 feet,
North 28°47' East 183 feet,
North 30°20' East 92 feet to a corner common to the lands of the said Gabrielsen, et ux and the lands now or formerly owned by Thomas Harry Gibbons, et ux and in the line of the lands of the said Chamberlain, et al; thence, leaving the lands of the said Gabrielsen, et ux and continuing with the center of the said Legislative Route Number 51001 and with the line between the lands of the said Gibbons, et ux and the said Chamberlain, et al, the following courses and distances:

North 35°09' East 120 feet,
North 26°03' East 42 feet,
North 14°56' East 137 feet to a corner common to the lands of the said Chamberlain, et al and the said Gibbons, et ux; thence, leaving the lands of the said Gibbons, et ux and continuing with the center of the said Legislative Route Number 51001, severing the lands of the said Chamberlain, et al,

In a Northeasterly direction approximately 1150 feet to a corner common to the lands of the said Chamberlain, et al and the lands now or formerly owned by Pauline A. Stephen, et al; thence, continuing with the center of the said Legislative Route Number 51001, and with the line between the lands of the said Stephen, et al and the said Chamberlain, et al, the following courses and distances:

North 23°47' East 69 feet,
North 23°11' East 128 feet to a corner common to the lands of the said Stephen, et al and the said Chamberlain, et al; thence, leaving the lands of the said Chamberlain, et al and continuing with the center of the said Legislative Route Number 51001, severing the lands of the said Stephen, et al,

In a Northeasterly direction, crossing the center of Mill Creek at approximately 665 feet, in all approximately 740 feet to a corner common to the lands of the said Stephen, et al and the lands now or formerly owned by Harold M. Sonnichsen, et al and in the line of the lands now or formerly owned by Richard A. Dickison, said point being at the intersection of the center of Township Route Number 314 with the center of the said Legislative Route Number 51001; thence, leaving the lands of the said Stephen, et al and the said Sonnichsen, et al and continuing with the center of the said Legislative Route Number 51001, severing the lands of the said Dickison,

In a Northeasterly direction, approximately 575 feet to a corner common to the lands of the said Dickison, and the lands now or formerly owned by Kenneth F. Martin, et ux; thence, continuing with the center of the said Legislative Route Number 51001, and with the line between the lands of the said Martin, et ux and the said Dickison, the following courses and distances:

North 22°01' East 154 feet,
North 19°40' East 212 feet,
North 23°05' East 59 feet to a corner common to the lands of the said Dickison and the lands now or formerly owned by Hazel Thurnherr, and in the line of the lands of the said Martin, et ux; thence, leaving the lands of the said Dickison and continuing with the center of the said Legislative Route Number 51001 and the line between the lands of the said Martin, et ux and the said Thurnherr,

North 46°05' East 672 feet to a corner common to the lands of the said Martin, et ux and the said Thurnherr, said corner being at the intersection of the center of Township Route Number 316 with the center of the said Legislative Route Number 51001; thence, leaving the lands of the said Martin, et ux and continuing with the center of the said Legislative Route Number 51001, severing the lands of the said Thurnherr,

In a Northeasterly direction, approximately 1565 feet to the intersection of the center of the said Legislative Route Number 51001 with the center of Township Route Number 313; thence, leaving the center of the said Legislative Route Number 51001 and with the center of Township Route Number 313, and continuing to sever the lands of the said Thurnherr,

In a Southeasterly direction, approximately 1250 feet to a corner common the lands of the said Thurnherr, and the lands now or formerly owned by Irving Courtright, et ux; thence, continuing with the center of the said Township Route Number 313 and the line between the lands of the said Thurnherr and the said Courtright, et ux,

South 46°14' East 100 feet to a corner common to the lands of the said Thurnherr and the said Courtright, and the lands now or formerly owned by Harold Dickison, et ux; thence, leaving the lands of the said Thurnherr and continuing with the center of the said Township Route 313 and the line between the lands of the said Harold Dickison, et ux and the said Courtright, et ux,

South 46°32' East 323 feet to a corner common to the lands of the said Harold Dickison, et ux and the said Courtright, et ux and in the line of the lands now or formerly owned by Louisa P. Browning, et al, said corner being at the intersection of the center of Township Route Number 318 with the center of the said Township Route Number 313; thence, leaving the lands of the said Courtright, et ux, and with the center of the said Township Route Number 318 and the line between the lands of the said Harold Dickison, et ux and the said Browning, et al,

North 24°04' East 550 feet to a corner common to the lands of the said Thurnherr, the lands of the said Browning, et al and the lands of the said Harold Dickison, et ux; thence, leaving the lands of the said Harold Dickison, et ux, continuing with the center of the said Township Route Number 318 and the line between the lands of the said Thurnherr, and the said Browning, et al, the following courses and distances:

North 26°03' East 235 feet,
North 27°53' East 171 feet,
North 20°48' East 64 feet,
North 12°38' East 62 feet,
North 11°53' East 66 feet,
North 04°23' East 63 feet,
North 02°57' West 76 feet,
North 05°28' West 75 feet,
North 08°17' West 88 feet,
North 02°42' West 65 feet to a corner common to the lands of the said Browning, et al and the lands now or formerly owned by Kathryn Dickison and in the line of the lands of the said Thurnherr; thence, leaving the lands of the said Thurnherr and the lands of the said Browning, et al and continuing with the center of the said Township Route Number 318, severing the lands of the said Kathryn Dickison,

In a Northeasterly direction, crossing the center of Spackman's Creek at approximately 420 feet, in all, approximately 1475 feet to a corner common to the lands of the said Kathryn Dickison, and the lands of the said Browning, et al; thence, continuing with the center of the said Township Route Number 318 and the line between the lands of the said Kathryn Dickison, and the said Browning, et al, the following courses and distances:

North 05°01' East 115 feet,
North 10°39' East 147 feet,

North 06°55' East 532 feet,
North 05°27' East 51 feet,
North 06°07' West 45 feet,
North 16°26' West 383 feet to a corner common to the lands of the said Browning, et al and the said Kathryn Dickison and in the line of the lands now or formerly owned by G. Crawford Smith, et al; thence, leaving the lands of the said Kathryn Dickison and the lands of the said Browning, et al, and continuing with the center of the said Township Route Number 318, severing the lands of the said Smith, et al,

In a Northerly direction, crossing the line between Lehman Township and Delaware Township at approximately 285 feet, in all approximately 885 feet to a point in the line between the lands of the said Smith, et al and the lands now or formerly owned by John H. Beckman, et ux; thence, leaving the lands of the said Smith, et al and continuing with the center of the said Township Route Number 318, severing the lands of the said Beckman, et ux,

In a Northeasterly direction, approximately 1,960 feet to a point in the line between the lands of the said Beckman, et ux and the lands now or formerly owned by Charles K. Wynn, et ux; thence, leaving the lands of the said Beckman, et ux and continuing with the center of the said Township Route Number 318, severing the lands of the said Wynn, et ux,

In a Northeasterly direction, approximately 775 feet to a point in the line between the lands of the said Wynn, et ux and the lands now or formerly owned by Abigail Emery; thence, leaving the lands of the said Wynn, et ux and continuing with the center of the said Township Route Number 318, severing the lands of the Said Emery,

In a Northeasterly direction, passing the center of Hornbeck Creek at approximately 460 feet, in all, approximately 2,525 feet to a corner common to the lands of the said Emery and the lands now or formerly owned by Herbert DePue, et ux; thence, continuing with the center of the said Township Route Number 318, and the line between the lands of the said Emery and the said DePue, et ux,

North 12°44' East 812 feet to a corner common to the lands of the said Emery and the said DePue, et ux, and the lands now or formerly owned by Theodore G. Wyant, et al, said corner being at the intersection of the center of the said Township Route Number 318 with the center of Township Route Number 323; thence, leaving the lands of the said Emery and the lands of the said Wyant, et al, and leaving the center of the said Township Route Number 318, continuing with the center of the said Township Route Number 323, severing the lands of the said DePue, et ux,

In a Northeasterly direction, passing a corner common to the lands of the said DePue, et ux and the lands now or formerly owned by John F. Neubert, Sr., at approximately 1,510 feet, and passing another corner common to the lands of the said DePue, et ux and the said Neubert, Sr. at approximately 1,685 feet, said corner being at the intersection of the center of the said Township Route Number 323 as it turns sharply to the south with the center of Legislative Route Number 51005; thence, leaving the lands of the said Neubert, Sr. and the said Township Route Number 323 and continuing with the center of the said Legislative Route Number 51005, severing the lands of the said DePue, et ux,

In a Northeasterly direction passing the center of the part of Legislative Route Number 51005 that goes to the northwest at approximately 1,990 feet, passing the center of Decker's Creek at approximately 2,930 feet, in all, approximately 3,510 feet to a corner common to the lands now or formerly owned by John J. Vayda, et ux and the lands now or formerly owned by Daniel M. Sullivan, and in the line of the lands of the said DePue, et ux; thence, leaving the lands of the said DePue, et ux and with the center of the said Legislative Route Number 51005 and the line between the lands of the said Vayda, et ux and the said Sullivan, the following courses and distances:

North 51°10' East 80 feet,
North 48°35' East 136 feet,
North 56°29' East 92 feet,
North 61°46' East 61 feet,
North 78°32' East 76 feet,

South 77°03' East 49 feet to a point at the intersection of the center of the said Legislative Route Number 51005 with the center of Township Route Number 348; thence, leaving the center of the said Legislative Route Number 51005 and with the center of the said Township Route Number 348, severing the lands of the said Vayda, et ux,

In a Northwesterly direction, approximately 1,365 feet to a corner common to the lands of the said Vayda, et ux and the lands now or formerly owned by W. Alfred Wycoff et ux; thence, continuing with the center of the said Township Route Number 348 and with the line between the lands of the said Wycoff, et ux and the said Vayda, et ux,

North 03°58' West 150 feet to a corner common to the lands of the said Wycoff, et ux and the said Vayda, et ux and the lands now or formerly owned by James Rocco, Sr., et ux; thence, leaving the lands of the said Wycoff, et ux and continuing with the center of the said Township Route Number 348 and with the line between the lands of the said Rocco, Sr., et ux and the said Vayda, et ux,

North 02° 23' East 370 feet to a corner common to the lands of the said Rocco, Sr., et ux, the lands of the said Vayda, et ux, the lands of the said Wycoff, et ux and the lands now or formerly owned by James F. Doyle, et ux; thence, leaving the lands of the said Rocco, Sr., et ux, the lands of the said Vayda, et ux, and the lands of the said Doyle, et ux, and with the center of the said Township Route Number 348, severing the lands of the said Wycoff, et ux,

In a generally Northwesterly direction, approximately 2,335 feet to a corner common to the lands now or formerly owned by Weldon Gold, et al and the lands now or formerly owned by Frank Fassler and in the line of the lands of the said Wycoff, et ux; thence, leaving the lands of the said Wycoff, et ux and with the center of the said Township Route Number 348 and with the line between the lands of the said Gold, et al and the said Fassler,

North 01°02' East 225 feet to a corner common to the lands of the said Gold, et al, the said Fassler, the lands now or formerly owned by Michael J. Hylas, et ux and the lands now or formerly owned by John Gedeon, et ux; thence, leaving the lands of the said Gold, et al and the lands of the said Fassler, and continuing with the center of the said Township Route Number 348 and the line between the lands of the said Hylas, et ux and the said Gedeon, et ux, the following courses and distances:

North 01°06' West 59 feet,
North 05°37' West 278 feet,

North 05°51' East 347 feet to a corner common to the lands of the said Hylas, et ux and the said Gedeon, et ux and the lands now or formerly owned by Sidney F. Carr, et ux, said point being at the intersection of the center of the said Township Route Number 348 with the center of Township Route Number 325; thence, leaving the lands of the said Gedeon, et ux and the center of the said Township Route Number 348 and with the center of the said Township Route Number 325 and the line between the lands of the said Hylas, et ux and the lands of the said Carr, et ux, the following courses and distances:

South 85°01' West 163 feet,
South 79°49' West 126 feet,

South 68°59' West 251 feet to a corner common to the lands of the said Carr, et ux, the lands of the said Hylas, et ux and the lands now or formerly owned by Morton S. Sirota, et ux; thence, leaving the lands of the said Carr, et ux, continuing with the center of the said Township Route Number 325 and with the line between the lands of the said Hylas, et ux and the said Sirota, et ux,

South 73°55' West 63 feet to a corner common to the lands of the said Hylas, et ux and the lands now or formerly owned by Clarence P. Werkheiser, et ux and in the line of the lands of the said Sirota, et ux; thence, leaving the lands of the said Hylas, et ux continuing with the center of the said Township Route Number 325 and with the line between the lands of the said Werkheiser, et ux and the said Sirota, et ux,

South 73°55' West 30 feet to a corner common to the lands of the said Werkheiser, et ux and the lands now or formerly owned by Walter F. Johnson, et ux and in the line of the lands of the said Sirota, et ux; thence, leaving the lands of the said Werkheiser, et ux, continuing with the center of the said Township Route Number 325 and with the line between the lands of the said Johnson, et ux, and the said Sirota, et ux, the following courses and distances:

South 73°55' West 139 feet,
South 71°14' West 93 feet,

South 74°44' West 164 feet to a corner common to the lands of the said Johnson, et ux and the said Sirota, et ux, and the lands now or formerly owned by Dewey B. Kingston, Jr., et ux; thence, leaving the lands of the said Johnson, et ux, continuing with the center of the said Township Route Number 325 and the line between the lands of the said Kingston, Jr., et ux and the said Sirota, et ux,

South 81°27' West 199 feet to a corner common to the lands of the said Kingston, Jr., et ux and the said Sirota, et ux and the lands now or formerly owned by Shirley A. Hoener; thence, leaving the lands of the said Kingston, Jr., et ux, continuing with the center of the said Township Route Number 325 and the line between the lands of the said Hoener and the said Sirota, et ux, the following courses and distances:

South 79°23' West 178 feet,
South 67°47' West 61 feet,

South 45°00' West 81 feet to a corner common to the lands of the said Hoener, and the said Sirota, et ux, and the lands now or formerly owned by James M. Vasilou; thence, leaving the lands of the said Hoener, continuing with the center of the said Township Route Number 325 and the line between the lands of the said Vasilou and the said Sirota, et ux,

South 40°56' West 104 feet to a corner common to the lands of the said Vasilou and the said Sirota, et ux and the lands of the said Hoener; thence, leaving the lands of the said Vasilou and continuing with the center of the said Township Route Number 325 and the line between the lands of the said Hoener and the said Sirota, et ux, the following courses and distances:

South 56°18' West 118 feet,
South 60°00' West 114 feet,
South 73°05' West 162 feet,

South 82°42' West 100 feet to a corner common to the lands of the said Hoener and the said Sirota, et ux and the lands now or formerly owned by Julia E. Greenan; thence, leaving the lands of the said Hoener, continuing with the center of the said Township Route Number 325 and the line between the lands of the said Greenan and the said Sirota, et ux,

South 75°40' West 204 feet to a corner common to the lands of the said Greennan and the said Sirota, et ux, the lands now or

formerly owned by Jean Yvon, et ux and the lands now or formerly owned by John W. Matthews, Jr., et ux; thence, leaving the lands of the said Greenan and the lands of the said Yvon, et ux and leaving the center of the said Township Route Number 325 and with the line between the lands of the said Matthews, Jr., et ux and the said Sirota, et ux,

North 05°22' East 951 feet to a corner common to the lands of the said Sirota, et ux and the lands now or formerly owned by Anna R. Seidel, et al and in the line of the lands of the said Matthews, Jr., et ux; thence, leaving the lands of the said Sirota, et ux and with the line between the lands of the said Matthews, Jr., et ux and the same Seidel, et al,

North 05°36' East 109 feet to a corner common to the said Matthews, Jr., et ux and the lands now or formerly owned by Jeanette C. Bland and in the line of the lands of the said Seidel, et al; thence, leaving the lands of the said Seidel, et al and with the line between the lands of the said Matthews, Jr., et ux and the said Bland,

North 87°58' West, passing a corner common to the lands of the said Matthews, Jr., et ux and the lands now or formerly owned by Ruth F. Grauert at approximately 200 feet, in all 925 feet to a corner common to the lands of the said Grauert and the lands now or formerly owned by Stanley Everett Hull, et ux and in the line of the lands of the said Bland, said corner being in the center of the said Legislative Route Number 51001; thence, leaving the lands of the said Hull, et ux and leaving the lands of the said Grauert and continuing with the center of the said Legislative Route Number 51001, severing the lands of the said Bland, the following courses and distances:

North 21°54' West 671 feet,
North 38°39' West 191 feet,
North 30°58' West 175 feet,

North 24°43' West 437 feet to a point in the line between the lands of the said Bland and the lands now or formerly owned by Henry Paul Kriebel, et ux; thence, leaving the lands of the said Bland, and continuing with the center of the said Legislative Route Number 51001, severing the lands of the said Kriebel, et ux, the following courses and distances:

North 21°52' West 640 feet,
North 15°49' West 102 feet,

North 08°55' West 287 feet to a point in the center of the said Legislative Route Number 51001; thence, leaving the center of the said Legislative Route Number 51001 and continuing to sever the lands of the said Kriebel, et ux,

North 60°17' West 342 feet to a corner common to the lands now or formerly owned by Thomas Clifford Shepherd, et al, and the lands of the said Kriebel, et ux; thence, continuing with the line between the lands of the said Kriebel, et ux and the said Shepherd, et al,

North 58°04' West 36 feet to a corner common to the lands of the said Shepherd, et al and the lands now or formerly owned by Ruth W. Snyder and in the line of the lands of the said Kriebel, et ux; thence, leaving the lands of the said Shepherd, et al and with the line between the lands of the said Kriebel, et ux, and the said Snyder,

North 58°04' West 315 feet to a corner common to the lands of the said Snyder and the lands now or formerly owned by M. Stead Mauger, et ux and in the line of the lands of the said Kriebel, et ux; thence, leaving the lands of the said Snyder, and with the line between the lands of the said Kriebel, et ux and the said Mauger, et ux,

North 61°03' West 183 feet to a corner common to the lands of the said Mauger, et ux and the lands now or formerly owned by the said Thomas Clifford Shepherd, et al and in the line of the lands of the said Kriebel, et ux; thence, leaving the lands of the said Mauger, et ux and with the line between the lands of the said Kriebel, et ux, and the said Shepherd, et al,

North 61°03' West 15 feet to a corner common to the lands of the said Shepherd, et al and the lands now or formerly owned by Emanuel D. Herman, et ux and in the line of the lands of the said Kriebel, et ux; thence, leaving the lands of the said Shepherd, et al and with the line between the lands of the said Kriebel, et ux and the said Herman, et ux,

North 61°03' West 208 Feet to a corner common to the lands of the said Kriebel, et ux, the said Herman, et ux, the lands now or formerly owned by Earl M. Smale, et ux and the lands now or formerly owned by the Commonwealth of Pennsylvania; thence, leaving the lands of the said Kriebel, et ux and the lands of the said Herman, et ux and with the line between the lands of the said Smale, et ux and the said Commonwealth of Pennsylvania,

North 59°43' West, crossing the center of Township Route Number 346 at approximately 2,847 feet, in all 3,080 feet to a corner common to the lands of the said Commonwealth of Pennsylvania and the lands now or formerly owned by an Unknown Owner; thence, with the line between the lands of the said Unknown Owner and the said Commonwealth of Pennsylvania,

North 31°59' East, re-crossing the center of the said Township Route Number 346 at approximately 345 feet, crossing the center of Township Route Number 344 at approximately 992 feet, crossing the center of Dingman's Creek at approximately 1,845 feet, in all 1937 feet to a point; thence, with the line between the lands of the said Unknown Owner and the said Commonwealth of Pennsylvania,

North 33°12' East, crossing the center of Legislative Route Number 51006 at approximately 57 feet, in all 415 feet to a corner common to the lands of the said Unknown Owner and the said Commonwealth of Pennsylvania; thence, with the line between the lands of the said Unknown Owner and the said Commonwealth of Pennsylvania,

South 77°26' East 2,105 feet to a corner common to the lands of the said Unknown Owner and the said Commonwealth of Pennsylvania; thence, with the line between the lands of the said Unknown Owner and the said Commonwealth of Pennsylvania,

South 22°23' West, re-crossing the center of Legislative Route Number 51006, at approximately 668 feet, in all 809 feet to a corner common to the lands of the said Unknown Owner and the said Commonwealth of Pennsylvania and the lands now or formerly owned by Theodore Weber; thence, leaving the lands of the said Unknown Owner and with the line between the lands of the said Weber and the said Commonwealth of Pennsylvania,

South 08°17' West 387 feet to a corner common to the lands of the said Weber, and the lands now or formerly owned by Robert Janssen, et ux and in the line of the lands of the said Commonwealth of Pennsylvania; thence, leaving the lands of the said Weber and with the line between the lands of the said Commonwealth of Pennsylvania and the said Janssen, et ux,

South 08°17' West 216 feet to a corner common to the lands of the said Janssen, et ux and the lands now or formerly owned by Agnes Janssen and the lands now or formerly owned by Albert Antonacci and in the line of the lands of the said Commonwealth of Pennsylvania; thence, leaving the lands of the said Robert Janssen, et ux and the lands of the said Commonwealth of Pennsylvania and with the line between the lands of the said Agnes Janssen and the said Antonacci,

South 53°27' East 122 feet to a corner common to the lands of the said Agnes Janssen and the lands now or formerly owned by Evelyn L. Headley and in the line of the lands of the said Antonacci; thence, leaving the lands of the said Agnes Janssen, and with the line between the lands of the said Headley and the said Antonacci,

South 53°27' East 95 feet to a corner common to the lands of the said Antonacci and the lands now or formerly owned by George M. Williams, Jr., et ux and in the line of the lands of the said Headley; thence, leaving the lands of the said Antonacci and with the line between the lands of the said Headley and the said Williams, Jr., et ux,

South 53°27' East 9 feet to a corner common to the lands of the said Headley and the lands now or formerly owned by Richard Janssen, et ux, and in the line of the lands of the said Williams, Jr., et ux; thence, leaving the lands of the said Headley and with the line between the lands of the said Richard Janssen, et ux and the said Williams, Jr., et ux,

South 53°27' East 124 feet to a corner common to the lands of the said Richard Janssen, et ux, the said Williams, Jr., et ux, the lands nor or formerly owned by Edward V. Wolff and the lands now or formerly owned by Percy L. Karrer, et ux; thence, leaving the lands of the said Richard Janssen, et ux and the lands of the said Williams, Jr., et ux and with the line between the lands of the said Wolff, and the said Karrer, et ux,

South 40°10' East 49 feet to a corner common to the lands of the said Wolff and the lands now or formerly owned by Douglas P. Murray, et ux and in the line of the lands of the said Karrer, et ux; thence, leaving the lands of the said Wolff and with the line between the lands of the said Murray, et ux and the said Karrer, et ux,

South 37°52' East 61 feet to a corner common to the lands of the said Murray, et ux, the said Karrer, et ux, and the lands now or formerly owned by Emil Link, et ux; thence, leaving the lands of the said Murray, et ux and with the line between the lands of the said Link, et ux and the said Karrer, et ux,

South 43°45'East 23 feet to a corner common to the lands of the said Karrer, et ux and the lands now or formerly owned by Irving C. Brown, et ux and in the line of the lands of the said Link, et ux; thence, leaving the lands of the said Karrer, et ux, and with the line between the lands of the said Link, et ux and the said Brown, et ux,

South 49°22' East 65 feet to a corner common to the lands of the said Link, et ux, the said Brown, et ux, and the lands now or formerly owned by Bertha Eckert; thence, leaving the lands of the said Link, et ux and with the line between the lands of the said Eckert and the said Brown, et ux, the following courses and distances:

South 53°40' East 16 feet,

South 64°17' East 74 feet to a corner common to the lands of the said Eckert and the said Brown, et ux and in the line of the lands now or formerly owned by Fortunate J. Salerno, et ux; thence, leaving the lands of the said Eckert and with the line between the lands of the said Salerno, et ux and the said Brown, et ux,

South 42°21' West 138 feet to a corner common to the lands of the said Salerno, et ux and the said Brown, et ux, and in the line of the lands now or formerly owned by the said Thomas Clifford Shepherd, et al; thence, leaving the lands of the said Brown, et ux and with the line between the lands of the said Salerno, et ux and the said Shepherd, et al,

South 68°57' East 193 feet to a corner common to the lands of the said Salerno, et ux, the said Shepherd, et al and the lands now or formerly owned by Alfred F. Schenck,

et ux; thence, leaving the lands of the said Salerno, et ux and with the line between the lands of the said Schenck, et ux and the said Shepherd, et al,

South 47°25' East 81 feet to a corner common to the lands of the said Schenck, et ux, the said Shepherd, et al and the lands now or formerly owned by Mabel Hoffmann, et vir; thence, leaving the lands of the said Schenck, et ux and with the line between the lands of the said Hoffmann, et vir and the said Shepherd, et al,

South 42°08' East 118 feet to a corner common to the lands of the said Hoffmann, et vir and the said Shepherd, et al and the lands now or formerly owned by Julius Dubrosky; thence, leaving the lands of the said Hoffmann, et vir and with the line between the lands of the said Dubrosky and the said Shepherd, et al,

South 37°05' East 58 feet to a corner common to the lands of the said Dubrosky and the said Shepherd, et al and the lands now or formerly owned by Henry Gollinge, et ux; thence, leaving the lands of the said Shepherd, et al and with the line between the lands of the said Dubrosky and the said Gollinge, et ux,

North 46°00' East 74 feet to a corner common to the lands of the said Gollinge, et ux and the lands now or formerly owned by Allen Fisher and in the line of the lands of the said Dubrosky; thence, leaving the lands of the said Dubrosky and with the line between the lands of the said Fisher and the said Gollinge, et ux,

South 28°57' East 65 feet to a corner common to the lands of the said Fisher and the said Gollinge, et ux and in the line of the lands now or formerly owned by May E. Durnall, et al; thence, leaving the lands of the said Gollinge, et ux and with the line between the lands of the said Fisher and the said Durnall, et al,

North 46°59' East 76 feet to a corner common to the lands of the said Fisher and the said Durnall, et al and the lands now or formerly owned by the said Thomas Clifford Shepherd, et al; thence, leaving the lands of the said Fisher and with the line between the lands of the said Shepherd, et al and the said Durnall, et al,

South 28°38' East 55 feet to a corner common to the lands of the said Shepherd, et al and the said Durnall, et al; thence, leaving the lands of the said Durnall, et al and severing the lands of the said Shepherd, et al,

In an Easterly direction, approximately 21 feet to a corner common to the lands of the said Shepherd, et al and the lands now or formerly owned by Alfred Hoag, et ux; thence, continuing with the line between the lands of the said Shepherd, et al and the said Hoag, et ux, the following courses and distances:

North 89°26' East 94 feet,

North 42°37' East 106 feet to a corner common to the lands of the said Shepherd, et al and the said Hoag, et ux and in the line of the lands now or formerly owned by Raymond D. Angle, et ux; thence, leaving the lands of the said Hoag, et ux and with the line between the lands of the said Shepherd, et al and the said Angle, et ux,

North 11°14' East 426 feet to a corner common to the lands of the said Angle, et ux and the lands now or formerly owned by Anna L. Schaubach and in the line of the lands of the said Shepherd, et al; thence, leaving the lands of the said Shepherd, et al and with the line between the lands of the said Schaubach and the said Angle, et ux,

South 74°36' East 145 feet to a corner common to the lands of the said Schaubach and the lands now or formerly owned by Robert Yeoman, et ux and in the line of the lands of the said Angle, et ux; thence, leaving the lands of the said Schaubach and with the line between the lands of the said Schenck, et ux and the said Yeoman, et ux and the said Angle, et ux,

South 74°36' East 84 feet to a corner common to the lands of the said Yeoman, et ux and the said Angle, et ux and in the center of the said Legislative Route Number 51001; thence, with the center of the said Legislative Route Number 51001 and with the line between the lands of the said Yeoman, et ux, and the said Angle, et ux,

North 13°16' East 291 feet to a corner common to the lands of the said Angle, et ux and the lands now or formerly owned by Thomas Clifford Shepherd, et ux and the lands now or formely owned by an Unknown Owner; thence, leaving the lands of the said Angle, et ux and continuing with the center of the said Legislative Route Number 51001 and with the line between the lands of the said Shepherd, et ux and the said Unknown Owner,

North 12°42' East 403 feet to a corner common to the lands of the said Unknown Owner, the said Shepherd, et ux, and the lands now or formerly owned by James Tellefsen, Jr., et al, said corner being at the intersection of the center of the said Legislative Route Number 51001 with the center of Legislative Route Number 51006; thence, leaving the lands of the said Unknown Owner and the said Shepherd, et ux and leaving the center of the siad Legislative Route Number 51006, continuing with the center of the said Legislative Route Number 51001 and the lands of the said Tellefsen, Jr., et al, the following courses and distances:

North 59°47' East 207 feet,

North 61°04' East 54 feet to a corner common to the lands of the said Tellefsen, Jr., et al and the lands now or formerly owned by The Bank of Matamoras; thence, leaving the lands of the said Tellefsen, Jr., et al and continuing with the center of the said Legislative Route Number 51001 and with the lands of the said Bank of Matamoras,

North 56°26' East 115 feet to a corner common to the lands of the said Bank of Matamoras and the lands of the said Tellefsen, Jr., et al; thence, leaving the lands of the said Bank of Matamoras and continuing with the center of the said Legislative Route Number 51001 and with the lands of the said Tellefsen, Jr., et al, the following courses and distances:

North 56°56' East 81 feet,

North 46°18' East 106 feet,

North 38°43' East 202 feet,

North 27°57' East 194 feet to a point in the line of the lands now or formerly owned by Rudolf F. Neumann, et ux; thence, leaving the lands of the said Tellefsen, Jr., et al and continuing with the center of the said Legislative Route Number 51001, severing the lands of the said Neumann, et ux,

North 19°14' East 503 feet to a point in the line between the lands of the said Neumann, et ux and the lands now or formerly owned by HiLand Acres; thence, leaving the lands of the said Neumann, et ux and continuing with the center of the said Legislative Route Number 51001, severing the lands of the said HiLand Acres,

In a Northeasterly direction, approximately 90 feet to a corner common to the lands of the said HiLand Acres and the lands now or formerly owned by Eger Lutheran Home, Inc.; thence, continuing with the center of the said Legislative Route Number 51001 and with the line between the lands of the said HiLand Acres and the said Home, Inc., the following courses and distances:

North 18°39' East 834 feet,

North 24°57' East 81 feet,

North 34°58' East 46 feet,

North 43°37' East 229 feet,

North 47°52' East 153 feet to a corner common to the lands of the said HiLand Acres, the said Home, Inc., the lands now or formerly owned by Louis R. Dettling, et ux and the lands now or formerly owned by Mildred W. Kammeyer; thence, leaving the lands of the said Home and continuing with the center of the said Legislative Route Number 51001 and with the line between the lands of the said Dettling, et ux and the said Kammeyer, the following courses and distances:

North 39°38' East 506 feet,

North 53°49' East 70 feet to a corner common to the lands of the said Dettling, et ux and the said Kammeyer and the lands now or formerly owned by William H. Blohm, et ux; thence, leaving the lands of the said Dettling, et ux and continuing with the center of the said Legislative Route Number 51001 and with the line between the lands of the said Blohm, et ux and the said Kammeyer, the following courses and distances:

North 62°50' East 193 feet,

North 54°59' East 174 feet to a corner common to the lands of the said Blohm, et ux and the said Kammeyer; thence, leaving the lands of the said Blohm, et ux and continuing with the center of the said Legislative Route Number 51001, severing the lands of the said Kammeyer, the following courses and distances:

North 52°58' East 101 feet,

North 46°05' East 149 feet,

North 39°37' East 196 feet,

North 35°02' East 25 feet to a point at the intersection of the center of the said Legislative Route Number 51001 and the center of an unnamed road; thence, leaving the center of the said Legislative Route Number 51001 and with the center of the said unnamed road, continuing to sever the lands of the said Kammeyer,

In a generally Southeasterly direction, approximately 1530 feet to a corner common to the lands of the said Kammeyer and the lands now or formerly owned by Emil Brombacher, et ux; thence, continuing with the center of the said unnamed road and with the line between the lands of the said Kammeyer and the said Brombacher, et ux,

North 87°37' East 366 feet to a corner common to the lands of the said Kammeyer and the said Brombacher, et ux; thence, leaving the lands of the said Kammeyer and continuing with the center of the said unnamed road, severing the lands of the said Brombacher, et ux,

In a Northeasterly direction, approximately 540 feet to a point in the center of the said unnamed road opposite a corner of the lands now or formerly owned by Ruth E. Cooledge; thence, leaving the center of the said unnamed road,

North 29°49' West 10 feet to a corner common to the lands of the said Brombacher, et ux and the said Cooledge and in the Northerly right-of-way line of the said unnamed road; thence, along the Northerly right-of-way line of the said unnamed road and with the line between the lands of the said Cooledge and the said Brombacher, et ux, the following courses and distances:

North 63°10' East 105 feet,

North 69°21' East 131 feet to a corner common to the lands of the said Cooledge and the said Brombacher, et ux and in the line of the lands now or formerly owned by William P. Hennessy, et ux, said corner being in the center of Legislative Route Number 950; thence, leaving the lands of the said Brombacher, et ux and with the center of the said Legislative Route Number 950 and the line between the lands of the said Cooledge and the said Hennessy, et ux,

North 06°42' West 70 feet to a corner common to the lands of the said Cooledge, the said Hennessy, et ux, the said Brombacher, et ux and the lands now or formerly owned by Oscar Korz, et ux, said corner being at the intersection of the center of the said Legislative Route Number 950 with the cen-

ter of Township Route Number 358; thence, leaving the lands of the said Cooledge and the lands of the said Brombacher, et ux and the center of the said Legislative Route Number 950, with the center of the said Township Route Number 358 and the line between the lands of the said Korz, et ux and the said Hennessy, et ux, the following courses and distances:

North 80°08' East 79 feet,
North 82°13' East 159 feet,
North 80°16' East 123 feet to a corner common to the lands of the said Korz, et ux and the said Hennessy, et ux and the lands now or formerly owned by Arthur Erickson, et ux; thence, leaving the lands of the said Hennessy, et ux and continuing with the center of the said Township Route Number 358 and with the line between the lands of the said Korz, et ux and the said Erickson, et ux, the following courses and distances:
North 72°40' East 75 feet,
North 62°41' East 30 feet to a corner common to the lands of the said Korz, et ux and the said Erickson, et ux; thence, leaving the lands of the said Erickson, et ux, continuing with the center of the said Township Route Number 358, severing the lands of the said Korz, et ux,

In a Northeasterly direction, approximately 625 feet to a corner common to the lands of the said Korz, et ux and the lands now or formerly owned by William E. Mullin, et ux; thence, continuing with the center of the said Township Route Number 358 and with the line between the lands of the said Mullin, et ux and the said Korz, et ux,

North 25°10' East 303 feet to a corner common to the lands of the said Mullin, et ux and the lands now or formerly owned by Arthur J. Albright, et al and in the line of the lands of the said Korz, et ux; thence, leaving the lands of the said Mullin, et ux and continuing with the center of the said Township Route Number 358 and the line between the lands of the said Albright, et al and the said Korz, et ux,

North 25°10' East 29 feet to a corner common to the lands of the said Albright, et al and the said Korz, et ux and the lands now or formerly owned by Jane Sproul Klaer Aspinall, et al; thence, leaving the lands of the said Albright, et al and leaving the lands of the said Korz, et ux, continuing with the center of the said Township Route Number 358 and severing the lands of the said Aspinall, et al,

In a generally Northeasterly direction, crossing the center of Adams Creek at approximately 2840 feet, in all approximately 5110 feet to a corner common to the lands of the said Aspinall, et al and the lands now or formerly owned by Marie Zimmermann; thence, continuing in and along the said Township Route Number 358 and with the line between the lands of the said Aspinall, et al and the said Zimmermann,

North 41°35' East 1837 feet to a point in the center of the said Township Route Number 358 and in the line between the lands of the said Aspinall, et al and the said Zimmermann; thence, leaving the lands of the said Aspinall, et al and continuing with the center of the said Township Route Number 358, severing the lands of the said Zimmermann,

In a Northeasterly direction approximately 1395 feet to a corner common to the lands of the said Aspinall, et al and the said Zimmermann and the lands now or formerly owned by the First Methodist Episcopal Church of Dingmans Ferry; thence, leaving the lands of the said Zimmermann and continuing with the center of the said Township Route Number 358 and with the line between the lands of the said Aspinall, et al and the said Church,

North 24°24' East 42 feet to a corner common to the lands of the said Aspinall, et al and the lands now or formerly owned by James Ferguson and in the line of the lands of the said Church, said corner being at the intersection of the center of Township Route Number 358 with the center of Township Route Number 362; thence, leaving the lands of the said Aspinall, et al and the center of the said Township Route Number 358 and with the line between the lands of the said Ferguson and the said Church and the center of the said Township Route Number 362,

North 24°24' East 649 feet to a corner common to the lands of the said Ferguson, the said Church, the said Zimmermann and the lands now or formerly owned by Charles H. Dotey; thence, leaving the lands of the said Ferguson and the said Church, continuing with the center of the said Township Route Number 362 and with the line between the lands of the said Dotey and the said Zimmermann, the following courses and distances:

North 28°39' East 218 feet,
North 25°08' East 750 feet,
North 20°54' East 212 feet,
North 11°47' East 70 feet,
North 06°29' East 253 feet,
North 05°20' East 243 feet to a corner common to the lands of the said Dotey, the said Zimmermann, the lands now or formerly owned by Frances Dorothy MacGregor and the lands now or formerly owned by Robert Thorn Bayles, et al; thence, leaving the lands of the said Dotey and the said Zimmermann and continuing with the center of the said Township Route Number 362 and with the line between the lands of the said MacGregor and the said Bayles, et al,

North 06°15' East, passing a corner common to the lands of the said MacGregor and the lands now or formerly owned by Lester B. MacDonald, et ux approximately 20 feet, in all 211 feet to a corner common to the lands of the said MacDonald, et ux and other lands of the said MacGregor, and in the line of the lands of the said Bayles, et al; thence, leaving the lands of the said MacDonald, et ux and continuing with the center of said Township Route Number 362 and with the line between the said other lands of the said MacGregor and the lands of the said Bayles, et al, the following courses and distances:

North 05°10' East 213 feet,
North 06°22' East 81 feet,
North 01°51' West 124 feet,
North 10°00' West 169 feet to a corner common to the said other lands of the said MacGregor and the lands now or formerly owned by Charles Davanzo, et ux and in the line of the lands of the said Bayles, et al; thence, leaving the said other lands of the said MacGregor and continuing with the center of the said Township Route Number 362 and with the line between him then the lands of the said Davanzo, et ux and the said Bayles, et al,

North 09°19' West 125 feet to a corner common to the lands of the said Davanzo, et ux, the said Bayles, et al, the lands now or formerly owned by George W. Douglas, et ux and the lands now or formerly owned by Harold L. Steele; thence, leaving the lands of the said Davanzo, et ux, and the said Bayles, et al, and continuing with the center of the said Township Route Number 362, and with the line between the lands of the said Douglas, et ux, and the said Steele,

North 11°43' West 302 feet to a corner common to the lands of the said Douglas, et ux, and the said Steele; thence, leaving the lands of the said Douglas, et ux and continuing with the center of the said Township Route Number 362, severing the lands of said Steele,

In a generally Northerly direction approximately 705 feet to a corner common to the lands now or formerly owned by Louis J. DeMilhau, Jr., and the lands now or formerly owned by Walter J. Meighan, et al, and in the line of the lands of the said Steele; thence, leaving the lands of the said Steele, and continuing with the center of the said Township Route Number 362, and the line between the lands of the said DeMilhau, Jr. and the said Meighan, et al, the following courses and distances:

North 17°59' East 120 feet,
North 24°41' East 179 feet to a point at the intersection of the center of the said Township Route Number 362 and Township Route Number 339, being a corner common to the lands of the said DeMilhau, Jr., and the said Meighan, et al; thence, leaving the lands of the said Meighan, et al, and severing the lands of the said DeMilhau, Jr., continuing with the center of the said Township Route Number 362,

In a generally Northerly direction approximately 1673 feet to a corner common to the lands now or formerly owned by Tri-State Land Co., Inc., and the lands now or formerly owned by Dorothy Strunk, and in the line of the lands of the said DeMilhau, Jr.; thence, leaving the lands of the said DeMilhau, Jr., and continuing with the center of the said Township Route Number 362 and the line between the lands of the said Land Co., Inc. and the said Strunk, the following courses and distances:

North 03°01' East, crossing the line between the Township of Delaware and the Township of Dingman at approximately 81 feet, in all 126 feet,
North 09°03' East 164 feet,
North 06°33' East 99 feet to a corner common to the lands of the said Land Co., Inc., and the said Strunk; thence, leaving the lands of the said Strunk, continuing with the center of the said Township Route Number 362 and severing the lands of the said Tri-State Land Co., Inc.,

In a generally Northerly direction, crossing the Conashaugh Creek at approximately 1824 feet, in all 2694 feet to a point in the center of the said Township Route Number 362, being a corner common to the lands of the said Tri-State Land Co., Inc., and the lands now or formerly owned by Harold Popewiny, et ux; thence, continuing with the center of the said Township Route Number 362 and with the line between the lands of the said Popewiny, et ux, and the said Tri-State Land Co., Inc.,

North 28°00' East 500 feet to a corner common to the lands of the said Popewiny, et ux and the said Land Co., Inc.; thence, leaving the lands of the said Popewiny, et ux, and continuing with the center of the said Township Route Number 362, severing the lands of the said Tri-State Land Co., Inc.,

In a Northeasterly direction approximately 977 feet to a point in the line between the lands of the said Land Co., Inc., and the lands now or formerly owned by Marguerite C. Astlett, being a point in the center of the said Township Route Number 362; thence, leaving the lands of the said Tri-State Land Co., Inc., and severing the lands of the said Astlett, continuing with the center of the said Township Route Number 362,

In a Northerly direction approximately 1146 feet to a point in the intersection of the center of the said Township Route Number 362, with the center of Legislative Route Number 51001, being a corner common to the lands of the said Astlett and the lands now or formerly owned by Harold L. Steele, and in the line of the lands now or formerly owned by Margaret Hamilton; thence, leaving the lands of the said Steele, and the said Astlett, and with the center of the said Legis-

lative Route Number 51001, severing the lands of the said Hamilton,

In a generally Northeasterly direction, passing the center of Legislative Route Number 51007 at approximately 1031 feet, in all approximately 1582 feet, to a corner common to the lands of the said Hamilton, and the lands now or formerly owned by George Gross, et ux; thence, continuing with the center of the said Legislative Route Number 51001, and with the line between the lands of the said Gross, et ux and the said Hamilton, the following courses and distances:

North 55°17' East 313 feet,

North 52°19' East 195 feet to a corner common to the lands of the said Gross, et ux and the lands now or formerly owned by Edith Salzman, and in the line of the lands of the said Hamilton; thence, leaving the lands of the said Gross, et ux, and continuing with the center of the said Legislative Route Number 51001, and with the line between the lands of the said Salzman and the said Hamilton,

North 49°33' East 177 feet to a corner common to the lands of the said Salzman, and the lands now or formerly owned by Joseph Sienkevo, and in the line of the lands of the said Hamilton; thence, leaving the lands of the said Salzman, and continuing with the center of the said Legislative Route Number 51001, and with the line between the lands of the said Sienkevo and the said Hamilton,

North 47°14' East 208 feet to a corner common to the lands of the said Hamilton and the lands now or formerly owned by Marjorie F. Reaggs, and in the line of the lands of the said Sienkevo; thence, leaving the lands of the said Hamilton, continuing with the center of the said Legislative Route Number 51001 and the line between the lands of the said Sienkevo and the said Reaggs,

North 46°12' East 47 feet to a corner common to the lands of the said Sienkevo and the lands now or formerly owned by Sarah Jane T. Schiffer, et al, and in the line of the lands of the said Reaggs; thence, leaving the lands of the said Sienkevo, and continuing with the center of the said Legislative Route Number 51001, and the line between the lands of the said Schiffer, et al, and the said Reaggs,

North 43°32' East 231 feet,

North 38°48' East 107 feet to a corner common to the lands of the said Reaggs, and the lands now or formerly owned by Stanley J. Dick, and in the line of the lands of the said Schiffer, et al; thence, leaving the lands of the said Reaggs, and continuing with the center of the said Legislative Route Number 51001, and the line between the lands of the said Schiffer, et al, and the said Dick,

North 35°49' East 126 feet to a corner common to the lands of the said Stanley J. Dick and the lands now or formerly owned by Viola M. Dick, and in the line of the lands of said Schiffer, et al.; thence, leaving the lands of the said Stanley J. Dick, and continuing with the center of the said Legislative Route Number 51001 and the line between the lands of the said Schiffer, et al. and the said Viola M. Dick,

North 30°39' East 104 feet to a corner common to the lands of the said Viola M. Dick and the lands now or formerly owned by Fannie L. Kipp, and in the line of the lands of the said Schiffer, et al.; thence, leaving the lands of the said Viola M. Dick and continuing with the center of the said Legislative Route Number 51001 and the line between the lands of the said Schiffer, et al., and the said Kipp,

North 21°19' East 97 feet,

North 10°15' East 65 feet to a corner common to the lands of the said Kipp and the lands now or formerly owned by Viola M. Dick, and in the line of the lands of the said Schiffer, et al.; thence, leaving the lands of the said Kipp, and continuing with the center of the said Legislative Route Number 51001, and the line between the lands of the said Schiffer, et al., and the said Dick, the following courses and distances:

North 02°43' East 85 feet,

North 02°48' East 245 feet to a corner common to the lands of the said Viola M. Dick and the lands now or formerly owned by Anthony M. Schneider, et ux, and in the line of the lands of the said Schiffer, et al.; thence, leaving the lands of the said Viola M. Dick, continuing with the center of the said Legislative Route Number 51001 and the line between the lands of the said Schiffer, et al. and the said Schneider, et ux,

North 05°52' East 176 feet to a corner common to the lands of the said Schneider, et ux and the lands now or formerly owned by Stephen Garrison, et ux, and in the line of the lands of the said Schiffer, et al.; thence, leaving the lands of the said Schneider, et ux, and continuing with the center of the said Legislative Route Number 51001, and the line between the lands of the said Schiffer, et al., and the said Garrison, et ux, the following courses and distances:

North 10°51' East 85 feet,

North 17°16' East 114 feet to a corner common to the lands of the said Garrison, et ux and lands now or formerly owned by Emil Lamac, et ux, and in the line of the lands of the said Schiffer, et al.; thence, leaving the lands of the said Garrison, et ux, and continuing with the center of the said Legislative Route Number 51001, and the line between the lands of the said Schiffer, et al. and the said Lamac, et ux; the following courses and distances:

North 23°48' East 170 feet,

North 30°06' East 317 feet to a corner common to the lands of the said Schiffer, et al and the said Lamac, et ux; thence, leaving the lands of the said Lamac, et ux, continuing with the center of the said Legislative Route Number 51001 and severing the lands of the said Sarah Jane T. Schiffer, et al, the following courses and distances:

North 29°57' East 207 feet,

North 28°20' East 163 feet to a corner common to the lands of the said Schiffer, et al and the lands now or formerly owned by the School District of Dingman Township; thence, continuing with the center of the said Legislative Route Number 51001 and with the line between the lands of the said Schiffer, et al and the said School District,

North 26°43' East 119 feet to a corner common to the lands of the said School District and the lands now or formerly owned by Clara A. Wohlberg, and in the line of the lands of the said Schiffer, et al, said corner being at the intersection of the said Legislative Route Number 51001 and Legislative Route Number 51008; thence, leaving the lands of the said School District and the said Legislative Route Number 51001 and with the center of Legislative Route Number 51008 and the line between the lands of the said Schiffer, et al, and the said Wohlberg,

North 25°03' East 70 feet to a point at the intersection of the said Legislative Route Number 51008 with Legislative Route Number 746; thence, leaving the center of the said Legislative Route Number 51008, and with the center of the said Legislative Route Number 746 and the line between the lands of the said Schiffer, et al and the said Wohlberg, the following courses and distances:

North 24°39' East 179 feet,

North 20°12' East 386 feet,

North 20°37' East 146 feet to a corner common to the lands of the said Sarah Jane T. Schiffer et al and the lands now or formerly owned by Norman Hills, Inc., and in the line of the lands of the said Wohlberg; thence, leaving the lands of the said Schiffer, et al and the said Norman Hills, Inc., and continuing with the center of the said Legislative Route Number 746, and severing the lands of the said Wohlberg.

In a Northeasterly direction approximately 585 feet to a point in the center of the bridge over Raymondskill Creek, and in the line between the lands of the said Wohlberg and the said Norman Hills, Inc.; thence, leaving the lands of the said Wohlberg, and the center of the said Raymondskill Creek, continuing with the center of the said Legislative Route Number 746, and severing the lands of the said Norman Hills, Inc., the following courses and distances:

North 43°48' East 84 feet,

North 53°25' East 143 feet to a point in the line between the lands of the said Norman Hills, Inc., and the lands now or formerly owned by Sarah D. Simon; thence, leaving the lands of the said Norman Hills, Inc., continuing with the center of the said Legislative Route Number 746, and severing the lands of the said Simon,

In a Northeasterly direction approximately 160 feet to a corner common to the lands of the said Simon, and the lands now or formerly owned by Harry W. Buchanan, et ux; thence, continuing with the center of the said Legislative Route Number 746, and with the line between the lands of the said Buchanan, et ux, and the said Simon, the following courses and distances:

North 62°51' East 102 feet,

North 68°02' East 103 feet to a corner common to the lands of the said Buchanan, et ux and the lands now or formerly owned by Alan C. B. Lieb, et ux and in the line of the lands of the said Simon; thence, leaving the lands of the said Buchanan, et ux, and continuing with the center of the said Legislative Route Number 746 and with the line between the lands of the said Lieb, et ux, and the said Simon,

North 72°15' East 69 feet to a corner common to the lands of the said Simon and the lands now or formerly owned by George Goehring, et ux, and in the line of the lands of the said Lieb, et ux; thence, continuing with the center of the said Legislative Route Number 746, and with the line between the lands of the said Lieb, et ux and the said Goehring, et ux, the following courses and distances:

North 73°30' East 111 feet,

North 79°25' East 123 feet,

North 81°16' East 128 feet,

North 83°36' East 176 feet to a corner common to the lands of the said Lieb, et ux, the said Goehring, et ux, the lands now or formerly owned by Merritt B. Quinn, and the lands now or formerly owned by Silver Spring House, Inc.; thence, leaving the lands of the said Lieb, et ux, and the said Goehring, et ux, and continuing with the center of the said Legislative Route Number 746 and the line between the lands of the said Merritt B. Quinn and the said Silver Spring House, Inc.,

North 82°02' East 439 feet to a corner common to the lands of the said Silver Spring House, Inc. and the lands now or formerly owned by Perry R. Brockett, and in the line of the said Quinn; thence, leaving the lands of the said Silver Spring House, Inc., continuing with the center of the said Legislative Route Number 746, and the line between the lands of the said Quinn and the said Brockett,

North 82°02' East 439 feet to a corner common to the lands of the said Quinn, the said Brockett, and the lands now or formerly owned by the Delaware Valley Grange Home Association, A/K/A Raymondskill Valley Grange Home Association, and the lands now or formerly owned by Silver Spring House, Inc., said corner being at the intersection of Legislative Route Number 746 with Township Route Number 379; thence, leaving the

lands of the said Quinn and the said Brockett, and leaving the said Township Route Number 379, continuing with the center of the said Legislative Route Number 746, and the line between the lands of the said Grange Home Association and the said Silver Spring House, Inc.

North 81°57' East 122 feet to a corner common to the lands of the said Grange Home Association and the said Quinn, and in the line of the lands of the said Silver Spring House, Inc.; thence, leaving the lands of the said Grange Home Association and continuing with the center of the said Legislative Route Number 746, and the line between the lands of the said Quinn and the said Silver Spring House, Inc.,

North 82°07' East 322 feet to a corner common to the lands of the said Quinn and the lands now or formerly owned by Emil Laubscher, Jr., et ux, and in the line of the lands of the said Silver Spring House, Inc.; thence, leaving the lands of the said Merritt B. Quinn, continuing with the center of the said Legislative Route Number 746, and with the line between the lands of the said Laubscher, Jr., et ux and the said Silver Spring House, Inc.,

North 82°03' East 239 feet to a corner common to the lands of the said Laubscher, Jr., et ux and the lands now or formerly owned by Joseph Harrington, et al and in the line of the lands of the said Silver House, Inc.; thence, leaving the lands of the said Laubscher, Jr., et ux, and continuing with the center of the said Legislative Route Number 746 and the line between lands of the said Harrington, et al, and the said Silver Spring House, Inc.,

North 82°03' East 62 feet to a corner common to the lands of the said Silver Spring House, Inc. and the lands now or formerly owned by Arthur H. Hacker, Jr., and in the line of the lands of the said Harrington, et al; thence, leaving the lands of the said Silver Spring House, Inc. and continuing with the center of the said Legislative Route Number 746, and the line between the lands of the said Harrington, et al, and the said Hacker, Jr.,

North 82°03' East, passing a corner common to the lands of the said Harrington, et al, and the lands now or formerly owned by Alvin L. Blitz, et ux, at approximately 146 feet, in all 238 feet, to a corner common to the lands of the said Blitz, et ux and the lands now or formerly owned by William A. Fischer, et ux, and in the line of the lands of the said Hacker, Jr.; thence, leaving the lands of the said Blitz, et ux and continuing with the center of the said Legislative Route Number 746 and the line between the lands of the said Fischer, et ux, and the said Hacker, Jr.,

North 82°58' East 349 feet to a corner common to the lands of the said Fischer, et ux and the lands now or formerly owned by Charles S. Castle, et ux, and in the line of the lands of the said Arthur H. Hacker, Jr.; thence, leaving the lands of the said Fischer, et ux, continuing with the center of the said Legislative Route Number 746, and the line between the said Castle, et ux, and the said Hacker, Jr.,

North 78°18' East 189 feet to a corner common to the lands of the said Castle, et ux and the lands now or formerly owned by Margaret L. Gavoille, and in the line of the lands of the said Hacker, Jr.; thence, leaving the lands of the said Castle, et ux, and continuing with the center of the said Legislative Route Number 746, and the line between the lands of the said Gavoille and the said Hacker, Jr.,

North 74°17' East 120 feet to a corner common to the lands of the said Margaret L. Gavoille, the lands of the said Hacker, Jr., the lands now or formerly owned by Donald Gavoille, and the lands nor or formerly owned by Harry W. Buchanan, III, et al; thence, leaving the lands of the said Margaret L. Gavoille and the said Arthur H. Hacker, Jr., and continuing with the center of the said Legislative Route Number 746 and the line between the lands of the said Donald Gavoille and the said Harry W. Buchanan, III, et al,

North 73°08' East, passing a corner common to the lands of the said Donald Gavoille and the lands now or formerly owned by Robert P. Morningstar, et ux, at approximately 563 feet, in all 613 feet to a corneor common to the lands of the said Morningstar, et ux, and the said Buchanan, III, et al; thence, leaving the center of the said Legislative Route Number 746 and with the line between the lands of the said Robert P. Morningstar, et ux and the said Buchanan, III, et al, the following courses and distances:

North 16°52' West 165 feet.

North 81°24' East, passing a corner common to the lands of the said Morningstar, et ux and the lands now or formerly owned by Robert P. Morningstar at approximately 98 feet, in all 821 feet to a point in the line between the lands of the said Morningstar and the said Buchanan, III, et al; thence, continuing with the line between the lands of the said Morningstar and the said Buchanan, III, et al, the following courses and distances:

North 69°00' East 68 feet,
North 55°31' East 301 feet,
North 66°28' East 71 feet,
North 77°54' East 96 feet,
North 88°30' East 191 feet,
North 72°35' East 73 feet,
North 46°52' East 113 feet,
North 27°34' East 105 feet,
North 11°10' East 265 feet,
North 23°04' East 89 feet,
North 34°34' East 114 feet,
North 15°35' East 156 feet,
North 01°04' East 333 feet,

North 13°44' East 156 feet to a corner common to the lands of the said Robert P. Morningstar and the said Harry W. Buchanan, III, et al, and in the line of the lands now or formerly owned by Louis Zippen; thence, leaving the lands of the said Morningstar, and with the line between the lands of the said Zippen and the said Buchanan, III, et al,

South 40°37' East 120 feet to a point in the center of Legislative Route Number 746; thence, leaving the lands of the said Buchanan, III, et al, and with the center of the said Legislative Route Number 746, severing the lands of the said Zippen, the following courses and distances:

North 18°10' East 94 feet,
North 24°30' East 76 feet,
North 31°10' East 155 feet,
North 37°57' East 114 feet,
North 43°46' East 123 feet,

North 45°33' East 152 feet to a point in the center of the said Legislative Route Number 746; thence leaving the center of the said Legislative Route Number 746, and continuing to sever the lands of the said Zippen, the following courses and distances:

South 58°40' East, crossing the center of Township Route Number 383 at approximately 91 feet, in all 1026 feet,

North 22°17' East 450 feet to a point in the line between the lands of the said Zippen and the lands now or formerly owned by Anna Zipf; thence, leaving the lands of the said Zippen and severing the lands of the said Zipf.

North 22°17' East 901 feet to a corner common to the lands or the said Zipf and the lands now or formerly owned by Ruby Realty, Inc.; thence, with the line between the lands of the said Ruby Realty, Inc., and the said Zipf,

North 21°36' East 345 feet to a corner common to the lands of the said Ruby Realty, Inc. and the said Zipf, and in the line of the lands now or formerly owned by Adolph A. Wachsman, et ux; thence, leaving the lands of the said Ruby Realty, Inc. and the said Anna Zipf, and severing the lands of the said Wachsman, et ux,

North 48°35' East 283 feet to a point in the line between the lands of the said Wachsman, et ux and the lands now or formerly owned by Renee Ann Emery, et al; thence, leaving the lands of the said Wachsman, et ux and severing the lands on the said Emery, et al,

North 79°35' East 582 feet to a corner common to the lands now or formerly owned by Samuel C. Schouppe, et ux, and the lands now or formerly owned by Robert E. Sigal, et ux, and in the line of the lands of the said Emery, et al; thence, leaving the lands of the said Emery, et al, and with the line between the lands of the said Schouppe, et ux, and the said Sigal, et ux,

North 38°17' East 632 feet to a corner common to the lands of the said Schouppe, et ux, and the said Sigal, et ux; thence, leaving the lands of the said Schouppe, et ux, and severing the lands of the said Sigal, et ux,

North 38°17' East 395 feet to a point in the line between the lands of the said Sigal, et ux and the lands now or formerly owned by Jonas H. Anchel, et ux; thence, with the line betwen the lands of the said Sigal, et ux and the said Anchel, et ux,

North 51°11' West 626 feet to a corner common to the lands of the said Sigal, et ux, the said Anchel, et ux, and the lands now or formerly owned by Francis E. Josd, et ux; thence, leaving the lands of the said Sigal, et ux and with the line between the lands of the said Josd, et ux and the said Anchel, et ux,

North 39°40' East 682 feet to a corner common to the lands of the said Josd, et ux and the said Anchel, et ux, and in the line of the lands now or formerly owned by Judith Field Kartychak, A/K/A Judith Kartychak; thence, leaving the lands of the said Anchel, et ux and with the line between the lands of the said Josd, et ux, and the said Kartychak,

North 57°45' West 208 feet to a point in the center of Sloat Brook; thence, leaving the lands of the said Josd, et ux, with the center of Sloat Brook, severing the lands of the said Kartychak, the following courses and distances:

South 68°30' East 139 feet,
North 75°30' East 96 feet,

North 38°47' East 42 feet to a corner common to the lands of the said Kartychak and the lands now or formerly owned by John J. Muir, et ux; thence, leaving the lands of the said Kartychak, with the said Sloat Brok and severing the lands of the said Muir, et ux,

North 38°47' East 327 feet to a corner common to the lands of the said Muir, et ux and the lands now or formerly owned by Jonas H. Anchel, et ux, and on the right descending bank of the said Sloat Brook; thence, with the line between the lands of the said Anchel, et ux, and the said Muir, et ux, and the said right descending bank,

North 65°27' East 45 feet to a corner common to the lands of the said Anchel, et ux, and the said Muir, et ux; thence, leaving the lands of the said Muir, et ux, and the said right descending bank, and severing the lands of the said Anchel, et ux,

North 13°43' West 21 feet to a point in the center of Sawkill Creek, said point being in the line between the Township of Dingman and the Township of Milford; thence, continuing to sever the lands of the said Jonas H. Anchel, et ux, and with the said line between the Township of Dingman and the

Township of Milford, and with the center of the said Sawkill Creek downstream, the following courses and distances:

North 68°35' East 102 feet,

North 79°30' East 167 feet,

North 57°56' East 232 feet to a point; thence, leaving the center of the said Sawmill Creek and the said line between the Township of Dingman and the Township of Milford and continuing to sever the lands of the said Anchel, et ux,

South 33°31' East, passing a corner common to the lands of the said Anchel, et ux and the lands now or formerly owned by Janis Blair at approximately 26 feet, in all 226 feet to a corner common to the lands of the said Blair and the said Anchel, et ux; thence, continuing with the line between the lands of the said Blair and the said Anchel, et ux,

North 56°46' East 180 feet to a corner common to the lands of the said Blair and the lands now or formerly owned by Vincent Graziano, et ux; thence, leaving the lands of the said Blair, and with the line between the lands of the said Graziano, et ux, and said Anchel, et ux,

North 71°20' East 73 feet to a corner common to the lands of the said Graziano, et ux, and the said Anchel, et ux; thence, leaving the lands of the said Graziano, et ux, and severing the lands of the said Anchel, et ux,

North 52°17' East 309 feet to a point in the center of the said Sawkill Creek, said point also being in the said line between the Township of Dingman and the Township of Milford; thence, continuing to sever the the lands of the said Anchel, et ux, downstream with the center of the said Sawkill Creek, and with the line between the Township of Dingman and the Township of Milford,

South 54°37' East 225 feet to a corner common to the lands of the said Anchel, et ux, and the lands now or formerly owned by Nazira J. Maloof, said corner also being common to the Township of Milford and the Borough of Milford; thence, leaving the said line between the Township of Dingman and the Township of Milford, and continuing downstream with the center of the said Sawkill Creek, and with the line between the lands of the said Maloof and the said Anchel, et ux, and with the line between the Borough of Milford and the Township of Dingman,

South 61°08' East 72 feet to a corner common to the lands of the said Maloof, the said Anchel, et ux, and the lands now or formerly owned by Joan Jermyn; thence, leaving the lands of the said Maloof and the center of the said Sawkill Creek, and the line between the Borough of Milford and Township of Dingman, and with the line between the lands of the said Jermyn and the said Anchel, et ux,

South 40°13' West 318 feet to a point; thence, leaving the lands of the said Anchel, et ux and severing the lands of the said Jermyn,

South 36°06' East 290 feet to a point in the line between the lands of the said Jermyn and the lands now or formerly owned by the Milford Milling Company; thence, leaving the lands of the said Jermyn, and severing the lands of the said Milling Company,

South 36°06' East 780 feet to a point in the line between the lands of the said Milling Company and the lands now or formerly owned by Robert D. Kraft, et ux; thence, leaving the lands of the said Milford Milling Company, and severing the lands of the said Kraft, et ux,

South 82°31' East 245 feet to a point in the line between the said Kraft, et ux and the lands now or formerly owned by Harry S. Holley, et ux; thence, leaving the lands of the said Kraft, et ux, and severing the lands of the said Holley, et ux,

South 82°31' East 245 feet to a corner common to the lands of the said Holley, et ux, the lands now or formerly owned by William F. Wright, Jr., et ux, and the lands now or formerly owned by George R. Wyckoff, et ux; thence, leaving the lands of the said Holley, et ux and the said Wyckoff, et ux, and severing the lands of the said Wright, Jr., et ux,

South 82°31' East 120 feet to a point in the line between the lands of the said Wright, Jr., et ux and the said Wyckoff, et ux; thence, leaving the lands of the said Wright, Jr., et ux, and severing the lands of the said Wyckoff, et ux,

South 82°31' East 250 feet to a point in the line between the lands of the said Wyckoff, et ux and the lands now or formerly owned by Margaret Durham; thence, leaving the lands of the said Wyckoff, et ux, and severing the lands of the said Durham,

South 82°31' East 280 feet to a point in the line between the lands of the said Durham and the lands now or formerly owned by William H. McGaughey, et ux; thence, leaving the lands of the said Durham, and severing the lands of the said McGaughey, et ux, the following courses and distances:

South 82°31' East 268 feet,

South 28°08' East 790 feet,

South 44°10' East 432 feet to a point in the line between the lands of the said McGaughey, et ux and the lands now or formerly owned by Robert Richard Schields, et ux; thence, leaving the lands of the said McGaughey, et ux, and severing the lands of the said Schields, et ux,

South 44°10' East 283 feet to a point in the line between the lands of the said Schields, et ux and the lands now or formerly owned by the Milford Cemetery Association; thence, with the line between the lands of the said Schields, et ux and the said Cemetery Association,

North 47°04' East, passing a corner common to the lands of the said Schields, et ux and the lands of the said McGaughey, et ux, at approximately 319 feet, and passing a corner common to the lands of the said McGaughey, et aux and the lands now or formerly owned by W. Roland Shannon, et ux, at approximately 353 feet, in all 419 feet to a corner common to the lands of the said Shannon, et ux, the lands of the said Cemetery Association, and the lands now or formerly owned by Douglas J. Callahan, et ux, said corner being in the center of Township Route Number 426; thence, leaving the lands of the said Cemetery Association, and with the center of the said Township Route Number 426, and the line between the lands of the said W. Roland Shannon, et ux, and the lands of the said Callahan, et ux,

North 13°28' West 63 feet to a corner common to the lands of the said Shannon, et ux, the said Callahan, et ux, and the lands now or formerly owned by August Metz, Jr.; thence, leaving the lands of the said Callahan, et ux and continuing with the center of the said Township Route Number 426, and the line between the lands of the said Shannon, et ux and the said Metz, Jr., the following courses and distances:

North 29°47' West 89 feet,

North 47°09' West 135 feet,

North 57°02' West 127 feet,

North 54°41' West 151 feet,

North 32°14' West 38 feet to a corner common to the lands of the said Shannon, et ux, the lands of the said Metz, Jr., and the lands now or formerly owned by William H. McGaughey, et ux; thence, leaving the lands of the said Shannon et ux and the lands of the said Metz, Jr., and leaving the center of the said Township Route Number 426, severing the lands of the said McGaughey, et ux, the following courses and distances:

North 48°14' West 292 feet,

North 20°07' West 369 feet,

North 50°59' West 367 feet,

South 88°02' West 188 feet,

North 20°04' West 89 feet to a point in the line between the lands of the said McGaughey, et ux and the lands now or formerly owned by Margaret Durham; thence, leaving the lands of the said McGaughey, et ux and severing the lands of the said Durham, the following courses and distances:

North 20°04' West 106 feet,

North 88°21' East, crossing the line between the Township of Dingman and the Borough of Milford, said point being in the center of Sawkill Creek, at approximately 56 feet, in all 100 feet to a point in the line between the lands of the said Durham and the said McGaughey, et ux; thence, leaving the lands of the said Durham and severing the lands of the said McGaughey, et ux,

South 62°06' East 279 feet to a corner common to the lands of the said McGaughey, et ux and the lands now or formerly owned by Pierce Harper, et ux; thence, with the line between the lands of the said McGaughey, et ux, and the said Harper, et ux,

North 41°22' East 105 feet to a corner common to the lands of the said McGaughey, et ux, the said Harper, et ux, and the lands now or formerly owned by Margaret Durham; thence, leaving the lands of the said McGaughey, et ux and with the line between the lands of the said Durham and the said Harper, et ux, the following courses and distances:

South 30°38' East 19 feet,

South 78°58' East 87 feet to a corner common to the lands of the said Durham, the said Harper, et ux, and the lands now or formerly owned by Kenneth W. Harrington, et ux; thence, leaving the lands of the said Durham and with the line between the lands of the said Harrington, et ux and the said Harper, et ux, the following courses and distances:

South 67°06' East 69 feet,

North 40°22' East 8 feet to a corner common to the lands of the said Harrington, et ux, the said Harper, et ux and the lands now or formerly owned by Graham D. Musselwhite, et ux; thence, leaving the lands of the said Harrington, et ux, and with the line between the lands of the said Musselwhite, et ux and the said Harper, et ux,

South 62°38' East 155 feet to a corner common to the lands of the said Harper, et ux, and the lands now or formerly owned by William H. McGaughey, et ux and in the line of the lands of the said Musselwhite, et ux; thence, leaving the lands of the said Harper, et ux, and with the line between the lands of the said Musselwhite, et ux and the said McGaughey, et ux,

South 63°08' East 39 feet to a corner common to the lands of the said Musselwhite, et ux and the lands now or formerly owned by Helen Lanchantin, and in line of the lands of the said McGaughey, et ux; thence, leaving the lands of the said Musselwhite, et ux, and with the line between the lands of the said Lanchantin and the said McGaughey, et ux,

South 76°23' East, passing a corner common to the lands of the said Lanchantin and the lands now or formerly owned by Rondolph D. Gregory at approximately 96 feet, in all 151 feet, to a corner common to the lands of the said Gregory, the lands of the said McGaughey, et ux and the lands now or formerly owned by Daphne Klopman; thence, leaving the lands of the said Gregory, and with the line between the lands of the said Klopman and the said McGaughey, et ux, the following courses and distances:

South 46°08' West 23 feet,

South 40°23' East 122 feet,

North 41°22' East 29 feet to a corner common to the lands of the said Klopman and the said McGaughey, et ux, said corner being in the northwesterly right-of-way line of Cranberry Alley; thence, leaving the lands of the said Kolpman, and with the lands of the said McGaughey, et ux and crossing the said Cranberry Alley,

South 32°18' East, passing a point in the Southeasterly right-of-way of the said Cranberry Alley, said point being a point in the line of the lands now or formerly owned by George Benner, Jr., et ux, at approximately 16 feet, and continuing on the same course with the line of the lands of the said Benner, Jr., et ux, in all 71 feet to a corner common to the lands of the said Benner, Jr., et ux, the said McGaughey, et ux, and the lands now or formerly owned by Leida G. Courtright; thence, leaving the lands of the said Benner, Jr., et ux and with the line between the lands of the said Courtright and the said McGaughey, et ux,

South 33°38' East, passing a corner common to the lands of the said Courtright and the lands now or formerly owned by Edna V. Green at approximately 55 feet, in all 85 feet to a corner common to the lands of the said Green and the said McGaughey, et ux; thence, continuing with the line between the lands of the said Green and the said McGaughey, et ux,

South 23°20' West, passing a corner common to the lands of the said Green and the lands now or formerly owned by Richard Lee Hoffman, et ux, at approximately 30 feet, in all 85 feet, to a cornor common to the lands of the said Hoffman, et ux, the said McGaughey, et ux and the lands now or formerly owned by Henry C. Cron, et ux; thence, leaving the lands of the said Hoffman, et ux and with the line between the lands of the said Cron, et ux and the said McGaughey, et ux,

South 62°07' West, passing a corner common to the lands of the said Cron, et ux, the said McGaughey, et ux and the lands now or formerly owned by Harvey Harold Hotalen, et ux at approximately 63 feet, in all 84 feet to a corner common to the lands of the said Hotalen, et ux and the said McGaughey, et ux; thence, continuing with the line between the lands of the said Hotalen, et ux and the said McGaughey, et ux, the following courses and distances:

South 18°55' East 94 feet,

South 27°38' East 96 feet to a corner common to the lands of the said Hotalen, et ux, the said McGaughey et ux, and the lands now or formerly owned by Milton Staub, et ux, said corner being in the center of Mott Street; thence, leaving the lands of the said Hotalen, et ux, and with the line between the lands of the said Staub, et ux and the said McGaughey, et ux, and with the center of the said Mott Street,

South 43°03' West 19 feet to a corner common to the lands of the said Staub, et ux, the said McGaughey, et ux and the lands now or formerly owned by August Metz, Jr.; thence, leaving the lands of the said William H. McGaughey, et ux, and leaving the said Mott Street, and with the line between the lands of the said Staub, et ux and the said Metz, Jr., the following courses and distances:

South 49°40' East 121 feet,

North 42°44' East 20 feet to a corner common to the lands of the said Staub, et ux, the said Metz, Jr., and the lands now or formerly owned by Leona Canouse; thence, leaving the lands of the said Staub, et ux, and with the line between the lands of the said Canouse and the said Metz, Jr.,

South 72°52' East 30 feet to a point in the line between the lands of the said Canouse and the said Metz, Jr.; thence, leaving the lands of the said Metz, Jr., and severing the lands of the said Canouse,

North 70°19' East 197 feet to a point in the line between the lands of the said Canouse and the lands now or formerly owned by Wilson Van Alst, Jr., et ux; thence, leaving the lands of the said Canouse, and severing the lands of the said Van Alst, Jr., et ux,

South 66°13' East 140 feet to a corner common to the lands of the said Van Alst, Jr., et ux, the lands now or formerly owned by Donald W. Kayton, et ux and in the line of the lands of the said Metz, Jr.; thence, leaving the lands of the said Van Alst, Jr., et ux, and with the line between the lands of the said Kayton, et ux and the said Metz, Jr.,

South 75°36' East 183 feet to a corner common to the lands of the said Kayton, et ux, the said Metz, Jr., and the lands now or formerly owned by Clara Nothafft, said corner being in the center of United States Highway Route Number 209; thence, leaving the lands of the said Kayton, et ux and the center of the said United States Highway Number 209, and with the line between the lands of the said Nothafft and the said Metz, Jr.,

South 63°12' East 86 feet to a corner common to the lands of the said Nothafft, the said Metz, Jr., and the lands now or formerly owned by Clarence Walton, et ux; thence, leaving the lands of the said Nothafft, and with the line between the lands of the said Walton, et ux and the said Metz, Jr.,

South 54°31' East 95 feet to a corner common to the lands of the said Walton, et ux and the said Metz, Jr.; thence, leaving the lands of the said Metz, Jr. and severing the lands of the said Walton, et ux,

North 69°26' East 137 feet to a point in the line of the lands of the said Walton, et ux, said point being in the Southwesterly right-of-way line of Harford Street; thence, with the lands of the said Walton, et ux, and with the said Southwesterly right-of-way line extended of the said Harford Street,

South 52°15' East 37 feet to a corner common to the lands of the said Walton, et ux and the lands now or formerly owned by Lawrence A. Hoey, et al, said point being in the center of the said Harford Street; thence, leaving the Southwesterly right-of-way line extended of the said Harford Street and with the lands of the said Hoey, et al, crossing the said Harford Street,

North 25°54' East 55 feet to a corner common to the lands of the said Hoey, et al and the lands now or formerly owned by Gunther P.G.A. Passarge, et ux, said corner being in the Northeasterly right-of-way line of the said Harford Street; thence, leaving the Northeasterly right-of-way line of the said Harford Street, and with the line between the lands of the said Passarge, et ux and the said Hoey, et al,

South 50°54' East 28 feet to a point in the line between the lands of the said Passarge, et ux and the said Hoey, et al; thence, leaving the lands of the said Hoey, et al and severing the lands of the said Passarge, et ux,

North 87°01' East 144 feet to a point in the line between the lands of the said Passarge, et ux and the lands of the said Hoey, et al; thence, with the line between the lands of the said Passarge, et ux and the said Hoey, et al,

North 43°54' East 12 feet to a corner common to the lands of the said Passarge, et ux, the lands of the said Hoey, et al, and the lands now or formerly owned by Vanda Summers; thence, leaving the lands of the said Passarge, et ux and with the line between the lands of the said Summers and the said Hoey, et al,

North 42°02' East, leaving the lands of the said Summers and passing the Southwesterly right-of-way line of Pear Alley at approximately 52 feet, in all 67 feet to a corner common to the lands of the said Hoey, et al and the lands now or formerly owned by Reginald Worthington, et ux, said corner being in the Northeasterly right-of-way line of the said Pear Alley; thence, leaving the lands of the said Hoey, et al, and the said Northeasterly right-of-way line of the said Pear Alley and severing the lands of the said Worthington, et ux,

North 44°17' West 248 feet to a point in the line between the lands of the said Worthington, et ux and the lands now or formerly owned by Roscoe C. Gourlay, et ux; thence, with the line between the lands of the said Worthington, et ux and the said Gourlay, et ux,

North 48°56' West 44 feet to a point in the Southwesterly right-of-way line of Ann Street; thence, leaving the lands of the said Worthington, et ux and the Southwesterly right-of-way line of the said Ann Street, and with the Southerly end of the said Ann Street,

North 01°12' east 73 feet to a corner common to the lands of the said Gourlay, et ux and the lands now or formerly owned by Sidney L. Krawitz, et ux, said corner being in the Northeasterly right-of-way line of the said Ann Street; thence, with the Northeasterly right-of-way line of the said Ann Street and with the line of the lands of the said Krawitz, et ux,

North 48°59' west 74 feet to a point; thence, leaving the Northeasterly right-of-way line of the said Ann Street, and severing the lands of the said Krawitz, et ux, the following courses and distances:

North 36°09' east 265 feet,

North 35°31' west 326 feet to a corner common to the lands of the said Krawitz, et ux and the lands now or formerly owned by H. James Crellin, said corner being in the Southeasterly right-of-way line of Strawberry Alley at the intersection with the Southwesterly right-of-way line extended of Catharine Street; thence, with the Southerly end of the said Catharine Street and with the line of the lands of the said Crellin,

North 36°12' east, passing the Northeasterly right-of-way line of the said Catharine Street at approximately 60 feet, and continuing with the line between the lands of the said Crellin and the lands now or formerly owned by the Borough of Milford, in all 108 feet, to a corner common to the lands of the said Borough and the said Crellin; thence, continuing with the line between the lands of the said Borough and the said Crellin, the following courses and distances:

South 72°21' east 68 feet,

North 74°08' east 81 feet,

South 70°31' east 78 feet,

North 47°14' east 30 feet,

North 49°23' east 30 feet to a corner common to the lands of the said Borough and the said Crellin; thence, leaving the lands of the said Crellin and severing the lands of the said Borough,

North 01°41' east 136 feet to a point in the line between the lands of the said Borough and the lands now or formerly owned by Florence K. Dalrymple; thence, leaving the lands of the said Borough of Milford and severing the lands of the said Dalrymple, the following courses and distances:

North 16°37' east 232 feet,

North 19°22' east 119 feet,

North 15°01' east 72 feet to a corner common to the lands of the said Dalrymple and the lands now or formerly owned by Freddie Malanczuk, et ux; thence, with the line between the lands of the said Dalrymple and the said Malanczuk, et ux,

North 23°39' west 180 feet to a corner common to the lands of the said Dalrymple and the said Malanczuk, et ux, said corner being in the Southeasterly right-of-way line of Third Street; thence, leaving the lands of the said Dalrymple, and with the Southeasterly right-of-way line of the said Third

Street and the line of the lands of the said Malanczuk, et ux,

North 41°55' east 52 feet to a corner common to the lands of the said Malanczuk, et ux and the lands now or formerly owned by Crellin's Marine and Equipment, Inc.; thence, leaving the Southeasterly right-of-way line of the said Third Street and the lands of the said Malanczuk, et ux, crossing the said Third Street and with the line between the lands now or formerly owned by Charles E. Armstrong, et ux and the said Crellin's Marine and Equipment, Inc.,

North 40°28' west, passing the Northwesterly right-of-way line of the said Third Street at approximately 60 feet, in all 216 feet, to a corner common to the lands of the said Armstrong, et ux and the said Marine and Equipment, Inc.; thence, continuing with the line between the lands of the said Armstrong, et ux, and the said Marine and Equipment, Inc.,

North 36°11' west, passing a corner common to the lands of the said Armstrong, et ux and the lands now or formerly owned by Ethel L. Travis, at approximately 20 feet, passing the Southeasterly right-of-way line of Cranberry Alley at approximately 97 feet, in all 112 feet to a point in the Northwesterly right-of-way line of the said Cranberry Alley, said point being a corner common to the lands now or formerly owned by Victor G. Gustafson, et ux, and the said Marine and Equipment, Inc.; thence, leaving the Northwesterly right-of-way line of the said Cranberry Alley and with the line between the lands of the said Gustafson, et ux and the said Marine and Equipment, Inc.,

North 16°37' west 92 feet to a corner common to the lands of the said Gustafson, et ux, the said Marine and Equipment, Inc., and the lands now or formerly owned by Robert E. Sigal, et ux; thence, leaving the lands of the said Gustafson, et ux, and with the line between the lands of the said Sigal, et ux and the said Marine and Equipment, Inc.,

North 08°17' west, passing the Southwesterly right-of-way line of Cherry Alley at approximately 10 feet, passing the Northeasterly right-of-way line of the said Cherry Alley at approximately 30 feet, in all 120 feet to a corner common to the lands of the said Sigal, et ux and the said Marine and Equipment, Inc.; thence, continuing with the line between the other lands of the said Sigal, et ux and the said Marine and Equipment, Inc.,

North 02°35' West 88 feet to a corner common to the lands of the said Sigal, et ux and the said Marine and Equipment, Inc., said point being in the Southeasterly right-of-way line of Fourth Street; thence, leaving the lands of the said Sigal, et ux and with the line of the lands of the said Marine and Equipment, Inc., along the Easterly end of the said Fourth Street,

North 16°28' East 91 feet to a point at the intersection of the center of the said Fourth Street with the center of John Street; thence, leaving the said Fourth Street and with the Southeasterly end of John Street and the line of the lands of the said Marine and Equipment, Inc.,

North 03°57' East, passing the Northeasterly right-of-way line of the said John Street at approximately 32 feet, and continuing with the line of the lands now or formerly owned by Robert James Kyle, et ux, in all 111 feet to a corner common to the lands of the said Kyle, et ux, the said Marine and Equipment Co., Inc. and the lands now or formerly owned by Walter J. Bruno, et ux; thence, leaving the lands of the said Kyle, et ux, and with the line between the lands of the said Bruno, et ux, and the said Marine and Equipment, Inc.,

North 59°46' East, crossing the center of Vandermark Creek at approximately 192 feet, in all 239 feet to a corner common to the lands of the said Bruno, et ux, the said Marine and Equipment, Inc., and the lands now or formerly owned by The Commonwealth of Pennsylvania; thence, leaving the lands of the said Bruno, et ux and the lands of the said Crellin's Marine and Equipment, Inc. and severing the lands of the said Commonwealth of Pennsylvania,

South 75°07' East 308 feet to a point in the line between the lands of the said Commonwealth of Pennsylvania and the lands now or formerly owned by Cornelius Koenderman, et ux; thence, leaving the lands of the said Commonwealth of Pennsylvania, and severing the lands of the said Koenderman, et ux,

South 75°07' East 74 feet to a point in the line between the lands of the said Koenderman, et ux, and the lands now or formerly owned by William C. Gottlieb; thence, leaving the lands of the said Koenderman, et ux and severing the lands of the said Gottlieb,

South 52°21' East 56 feet to a point in the line between the lands of the said Gottlieb and the lands now or formerly owned by Mary Jane Healy; thence, leaving the lands of the said Gottlieb and severing the lands of the said Healy, the following courses and distances:

South 45°22' East 50 feet,

South 50°25' East 84 feet to a point in the line between the lands of the said Healy and the lands now or formerly owned by William T. Braisted; thence, leaving the lands of the said Healy, and severing the lands of the said Braisted,

South 50°25' East 12 feet to a point in the line between the lands of the said Braisted and the lands now or formerly owned by the Glen Crest Equipment Co.; thence, leaving the lands of the said Braisted, and severing the lands of the said Equipment Co.,

South 53°17' East 54 feet to a point in the line between the lands of the said Equipment Co., and the lands now or formerly owned by Orville R. Nearing; thence, leaving the lands of the said Glen Crest Equipment Co., and severing the lands of the said Nearing, the following courses and distances:

South 51°25' East 108 feet,

North 72°09' East, crossing the line between the Borough of Milford and the Township of Milford at approximately 87 feet, in all 117 feet to a corner common to the lands of the said Nearing, the lands now or formerly owned by Fortunata Bizzigotti, and the lands now or formerly owned by Marshall Myer, et ux, said corner being in the center of Bennett Avenue; thence, leaving the lands of the said Bizzigotti, and with the line between the lands of the said Myer, et ux and the said Nearing, and with the center of the said Bennett Avenue,

South 47°51' East 59 feet to a corner common to the lands of the said Myer, et ux and the said Nearing, and in the line of the lands now or formerly owned by Ralph G. La Pasta, et ux, said corner being at the intersection of the center of the said Bennett Avenue with the center of Minerva Avenue; thence, leaving the lands of the said Nearing, and the center of the said Bennett Avenue, and with the line between the lands of the said Myer, et ux and the said La Pasta, et ux, and with the center of the said Minerva Avenue,

North 44°22' East 92 feet to a corner common to the lands of the said Myer, et ux and the said La Pasta, et ux, said corner being at the intersection of the center of the said Minerva Avenue with the center of Mildred Road; thence, leaving the center of the said Minerva Avenue, and with the center of the said Mildred Road, continuing with the line between the lands of the said Myer, et ux and the said La Pasta, et ux,

South 45°04' East, passing a corner common to the lands of the said Myer, et ux and the lands now or formerly owned by William J. Scott, et ux, at approximately 47 feet, in all 114 feet to a point in the line between the land of the said Scott, et ux and the said LaPasta, et ux; thence, leaving the center of Mildred Road and severing the lands of the said Scott, et ux,

North 60°28' East 190 feet to a point in the line between the lands of the said Scott, et ux and the lands now or formerly owned by Ralph R. Mayer, et ux; thence, leaving the lands of the said Scott, et ux, and severing the lands of the said Ralph R. Myer, et ux,

North 27°30' East 223 feet to a point in the line between the lands of the said Ralph R. Myer, et ux, and the lands now or formerly owned by Clifford Myer, et ux; thence, leaving the lands of the said Ralph R. Myer, et ux, and severing the lands of the said Clifford Myer, et ux, the following courses and distances:

North 22°55' East 118 feet,

North 56°38' East 240 feet,

South 63°28' East 375 feet to a point in the line between the lands of the said Clifford Myer, et ux and the lands now or formerly owned by Julio A. Santos, et ux; thence, with the line between the lands of the said Clifford Myer, et ux and the said Santos, et ux,

North 47°41' West 275 feet to a point in the line between the lands of the said Clifford Myer, et ux and the said Santos, et ux; thence, leaving the lands of the said Clifford Myer, et ux and severing the lands of the said Santos, et ux,

North 56°38' East 1,148 feet to a point in the line between the lands of the said Santos, et ux and the lands now or formerly owned by James E. Myer, et ux; thence, leaving the lands of the said Santos, et ux, and severing the lands of the said James E. Myer, et ux,

North 59°13' East 1,014 feet to a point in the line between the lands of the said James E. Myer, et ux and the lands now or formerly owned by Mary R. Cuddeback, et al; thence, leaving the lands of the said Myer, et ux, and severing the lands of the said Cuddeback, et al.

North 59°31' East 321 feet to a corner common to the land of the said Cuddeback, et al and the lands now or formerly owned by Ira Rosencrance, et ux; thence, leaving the lands of the said Cuddeback, et al, and severing the lands of the said Rosencrance, et ux,

South 60°10' East 229 feet to a point in the line between the lands of said Rosencrance, et ux and other lands now or formerly owned by Julio A. Santos, et ux; thence, leaving the lands of the said Rosencrance, et ux, and severing the lands of the said Santos, et ux, the following courses and distances:

South 60°10' East, crossing the center of a right-of-way of the Tennessee Gas Transmission Company at approximately 282 feet, in all 522 feet,

North 34°15' East 1,120 feet to a point in the line between the said other lands of the said Santos, et ux and the lands now or formerly owned by Emil Moglia, et ux, and in the line between the Township of Milford and the Township of Westfall; thence, leaving the lands of the said Santos, et ux, and the said Milford-Westfall Township line, and severing the lands of the said Moglia, et ux, the following courses and distances:

North 34°15' East 285 feet,

North 80°24' East 886 feet,

North 56°17' West 405 feet,

North 45°21' West 426 feet to a point in the said line between the Township of Milford and the Township of Westfall; thence, continuing to sever the lands of the said Moglia, et ux, with the said Milford-Westfall Township line,

North 44°01' East 954 feet to a point; thence, leaving the said Milford-Westfall Township line, and continuing to sever the lands of the said Moglia, et ux,

North 64°43' East 461 feet to a corner common to the lands of the said Moglia, et ux and the lands now or formerly owned by Edson D. Mosher, et ux; thence, with the line between the lands of the said Mosher, et ux and the said Moglia, et ux,

South 40°55' East 448 feet to a corner common to the lands of the said Mosher, et ux, the said Moglia, et ux, the lands now or formerly owned by James Irish, et ux and the lands now or formerly owned by Dora H. Maxaner; thence, leaving the lands of the said Moglia, et ux and the said Maxaner, and with the line between the lands of the said Mosher, et ux and the said Irish, et ux,

North 44°25' East 299 feet to a corner common to the lands of the said Irish, et ux and the lands now formerly owned by Anthony E. Kersicki, et ux, and in the line of the lands of the said Mosher, et ux; thence, leaving the lands of the said Irish, et ux, and with the line between the lands of the said Mosher, et ux and the said Kersicki, et ux,

North 44°25' East 100 feet to a corner common to the lands of the said Kersicki, et ux and the lands now or formerly owned by Guido William Georgi, et al and in the line of the lands of the said Mosher, et ux; thence, leaving the lands of the said Kersicki, et ux, and with the line between the lands of the said Mosher, et ux and the said Georgi, et al,

North 44°25' East, passing a corner common to the lands of the said Mosher, et ux and the lands now or formerly owned by John E. Hosack, et ux at approximately 48 feet, passing a corner common to the lands of the said Hosack, et ux and the lands now or formerly owned by Jonathan T. Palmer II, et ux at approximately 220 feet, passing a corner common to the lands of the said Palmer II, et ux and the lands now or formerly owned by Bert Van Etten, et ux at approximately 401 feet, in all 500 feet to a corner common to the lands of the said Georgi, et al and the lands now or formerly owned by Gloria Marie Palmer, and in the line of the lands of the said Van Etten, et ux; thence, leaving the lands of the said Georgi, et al and with the line between the lands of the said Van Etten, et ux and the said Palmer,

North 44°25' East 232 feet to a corner common to the lands of the said Palmer and the lands now or formerly owned by Charles I. Sebring, et ux, and in the line of the lands of the said Van Etten, et ux; thence, leaving the lands of the said Van Etten, et ux and with the line between the lands of the said Palmer and the said Sebring, et ux,

South 42°12' East 134 feet to a corner common to the lands of the said Palmer and other lands of the said Georgi, et al and in the line of the lands of the said Sebring, et ux; thence, leaving the lands of the said Palmer and with the line between the lands of the said Sebring, et ux and the said Georgi, et al,

South 60°45' East, passing a corner common to the lands of the said Sebring, et ux and the lands now or formerly owned by Beatrice Rosencrance, said corner being in the Northwesterly right-of-way line of a private road, at 16 feet, in all 34 feet to a corner common to the lands of the said Rosencrance, the lands of the said Georgi, et al, the lands now or formerly owned by Charles Healy, et ux, and the lands now or formerly owned by Robert James Reiser, et ux, said corner being in the Southeasterly right-of-way line of the said private road; thence, leaving the lands of the said Georgi, et al and the said Healy, et ux and with the line between the lands of the said Rosencrance and the said Reiser, et ux, and with the Southeasterly right-of-way line of the said private road,

North 44°42' East 273 feet to a corner common to the lands of the said Reiser, et ux and the lands now or formerly owned by Richard V. Gassmann, et ux, and in the line of the lands of the said Rosencrance; thence, leaving the lands of the said Reiser, et ux, and continuing with the said Southeasterly right-of-way line of the said private road, and with the line between the lands of the said Rosencrance and the said Gassmann, et ux,

North 44°42' East 390 feet to a corner common to the lands of the said Rosencrance and the said Gassmann, et ux, and in the line of the lands now or formerly owned by Helen W. Sargent, et vir, said corner being in the center of Roberts Lane; thence, leaving the lands of the said Gassmann, et ux, and with the line between the lands of the said Rosencrance and the said Sargent, et vir, and with the center of the said Roberts Lane,

North 50°06' West, passing a corner common to the lands of the said Rosencrance and the lands now or formerly owned by Orra L. Shannon, said corner being at the intersection of the Northwesterly right-of-way line of the said private road with the center of the said Roberts Lane, at approximately 22 feet, in all 86 feet to a point in the line between the lands of the said Shannon and the said Sargent, et vir; thence, leaving the center of the said Roberts Lane and severing the lands of the said Sargent, et vir,

North 43°06' East 161 feet,

North 32°08' East 327 feet to a corner common to the lands now or formerly owned by Warner L. Tschopp, et ux and the lands now or formerly owned by Rhoda Graf, et al, and in the line of the lands of said Sargent, et vir; thence, leaving the lands of the said Sargent, et vir, and with the line between the lands of the said Tschopp, et ux and the said Graf, et al,

North 39°38' West, passing a corner common to the lands of the said Tschopp, et ux and the lands now or formerly owned by Emil J. Schields, et ux, at 145 feet, passing a corner common to the lands of the said Schields, et ux and the lands now or formerly owned by Daniel Benedetto, et ux at 295 feet, in all 644 feet to a corner common to the lands of the said Benedetto, et ux, the said Graf, et al, the lands now or formerly owned by James J. Plunkett, et ux and the lands now or fomerly owned by Marion R. Phillips, said corner being in the center of United States Highway Numbers 6 and 209; thence, leaving the lands of the said Benedetto, et ux and the said Graf, et al, and the center of United States Highway Numbers 6 and 209, and with the line between the lands of the said Plunkett, et ux and the said Phillips,

North 35°26' West 25 feet to a corner common to the lands of the said Phillips and to other lands of the said Phillips, used for cemetery purposes, and in the line of the lands of the said Plunkett, et ux, and the said other lands of the said Phillips,

North 35°26' West 122 feet to a corner common to the said other lands of the said Phillips and the lands of the said Phillips, and in the line of the lands of the said Plunkett, et ux, said corner being in the Southeasterly right-of-way line of a road commonly known as Old Milford Road; thence, leaving the Southeasterly right-of-way line of the said Old Milford Road, and leaving the said other lands of the said Phillips, and with the line between the lands of the said Plunkett, et ux and the lands of the said Phillips,

North 35°26' West 17 feet to a corner common to the lands of the said Plunkett, et ux, the said Phillips, the lands now or formerly owned by Bert Van Etten, et ux and the lands now or formerly owned by Charles T. Sebring, et ux, said corner being in the center of the said Old Milford Road; thence, leaving the lands of the said Plunkett, et ux and the lands of the said Van Etten, et ux and with the line between the lands of the said Sebring, et ux and the said Phillips, with the center of the said Old Milford Road,

North 65°54' East, passing a corner common to the lands of the said Sebring, et ux and the lands now or formerly owned by Otto L. Georgi, Jr., at approximately 109 feet, in all 135 feet to a corner common to the lands of the said Georgi, Jr., and the said Phillips; thence, leaving the center of the said Old Milford Road, and continuing with the line between the lands of the said Georgi, Jr., and the said Phillips,

North 33°06' West 466 feet to a corner common to the lands of the said Phillips and the lands now or formerly owned by the Commonwealth of Pennsylvania and in the line of the lands of the said Georgi, Jr.; thence, leaving the lands of the said Georgi, Jr., and with the line between the lands of the said Commonwealth of Pennsylvania and the said Phillips, the following courses and distances:

North 68°50 East 521 feet,

North 66°56' East 288 feet to a corner common to the lands of the said Commonwealth of Pennsylvania and the said Phillips, and in the line of the lands now or formerly owned by Arthur Paul MacArthur, et al; thence, leaving the lands of the said Commonwealth of Pennsylvania and with the line between the lands of the said MacArthur, et al and the said Phillips,

South 56°21' East 250 feet to a corner common to the lands of the said MacArthur, et al and the said Phillips, and in the line of the lands now or formerly owned by George L. Moon, et ux, said corner being in the center of the said Old Milford Road; thence, leaving the lands of the said Phillips, and with the line between the lands of the said MacArthur, et al and the said Moon, et ux, with the center of the said Old Milford Road,

North 37°44' East 209 feet to a corner common to the lands of the said Moon, et ux and the lands now or formerly owned by Harold Kinney, Jr., et ux, and in the line of the lands of the said MacArthur, et al; thence, leaving the lands of the said Moon, et ux, and with the line between the lands of the said MacArthur, et al and the said Kinney, Jr., et ux, continuing with the center of the said Old Milford Road,

North 30°15' East 115 feet to a corner common to the lands of the said Kinney, Jr., et ux and the lands now or formerly owned by George Reidinger, et ux, and in the line of the lands of the said MacArthur, et al; thence, leaving the lands of the said Kinney, Jr., et ux and with the line between the lands of the said MacArthur, et al and the said Reidinger, et ux, continuing wtih the center of the said Old Milford Road,

North 31°41' East 100 feet to a corner common to the lands of the said Reidinger, et ux and the lands now or formerly owned by George R. Ralston, et ux, and in the line of the lands of the said MacArthur, et al; thence, leaving the lands of the said Reidinger, et ux and with the line between the lands of the said MacArthur, et al and the said Ralston, et ux, continuing with the center of the said Old Milford Road,

North 31°40' East 66 feet to a corner common to the lands of the said Ralston, et ux and the lands now or formerly owned by Comonaldo Cicerone, and in the line of the lands of the said MacArthur, et al; thence, leaving the lands of the said Ralston, et ux, and with the line between the lands of the said MacArthur, et al and the said Cicerone, continuing with the center of the said Old Milford Road,

North 31°40' East 195 feet to a corner common to the lands of the said Cicerone and

the lands now or formerly owned by Leslie T. Finkelday, et ux, and in the line of the lands of the said MacArthur, et al; thence, leaving the lands of the said Cicerone and with the line between the lands of the said MacArthur, et al and the said Finkelday, et ux, continuing with the center of the said Old Milford Road, the following courses and distances:

North 30°34' East 71 feet,
North 38°36' East 133 feet,
North 46°18' East 94 feet,
North 57°06' East 121 feet to a point at the intersection of the center of the said Old Milford Road with the center of a road commonly known as Cummins Hill Road; thence, leaving the center of the said Cummins Hill Road, and continuing with the line between the lands of the said MacArthur, et al, and the said Finkelday, et ux and with the center of the said Old Milford Road,
North 61°32' East 67 feet to a corner common to the lands of the said MacArthur, et al and the said Finkelday, et ux, said corner being in the center of the said Old Milford Road at its intersection with the center of Cummins Creek; thence, leaving the center of the said Old Milford Road, and continuing with the line between the lands of the said MacArthur, et al and the said Finkelday, et ux, downstream with the center of the said Cummins Creek, the following courses and distances:

South 04°39' East 123 feet,
South 70°24' East 63 feet,
South 44°47' East 190 feet to a corner common to the lands of the said Finkelday, et ux and the lands now or formerly owned by Carl F. Cluck, et al., and the line of the lands of the said MacArthur, et al., said corner being in the center of the said United States Highway Numbers 6 and 209; thence, leaving the lands of the said Arthur Paul MacArthur, et al., and the center of the said Cummins Creek and with the line between the lands of the said Cluck, et al. and the said Finkelday, et ux and with the center of the said United States Highway Numbers 6 and 209,
South 48°52' West 412 feet to a corner common to the lands of the said Finkelday, et ux, the said Cluck, et al., the lands now or formerly owned by Robert C. Phillips, et ux, and the lands of the said Comonaldo Cicerone; thence, leaving the lands of the said Finkelday, et ux and the said Cicerone and the center of the said United States Highway Numbers 6 and 209 and with the line between the lands of the said Cluck, et al., and the said Phillips, et ux,
South 47°15' East 683 feet to a point in the right descending bank of the said Delaware River; thence, leaving the lands of the said Cluck, et al. and the said Phillips, et ux and the said right descending bank,
South 47°15' East 222 feet to a point on the line between Pike County, Commonwealth of Pennsylvania, and Sussex County, State of New Jersey, said point being in the approximate center of the said River, the coordinate value of which is North 442,180 and East 2,821,010; thence, with the said line between the said Commonwealth and the said State, downstream, passing the center of the United States Highway Number 206 bridge at approximately 3.9 miles, passing the center of the Dingmans Ferry Bridge at approximately 11.4 miles, passing the center of Depue Island at approximately 34.7 miles, passing the center of Shawnee Island at approximately 36.1 miles, passing the center of Schellenberger Island at approximately 37.2 miles, passing the center Interstate Highway Number 80 bridge at approximately 37.9 miles, passing the center of Arrow Island at approximately 39.6 miles, in all 40.6 miles to a point in the said river opposite the mouth of the said Slateford Creek; thence, leaving the center of the said river and the said line between the said State and the said Commonwealth,

South 51°26' West 208 feet to the place of beginning, containing 17,455 acres (land area only), more or less, of which 9,423 acres (land area only) are located within the Tocks Island Lake.

The bearings used herein are referenced to the Pennsylvania State Rectangular Grid System (North Zone) 1927, N. A. Datum.

[FR Doc.77-15805 Filed 6-6-77;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEE

Notice of Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) (formerly Subpart D of Part 2, prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)), relating to advisory committees. The following advisory committee meeting is announced:

Committee name	Date, time, and place	Type of meeting and contact person
National Advisory Food and Drug Committee.	June 27 and 28, 9 a.m., conference room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open public hearing June 27, 9 to 10 a.m.; open committee discussion June 27, 10 a.m. to 4 p.m.; June 28, 9 a.m. to 1 p.m.; William V. Whitehorn, M.D. (HFG-1), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-1547.

General function of the committee. Reviews and evaluates agency programs and advises on policy matters of national significance as they relate to the statutory mission of the Food and Drug Administration in the areas of foods, drugs, cosmetics, medical devices, biological products, and electronic products. Reviews and makes recommendations of applications for grants-in-aid for research projects relevant to the mission of the Food and Drug Administration as required by law.

Agenda—Open public hearing. Any interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. Remarks by the Commissioner; issues from the Bureaus; presentations by invited guests on how the public views FDA; reports of the subcommittee on facilities; reports of the subcommittee on research grant guidelines; review of research grant applications.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this FEDERAL REGISTER notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be obtained from the Public Records and Documents Center (HFC-18), 5600 Fishers Lane, Rockville, Md. 20857, between the hours of 9 a.m. and 4 p.m., Monday through Friday. The FDA regulations relating to public advisory committees may be found in 21 CFR Part 14 (formerly Subpart D of Part 2, prior to recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)).

Dated: May 27, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-15843 Filed 6-6-77;8:45 am]

[Docket No. 77N-0058]

NDA 1-497, MERCK SHARP & DOHME, ET AL.

New Drug Applications; Withdrawal of Approval

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration is withdrawing approval of 56 new drug applications on the ground of applicants' failure to submit annual reports, as required under the Federal Food, Drug, and Cosmetic Act, and their waiver of an opportunity for hearing.

DATES: Effective June 13, 1977.

FOR FURTHER INFORMATION CONTACT:

Herbert Behrens, Bureau of Drugs (HFD-105), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, (301-443-4320).

SUPPLEMENTARY INFORMATION: The holders of the new drug applications listed herein have not submitted annual reports of experience with the drugs as required and have advised the Food and Drug Administration that marketing of the drugs involved has been discontinued. The applicants have requested withdrawal of approval of the new drug applications and have waived their opportunity for hearing.

NDA No.	Drug name	Applicant's name and address
1-497	Elixir Daldrin	Merck Sharp & Dohme, Division of Merck & Co., Inc., West Point, Pa. 19486.
2-313	Delvinal (vinbarbital)	Do.
2-467	Vicks Inhaler	Vick Chemical Co., Division of Richardson-Merrell, Inc., 1 Bradford Rd., Mount Vernon, N.Y. 10553.
2-841	Chorionic Gonadotropin	O'Neal Jones & Feldman, Inc., 2510 Metro Blvd., Maryland Heights, Mo. 63043.
2-847	Breonex	Do.
3-800	Nicotinic Acid	The Vale Chemical Co., Inc., 1201 Liberty St., Allentown, Pa. 18102.
4-026	Pentobarbital	Cooper Laboratories, Inc., 110 East Hanover Ave., Cedar Knolls, N.J. 07927.
4-635	Beelysyl in D5-W	Abbot Laboratories, Abbot Park, North Chicago, Ill. 60064.
4-638	Stilbestrol (diethylstilbestrol)	Vale Chemical Co., Inc.
6-220	Metopon HCl	Merck Sharp & Dohme.
6-290	Neo-Antergan Maleate (pyrilamine maleate).	Do.
6-310	Steri-Vial Methadone HCl	Parke, Davis & Co., Joseph Campau at the River, Detroit, Mich. 48232.
6-345	Methadone HCl	Beecham Laboratories, 501 Fifth St., Bristol, Tenn. 37620.
6-370	Methadone HCl	Merrell-National Laboratories, Division of Richardson-Merrell, Inc., Cincinnati, Ohio 45215.
6-416	Propylthiouracil	Cole Pharmacal Co., Inc., 3721 Laclede Ave., St. Louis, Mo. 63108.
6-504	Methadone HCl	O'Neal, Jones & Feldman, Inc.
6-824	S.C.T. Methapyrilene HCl	The Blue Line Chemical Co., 302 South Broadway, St. Louis, Mo. 63102.
6-990	Cystokon/Pyelokon-R (sodium acetrizoate).	Mallinckrodt, Inc., Mallinckrodt and 2d St., St. Louis, Mo. 63147.
7-059	Anahist (thonzylamine HCl)	Warner-Lambert Co., 201 Tabor Rd., Morris Plains, N.J. 07950.
7-155	Pyranisamine Maleate	ICN Pharmaceuticals, Inc., 5040 Lester Rd., Cincinnati, Ohio 45213.
7-382	Cycloine HCl with Dextrose (hexylcaine HCl).	Merck Sharp & Dohme.
7-541	Novocain and Pontocaine HCl with Levophed.	Sterling Drug, Inc., 90 Park Ave., New York, N.Y. 10016.
7-608	Pyranisamine Maleate and Aspirin Compound.	KV Pharmaceutical Co., 2503 South Hanley Rd., St. Louis, Mo. 63144.
7-629	PMAC	ICN Pharmaceuticals, Inc.
8-044	Morphine Phosphate	Mallinckrodt, Inc.
8-232	Cycloine (hexylcaine HCl)	Merck Sharp & Dohme.
9-786	Hycor (hydrocortisone acetate)	Gold Leaf Pharmacal Co., Inc., 223 South Dean St., Englewood, N.J. 07631.
10-107	Miokon (sodium diprotrizoate)	Mallinckrodt, Inc.
10-189	Sterisil (hexetidine)	Warner-Lambert Co.
10-234	Pyrilamine Maleate	Invenex Pharmaceuticals, P.O. Box 122, Grand Island, N.Y. 14072
10-264	Duocaine	Graham Chemical Corp., 129-21 Merrick Blvd., Jamaica, N.Y. 11434.
10-383	Kolynos Fluoride Toothpaste	Whitehall Laboratories, Division of American Home Products Corp., 685 3d Ave., New York, N.Y. 10017.
10-395	Histiomex (phenyltoloxamine)	Pennwalt Corp., Pharmaceutical Division, Jefferson Rd., Rochester N.Y. 14623.
10-707	Vitamin B_{12} Concentrate	Taylor Pharmacal Co., 1222 Grand Ave., Decatur, Ill. 62525.
11-125	Polygyl Ophthalmic	Almay, Inc., Schieffelin Rd., Apex, N.C. 27502.
11-363	Feat Anti-Fungal Powder	Shulton, Inc., Clifton, N.J. 07015.
11-389	Kynex Acetyl (sulfamethoxypyridazine).	Lederle Laboratories, Pearl River, N.Y. 10965.
11-840	Aller-G-Tablets (clemizole HCl).	Pfizer Inc., 235 East 42d St., New York, N.Y. 10017.
11-862	Midicel Acetyl	Parke, Davis & Co.
12-149	Trypp Nose Drops	U.S.V. Pharmaceutical Corp., 1 Scarsdale Rd., Tuckahoe, N.Y. 10707.
12-784	Cortiphate (hydrocortisone-21-phosphate).	Travenol Laboratories, Inc., Deerfield, Ill. 60015.
12-849	Tri-Span	Vick Chemical Co.
13-007	Novrad with A.S.A.	Eli Lilly & Co., Indianapolis, Ind. 46206.
13-106	Hytrast	E. Fougera & Co., Inc., Division of Byk Gulden, Inc., Cantiague Rock Rd. Hicksville, N.Y. 11802.
13-230	Dymecaine HCl	Graham Chemical Corp.
13-649	Tripex	Person & Covey, Inc., 616 Allen Ave., Glendale, Calif 91201.
15-149	Ruby (aspirin)	Vick Chemical Co.
16-111	Veruitest	Fuller Laboratories, Division of Parke Davis & Co., Joseph Campau at the River, Detroit, Mich. 48232.
16-178	Entericin (aspirin)	Bristol-Myers Products, Division of Bristol-Myers Co., 345 Park Ave., New York, N.Y. 10022.
16-221	T orotrast (colloidal thorium dioxide).	Chromalloy Pharmaceuticals Inc., 12741 Capital Ave., Oak Park, Mich. 48237.

NDA No.	Drug name	Applicant's name and address
16-437	Vasitol With Phenobarbital	Rowell Laboratories, Inc., 210 Main Street West, Baudette, Minn. 56623.
16-838	Cystosol Urologic Irrigation Fluid.	Travenol Laboratories.
16-856	Sterile Phenytoin Sodium	Rachelle Laboratories, Inc., 700 Henry Ford Ave., Long Beach, Calif. 90801.
17-217	Triolein I^{125}	Mallinckrodt, Inc.
17-445	Strontium 87m Sterile Generator.	Amersham/Searle Corp., 2636 South Clearbrook Dr., Arlington Heights, Ill. 60005.
17-840	Radio-Iodinated ^{125}I Serum Albumin.	Abbott Laboratories.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053 as amended (21 U.S.C. 355 (e))), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82) (recodification published in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)), approval of the new drug applications listed above, and supplements thereto, is hereby withdrawn on the grounds that the applicants have failed to make reports under section 505 (j) of the act (21 U.S.C. 355(j)) and § 310.300 or § 310.302 (e) and (e) of the new drug regulations (21 CFR 310.300 and 310.301(e) and (f)).

This order shall become effective on June 13, 1977.

Dated: May 25, 1977.

J. RICHARD CROUT,
Director, Bureau of Drugs.

[FR Doc.77-15691 Filed 6-6-77;8:45 am]

[NADA No. 32-378V]

NORDEN LABORATORIES

Sulfamethazine Spanbolet Tablets; Withdrawal of Approval of New Animal Drug Application

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration is withdrawing a new animal drug application (NADA) for sulfamethazine spanbolet tablets.

EFFECTIVE DATE: June 7, 1977.

FOR FURTHER INFORMATION CONTACT:

David N. Scarr, Bureau of Veterinary Medicine (HFV-210), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, (301-443-3183).

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347 (21 U.S.C. 360b(e))) and under authority redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.29), the following notice is issued:

Norden Laboratories, Inc., Lincoln, NE 68501, holder of approved NADA No. 32-378V for sulfamethazine spanbolet tablets requested by letter dated January 17, 1977, that approval of the NADA be withdrawn and waived its opportunity for a hearing. The NADA, which was originally approved February 20, 1967, currently provides for the use of the drug for oral administration to nonlactating cattle for treatment of infectious disease in which the causitive organism is sensitive to sulfamethazine. The firm requested that the NADA be withdrawn because the drug is no longer being marketed.

Therefore, in accordance with § 514.115 (21 CFR 514.115), notice is given that approval of NADA 32-378V and all supplements thereto for sulfamethazine spanbolet tablets is hereby withdrawn, effective June 7, 1977.

Published elsewhere in this issue of the FEDERAL REGISTER is a final rule revoking § 520.2260a *Sulfamethazine tablets and boluses* (21 CFR 520.2260a) to reflect this withdrawal of approval.

Dated: May 27, 1977.

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

[FR Doc.77-15840 Filed 6-6-77;8:45 am]

PANEL ON REVIEW OF BLOOD AND BLOOD DERIVATIVES

Agenda Change

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The agenda for the meeting of the Panel on Review of Blood and Blood Derivatives has been changed.

DATES: June 17-18, 1977.

ADDRESS: Room 115, Bldg. 29, 8800 Rockville Pike, Bethesda, Md.

FOR FURTHER INFORMATION CONTACT:

Clay Sisk, Bureau of Biologics (HFB-5), Food and Drug Administration, Department of Health, Education, and Welfare, 8800 Rockville Pike, Bethesda, MD 20014 (301-443-5455).

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), the Food and Drug Administration (FDA) announced in a notice published in the FEDERAL REGISTER of May 13, 1977 (42 FR 24326), meeting of FDA public advisory committees and other required information in accordance with provisions set forth is section 10(a) (1) and (2) of the act.

Notice is hereby given that the agenda of the Panel on Review of Blood and Blood Derivatives meeting scheduled for June 17 and 18, 1977, has been amended to include discussion of hypotensive reactions to plasma protein fraction (human). Recent reports of severe hypotensive reactions associated with the administration of plasma protein fraction (human) and recommendations for further regulatory actions for the licensed plasma protein fraction (human) products will be discussed in open public hearing. Any interested person who wishes to make a presentation at the hearing should inform the contact person shown above. This discussion will begin at 11 a.m. on June 17.

Dated: June 2, 1977.

JOSEPH P. HILE,
Associate Commissioner for Compliance.

[FR Doc.77-16103 Filed 6-6-77;8:45 am]

[Docket No. 76N-0305]

SAFETY OF CERTAIN FOOD INGREDIENTS

Opportunity for Public Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration is announcing an opportunity for public hearing on the safety of certain food ingredients to determine if they are generally recognized as safe (GRAS) or subject to a prior sanction.

DATES: Requests to make oral presentations at the public hearing must be postmarked on or before July 5, 1977.

ADDRESSES: Written comments to the hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT:

Corbin Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C St. SW., Washington, D.C. 20204, (202-472-4750).

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs issued, in the FEDERAL REGISTER of July 26, 1973 (38 FR 20053), a notice advising the public that an opportunity would be provided for oral presentation of data, information, and views at public hearings to be conducted by the Select Committee on GRAS Substances of the Life Sciences Research Office, Federation of American Societies for Experimental Biology (hereinafter referred to as the Select Committee), about the safety of ingredients used in food to determine if they are generally recognized as safe (GRAS) or subject to a prior sanction.

The Commissioner now gives notice that the Select Committee is prepared to conduct a public hearing on the following categories of food ingredients: Butylated hydroxyanisole; hypophosphites (calcium, manganese, potassium, sodium); rennet; vegetable oils (coconut oil, peanut oil, linoleic acid, oleic acid). The public hearing will provide an

opportunity, before the Select Committee reaches its final conclusions, for any interested person(s) to present scientific data, information, and views on the safety of these substances, in addition to those previously submitted in writing pursuant to notices published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20051, 20053), and April 17, 1974 (39 FR 13796, 13798).

The Select Committee has reviewed all the available data and information on the categories of food ingredients listed above and has reached one of the five following tentative conclusions on the status of each:

1. There is no evidence in the available information that demonstrates or suggests reasonable grounds to suspect a hazard to the public when it is used at levels that are now current or that might reasonably be expected in the future.

2. There is no evidence in the available information that demonstrates or suggests reasonable grounds to suspect a hazard to the public when it is used at levels that are now current and in the manner now practiced. However, it is not possible to determine, without additional data, whether a significant increase in consumption would constitute a dietary hazard. (This finding does not apply to the substances covered by this notice.)

3. Although no evidence in the available information demonstrates a hazard to the public when it is used at levels that are now current and in the manner now practiced, uncertainties exist requiring that additional studies be conducted.

4. The evidence is insufficient to determine that the adverse effects reported are not deleterious to the public health when it is used at levels that are now current and in the manner now practiced. (This finding does not apply to the substances covered by this notice.)

5. The information available is not sufficient to make a tentative conclusion. (This finding does not apply to the substances covered by this notice.)

The following table lists each ingredient, the Select Committee's tentative conclusion (keyed to the five types of conclusions listed above), and the available information on which the Select Committee reached its conclusion.

Substance	Select committee tentative conclusion	Scientific literature review		Animal study report		Other information
		Order No.	Cost	Order No.	Cost	
Butylated hydroxyanisole	3	PB-223-863/AS	$3.50	Mutagenic evaluation (host mediated, dominant lethal, and cytogenetic) of butylated hydroxyanisole (71-24) by Litton Bionetics, under FDA contract (PB-245-460/AS).	$5.25	a. Human intake data, taken from "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe (GRAS)," available from the National Technical Information Service, PB Nos. 221-921 through 221-949.
				Mutagenic evaluation (tier 1) of butylated hydroxyanisole (71-24) by Litton Bionetics, Inc., under FDA contract (PB-245-510/AS).	3.75	b. "Evaluation of the health aspects of butylated hydroxytoluene as a food ingredient," submitted to FDA by FASEB.
				Teratologic evaluation of butylated hydroxyanisole (71-24) by Food and Drug Research Laboratories, Inc., under FDA contract (PB 221-783).	3.75	c. "Butylated hydroxyanisole: Toxicity and teratogenicity studies in avian embyros," submitted to FDA by University of Arizona.
Hypothosphites:		PB-228-544/AS	$3.00	None	None	a. Human intake data, taken from "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe (GRAS)," available from the National Technical Information Service, PB Nos. 221-921 through 221-949.
Managanese hypophosphite	1					b. Letters and telephone memo to the Life Sciences Research Office from General Foods Corp., General Mills, Inc., Mead Johnson, Merck & Co., Inc., Hoffmann-La Roche, Monsanto Chemical Co., Hooker Chemical Co., S. B. Penick Co., Atomergic Chemepals Co., American Hoechst Corp., Western Chemical Co.
Sodium hypophosphite	1					
Potassium hypophosphite	1					
Calcium hypophosphite	1					
Rennet	1	PB-228-541/AS	3.25	None	None	a. Human intake data, taken from "A" Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe (GRAS)," available from the National Technical Information Service, PB Nos. 221-921 through 221-949. b. "Investigation of the toxic and teratogenic effects of GRAS substances to the developing chicken embryo: rennet," J. M. Verrett, FDA. c. Letter dated Nov. 18, 1975, from J. A. Dailey, Foreign Trade Division, U.S. Department of Commerce. d. Letter dated June 3, 1974, from Paul K. Steinke, Pfizer, Inc. e. "Evaluation of the health aspects of propylene glycol and propylene glycol monostearate as food ingredients," submitted to FDA by FASEB. f. Christensen, V. W., "The commercial use of microbial coagulants in the U.S.A. cheesemaking industry" paper presented at the annual meeting, American Institute of Chemical Engineers, 1974. g. Letter dated Feb. 18, 1976, from V. W. Christensen, Miles Laboratories, Inc. h. Holmes, D. G. and C. A. Ernstrom, "Distribution of milk-clotting enzymes between curd and whey, and their survival during cheddar cheesemaking," paper presented at the 68th annual meeting, American Dairy Association, 1973.
Vegetable oils:						
Coconut oil	1	PB-228-546/AS	5.75	None	None	Human intake data taken from "A Comprehensive Survey of Industry on the Use of Food Chemicals Generally Recognized as Safe (GRAS)," available from the National Technical Information Service, PB Nos. 221-921 through 221-949.
Peanut oil	1					
Oleic acid	1					
Linoleic acid	1					

Reports in the table with "PB" prefixes may be obtained from the National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Rd., Springfield, Va. 22151. They can also be purchased in microfiche form for $2.25 each.

In addition to the information contained in the documents listed in the table above, the Select Committee supplemented, where appropriate, their reviews with specific information from specialized sources as announced in a previous hearing opportunity notice published in the FEDERAL REGISTER of September 23, 1974 (39 FR 34218).

The Select Committee's tentative reports on (1) butylated hydroxyanisole, (2) hypophosphites (calcium, manganese, potassium, and sodium), (3) rennet, and (4) vegetable oils (coconut oil, peanut oil, linoleic acid, and oleic acid) are available for review in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20857, and also at the Public Information Office, Food and Drug Administration, Rm. 3807, 200 C St. SW., Washington, D.C. 20204. In addition, all reports and documents used

by the Select Committee to review the ingredients are available for review in the office of the Hearing Clerk.

To schedule the public hearing, the Select Committee must be informed of the number of persons who wish to attend and the length of time requested to give their views. Accordingly, any interested person who wishes to appear at the public hearing to make an oral presentation shall so inform the Select Committee in writing, addressed to: The Select Committee on GRAS Substances, Life Sciences Research Office, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, Md. 20014. A copy of each such request shall be sent to the Hearing Clerk, address noted above; all such requests shall be placed on public display in that office. Any such requests must be postmarked on or before July 5, 1977, shall state the substance(s) on which an opportunity to present oral views is requested, and shall state how much time is requested for the presentation. As soon as possible thereafter, a notice announcing the date, time, place, and scheduled presentations for any public hearing that may be requested will be published in the FEDERAL REGISTER.

The purpose of the public hearing is to receive data, information, and views not previously available to the Select Committee about the substances listed above. Information already contained in the scientific literature reviews and in the tentative Select Committee report shall not be duplicated, although views on the interpretation of this material may be presented.

Depending on the number of requests for opportunity to make oral presentations, the Select Committe may reduce the time requested for any presentation. Due to time limitations, individuals and organizations with common interests are urged to consolidate their presentations. Any interested person may, in lieu of an oral presentation, submit written views, which shall be considered by the Select Committee. Three copies of such written views shall be addressed to the Select Committee at the address noted above, and must be postmarked not later than 10 days before the scheduled date of the hearing. A copy of any written views shall be sent to the Hearing Clerk, Food and Drug Administration, and shall be placed on public display in that office.

A public hearing will be presided over by a member of the Select Committee. Hearings will be transcribed by a reporting service, and a transcript of each hearing may be purchased directly from the reporting service and will also be placed on public display in the office of the Hearing Clerk, Food and Drug Administration.

Dated: May 25, 1977.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner For Compliance.

[FR Doc.77-15689 Filed 6-6-77;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

Addendum

This notice is an addendum to the first paragraph of the meeting notice which appeared to the FEDERAL REGISTER on Wednesday, May 25, 1977 on page 26709. That paragraph should read: Notice is hereby given, pursuant to P.L. 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on Friday, June 10 and on Saturday, June 11, 1977. Friday will be set aside for site visits in the Appalachian states (Tennessee, Southern Ohio, Kentucky, Georgia, Alabama and Arkansas) and will start at 8:30 a.m. and end at 5:30 p.m. The Saturday meeting will be held at the Sheraton Hotel, the Garbo Room, 1325 Virginia Avenue, Atlanta, Georgia, 30344 (404-768-6660) from 9 a.m. until 2 p.m.

Signed at Washington, D.C. on June 2, 1977.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.77-16025 Filed 6-6-77;8:45 am]

Office of the Secretary

PRESIDENT'S COMMITTEE ON MENTAL RETARDATION

Meeting

The President's Committee on Mental Retardation was established by Executive Order to provide advice and assistance in the area of mental retardation to the President including evaluation of the adequacy of the national effort to combat mental retardation; coordination of activities of Federal agencies; provision of adequate liaison between foundations and other private organizations; and development of information designed for dissemination to the general public.

The Committee will meet on Monday, June 27, 1977, 9 a.m. to 5 p.m., at the Radisson Inn Atlanta Hotel, Chamblee-Dunwoody Road, Atlanta, Georgia and on Tuesday, June 28, 1977, 9 a.m. to 5 p.m., at the Georgia Retardation Center, 4770 North Peachtree Road, Atlanta, Georgia. At the meeting, the Committee will discuss full citizenship rights, humane service systems, trends in residential facilities, public awareness, and prevention of mental retardation.

These meetings are open to the public. Further information on the President's Committee on Mental Retardation may be obtained from Mr. Fred J. Krause, Executive Director, President's Committee on Mental Retardation, Room 2614, ROB No 3, 7th and D Streets SW., Washington, D.C. 20201, telephone 202-245-7634.

Dated: May 31, 1977.

WILLIAM H. WILSNACK,
Acting Executive Director, President's Committee on Mental Retardation.

[FR Doc.77-16062 Filed 6-6-77;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. N-77-777]

INTERAGENCY DROUGHT EMERGENCY COORDINATING COMMITTEE

Designation of Additional Emergency Drought Impact Areas

AGENCY: Federal Disaster Assistance Administration.

ACTION: Notice of Emergency Drought Impact Areas.

SUMMARY: This is a Notice of the designation of additional counties as Emergency Drought Impact Areas by the Interagency Drought Emergency Coordinating Committee of 1977.

DATE: June 1, 1977.

FOR FURTHER INFORMATION CONTACT:

Jack W. McGraw, Director, Preparedness Office, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410 (202-634-7845).

Acting upon the request of the respective Governor, the Interagency Drought Emergency Coordinating Committee designated the following counties as Emergency Drought Impact Areas:

TEXAS

Andrews	Hall
Borden	Howard
Brewster	Jeff Davis
Castro	Kent
Childress	King
Coleman	Loving
Collingsworth	Lubbock
Concho	Lynn
Cottle	Martin
Crane	Midland
Crosby	Motley
Culberson	Parmer
Dawson	Pecos
Dickens	Presidio
Dimmit	Reeves
Donley	Scurry
Ector	Swisher
Floyd	Tom Green
Gaines	Upton
Garza	Ward
Glasscock	Wheeler
Gray	Winkler
Hale	Yoakum

The designation of a county as an Emergency Drought Impact Area does not confer entitlement to drought assistance.

Individuals and communities must meet the separate eligibility requirements established by each agency before assistance may be provided.

Under the authority granted to me as Secretary to the Committee by the Memorandum of Agreement (42 FR 21855, April 29, 1977), I have provided the list of designated counties for the public record.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.77-16069 Filed 6-6-77;8:45 am]

Office of Interstate Land Sales Registration

[Docket No. N-77-770]

BRIARCLIFF

Notice of Hearing

In the matter of: BRIARCLIFF, Edward M. Wrenn, Jr., President and Briarcliff, Inc., Respondent, Docket No. 77-49-IS, OILSR No. 0-0543-49-19.

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b), notice is hereby given that:

1. Briarcliff, Edward M. Wrenn, Jr., President and Briarcliff, Inc., authorized agent, and officers, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1710, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued April 20, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Briarcliff, located in Travis County, Texas, contain untrue statements of material facts required to be stated therein or necessary to make the statements therein not necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received May 13, 1977, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 Seventh Street SW., Washington, D.C. on August 4, 1977 at 2 p.m.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C. 20410 on or before July 1, 1977. Copies of all documents filed should be served at the same time on all parties of record.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: May 26, 1977.

JAMES W. MAST,
Chief,
Administrative Law Judge.

[FR Doc.77-16072 Filed 6-6-77;8:45 am]

[Docket No. N-77-776]

CIRCLE "D" COUNTRY ACRES

Notice of Hearing

In the Matter of: Circle "D" Country Acres, sections 1-8; acreage tracts 1-8, Halifax Corporation and James Franklin, President, Respondent, Docket No. 77-51-IS, OILSR No. 0-3360-49-441.

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b), notice is hereby given that:

1. Circle "D" Country Acres, Sections 1-8; Acreage Tracts 1-8, Halifax Corporation and James Franklin, President, authorized agents and officers, hereinafter referred to as "Respondent" being subject to the Provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1710, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued April 20, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 C.F.R. 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Circle "D" Country Acres, Sections 1-8; and Acreage Tracts 1-8, located in Bastrop County, Texas, contain untrue statements of material facts required to be stated therein or necessary to make the statements therein not necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received May 9, 1977, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 Seventh Street SW., Washington, D.C. on July 8, 1977 at 10 a.m.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C. 20410 on or before June 10, 1977. Copies of all documents filed should be served at the same time on all parties of record.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: May 13, 1977.

JAMES W. MAST,
Chief,
Administrative Law Judge.

[FR Doc.77-16078 Filed 6-6-77;8:45 am]

[Docket No. N-77-771]

CLEAR CREEK FOREST

Notice of Hearing

In the matter of CLEAR CREEK FOREST, sections 7, 8 and 9, Mithcell Development Corporation of the Southwest and Robert D. Grace, Vice President, Respondent, Docket No. 77-47-IS, OILSR No. 0-3105-49-345.

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b), notice is hereby given that:

1. Clear Creek Forest, Sections 7, 8 & 9, Mithcell Development Corporation of the Southwest and Robert D. Grace, Vice President, authorized agents and officers, hereinafter referred to as "Respondent", being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1710, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued April 18, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Clear Creek Forest, Sections 7, 8 and 9, located in Waller County, Texas, contain untrue statements of material facts required to be stated therein or necessary to make the statements therein not necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received May 18, 1977, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR

1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 Seventh Street SW., Washington, D.C. on August 16, 1977 at 10 a.m.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C. 20410 on or before July 5, 1977. Copies of all documents filed should be served at the same time on all parties of record.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: May 26, 1977.

JAMES W. MAST,
Chief,
Administrative Law Judge.

[FR Doc.77-16073 Filed 6-6-77;8:45 am]

[Docket No. N-77-774]

GOLDEN OAKS

Notice of Hearing

In the matter of GOLDEN OAKS, Joe B. McMaster, President and GOLDEN OAKS RANC, INC., Respondent, Docket No. 77-44-IS, OILSR No. 0-3370-49-446.

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b) notice is hereby given that:

1. Golden Oaks, Joe B. McMaster, President and Golden Oaks Ranch, Inc., authorized agents and officers, hereinafter referred to as "Respondent" being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1710, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued April 15, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 C.F.R. 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Golden Oaks Ranch, located in Williamson County, Texas, contain untrue statements of material facts required to be stated therein or necessary to make the statements therein not necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received May 3, 1977, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 Seventh Street SW., Washington, D.C. on July 15, 1977 at 10 a.m.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C., 20410 on or before June 14, 1977. Copies of all documents filed should be served at the same time on all parties of record.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: May 12, 1977.

JAMES W. MAST,
Chief
Administrative Law Judge.

[FR Doc.77-16076 Filed 6-6-77;8:45 am]

[Docket No. N-77-773]

McSHEPHERD RANCHES

Notice of Hearing

In the matter of McShepherd Ranches, Joe B. McMaster, President and McShepherd Ranches, Inc., Respondent, Docket No. 77-45-IS, OILSR No. 0-3351-49-438.

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b) notice is hereby given that:

1. McShepherd Ranches, Joe B. McMaster, President and McShepherd Ranches, Inc., authorized agents and officers, hereinafter referred to as "Respondent" being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15 U.S.C. 1710, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued April 18, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for McShepherd Ranches, located in Williamson and Travis Counties, Texas, contain untrue statements of material facts required to be stated therein or necessary to make the statements therein not necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received May 3, 1977, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 Seventh Street SW., Washington, D.C. on July 13, 1977 at 10 a.m.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C., 20410 on or before June 10, 1977. Copies of all documents filed should be served at the same time on all parties of record.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: May 12, 1977.

JAMES W. MAST,
Chief,
Administrative Law Judge.

[FR Doc.77-16075 Filed 6-6-77;8:45 am]

[Docket No. N-77-775]

PIKE MEADOW ESTATES AND PIKE FOREST ESTATES

Notice of Hearing

In the matter of: Pike Meadow Estates and Pike Forest Estates, Pike Meadow Estates and Pike Forest Estates, and Louis F. Wailly, general partner and authorized agent, respondent, Docket No. 77-43-IS, OILSR No. 0-2620-05-282.

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b) Notice is hereby given that:

1. Pike Meadow Estates and Pike Forests, Pike Meadow Estates and Louis F. Wailly, General Partner and Authorized Agent, authorized agents and officers, herein after referred to as "Respondent" being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. Law 90-448) (15

U.S.C. 1710, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued April 4, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Pike Meadow Estates and Pike Forest Estates, located in Park County, Colorado, contain untrue statements of material facts required to be stated therein or necessary to make the statements therein not necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received April 27, 1977, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 Seventh Street SW., Washington, D.C., on July 6, 1977, at 2 p.m.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C. 20410, on or before June 10, 1977. Copies of all documents filed should be served at the same time on all parties of record.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: May 13, 1977.

By the Secretary.

JAMES W. MAST,
Chief, Administrative Law Judge.

[FR Doc.77-16077 Filed 6-6-77;8:45 am]

[Docket No. N-77-772]

VELDA ROSE GARDENS

Notice of Hearing

In the matter of: Velda Rose Gardens, Mobile Home Estates, Inc., and Harry Fabri, president, respondent, Docket No. 77-34-IS, OILSR No. 6-3914-02-767.

Pursuant to 15 U.S.C. 1706(e) and 24 CFR 1720.165(b) Notice is hereby given that:

1. Velda Rose Gardens, Mobile Homes Estates, Inc., and Harry Fabri, President, authorized agents and officers, hereinafter referred to as "Respondent" being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1710, et seq.) received a Notice of Proceedings and Opportunity for Hearing issued March 24, 1977, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Velda Rose Gardens, located in Maricopa County, Arizona, contain untrue statements of material facts required to be stated therein or necessary to make the statements therein not necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received April 19, 1977, in response to the Notice of Proceedings and Opportunity for Hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the Notice of Proceedings and Opportunity for Hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 Seventh Street SW., Washington, D.C., on July 6, 1977, at 10 a.m.

5. The following time and procedure is applicable to such hearing: The parties are directed to file all affidavits and a list of all witnesses with the Hearing Clerk, HUD Building, Room 10278, Washington, D.C. 20410, on or before June 10, 1977. Copies of all documents filed should be served at the same time on all parties of record.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an Order Suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: May 13, 1977.

By the Secretary.

JAMES W. MAST,
Chief Administrative Law Judge.

[FR Doc.77-16074 Filed 6-6-77;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 76-7]

WAYNE E. ELLISON AND NORTH STRINGTOWN PLAZA, INC.

Hearing

Notice is hereby given that on February 25, 1976, the Drug Enforcement Administration, Department of Justice, issued to Wayne E. Ellison, d.b.a. Wayne's Pharmacy, Evansville, Indiana, an Order to Show Cause as to why the Drug Enforcement Administration registration (AE4124284), issued to Respondent pursuant to Section 303 of the Controlled Substances Act (21 U.S.C. 823), should not be revoked.

Notice is further hereby given that on September 24, 1976, the Drug Enforcement Administration, Department of Justice, issued to North Stringtown Plaza, Inc., d.b.a. Wayne's Pharmacy, Evansville, Indiana, an Order to Show Cause as to why the Drug Enforcement Administration should not deny its applications for registration under Section 303 of the Controlled Substances Act (21 U.S.C. 823).

Thirty days having elapsed since the said Orders to Show Cause were received by the respective Respondents, and written requests for hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in these matters will be held commencing at 10 a.m. on Tuesday, June 14, 1977, in the U.S. Tax Court Courtroom, Room 288, Federal Building and Courthouse, 46 E. Ohio Street, Indianapolis, Indiana.

Dated: June 1, 1977.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.77-16019 Filed 6-6-77;8:45 am]

CONTROLLED SUBSTANCES IN SCHEDULE II

Proposed 1977 Revised Aggregate Production Quota—Oxycodone for Conversion

Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On November 11, 1976, a notice of the final aggregate production quotas for these substances was published in the FEDERAL REGISTER (41 FR 49873-74). Since the finalization of this quota, DEA has been made aware of yield problems encountered by a domestic manufacturer of oxymorphone. Oxymorphone is produced by conversion of oxycodone. The

extremely low yields of oxymorphone encountered from each kilogram of oxycodone resulted in the complete consumption of the entire quota established for oxycodone for conversion without the entire oxymorphone quota being reproduced.

Factors which the Administrator of the Drug Enforcement Administration is required to consider pursuant to § 1303.11(b)(5) of Title 21 Code of Federal Regulations are yield and stability problems as well as potential disruption to production. Considering these factors as well as the other factors listed in § 1303.11 of Title 21 Code of Federal Regulations, the Administrator has deemed that it is necessary to allow the production during 1977 of additional amounts of oxycodone which will be utilized expressly for conversion to oxymorphone. Therefore, the Administrator of the Drug Enforcement Administration, under the authority vested in the Attorney General by Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) and delegated to the Administrator by § 0.100 of Title 28 of the Code of Federal Regulations does hereby propose the following change of the aggregate production quota for 1977 for Oxycodone for Conversion expressed in grams in terms of anhydrous base:

Basic class	Previously finalized 1977 aggregate production quota	Proposed revised 1977 aggregate production quota
Oxycodone for conversion	5,400	8,400

All interested persons are invited to submit their comments and objections in writing regarding this proposal. The comments or objections should state with particularity the issues concerning which the person desires to be heard. A person may object or comment on the proposal relating to any one or more of the above mentioned substances without filing comments or objections regarding the others. Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative, and must be received by July 5, 1977. If a person believes that one or more issues raised by him warrant a full adversary-type hearing, he should so state and summarize the reasons for his belief.

In the event that comments or objections to this proposal raise one or more issues which the Administrator finds, in his sole discretion, warrants a full adversary-type hearing, the Administrator shall order a public hearing in the FEDERAL REGISTER summarizing the issues to be heard and setting the time for the hearing.

Dated: May 31, 1977.

PETER B. BENSINGER,
Administrator.

[FR Doc.77-15942 Filed 6-6-77;8:45 am]

[Docket No. 77-5]

IRVING DAVIS, M.D., SAN FRANCISCO, CALIF.

Hearing

Notice is hereby given that on January 25, 1977, the Drug Enforcement Administration, Department of Justice, issued to Irving Davis, M.D., San Francisco, California, an Order to Show Cause as to why the Drug Enforcement Administration Certificate of Registration, AI1330618, issued to Respondent pursuant to Section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since the said Order to Show Cause was received by the Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10 a.m. on Wednesday, June 29, 1977, in the U.S. Tax Court Courtroom, Room 2021, Federal Building and Courthouse, 450 Golden Gate Avenue, San Francisco, California.

Dated: June 1, 1977.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.77-16018 Filed 6-6-77;8:45 am]

MANUFACTURE OF CONTROLLED SUBSTANCES

Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedule I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes.

Pursuant to § 301.43 of Title 21 of the Code of Federal Regulations (CFR), notice is hereby given that on May 5, 1977, Arenol Chemical Corporation, 40-33 23rd Street, Long Island City, New York 11101, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substances listed below:

Drug:	*Schedule*
Amphetamine	II
Methamphetamine	II

Pursuant to Section 301 of the Controlled Substances Act (21 U.S.C. 821), and in accordance with 21 CFR 1301.43(a), notice is hereby given that the above firm has made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic class of controlled substances indicated, and any other such person, and any existing registered bulk manufacturer of the above substances may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on the application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than July 8, 1977.

Comments and objections may be addressed to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 1203, 1405 Eye Street NW., Washington, D.C. 20537.

Dated: June 1, 1977.

DONALD E. MILLER,
Acting Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.77-16021 Filed 6-6-77;8:45 am]

PARKE, DAVIS & CO.

Manufacture of Controlled Substances; Notice of Registration

By Notice dated March 23, 1977, and published in the FEDERAL REGISTER on March 30, 1977 (42 FR 16877-78), Parke, Davis & Company, 188 Howard Avenue, Holland, Michigan 49423, made application on February 24, 1977, to the Drug Enforcement Administration (DEA), to be registered as a bulk manufacturer of oxycodone, methylphenidate, methaqualone, and pentobarbital, each being a basic class of controlled substance listed in Schedule II.

By a letter dated May 2, 1977, counsel for Ciba-Geigy Corporation submitted the comments and objections of that company in response to the above notice. Ciba-Geigy objected to the registration of Parke-Davis as a manufacturer of methylphenidate for the reasons that:

1. Parke-Davis does not hold a New Drug Application (NDA) approved by the Food and Drug Administration and thus lacks the authority to manufacture and market methylphenidate for interstate commerce, and in view of that deficiency, should not be granted a manufacturer's registration by DEA.

2. The policy of the Drug Enforcement Administration, at least regarding the registration of importers, is that it is unnecessary and administratively burdensome to presently register applicants as a contingency measure in the event they may possibly conduct controlled substances activities in the future, and therefore to register Parke-Davis in advance of their ability to manufacture methylphenidate for marketing is to contravene DEA's own policy.

The first objection raised by Ciba-Geigy regarding no approved NDA has been previously considered by this agency in *In the Matter of MBH Chemical Corp.*, Dk. 73-17, 73-18, 30 FR 12364-65, April 5, 1974. That proceeding was a

hearing before Administrative Law Judge William E. Brennan on an application submitted by MBH Chemical Corp. to become registered as a manufacturer of two Schedule II controlled substances, one of which was methylphenidate. The issue presented in that case was whether the Administrator may, pursuant to 21 U.S.C. 823, register an applicant to manufacture a Schedule II controlled substance where it is a New Drug under the Federal Food, Drug, and Cosmetic Act and the applicant does not hold an approved NDA as that Act requires.

Upon consideration of that issue, in his final order in the MBH matter the then Administrator of the Drug Enforcement Administration granted the application for registration recognizing that the agency had no regulation which made obtaining an approved NDA a condition precedent to the issuing of a registration to manufacture controlled substances, and he stated in that order that he was granting the registration even though it remained unclear to him what benefits could be gained by an applicant who lacked an approved NDA for the drug they sought to manufacture.

In the present matter, as in the MBH matter, the nature of the application, the objection raised, the issue presented, and even the objector and the drug involved, are identical.

Therefore, the Administrator similarly regards Parke-Davis's lack of an approved NDA for methylphenidate to be no bar to DEA granting its application as a bulk manufacturer of that drug.

Ciba-Geigy's second objection is that DEA has a policy against registering applicants as importers who do not presently engage in importing activities but who may wish to do so in the future. Ciba-Geigy suggests that this policy should be extended to preclude registering an applicant as a manufacturer where he cannot for lack of an approved NDA engage in that activity.

The policy as set forth in 40 FR 43745–46 (September 23, 1975) stated that 21 U.S.C. 958(h) permits an applicant for registration as an importer to be expeditiously registered by DEA without the customary publication or advance notice of its application or opportunity for a hearing, provided there is an emergency situation as described in 21 U.S.C. 952(a) concerning the domestic unavailability of controlled substances. In view of that, the then Acting Administrator made a determination in the September 23, 1975 policy statement that a "contingency reserve" of importer registrants is "unnecessary and administratively burdensome" because it is as to them only that the statute provides for expeditious registration in emergency situations concerning the domestic supply of controlled substances, and in doing so eliminates their need for anticipatory registration.

It is the absence of this or a similar statutory provision as to manufacturer applicants which preserves their need to register in anticipation of their ability to manufacture, and which precludes extending to them the DEA policy against anticipatory registration of importers.

For the foregoing reasons, the application submitted by Parke, Davis & Company, dated February 24, 1977, shall be granted.

No other comments or objections having been received and no hearings having been requested, and pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and 21 CFR 1301.54(e), the Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of oxycodone, methylphenidate, methaqualone and pentobarbital is granted.

Dated: June 1, 1977.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.

[FR Doc.77-16020 Filed 6-6-77;8:45 am]

[Docket No. 77-2]

DAVID SACHS

Certificate of Registration; Revoked

On December 28, 1976, the Administrator of the Drug Enforcement Administration (DEA) directed to David Sachs, M.D., of Aspen, Colorado (Respondent), an Order to Show Cause proposing to revoke Dr. Sachs' DEA Certificate of Registration (AS6723995) for the reason that Dr. Sachs was not authorized by the State of Colorado to prescribe, dispense, administer or in any other manner handle controlled substances. On January 19, 1977, Respondent, through his attorney, requested a hearing on the Order to Show Cause.

Following the completion of a prehearing conference, Administrative Law Judge Francis L. Young, issued a prehearing ruling, dated March 3, 1977, stating that the only proper issue posed by the Order to Show Cause, dated December 28, 1976, is whether Respondent's registration at an address in Colorado should be revoked for the reason that the Colorado State Board of Medical Examiners summarily suspended Respondent's license to practice medicine in Colorado on or about November 10, 1976. Judge Young set a May 6, 1977, hearing date in this matter.

On April 7, 1977, Judge Young issued, in response to a government motion to terminate the proceeding, a Memorandum and Order holding that (1) the papers and admissions on file in this matter clearly establish that the State of Colorado has suspended Respondent's license to practice medicine in Colorado, (2) Respondent cannot have a DEA registration to prescribe, dispense, or administer controlled substances in the State of Colorado without a corresponding state license, 21 U.S.C. 823(f), and (3) there is no relevant or material issue of fact which DEA can properly consider in an evidentiary hearing. Accordingly, Judge Young cancelled the hearing set for May 6, 1977, and requested that both sides, if they so desire, file further memoranda, proposed findings of fact and conclusions of law. Neither side filed additional papers.

On May 17, 1977, Judge Young certified to the Administrator the record of this proceeding, including his opinion and recommended ruling, findings of fact, conclusions of law and decision. Judge Young recommended, for the reasons stated above in his Memorandum and Order, dated April 7, 1977, that Dr. Sachs' Certificate of Registration (AS-6723995) be revoked. Based upon careful consideration of the entire record and pursuant to 21 CFR 1316.66, the Administrator adopts the findings, conclusions and recommendation of the Administrative Law Judge.

Accordingly, pursuant to authority vested in the Attorney General, and redelegated to the Administrator of the Drug Enforcement Administration, the Administrator hereby orders that the DEA Certificate of Registration of David Sachs, M.D. (AS6723995), be and hereby is, revoked, effective immediately.

Dated: June 1, 1977.

PETER B. BENSINGER,
Administrator.

[FR Doc.77-16022 Filed 6-6-77;8:45 am]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFERS AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Notice of Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924 (b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is caculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless

such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D St., NW, Washington, D.C. 20213.

Signed at Washington, D.C. this 31st day of May, 1977.

ERNEST G. GREEN,
Assistant Secretary
for Employment and Training.

Applications received during the week ending May 27, 1977

Name of applicant	Location of enterprise	Principal product or activity
D. Graham Laboratories, Inc. (tenant of County of Delaware Industrial Development Agency).	Hobart, N.Y.	Manufacture of pharmaceuticals.
Denzil Music Co.	New Castle, Pa.	Selling and repairing organs, pianos, and other musical instruments.
Calvin Egg Products (tenant of town of Elloree).	Elloree, S.C.	Egg processing.
Bradley's Service Center	Murfreesboro, Tenn.	Auto repairs and accessories.
The Gateway	Land O'Lakes, Wis.	Resort complex.
Beard Implement Co.	Prentice, Ill.	New and used machinery sales, repair, overhaul, service, and leasing.
American Motors Corp.	Richmond, Ind.	Automobile engines.
Terry's Clover Farm	Elmore, Minn.	Grocery store.
Merrick Dry Milk Co., Inc.	Union Center, Wis.	Manufacture of dry milk.
Continental Conveyor and Equipment Co. (tenant of Durant Industrial Foundation).	Durant, Okla.	Manufacture of bulk-handling conveyor equipment.
Durant Electrical, Inc. (tenant of Durant Industrial Foundation).	Durant, Okla.	Toy manufacturing and plastic injection molding.
Motel 6 Inc.	Santa Rosa, N. Mex.	Motel.

[FR Doc.77-15881 Filed 6-6-77;8:45 am]

Occupational Safety and Health Administration

IOWA 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 Administrators 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 July 20, 1973, notice was published in the FEDERAL REGISTER (38 FR 19368) of the approval of the Iowa plan and the adoption of Subpart J to Part 1952 containing the decision.

The Iowa plan provides for the adoption of Federal Standards as State standards (by reference after comments and public hearing). Section 1952.163 of Subpart J sets forth the State's schedule for the adoption of Federal standards. By letter dated April 27, 1977 from Walter Johnson, Acting Commissioner of Labor to Vernon A. Strahm, Regional Administrator for Occupational Safety and Health Administration and incorporated as part of the plan, the State submitted State standards comparable to 29 CFR 1928.57 (41 FR 22268, June 2, 1976); 1910.1003—1910.1016 (41 FR 35184, August 20, 1976); 1928.57 (41 FR 46598, October 22, 1976); 1910.1029 (41 FR 46784, October 22, 1976); 1910.309 (41 FR 55703, December 21, 1976); 1926.400 (41 FR 55703, December 21, 1976); 1910.309 (42 FR 2956, January 14, 1977); 1926.400 (42 FR 2956, January 14, 1977); 1910.1029 (42 FR 3304, January 18, 1977). These standards, which are contained in Chapter 88 of the Code of Iowa (1975), were promulgated after public comment requested on February 24, 1977, hearings held on March 28, 1977 and resolution adopted by the Iowa Bureau of Labor on April 21, 1977 pursuant to Chapter 17a of the Code. The standards will be effective on June 9, 1977 and notice of their adoption was published by the State on April 21, 1977.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards are identical to the Federal standards.

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 Associate Assistant Secretary for Regional Programs, OSHA, Room N3608, 200 Constitution Avenue, N.W., Washington, D.C. 20210; Technical Data Center, OSHA, Room N3620, 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. *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 Iowa 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 and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective July 5, 1977.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Kansas City, Missouri this 18th of May, 1977.

VERNON A. STRAHM,
Regional Administrator.

[FR Doc.77-15835 Filed 6-6-77;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Meeting

Notice is hereby given that the National Advisory Committee on Occupational Safety and Health will meet on June 24, 1977.

The National Advisory Committee was established under section 7(a) of the Occupational Safety and Health Act of 1970. The Committee meeting will be held in the Departmental Auditorium, Conference Room B, on Constitution Avenue between 12th and 14th Streets, N.W., Washington, D.C. The meeting will begin at 9:00 a.m. The public is invited to attend.

The agenda will include: review of OSHA and NIOSH activities, status of pending and current standards; state plan coverage of public employees; an update on the National Emphasis Program; and plans for future meetings.

For additional information contact:

William Myers, Division of Consumer Affairs, Room N-3635, Department of Labor—OSHA, 3rd Street and Constitution Avenue, N.W., Washington, D.C. 20210, Phone: (202) 523-8024.

Any written data or views concerning these agenda items or suggestions for future agenda items which are received by the Division of Consumer Affairs before the scheduled meeting date, preferably with 20 copies, will be presented to the Committee and included in the official record of the meeting.

Anyone wishing to make an oral presentation should notify the Division of Consumer Affairs before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the Committee Chairperson, depending on the extent to which time permits.

Official records of the meeting will be available for public inspection at the above address.

Signed at Washington, D.C. this 31st day of May 1977.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc.77-15829 Filed 6-6-77;8:45 am]

STANDARDS ADVISORY COMMITTEE ON AGRICULTURE

Meeting

Notice is hereby given that the Standards Advisory Committee on Agriculture will meet on June 22 and 23, 1977.

The Standards Advisory Committee on Agriculture was established under section 7(b) of the Williams Steiger Occupational Safety and Health Act of 1970. The Committee meeting will be held in Room S-4215, Department of Labor Building, 3rd. Street and Constitution Avenue, NW., Washington, D.C. 20210. The meeting will begin at 9:00 a.m. The Public is invited to attend.

The Committee will discuss: the definition of an agricultural operation; agricultural compliance activities; agricultural accident statistics; status of current and pending standards; means and methods of enhancing educational efforts in agriculture, and plans for future meetings.

For additional information contact:

William Myers, Division of Consumer Affairs, Room N-3635, Department of Labor-OSHA, 3rd. Street and Constitution Avenue, NW., Washington, D.C. 20210, Phone: (202) 523-8024.

Any written data or views concerning these agenda items or suggestions for future agenda items which are received by the Division of Consumer Affairs before the scheduled meeting date, preferably with 20 copies, will be presented to the Committee and included in the official record of the meeting.

Anyone wishing to make an oral presentation should notify the Division of Consumer Affairs before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation. Oral presentations will be scheduled at the discretion of the Committee Chairperson, depending on the extent to which time permits.

Official records of the meeting will be available for public inspection at the above address.

Signed at Washington, D.C. this 27th day of May 1977.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc.77-15831 Filed 6-6-77;8:45 am]

Office of the Secretary

[TA-W-1581]

A & T LADIES GARMENT CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1581: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 18, 1977 in response to a worker petition received on January 18, 1977 which was filed by three workers on behalf of workers and former workers producing women's coats, jackets and suits at the Brooklyn, New York plant of A & T Ladies Garment Corporation.

The notice of investigation was published in the FEDERAL REGISTER on January 28, 1977 (42 FR 5447). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials and publications of A & T Ladies Garment Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(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 term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL AND PARTIAL SEPARATIONS

The average weekly employment of production workers by A & T Ladies Garment Corporation declined 12.5 percent in 1975 compared with 1974 and declined 5.0 percent in the first three quarters of 1976 compared with the first three quarters of 1975. The company closed October 1, 1976 resulting in the separation of all workers.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

In terms of value, sales of women's suits, jackets and coats decreased 20.2 percent in 1975 compared with 1974 and decreased 12.6 percent in January to October of 1976 compared with the same period of 1975.

INCREASED IMPORTS

Imports of women's, misses' and children's coats and jackets in terms of quantity increased 2.1 percent in 1973 compared with 1972 decreased 18.2 percent in 1974 compared with 1973, increased 2.6 percent in 1975 compared with 1974 and increased 48.5 percent in 1976 compared with 1975. The ratios of imports to domestic production and consumption increased from 35.4 percent and 26.1 percent, respectively, in 1975 to 52.2 percent and 34.3 percent, respectively, in 1976.

Imports of women's, misses' and children's suits, in terms of quantity increased 18.9 percent in 1973 compared with 1972, increased 58.0 percent in 1974 compared with 1973, increased 6.5 percent in 1975 compared with 1974 and decreased 1.0 percent in 1976 compared with 1975. The ratios of imports to domestic production and consumption decreased from 12.2 percent and 10.9, respectively, in 1975 to 11.6 percent and 10.4 percent, respectively, in 1976.

CONTRIBUTED IMPORTANTLY

A & T Ladies Garment Corporation did contract work for various manufacturers of women's coats and suits. The manufacturer for which it performed the majority of its work discontinued sales by early 1976 of certain garments produced by A & T Ladies Garment Corporation because of the manufacturer's inability to compete at the retail level with low priced imported women's coats and jackets. With the loss of this work, A & T Ladies Garment Corporation found the remaining available work performed for other manufacturers of women's suits and coats inadequate to further sustain the company's operations, and ultimately closed on October 1, 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, it is concluded that increases of imports like or

directly competitive with women's suits, jackets and coats produced by the Brooklyn, New York plant of A & T Ladies Garment Corporation contributed importantly to the total or partial separations of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Brooklyn, New York plant of A & T Ladies Garment Corporation who become totally or partially separated from employment on or after March 19, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-16030 Filed 6-6-77;8:45 am]

[TA-W-1924]

BATA SHOE CO., INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1924: 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 30, 1977 in response to a worker petition received on March 22, 1977 which was filed by workers and former workers producing athletic footwear at the Elkins, West Virginia, plant of the Bata Shoe Company, Inc.

The notice of investigation was published in the FEDERAL REGISTER on April 14, 1977 (42 FR 19178). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bata Shoe Company, Inc., 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 increasing 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 term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment of production workers declined 7.5 percent in 1975 compared to 1974 and declined 14.3 percent in 1976 compared to 1975. Employment declined 33.6 percent in the first quarter of 1977 compared to the first quarter of 1976.

SHIPMENTS OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Shipments of athletic footwear from the Elkins, West Virginia plant of Bata Shoe Company, Inc. increased in 1975 by 2.2 percent in terms of quantity compared to 1974. Shipments declined 34.3 percent in 1976 compared to 1975. Shipments in the first quarter of 1977 declined by 65.3 percent compared to the first quarter of 1976.

Production of athletic footwear at the Elkins, West Virginia plant of Bata Shoe Company, Inc. increased in 1975 by 2.3 percent compared to 1974. Production declined by 31.4 percent in 1976 compared to 1975. Production declined by 63.2 percent in the first quarter of 1977 compared to the first quarter of 1976.

INCREASED IMPORTS

Imports of athletic footwear increased in 1975 to 8,342 thousand pairs from 16,818 thousand pairs that were imported in 1975. Imports in 1976 rose to 34,702 thousand pairs compared to the 16,818 thousand pairs imported in 1975. Imports as a percentage of domestic production increased from 212.4 percent in 1975 to 333.4 percent in 1976.

CONTRIBUTED IMPORTANTLY

Customers of Bata Shoe Company, Inc. increased purchases of imports while decreasing purchases from Bata Shoe Company.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with athletic footwear produced at the Elkins, West Virginia plant of Bata Shoe Company, Inc. contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Elkins, West Virginia plant and warehouse of Bata Shoe Company, Inc. who became totally or partially separated from employment on or after March 16, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-16031 Filed 6-6-77;8:45 am]

[TA-W-1632]

BREWSTER FINISHING CO., INC.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1632: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 7, 1977, in response to a worker petition received on January 27, 1977, which was filed by the Textile Printers Colorist Guild on behalf of workers and former workers producing printed textiles at Brewster Finishing Company, Incorporated, Paterson, New Jersey. Subsequently, a petition was filed by the Machine Printers and Engravers Association on behalf of workers at that plant.

The notice of investigation was published in the FEDERAL REGISTER on March 4, 1977 (42 FR 12494). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Brewster Finishing Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the American Textile Manufacturers Institute, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in 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 term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average employment of salaried and production workers at Brewster increased 2.8 percent from 1974 to 1975 and then declined 20 percent from 1975 to 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total sales of printed and dyed material declined 47.3 percent, in quantity,

and 45.7 percent, in value, from 1975 to 1976.

Production of printed material, in quantity, decreased 47 percent from 1975 to 1976. Production of dyed material, increased 74.6 percent from 1975 to 1976. Dyed material contributed 12 percent of total production in 1976.

INCREASED IMPORTS

Imports of cotton broadwoven print cloth declined absolutely from 1972 to 1973, increased from 1973 to 1974, declined 10.5 percent from 1974 to 1975 and then increased 55.6 percent from 1975 to 1976. The ratios of imports to domestic production and consumption increased from 13.5 percent and 12.9 percent, respectively, in 1975 to 20.6 percent, and 19.8 percent, respectively, in 1976.

Imports of man-made woven printed fabric declined absolutely from 1972 to 1973, increased from 1973 to 1974, declined 0.8 percent from 1974 to 1975 and then increased 23.5 percent from 1975 to 1976. The ratios of imports to domestic production and consumption remained less than one percent from 1972 through 1976.

Imports of bleached and dyed woven man-made fabrics decreased absolutely from 1972 to 1973 and from 1973 to 1974. Imports increased 13.2 percent from 1974 to 1975 and increased 8 percent from 1975 to 1976. The ratios of imports to both domestic production and consumption declined from 3.9 percent in 1975 to 3.7 percent in 1976.

CONTRIBUTED IMPORTANTLY

The petition alleges that increased imports of apparel adversely affected production and employment at Brewster Finishing Company. Converters, who are customers of Brewster stated that imports of apparel have been a factor in reduced business with Brewster. Imported wearing apparel cannot be considered to be like or directly competitive with printed fabric. Imports of fabric must be considered in determining import injury to workers producing printed fabric.

Customers of Brewster Finishing Company are converters who buy greige goods and commission Brewster to finish the fabric, by printing or dyeing it, in accordance with apparel manufacturers' specifications. Brewster's converters reported declining business with Brewster because their customers are importing printed or finished fabric. Brewster's converters imported some printed or finished fabric. The Department's survey of apparel manufacturers, who are customers of converters, revealed that manufacturers are importing printed or finished fabric for use in the manufacture of men's and women's wearing apparel. The converters reported a growing trend toward manufacturers bypassing converters and purchasing finished fabric offshore or purchasing the finished fabric domestically, through foreign trading companies.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with printed or dyed textiles produced at Brewster Finishing Company contributed importantly to the total or partial separations of the workers at Brewster Finishing Company, Incorporated, Paterson, New Jersey. In accordance with the provisions of the Act, I make the following certification:

All workers at Brewster Finishing Company, Incorporated, Paterson, New Jersey who became totally or partially separated from employment on or after January 24, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-16032 Filed 6-6-77;8:45 am]

[TA-W-1555]

CARDINAL COTTONS CORP., GETTYSBURG GARMENT CO.

Notice of 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-1555: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 6, 1977, in response to a worker petition received on that date which was filed on behalf of workers and former workers producing ladies' robes and loungewear at the Gettysburg, Pennsylvania plant of Gettysburg Garment Company. Evidence developed in the investigation revealed that Gettysburg Garment Company is a subsidiary of Cardinal Cottons Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on January 28, 1977 (42 FR 5451). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from information and publications provided by officials of Cardinal Cottons Corporation, 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 the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or 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 term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation reveals that the fourth criterion has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment at the Gettysburg, Pennsylvania plant decreased 6.3 percent from 1974 to 1975. Employment increased 57.7 percent in the first three quarters of 1976 compared with the same period in 1975; all workers were laid off when the plant closed in December 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production at the Gettysburg plant decreased 7.1 percent from 1974 to 1975, and increased 32.1 percent in the first three quarters of 1976 compared to the same period in 1975. Production ceased when the plant closed in December 1976.

Production at each individual plant was determined by the operation of Cardinal Cottons Corporation as a whole, which included the level of purchases of ladies' robes and loungewear from outside contractors. Total production plus outside purchases decreased 16 percent from 1974 to 1975, and decreased 5.2 percent in the first three quarters of 1976 compared with the same period in 1975. Production ceased when Cardinal Cottons' last remaining manufacturing facility in Gettysburg closed in December 1976; outside purchases also ceased in December 1976.

INCREASED IMPORTS

Imports of women's, misses and children's robes and dressing gowns, which include ladies' robes and loungewear, decreased each year from 271 thousand dozens in 1971 to 134 thousand dozens in 1973, increased to 151 thousand dozens in 1974, and then decreased to 113 thousand dozens in 1975. The ratio of imports to U.S. production decreased each year from 6.5 percent in 1971 to 3 percent in 1973, increased to 3.4 percent in 1974, and decreased again to 2.5 percent in 1975. In the first three quarters of 1976 imports increased 57.6 percent compared with the same period in 1975.

CONTRIBUTED IMPORTANTLY

Customers that decreased purchases of ladies' robes and loungewear from Cardinal Cottons reported either shifts to other domestic sources or reduced purchases from all sources. Customers cite

fashions as a major reason for changes in their purchases.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with ladies' robes and loungewear produced at Cardinal Cottons Corporation, Gettysburg Garment Company, Gettysburg, Pennsylvania, did not contribute importantly to the decline in sales or production or separation of workers of that firm.

Signed at Washington, D.C., this 20th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-16033 Filed 6-6-77;8:45 am]

[TA-W-1669]

CENTRAL SHOE MANUFACTURING CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1669: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 22, 1977 in response to a worker petition received on February 3, 1977 which was filed on behalf of workers and former workers producing men's, boys', children's and infants' shoes at the Norwich, Connecticut plant of Central Shoe Manufacturing Company.

The Notice of Investigation was published in the FEDERAL REGISTER on March 8, 1977 (42 FR 13083). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Central Shoe Manufacturing Co., 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 subdvision 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 term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers employed at Central Shoe Manufacturing Co. increased 3.9 percent from 1974 to 1975. Employment declined 37.7 percent from 1975 to 1976.

Average weekly hours increased 1.7 percent from 1974 to 1975 and declined 11.8 percent from 1975 to 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of shoes by Central Shoe Manufacturing Co. increased 15.0 percent in value from 1974 to 1975. Sales declined 39.0 percent from 1975 to 1976.

Production of shoes declined 6.5 percent in quantity from 1974 to 1975 and further declined 40.2 percent from 1975 to 1976.

INCREASED IMPORTS

Imports of men's, youth's and boys' dress and casual footwear increased 4.1 percent from 1972 to 1973 and declined 23.6 percent from 1973 to 1974. Imports increased 13.1 percent from 1974 to 1975 and further increased 33.1 percent from 1975 to 1976. The ratio of imports to domestic production increased to 76.6 percent in 1976 from 61.1 percent in 1975.

Imports of children's non-rubber footwear declined every year from 1972 to 1975. From 1975 to 1976 imports increased 42.3 percent. The ratio of imports to domestic production increased to 72.1 percent in 1976 from 60.0 percent in 1975.

Imports of infants' and babies' non-rubber footwear declined 15.6 percent from 1972 to 1973 and 10.5 percent from 1973 to 1974. Imports increased 1.5 percent from 1974 to 1975 and further increased 55.1 percent from 1975 to 1976. The ratio of imports to domestic production increased to 41.0 percent in 1976 from 28.5 percent in 1975.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that customers of Central Shoe Manufacturing Co. have reduced purchases from Central Shoe Manufacturing Co. and increased purchases of imported shoes. The price differential between domestic and imported shoes was the factor cited most frequently as the reason that customers switched from domestic to foreign suppliers.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with men's, boys', children's and infants' shoes produced by the Norwich, Connecticut plant of Central Shoe Manufacturing Company contributed importantly to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Norwich, Connecticut plant of Central Shoe Manufacturing Company who became totally or partially separated from employment on or after January 31, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 24th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-15836 Filed 6-6-77;8:45 am]

[TA-W-1336]

CHEMETRON CORP.

Notice of 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-1336: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 30, 1976, in response to a worker petition received on November 30, 1976, which was filed by the United Steelworkers of America on behalf of workers and former workers producing carbon steel forged flanges at the Philadelphia, Pennsylvania, plant of Tube Turns, a division of Chemetron Corporation, Chicago, Illinois.

The Notice of Investigation was published in the FEDERAL REGISTER on December 21, 1976 (41 FR 55602). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Tube Turns, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision 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 imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof, have increased 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 term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although the first three criteria have

been met, criterion four (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at the Philadelphia plant increased 9.2 percent in 1975 from 1974 and declined 14.9 percent in the first eleven months of 1976 from the like period in 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales of carbon steel flanges increased by 18.7 percent in quantity and 63.9 percent in value from 1974 to 1975. Sales declined 52.7 percent in quantity and 53.7 percent in value in the first eleven months of 1976 from the like period in 1975.

Production of carbon steel flanges increased 2 percent in quantity and 39.5 percent in value from 1974 to 1975.

Production decreased 38.1 percent in quantity and 31.7 percent in value in the first eleven months of 1976 compared to the like period in 1975.

INCREASED IMPORTS

Imports of carbon and stainless forged steel flanges decreased from 23.9 million pounds in 1971 to 23.1 million pounds in 1972 then decreased to 12.7 million pounds in 1973. Imports increased to 45 million pounds in 1974. Imports increased to 104.5 million pounds in 1975. Imports decreased 51.2 percent in the first 9 months of 1976 compared to the like period in 1975, from 84.9 million pounds to 41.4 million pounds.

The ratio of imports to domestic production of carbon and stainless steel forged flanges increased from 14.7 percent in 1971 to 15 percent in 1972, then decreased to 9.3 percent in 1973. The ratio increased to 31.4 percent in 1974 and 74.3 percent in 1975. The ratio of imports to domestic production of carbon and stainless steel forged flanges decreased in the first 9 months of 1976 compared to the like period in 1975; from 77.5 percent to 65.5 percent.

CONTRIBUTED IMPORTANTLY

A survey of Tube Turns' largest customers of flanges was conducted. Most customers reported that they purchased no imported flanges. Customers decreased purchases from Tube Turns and decreased purchases from all other sources. Customers explained that a scarcity in 1974 caused buyers to stockpile flanges in 1975. Demand for these flanges never met expectations and most customers were still working down inventories in 1976. Consequently, manufacturers of flanges like the Tube Turns Division of Chemetron had a good year for sales in 1975 and experienced depressed sales in 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with carbon steel forged flanges produced at the Philadelphia, Pennsylvania, plant of Tube Turns, a division of Chemetron Corporation, did not contribute importantly to the total or partial separation of workers at that plant.

Signed at Washington, D.C., this 27th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-16034 Filed 6-6-77;8:45 am]

[TA-W-1515]

COPPERWELD STEEL CO.

Notice of 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-1515; investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 15, 1976 in response to a worker petition received on that date which was filed on behalf of workers formerly producing steel at the Copperweld Steel Company, Warren, Ohio.

The notice of investigation was published in the FEDERAL REGISTER on January 18, 1977 (42 FR 3370). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from information and publications provided by officials of Copperweld Steel Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination 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 term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

On June 3, 1976, following an investigation by the Department of Labor under Section 222 of the Trade Act of 1974, workers of the Warren, Ohio plant of Copperweld Steel Company were denied eligibility to apply for adjustment assistance. That investigation (TA-W-764) included information pertaining to the Warren plant from the beginning of 1973 up to and including the first quarter of 1976. This investigation (TA-W-1515) is therefore confined to operations of the Warren plant since March 31, 1976.

The investigation has revealed that, without regard to whether the other criteria have been met, criterion (2) has not been met.

Sales by the Warren, Ohio plant increased 6 percent in quantity and 14 percent in value in the last three quarters of 1976 compared to same three-quarter period in 1975.

Production increased 25 percent, 8 percent, and 11 percent in quantity in the second, third, and fourth quarters of 1976 compared to the respective quarters of 1975.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that sales and production at the Warren, Ohio plant of Copperweld Steel Company have not declined as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington this 27th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-16035 Filed 6-6-77;8:45 am]

[TA-W-1420]

CYCLOPS CORP.

Notice of 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-1420: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 14, 1976 in response to a worker petition received on December 14, 1976 which was filed by the United Steelworkers of America on behalf of workers and former workers producing coke, pig iron, and carbon steel ingots at Cyclops Corporation, Empire-Detroit Steel Division, Portsmouth, Ohio.

The Notice of Investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 874). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Cyclops Corporation, 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 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 term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that with respect to workers engaged in employment related to the production of coke, criterion (3) has not been met; with respect to workers engaged in employment related to the production of pig iron, criterion (2) has not been met; and with respect to workers engaged in employment related to the production of carbon steel ingots, criteria (2) and (4) have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of hourly production workers at the Portsmouth plant declined 45.1 percent in 1975 from 1974 and declined 10.7 percent in 1976 from 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

A. COKE

Sales of coke increased 1922.6 percent in quantity in 1975 from 1974 and increased 34.1 percent in quantity in 1976 from 1975.

Production of coke declined 10.7 percent in quantity in 1975 from 1974 and increased 6.1 percent in quantity in 1976 from 1975.

B. PIG IRON

Sales of pig iron increased 55.5 percent in quantity in 1975 from 1974, and increased 433.2 percent in quantity in 1976 from 1975.

Production of pig iron decreased 19.0 percent in quantity in 1975 from 1974 and increased 23.2 percent in 1976 from 1975.

Both sales and production of pig iron increased in quantity in the fourth quarter of 1975 and in every quarter of 1976 compared to the like periods of the previous years.

C. INGOTS

Sales of ingots increased 86.4 percent in quantity in 1976 from 1975.

Production of ingots increased 21.3 percent in quantity in 1976 from 1975.

INCREASED IMPORTS

A. COKE

Imports of metallurgical coke increased steadily from 174 thousand tons in 1971 to 3540 thousand tons in 1974, an increase of 1934.5 percent. In 1975, imports declined to 1819 thousand tons, a decrease of 48.6 percent. In the first eleven months of 1976, imports were 1183 thousand tons, a decline of 31.5 percent from the like period in 1975. The ratio of imports to domestic production increased steadily from 0.30 percent in 1971 to 5.75 percent in 1974. In 1975, the import to production ratio decreased to 3.18 percent. In the first eleven months of 1976, the ratio was 2.22 percent, a decline from the ratio of 3.28 percent in the comparable period in 1975.

B. PIG IRON

Imports of pig iron increased from 306 thousand tons in 1971 to 637 thousand tons in 1972. Imports declined to 446 thousand tons in 1973, and further declined to 342 thousand tons in 1974. Imports icreased to 478 thousand tons in 1975. In the first ten months of 1976, imports were 328 thousand tons, a decline from the like period in 1975 when imports were 397 thousand tons. Throughout this period, the ratio of imports to domestic production never exceeded 0.7 percent.

C. INGOTS

The ingots manufactured at the Portsmouth plant are included in the category Carbon Steel Ingots, Castings, Blooms, Billets, Slabs and Sheets Bars. Imports of carbon steel ingots, castings, blooms, billets, slabs and sheet bars declined from 161.6 thousand tons in 1972 to 87.8 thousand tons in 1973. Imports increased in every year thereafter, for a total increase of 119.4 percent from 1973 to 1976. In the entire 1972 to 1976 period, the ratio of imports to domestic production never exceeded 0.18 percent.

CONTRIBUTED IMPORTANTLY

It was not necessary to determine if the "contributed importantly" factor had been met for workers engaged in employment related to the production of pig iron or coke. In both cases, one of the other criteria has clearly not been met.

The Portsmouth plant does not sell ingots to outside users. The majority of the ingots produced at the Portsmouth plant are transferred to the Cyclops' facility in Mansfield, Ohio. The Mansfield plant processes the ingots obtained from Portsmouth into hot and cold rolled steel sheets.

Customers of the Mansfield plant that bought hot and cold rolled carbon steel sheet were contacted. These customers reported that they did not reduce purchases of carbon steel sheet from the Mansfield plant and increase purchases of imports. The Mansfield plant does not purchase imported steel.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that imports of articles like or directly competitive with coke produced at the Portsmouth, Ohio plant of Empire-Detroit Steel Division of Cyclops Corporation have not increased, either absolute or relative to domestic production, as required for certification under Section 222 of the Trade Act of 1974.

I further conclude that neither sales nor production of pig iron at the Portsmouth plant have decreased as required for certification under Section 222 of the Trade Act of 1974.

I further conclude that neither sales nor production of carbon steel ingots have decreased at the Portsmouth plant; and that increases of imports of articles like or directly competitive with carbon steel ingots produced at the Portsmouth plant have not contributed importantly to the total or partial separation of workers at that plant as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 31st day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-16036 Filed 6-6-77;8:45 am]

[TA-W-1576]

DURALOY-BLAW KNOX, INC.

Notice of 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-1576: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 17, 1977, in response to a worker petition received on January 17, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing high alloy steel centrifugal and static castings at the Scottdale, Pennsylvania, plant of Duraloy Blaw-Knox, Inc.

The notice of investigation was published in the FEDERAL REGISTER on January 28, 1977 (42 FR 5450). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Duraloy Blaw-Knox, Inc., 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 term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any of the other criteria have been met, criteria (3) and (4) have not been met.

Duraloy Blaw-Knox, Inc., produces customized high alloy steel, centrifugal and static pipe, tube, ancillary pipe and tube hardware and furnace hardware castings. These castings are made to order according to customer's specifications. The castings have special applications for heat, corrosion, and abrasion resistant uses.

Imports of customized high alloy centrifugal and static castings used only for special applications are not separately indentified in the Tariff Schedules of the United States (TSUSA). Imports of customized high alloy castings are negligible.

Customers stated that they reduced purchases from the company because of economic conditions which caused a downturn in the amount of capital spending on new plant and equipment.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with high alloy steel centrifugal and static castings produced at the Scottdale, Pennsylvania, plant of Duraloy Blaw-Knox, Incorporated, did not contribute importantly to the total or partial separations of workers at that plant.

Signed at Washington, D.C., this 27th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-16037 Filed 6-6-77;8:45 am]

[TA-W-1595 and TA-W-1596]

FRANKLIN STEEL CO.

Notices of 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-1595-6: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigations were initiated on January 25, 1977, in response to a worker petition received on January 25, 1977, which was filed on behalf of workers and former workers producing carbon steel products including fence and sign posts, bar-size light shapes, and concrete reinforcing bars at the Franklin Steel Company, Franklin and Reno, Pennsylvania.

The notices of investigation were published in the FEDERAL REGISTER on February 11, 1977 (42 FR 8731). No public hearing was requested and none was held.

The information upon which the determinations were made was obtained principally from officials of Franklin Steel Company, the American Iron and Steel Institute, 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 term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation revealed that although the first two criteria have been met, the third criterion has not been met with respect to workers producing bar-size light shapes, and the fourth criterion has not been met with respect to workers producing concrete reinforcing bars, fence posts, and sign posts.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Franklin Steel Company consists of a manufacturing facility in Franklin, Pennsylvania, and administrative offices in Reno, Pennsylvania. All production workers at Franklin Steel are employed at the facility in Franklin. Administrative and clerical workers are located at Reno. No articles are manufactured at the Reno facility.

Average employment of production workers at the Franklin, Pennsylvania, facility declined 0.3 percent in 1975 compared to 1974 and 5.7 percent in 1976 compared to 1975.

Average employment of administrative and clerical workers at the Reno, Pennsylvania facility declined 2.1 percent in 1975 compared to 1974 and 1.1 percent in 1976 compared to 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total production at Franklin steel declined 19.7 percent in quantity from 1974 to 1975 and 12.4 percent from 1975 to 1976.

INCREASED IMPORTS

Imports of fence and sign posts declined from 4.7 thousand tons in 1974 to 0.8 thousand tons in 1975 and then increased to 3 thousand tons in 1976. The ratio of imports to domestic production fell from 1.8 percent in 1974 to 0.3 percent in 1975 and then rose to 1.2 percent in 1976.

Imports of bar-size light shapes (merchant bars) declined from 521.5 thousand tons in 1974 to 167.2 thousand tons in 1975 and to 164.3 thousand tons in 1976. The ratio of imports to domestic shipments of bar-size light shapes declined from 53.1 percent in 1974 to 22.7 percent in 1975 and to 19.5 percent in 1976.

Imports of concrete reinforcing bars fell from 477.5 thousand tons in 1974 to 141.9 thousand tons in 1975 and then rose to 192.2 thousand tons in 1976. The ratio of imports to domestic shipments of concrete reinforcing bars declined from 9.5 percent in 1974 to 3.9 percent in 1975 and then rose to 5 percent in 1976.

CONTRIBUTED IMPORTANTLY

The Department's investigation revealed that imports of fence and sign posts were insignificant in 1975 and 1976 relative to domestic production.

The investigation further revealed that none of the customers that purchased concrete reinforcing bars from Franklin purchased any imported concrete reinforcing bars. The reinforcing bars produced at Franklin are used exclusively in highway construction. Some of the states that are the major purchasers of this product from Franklin have laws that prohibit the use of imported steel in state projects unless a particular item is not manufactured domestically. Those states that reduced purchases from Franklin did so because of declines in highway construction in 1976 resulting from funding problems and difficulties in meeting new environmental standards.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that articles like or directly competitive with bar-size light shapes produced at Franklin Steel Company, Franklin, Pennsylvania, are not being imported in increased quantities, either actual or relative to domestic production. I further conclude that increased imports of fence posts, sign posts and concrete reinforcing bars like or directly competitive with those produced at Franklin Steel Company did not contribute importantly to the total or partial separations of the workers producing such articles at that firm.

Signed at Washington, D.C., this 31st day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-16038 Filed 6-6-77;8:45 am]

[TA-W-1970]

H. W. GOSSARD CO.

Notice of 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-1970: investigation regarding certifi-

cation of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 11, 1977, in response to a worker petition received on March 21, 1977, which was filed by the International Ladies' Garment Workers Union on behalf of workers and former workers producing ladies' sleepwear at the Troy, Missouri, plant of the H. W. Gossard Company, Chicago, Illinois.

The notice of investigation was published in the FEDERAL REGISTER on April 28, 1977 (42 FR 21872). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of H. W. Gossard Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in 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 term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that without regard to any of the other criteria, criterior four (4) has not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers declined 9 percent from 1974 to 1975 and declined 2 percent from 1975 to 1976.

SALES, PRODUCTION, OR BOTH DECREASED ABSOLUTELY

Sales of ladies' sleepwear by the Lingerie Division of H. W. Gossard declined 10 percent from 1974 to 1975 and declined 18 percent from 1975 to 1976.

Production of ladies' sleepwear at the Troy, Missouri, plant increased 7 percent from 1974 to 1975 and then declined 19 percent in the first eleven months of 1976 compared to the first eleven months of 1975.

INCREASED IMPORTS

Imports of women's, misses' and juniors' non-cotton sleepwear declined absolutely from 1971 to 1972 and from 1972 to 1973. Imports increased absolutely from 1973 to 1974 and then declined absolutely and relatively from 1974 to 1975. Imports increased 51 percent from 1975 to 1976. Imports of women's, misses' and juniors' cotton sleepwear increased 43 percent from 1975 to 1976.

CONTRIBUTED IMPORTANTLY

Customers of H. W. Gossard number in the thousands. These customers range from small retail or boutique stores to major mass merchandise or discount chains. A random sample of the customers surveyed indicates that they did not shift purchases from H. W. Gossard to imported sources. Several customers stated that Gossard's products were high quality. Others indicated that there would be little, if any, cost advantage to importing sleepwear. Reduced orders from Gossard were the result of style changes and fashion trends.

CONCLUSION

After review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with ladies' sleepwear produced at the Troy, Missouri, plant of H. W. Gossard Company, Chicago, Illinois, did not contribute importantly to the decline in sales and production or to the total or partial separations of workers at the plant.

Signed at Washington, D.C., this 31st day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc 77-16041 Filed 6-6-77;8:45 am]

[TA-W-1722]

HAWAIIAN TUG & BARGE COMPANY, LTD.

Notice of 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 result of TA-W-1722: 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 3, 1977 in response to a worker petition received on February 23, 1977 which was filed on behalf of workers and former workers of Hawaiian Tug & Barge Company, Ltd.

The notice of investigation was published in the FEDERAL REGISTER on March 15, 1977 (42 FR 14185). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Hawaiian Tug & Barge Company and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(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 term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any of the above criteria is not satisfied, a negative determination must be made.

Hawaiian Tug & Barge Company is an independent contract carrier regulated by the Federal Maritime Commission. Hawaiian Tug & Barge provides interstate water transportation services.

Hawaiian Tug & Barge Company does not produce an article within the meaning of Section 222(3) of the Act and this Department has already determined that the performance of services is not covered by the adjustment assistance program. See Notice of Determination in Pan American World Airways Incorporated (TA-W-153, 40 FR 54639).

CONCLUSION

After careful review of the issues and facts involved, I have determined that services of the kind provided by Hawaiian Tug & Barge Company, Ltd. are not "articles" within the meaning of Section 222(3) of the Trade Act of 1974. The petition for trade adjustment assistance is, therefore, denied.

Signed at Washington, D.C. this 27th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-16039 Filed 6-6-77;8:45 am]

[TA-W-1588]

HORTON AND HUBBARD MANUFACTURING CORP.

Notice of Negative Determinations 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-1588: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 24, 1977 in response to a worker petition received on January 24, 1977 which was filed by three workers on behalf of workers and former workers producing luggage and stereo speaker cabinets at the Nashua, New Hampshire plant of the Horton & Hubbard Mfg. Corp.

The notice of investigation was published in the FEDERAL REGISTER on February 4, 1977 (42 FR 6940). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Brown Group, Inc. on behalf of Horton & Hubbard, retail customers of Horton & Hubbard, the 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 term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all of the above criteria have been met for the luggage department, and that the third criterion has not been met for the stereo speaker cabinet department.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment data was not available for 1974, and was not available separately by department for 1975.

Employment of all production workers at the Nashua plant declined 8 percent from 1975 to 1976. Employment of workers in the luggage department declined in the second, third and fourth quarters of 1976 compared to the previous quarters. Employment of workers in the stereo speaker cabinet department increased in each quarter of 1976 compared to the previous quarters. All employment was terminated when the plant closed in December, 1976.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production data was not available prior to 1975. Production of luggage increased 57 percent in quantity from 1975 to 1976, but declined 21 percent in the last six months of 1976 compared to the same period of 1975. Production of luggage declined in the second, third and fourth quarters of 1976 compared to the previous quarters.

Production of stereo speaker cabinets declined 26 percent in quantity from 1975 to 1976.

All production ceased in December, 1976 when the company was dissolved and the plant closed.

INCREASED IMPORTS

Imports of luggage increased absolutely from 1972 to 1973, declined in year from 1973 to 1975, and then increased from 1975 to 1976. The ratio of imports to domestic production increased from 13.8 percent in 1975 to 24.2 percent in 1976.

Imports of stereo speaker cabinets are not separately identifiable in the official trade statistics. A sample of invoices of goods entering the United States under TSUSA number 684.7050—where stereo speaker cabinets are classified—in 1976 contained no invoices for stereo speaker cabinets. The sample was compiled by the U.S. International Trade Commission.

CONTRIBUTED IMPORTANTLY

All of the retail customers of Horton & Hubbard who were surveyed purchase imported luggage.

Horton & Hubbard increased its import purchases of luggage 677 percent in value from 1975 to 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with luggage produced at the Nashua, New Hampshire plant of Horton & Hubbard Mfg. Corp. contributed importantly to the total or partial separation of the workers in the luggage department of that plant. In accordance with the provisions of the Act, I make the following certification:

"All workers engaged in employment related to the production of luggage at the Nashua, New Hampshire plant of Horton & Hubbard Mfg. Corp. who became totally or partially separated from employment on or after March 13, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974."

I further conclude that imports of articles like or directly competitive with stereo speaker cabinets produced in the stereo speaker cabinet department of that plant have not increased as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C. this 27th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-16040 Filed 6-6-77;8:45 am]

[TA-W-1651]

MADLIN SHRIMP, INC.

Notice of 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-1651: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 5, 1977 in response to a worker petition received on February 5, 1977 which was filed on behalf of workers and former workers engaged in shrimp fishing at Madlin Shrimp, Incorporated, Port Isabel, Texas.

The notice of investigation was published in the FEDERAL REGISTER (42 FR 13089) on March 8, 1977. No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Madlin Shrimp, Incorporated, its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in 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 term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that although criterion (3) has been met, criteria (1), (2) and (4) have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Employment data in the shrimp fishing industry have been expressed in terms of shrimping trips or landings and gross crew earnings since shrimp boat complements usually remain constant with three crewmen per trawler as required for insurance purposes. Crew earnings increased 59.6 percent from 1974 to 1975 and increased 38.8 percent from 1975 to 1976. Crew earnings increased in each quarter of 1976 compared to the similar quarters of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Total sales, in terms of quantity increased 87.6 percent from 1975 to 1976 and in terms of value increased 154.1 percent in 1975 to 1976. Average sales per trawler in terms of quantity increased 0.53 percent and increased 38.8 percent in terms of value from 1975 to 1976.

INCREASED IMPORTS

Imports of shrimp in terms of quantity declined 9.3 percent from 1972 to 1973 and increased by 15.9 percent from 1973 to 1974. Imports declined 13.8 percent in 1974 and increased 17.2 percent in 1976 compared to 1975. The ratio of imports to domestic production increased from 111.4 percent in 1975 to 116.8 percent in 1976.

CONTRIBUTED IMPORTANTLY

Customers indicated they did not decrease their purchases from Madlin Shrimp, Inc. by switching to import purchases. Several customers cited import purchases were made when domestic supplies are low.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of shrimp like or directly competitive with shrimp sold by Madlin Shrimp, Incorporated did not contribute importantly to the total or partial separations of workers at that plant.

Signed at Washington, D.C. this 31st day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-16042 Filed 6-6-77;8:45 am]

[TA-W-1517 and 1518]

MUENCH-KREUZER CANDLE CORP.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1517 and 1518: investigation regarding certification of eligibility to apply for adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 18, 1976 in response to a worker petition received on December 18, 1976 which was filed by the United Steelworkers of America on behalf of workers producing candles at the Liverpool and Syracuse facilities of Muench-Krenzer Candle Corporation Liverpool, New York.

The notice of investigation was published in the FEDERAL REGISTER on January 18, 1977 (42 FR 3376). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the Muench-Kreuzer Candle Corporation, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated;

(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 term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed all four of the above criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The employment of hourly workers declined 39.6 percent in 1975 compared to 1974 and increased 9.9 percent in 1976 compared to 1975. Employment of hourly workers declined in the fourth quarter of 1976 compared to the fourth quarter of 1975. Annual average weekly hours decreased 5.3 percent in 1975 compared to 1974 and increased 5.6 percent in 1976 compared to 1975. Average weekly hours remained unchanged in the fourth quarter of 1976 compared to the fourth quarter of 1975.

The average number of salaried workers decreased 13.4 percent in 1975 compared to 1974 and increased 5.2 percent in 1976 compared to 1975. The average number of salaried workers declined 1 percent in the fourth quarter of 1976 compared to the fourth quarter of 1975.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Production, in terms of quantity, increased 21 percent in 1976 compared to 1975. Production declined 5 percent and 34.2 percent, respectively, in the last two quarters of 1976 compared to the last two quarters of 1975.

INCREASED IMPORTS

U.S. imports of candles, in terms of value, increased 51.6 percent in 1972 compared to 1971 and decreased 8 percent in 1973 compared to 1972 before decreasing 28.6 percent in 1974 compared to 1973. Imports decreased 36.4 percent in 1975 compared to 1974. The ratio of imports to domestic production and consumption decreased from 10.5 percent and 9.6 percent, respectively in 1974 to 6 percent and 5.7 percent, respectively in 1975. Imports increased 17.4 percent in the first nine months of 1976 compared to the similar period in 1975. There were no U.S. production data available for the January–September 1976 period.

CONTRIBUTED IMPORTANTLY

Most major customers of Muench-Kreuzer Candle Company's indicated they purchase some imported candles. Some customers indicated increased import purchases while decreasing purchases from Muench-Kreuzer.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with candles produced by Muench-Kreuzer Candle Company contributed importantly to the total or partial separations of the workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at Muench-Kreuzer Candle Company located in Liverpool, New York, and Syracuse, New York, who became totally or partially separated from employment on or after February 6, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-16043 Filed 6-6-77;8:45 am]

[TA-W-1749]

O'KEEFE DRILLING CO.

Notice of 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-1749: 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 3, 1977, in response to a worker petition received on February 28, 1977, which was filed on behalf of workers and former workers at O'Keefe Drilling Company, Butte, Montana.

The notice of investigation was published in the FEDERAL REGISTER on March 22, 1977 (42 FR 15477). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of O'Keefe Drilling Company and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(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 term "contributed importantly" means a cause which is impor-

tant but not necessarily more important than any other cause.

If any of the above criteria is not satisfied, a negative determination must be made.

O'Keefe Drilling Company which is engaged in exploratory and leach drilling does not produce an article within the meaning of Section 222(3) of the Act and this Department has already determined that the performance of services are not covered by the adjustment assistance program. See Notice of Determination in *Pan American World Airways, Incorporated* (TA–W–153, 40 FR 54639). The only question in this case is whether the Anaconda Company, i.e., a firm which produces an article, namely copper, and for whom the service is provided, can be considered the "workers' firm." See Notice of Determination in *Nu-Car Driveway, Incorporated* (TA–W–393, 41 FR 12749).

O'Keefe Drilling Company is a drilling firm located in Butte, Montana. O'Keefe competes with other drilling companies for business in the Butte, Montana, area and each company is free to drill for any business requesting their services.

Neither the Anaconda Company, on the one hand, nor O'Keefe Drilling Company, on the other, is financially or otherwise involved in the business of the other. O'Keefe owns the facilities necessary to the operation of its business.

The workers upon whose behalf this petition was filed were hired and are paid by O'Keefe Drilling Company. They are supervised by and subject to the control of O'Keefe Drilling personnel only. All employment benefits which they enjoy are provided and maintained by O'Keefe Drilling Company.

Conclusion

After careful review of the issues and facts involved, I have determined that services of the kind provided by O'Keefe Drilling Company are not "articles" within the meaning of Section 222(3) of the Trade Act of 1974, and that the Anaconda Company cannot be considered the "workers' firm." The petition for trade adjustment assistance is, therefore, denied.

Signed at Washington, D.C., this 27th day of May 1977.

James F. Taylor,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-16044 Filed 6-6-77;8:45 am]

[TA-W-1621]

SANRIE SPORTSWEAR, INC.

Notice of 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–1621: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on February 3, 1977, in response to a worker petition received on January 10, 1977, which was filed by the Joint Board of Shirt, Leisurewear, Robe, Glove and Rainwear Workers Union on behalf of the workers and former workers producing women's knit sportswear at the New York, New York, plant of Sanrie Sportswear, Inc. The investigation revealed that the products produced were women's tops and blouses.

The Notice of Investigation was published in the Federal Register on February 18, 1977 (42 FR 10079). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Sanrie Sportswear, Inc., Trissi, Inc., the Joint Board of Shirt, Leisurewear, Robe, Glove and Rainwear Workers Union, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in 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 term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation revealed that criterion (4) has not been met.

Significant Total or Partial Separations

The average number of workers employed by Sanrie Sportswear decreased 36.6 percent in 1975 compared with 1974 and decreased 6.4 percent in the first three quarters of 1976 compared with the first three quarters of 1975. Sanrie Sportswear was permanently closed in November 1976 resulting in the total separation of all workers.

Sales or Production, or Both, Have Decreased Absolutely

Sales of women's tops and blouses in terms of value by Sanrie Sportswear decreased 43.4 percent in 1975 compared with 1974 and decreased 17.8 percent in the first eleven months of 1976 compared with the first eleven months of 1975. No production information was made available by the company.

Increased Imports

Imports of women's, misses', and children's knit blouses and shirts in terms of quantity increased 1.3 percent in 1973 compared with 1972, increased 19.4 percent in 1974 compared with 1973, increased 26.5 percent in 1975 compared with 1974 and increased 12.8 percent in 1976 compared with 1975. The ratios of imports to domestic production and consumption, unavailable for 1976, increased from 69.6 percent and 41 percent, respectively, in 1974 to 81.6 percent and 44.9 percent, respectively, in 1975.

Contributed Importantly

The manufacturer for whom Sanrie Sportswear performed contract work reported that the work formerly produced by Sanrie Sportswear was shifted to other domestic contractors. The company utilizes no foreign contractors nor does it import women's tops and blouses. The manufacturer further reported that its sales and production of women's blouses, tops, and sportswear increased in 1976 compared with 1975. Indicative of this inrease were the costs to the manufacturer of work performed by its contractors which increased 41.8 percent in the first eleven months of 1976 compared with the first eleven months of 1975.

Conclusion

After careful review of the facts obtained in the investigation it is concluded that imports of articles like or directly competitive with women's blouses and tops produced at the New York, New York, plant of Sanrie Sportswear, Inc., did not contribute importantly to the total or partial separations of the workers at that plant as required for certification under Section 222 of the Trade Act of 1974.

Signed in Washington, D.C., this 27th day of May 1977.

James F. Taylor,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-16045 Filed 6-6-77;8:45 am]

[TA-W-1380]

SONDRA, INC., ALLENTOWN, PA.

Notice of 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–1380: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 7, 1976, in response to a worker petition received on December 7, 1976, which was filed on behalf of workers and former workers producing texturized yarn at the Allentown, Pennsylvania, plant of Sondra, Incorporated.

The Notice of Investigation was published in the FEDERAL REGISTER on January 7, 1977 (42 FR 1538). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Sondra, 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 such 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 imports of articles like or directly competitive with articles produced by such workers' firm or an appropriate subdivision thereof, have increased 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 term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The Department's investigation revealed that criterion (4) has not been met.

The Allentown, Pennsylvania, Plant No. 2 of Sondra, Incorporated, was engaged in the production of texturized yarn made from wholly continuous man-made fiber. Plant No. 2 was closed on June 15, 1976, reopened on September 29, 1976, then closed again on November 19, 1976. The texturized yarn was then purchased from other domestic sources. Those sources indicated that all texturized yarn sold to Sondra was produced domestically.

U.S. imports of texturized man-made yarn declined in each year compared to the previous year from 1972 through 1976. The ratio of imported texturized yarn to domestic production declined in each year compared to the previous year from 1972 through 1975.

U.S. imports of man-made cellulosic yarn (spun rayon and/or actate) decreased from 412 thousand pounds in 1972 to 95 thousand pounds in 1973, then increased in 1974 to 356 thousand pounds and in 1975 to 973 thousand pounds. Imports decreased to 490 thousand pounds in 1976.

U.S. imports of spun non-cellulosic yarns (acrylic, polyester-modacrylic) increased from 10,126 thousand pounds in 1972 to 14,089 thousand and then decreased to 5,622 thousand pounds in 1974 and to 4,903 thousand pounds in 1975. Imports increased to 8,783 thousand pounds in 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, it is concluded that imports of articles like or directly competitive with the texturized yarn produced at the Allentown, Pennsylvania plant of Sondra, Incorporated, have not contributed importantly to the separations and to the decrease in production at the plant as required for certification under Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 31st day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration, and Planning.

[FR Doc.77-16046 Filed 6-6-77;8:45 am]

[TA-W-1365]

STANLEY G. FLAGG AND CO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-1365: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 1, 1976 in response to a worker petition received on December 1, 1976 which was filed by the United Steelworkers of America on behalf of workers producing pipe fittings of malleable iron, cast iron, and cast bronze; pole line hardware, meter parts and special castings at Stanley G. Flagg and Company, Stowe, Pennsylvania.

The notice of investigation was published in the FEDERAL REGISTER on January 4, 1977 (42 FR 898). No public hearing was requested and none was held.

The information upon which the determination was made was obtained from the Stanley G. Flagg and Company, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm or an appropriate subdivision of the firm have become totally or partially separated;

(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 term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has revealed that all four criteria have been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

The average number of production workers at Flagg declined 30 percent in 1975 compared to 1974 and increased 4 percent in 1976 compared to 1975. During the last two months of 1976, lay-offs increased to over 5 percent of the work force. Workers are not separately identifiable by product line.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

Sales in quantity of Flagg's malleable iron pipe fittings decreased one percent in 1976 compared to 1975. Sales declined 14.7 percent in quantity in the 4th quarter of 1976 compared to the same quarter in 1975.

Production in quantity of Flagg's malleable iron pipe fittings increased 5 percent in quantity in the first eleven months in 1976 compared to the like period in 1975.

Production in quantity of all Flagg's products decreased 29 percent in 1975 compared to 1974 and increased 16 percent in the first eleven months of 1976 compared to the like period of 1975.

INCREASED IMPORTS

Imports of malleable iron pipe fittings increased from 23.9 million pounds in 1971 to 27.6 million pounds in 1972 and then decreased to 17.0 million pounds in 1973 and to 13.3 million pounds in 1974. Imports increased in 1975 to 15.1 million pounds. Imports for the first nine months of 1976 increased to 15.5 million pounds from 11.1 million pounds for the like period in 1975.

The ratio of imports of malleable iron pipe fittings to domestic production increased from 22.5 percent in 1971 to 24.8 percent in 1972 and decreased to 14.1 percent in 1973 and to 12.1 percent in 1974. The ratio increased in 1975 to 18.2 percent. The ratio for the first nine months of 1976 increased to 21.6 percent from 16.8 percent of the like period in 1975.

Imports of cast iron (threaded) fittings increased from 4.2 million pounds in 1971 to 8.3 million pounds in 1972 and decreased to 1.5 million pounds in 1973 and to 1.3 million pounds in 1974. Imports increased in 1975 to 1.9 million pounds. Imports for the first nine months of 1976 decreased to .6 million pounds from 1.6 million pounds in the like period of 1975.

The ratio of imports of cast iron (threaded) fittings to domestic production increased from 3.4 percent in 1971 to 6.2 percent in 1972 and then decreased to 1.2 percent in 1973 and to 1.1 percent in 1974. The ratio in 1975 increased to 2.5 percent. The ratio for the first nine months of 1976 decreased to 1.0 percent from 2.7 percent in the like period of 1975.

Imports of brass and copper pipe fittings decreased from 1972 to 1975, from 4.8 million pounds to 2.1 million pounds. Imports increased in 1976 to 2.3 million pounds.

The ratio of imports of brass and copper pipe fittings to domestic production increased from 4.9 percent in 1972 to

6.3 percent in 1973 and then decreased to 5.8 percent in 1974, 5.5 percent in 1975, and 5.2 percent in 1976.

CONTRIBUTED IMPORTANTLY

Customer responses indicated a switching of purchases to imported malleable iron pipe fittings because of lower prices.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with malleable iron pipe fittings produced at Stanley G. Flagg, Stowe, Pennsylvania, contributed importantly to the total or partial separation of workers of the plant. In accordance with the provisions of the Act, I make the following certification:

All workers at Stanley G. Flagg, Stowe, Pennsylvania who become totally or partially separated from employment on or after November 1, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-16047 Filed 6-6-77;8:45 am]

[TA-W-1757]

TIFFANY AND CO.

Notice of 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-1757: 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 3, 1977 in response to a worker petition received on February 25, 1977 which was filed by the International Jewelry Workers' Union on behalf of workers and former workers producing sterling silver flatware and holloware at the Newark, New Jersey plant of Tiffany and Company.

The notice of investigation was published in the FEDERAL REGISTER on March 22, 1977 (42 FR 15477). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Tiffany and Company, the Department of Commerce, the 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 term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

The investigation has determined that although criterion (3) has been met, criteria (1), (2) and (4) have not been met.

SIGNIFICANT TOTAL OR PARTIAL SEPARATIONS

Average production employment in the silver shop of the plant decreased 23 percent in 1975 from 1974 and increased 12 percent in 1976 from 1975 and 22 percent in the first 3 months of 1977 compared to the same period of 1976. Most of the employees in the silver shop are not identifiable by product line.

SALES OR PRODUCTION, OR BOTH, HAVE DECREASED ABSOLUTELY

All production is sold to Tiffany's New York store so sales and production are equal.

Total production (sterling silver flatware, holloware and fancy goods) at the plant declined 24 percent in 1975 from 1974 and increased 15 percent in 1976 from 1975. Production increased 6 percent in the first two months of 1977 compared to the same period of 1976.

Production of sterling silver holloware at the plant decreased 41 percent in 1975 from 1974 and increased 45 percent in 1976 from 1975 and 117 percent in the first 2 months of 1977 compared to the same period of 1976.

Production of sterling silver flatware decreased 17 percent in 1975 from 1974, increased 3 percent in 1976 from 1975, and decreased 19 percent in the first 2 months of 1977 compared to the same period of 1976.

Production of sterling silver fancy goods at the plant decreased 25 percent in 1975 from 1974 and increased 36 percent in 1976 from 1975 and 3 percent in the first 2 months of 1977 compared to the same period of 1976.

In 1976 flatware accounted for 62 percent of production at the plant and holloware and fancy goods accounted for 25 and 13 percent, respectively.

INCREASED IMPORTS

The value of imports of sterling silver flatware and holloware increased absolutely and relative to domestic production in 1973 from 1972 and in 1974 from 1973, decreased in 1975 from 1974 and increased in 1976 from 1975. Imports were $2,962,000 or 3.09 percent of domestic production in 1975 and $3,550,000, or 3.51 percent of domestic production in 1976.

During the past 5 years, imports of sterling silver flatware and holloware have never been more than 3.51 percent of domestic production.

The value of silver-plated flatware and holloware increased in absolute terms and relative to domestic production in 1973 from 1972 and decreased in 1974 from 1973 and in 1975 from 1974. Imports increased absolutely but declined relatively in 1976 from 1975. In 1975 imports were $12,429,000 or 14.49 percent of domestic production and in 1976 imports were $15,144,000 or 12.72 percent of domestic production.

CONTRIBUTED IMPORTANTLY

The plant produces exclusively for Tiffany's domestic stores and overseas outlets. Tiffany's does not import products of the type produced at the plant. The only silver products imported by Tiffany's are one-of-a-kind "museum pieces".

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with sterling silver flatware and holloware produced at the Newark, New Jersey plant of Tiffany and Company did not contribute importantly to the total or partial separations of workers of the plant. Therefore, workers of the plant are not eligible to apply for trade adjustment assistance.

Signed at Washington, D.C., this 27th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-16048 Filed 6-6-77;8:45 am]

[TA-W-1445]

U.S. STEEL CORP.

Notice of 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-1445: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 15, 1976 in response to a worker petition received on December 15, 1976 which was filed by the United Steelworkers of America on behalf of workers producing steel wheels and axles at the McKees Rock, Pennsylvania plant of U.S. Steel Corporation.

The Notice of Investigation was published in the FEDERAL REGISTER on January 7, 1977 (42 FR 1541). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from U.S. Steel Corporation, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of

eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(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 separation, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

Without regard to whether any other criteria have been met, criterion (3) has not been met.

The McKees Rocks, Pennsylvania plant of U.S. Steel Corporation produces steel wheels and axles which are used in the railroad industry.

Imports of steel wheels and axles for railway applications increased each year between 1972 and 1975, from 24,391 net tons in 1972 to 74,955 net tons in 1975. In 1976, imports decreased dramatically to 32,197 net tons, a 57 percent decline from 1975.

The ratio of imports to domestic production of steel wheels and axles for railway applications decreased from 7.1 percent in 1972 to 6.7 percent in 1973. The ratio increased to 14.2 percent in 1974 and to 19.9 percent in 1975. In 1976, the import to production ratio declined to 10.6 percent.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that articles like or directly competitive with steel wheels and axles produced at the McKees Rock, Pennsylvania plant of U.S. Steel Corporation are not being imported in increased quantities, either absolute or relative to domestic production, as required for certification in Section 222 of the Trade Act of 1974.

Signed at Washington, D.C., this 27th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-16049 Filed 6-6-77;8:45 am]

[TA-W-1967]

YOUNG BROTHERS, LTD.

Notice of 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-1967: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on April 7, 1977 in response to a worker petition received on April 5, 1977 which was filed on behalf of workers and former workers of Young Brothers, Ltd.

The Notice of Investigation was published in the FEDERAL REGISTER on April 15, 1977 (41 FR 19939). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Young Brothers, Ltd. 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 term "contributed importantly" means a cause which is important but not necessarily more important than any other cause.

If any of the above criteria is not satisfied, a negative determination must be made.

Young Brothers, Ltd. is a common carrier licensed and regulated as a public utility by the state of Hawaii. Young Brothers provides the only scheduled inter-island barge service in Hawaii.

Young Brothers, Ltd. does not produce an article within the meaning of Section 222(3) of the Act and this Department has already determined that the performance of services are not covered by the adjustment assistance program. See Notice of Determination in Pan American World Airways, Incorporated (TA-W-153, 40 FR 54639).

CONCLUSION

After careful review of the issues and facts involved, I have determined that services of the kind provided by Young Brothers, Limited are not "articles" within the meaning of Section 222(3) of the Trade Act of 1974. The petition for trade adjustment assistance is, therefore, denied.

Signed at Washington, D.C., this 27th day of May 1977.

JAMES F. TAYLOR,
Director, Office of Management, Administration and Planning.

[FR Doc.77-16050 Filed 6-6-77;8:45 am]

NATIONAL COMMISSION ON THE OBSERVANCE OF INTERNATIONAL WOMEN'S YEAR

VARIOUS STATE WOMEN'S MEETING

Schedule and Agenda

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463, 5 U.S.C. App. 1), announcement is made of the State Women's Meetings in Arkansas, Connecticut, District of Columbia, Illinois, Iowa, Kentucky, Maryland, Michigan, New Hampshire, Ohio, Rhode Island, South Carolina, Virginia and Wyoming.

The purposes of the meetings are to:

(1) Recognize the contributions of women to the development of our country;

(2) Assess the progress that has been made to date by both the private and public sectors in promoting equality between men and women in all aspects of life in the United States;

(3) Assess the role of women in economic, social, cultural, and political development;

(4) Assess the participation of women in efforts aimed at the development of friendly relations and cooperation among nations and to the strengthening of world peace;

(5) Identify the barriers that prevent women from participating fully and equally in all aspects of national life, and develop recommendations for means by which such barriers can be removed;

(6) Make nominations for and elect representatives to the National Women's Conference in accordance with regulations promulgated by the National Commission on the Observance of International Women's Year and consistent with the requirement that the National Women's Conference shall be composed of:

(a) Representatives of local, State, regional, and national institutions, agencies, organizations, unions, associations, publications, and other groups which work to advance the rights of women; and

(b) Members of the general public, with special emphasis on the representation of low-income women, members of diverse racial, ethnic, and religious groups, and women of all ages.

Recommendations will be developed in workshops and other discussion groups and voted on by the State Meeting. Topics to be discussed during the periods scheduled below include a variety of issues concerning women including health, education, employment, and the legal and economic status of women.

These Meetings are open to the public. All persons 16 years old or over who are residents of the State or enrollees at education institutions in the State may register to participate in any activities. Participation in some activities may be limted by the available space. Registration is premised upon a satisfactory showing of residency or educational institution enrollment and the payment of a nominal fee.

ARKANSAS WOMEN'S MEETING

Place: University of Arkansas, Little Rock, Arkansas.
Time: 1 p.m., June 10 to 3 p.m., June 12.
Number of Delegates to National Women's Conference: 18.
Time of Nominations for Delegates: 8:15 p.m., June 10.
Time of Election of Delegates: 1 to 5 p.m., June 11.
Times of Workshops: June 11, 8:30 to 9:50 a.m., 10 to 11:20 a.m., 2 to 3:30 p.m., 3:30 to 4:50 p.m.
Time of Voting on Recommendations: June 12, 9 a.m. to 3 p.m.
For further information, contact Brownie Ledbetter, Chair, IWY Coordinating Committee, 326 Hall Building, 209 West Capitol, Little Rock, Arkansas 72201 or call 501-375-0615.

CONNECTICUT WOMEN'S MEETING

Place: University of Bridgeport, Bridgeport, Connecticut.
Time: 8:30 a.m., June 11 to 6:30 p.m., June 12.
Number of Delegates to National Women's Conference: 22.
Time of Nominations for Delegates: 9 to 10 a.m., June 11.
Time of Election of Delegates: 1 to 4 p.m., June 11 and 9 to 11 a.m., June 12.
Times of Workshops: June 12, 9 a.m. to 11:30 a.m., 10:45 a.m. to 12:15 p.m.
Time of Voting on Recommendations: June 12, 3:15 to 6 p.m.
For further information, contact Gloria Schaffer, Chair, IWY Coordinating Committee, c/o Marion Fitch Connell, 3rd Floor, 61 Woodland Road, Hartford, Connecticut, or call 203-527-8916.

DISTRICT OF COLUMBIA WOMEN'S MEETING

Place: Trinity College, District of Columbia.
Time: 12 noon, June 10 to 4 p.m., June 12.
Number of Delegates to National Women's Conference: 12.
Time of Nominations for Delegates: 4:30 p.m., June 10.
Time of Election of Delegates: 9:30 a.m. to 3:30 p.m., June 11.
Time of Workshops: June 11, 9:45 a.m. to 12:30 p.m., 3:30 p.m. to 5:30 p.m.
Time of Voting on Recommendations: 1 p.m., June 12.
For further information, contact Anne Turpeau, Chair, IWY Coordinating Committee, Room 204, District Building, Washington, D.C. 20004 or call 202-724-5583.

ILLINOIS WOMEN'S MEETING

Place: Normal State University, Normal, Illinois.
Time: 12 noon, June 10 to 3:30 p.m., June 12.
Number of Delegates to National Women's Conference: 58.
Time of Nominations for Delegates: 9:45 to 10:30, June 11.
Time of Election of Delegates: June 11, 5 p.m. to 12 midnight, June 12, 9 a.m. to 12 noon.
Times of Workshops: June 10, 1 p.m. to 3 p.m., June 11, 1:30 p.m. to 5 p.m.
Time of Voting on Recommendation: June 12, 10 a.m. to 12 noon and 1 to 1:30 p.m.
For further information, contact Susan Catania, Chair, IWY Coordinating Committee, Box 404, Normal, Illinois 61761 or call 800-322-0471.

IOWA WOMEN'S MEETING

Place: Veterans' Memorial Auditorium, Des Moines, Iowa.
Time: 8:30 a.m., June 10 to 12 noon, June 12.
Number of Delegates to National Women's Conference: 22.
Time of Nominations for Delegates: June 10, 1 to 2 p.m., June 11, 10 to 10:45 a.m.
Time of Election of Delegates: June 11, 12:15 to 4 p.m.
Times of Workshops: June 10, 10:30 a.m. to 12 noon, 2:15 p.m. to 3:45 p.m., 4 p.m. to 5:30 p.m., June 11, 9 a.m. to 10:30 a.m., 10:45 a.m. to 12:15 p.m., 2:30 p.m. to 4 p.m., June 12, 9:30 a.m. to 11 a.m.
Time of Voting on Recommendations: June 11, 4 to 6 p.m. and 8 to 9 p.m.
For further information, contact Jean Lloyd-Jones, Chair, IWY Coordinating Committee, 507, 10th Street, Des Moines, Iowa 50319 or call 515-280-1241.

KENTUCKY WOMEN'S MEETING

Place: University of Kentucky and Lexington Convention Center.
Time: 4 p.m., June 10 to 4:30 p.m., June 12.
Number of Delegates to National Women's Conference: 24.
Time of Nominations for Delegates: 10:45 to 11:30 a.m., June 11.
Time of Election of Delegates: 4 p.m. to 8 p.m., June 11 and 8 p.m. to 12 noon, June 12.
Times of Workshops: June 11, 4 p.m. to 5:15 p.m., 6:30 p.m. to 7:45 p.m. June 12, 9 a.m. to 10:15 a.m., 10:30 a.m. to 11:45 a.m.
Time of Voting on Recommendations: June 12, 1 p.m. to 2:15 p.m., 2:30 p.m. to 4 p.m.
For further information, contact Allie Hixson, Chair, IWY Coordinating Committee, Rt. 4, Box 502, Greensburg, Kentucky 42743 or call 502-932-7216.

MARYLAND WOMEN'S MEETING

Place: John Hopkins University, Baltimore, Maryland.
Time: 10 a.m., June 12 to 3 p.m., June 13.
Number of Delegates to National Women's Conference: 26.
Time of Nominations for Delegates: 1 p.m., June 12.
Time of Election of Delegates: June 12, 6:30 to 7:30 p.m., 10 to 11 p.m. June 13, 7 to 9 a.m.
Times of Workshops: June 12, 3 to 5:15 p.m., 7:45 to 10 p.m.
Time of Voting on Recommendations: June 13, 9 a.m. to 12 noon, 1 p.m. to 3 p.m.
For further information, contact Emily Taylor, Chair, IWY Coordinating Committee, 211 East Fayette Street, Second Floor, Baltimore, Maryland 21202 or call 301-837-5540.

MICHIGAN WOMEN'S MEETING

Place: Lansing Civic Center, Lansing, Michigan.
Time: 7 p.m., June 9 to 4 p.m., June 11.
Number of Delegates to National Women's Conference: 48.
Time of Nominations for Delegates: 11 a.m., June 10.
Time of Election of Delegates: June 10, 2 to 8 p.m. June 11, 8 to 11 a.m.
Times of Workshops: June 10, 1 p.m. to 3:30 p.m. June 11, 9:30 a.m. to 12 noon.
Time of Voting on Recommendation: 2 p.m., June 11.
For further information, contact Mary Aikey, Chair, IWY Coordinating Committee, c/o Dorothy Brush, 217 Townsend Street, Lansing, Michigan or call 517-482-1695.

NEW HAMPSHIRE WOMEN'S MEETING

Place: Plymouth Community College, Plymouth, New Hampshire.
Time: 2 p.m., June 10 to 5 p.m., June 11.
Number of Delegates to National Women's Conference: 14.
Time of Nominations for Delegates: 8:30 a.m. to 9:15 a.m., June 11.
Time of Election of Delegates: 1:30 p.m. to 2 p.m., June 11.
Times of Workshops: June 10, 8:30 p.m. to 10 p.m., June 11, 9:30 a.m. to 10:45 a.m., 11 a.m. to 12:30 p.m.
For further information, contact Elizabeth Hager, Chair, IWY Coordinating Committee, 11 South Main Street, Concord, New Hampshire 03301 or call 603-224-5092.

OHIO WOMEN'S MEETING

Place: Ohio State Fairgrounds, Columbus, Ohio.
Time: 8 a.m., June e11 to 5 p.m., Jun 12.
Number of Delegates to National Women's Conference: 56.
Time of Nominations for Delegates: 11:30 a.m. to 12:30 p.m., June 11.
Time of Election of Delegates: June 11, 3 to 10 p.m.
Times of Workshops: June 11, 12:30 p.m. to 8 p.m.
For further information, contact Mary Miller, Chair, IWY Coordinating Committee, c/o Rosemary Palmer, 65 South Fourth Street, Columbus, Ohio 43215 or call 614-461-0308.

RHODE ISLAND WOMEN'S MEETING

Place: Brown University, Providence, Rhode Island.
Time: 8:30 a.m., June 11 to 5 p.m., June 12.
Number of Delegates to National Women's Conference: 14.
Time of Nominations for Delegates: 2 to 3 p.m., June 11.
Time of Election of Delegates: June 12, 10 a.m. to 1:30 p.m.
Times of Workshops: June 11, 10:15 to 11:45 a.m., 3:45 to 5:15 p.m. June 12, 10:45 a.m. to 12:15 p.m.
For further information, contact Helen Migliaccio, Chair, IWY Coordinating Committee, c/o Margot Honig, 235 Promenade, Room 110, Providence, Rhode Island 02908 or call 404-277-2744.

SOUTH CAROLINA WOMEN'S MEETING

Place: Carolina Inn, Columbia, South Carolina.
Time: 12 noon, June 10 to 5:30 p.m., June 11.
Number of Delegates to National Women's Conference: 22.
Time of Nominations for Delegates: 7 p.m., June 10.
Time of Election of Delegates: 9:30 a.m. to 4:30 p.m., June 11.
Times of Workshops: June 11, 9:30 a.m. to 10:50 a.m., 11 a.m. to 12:20 p.m.
Time of Voting on Recommendations: 2 p.m., June 11.
For further information, contact Marianna Davis, Chair, IWY Coordinating Committee, 2801 Devine Street, McCrory Building, Columbia, South Carolina 29205 or call 803-254-6554.

VIRGINIA WOMEN'S MEETING

Place: University of Richmond, Richmond, Virginia.
Time: 6 p.m., June 9 until after 8 p.m., June 11.
Number of Delegates to National Women's Conference: 30.
Time of Nominations for Delegates: June 11, 11 a.m. to 12:10 p.m.
Time of Election of Delegates: June 11, 2:15 p.m. to 5:15 p.m.
Times of Workshops: June 10, 11 a.m. to 1 p.m., 2 p.m. to 4 p.m., 4 p.m. to 6 p.m. June 11, 8:30 a.m. to 10:15 a.m., 1:45 p.m. to 3:45 p.m.
For further information, contact Jill Rinehart, Chair, IWY Coordinating Committee, 1108 East Main Street, Richmond, Virginia 23219 or call 804-293-5316.

WYOMING WOMEN'S MEETING

Place: Casper College.
Time: 11 a.m., June 10 to 12 noon, June 12.
Number of Delegates to National Women's Conference: 12.
Time of Nominations for Delegates: June 11, 8 to 10:15 a.m.
Time of Election of Delegates: June 11, 12 noon to 9 p.m.
Times of Workshops: June 10, 1:30 p.m. to 5 p.m. June 11, 10:30 a.m. to 12 noon, 3:30 p.m. to 5 p.m., 8:30 p.m. to 10 p.m.
For further information, contact Patricia Duncombe, Chair, IWY Coordinating Committee, Box 785, Casper, Wyoming 82602 or call 307-266-2266.

General notice of these meetings has been publicized in the media and the time available for organizing the details of the program schedule have made it necessary on an emergency basis to postpone publication of this notice until this time.

Dated: June 2, 1977.

WILLIAM WALLACE,
Deputy General Counsel, National Commission on the Observance of International Women's Year.

[FR Doc.77-1608 Filed 6-6-77;8:45 am]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

INTERGOVERNMENTAL SCIENCE, ENGINEERING AND TECHNOLOGY ADVISORY PANEL

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

NAME: Intergovernmental Science, Engineering, and Technology Advisory Panel Natural Resources and Environment Task Force.

DATE: June 21, 1977—11:00 a.m. to 3:00 p.m.

PLACE: Governor's Office, State Capitol, Denver, Colorado.

TYPE OF MEETING: Open.

CONTACT PERSON:

Mr. James Monaghan, Office of the Governor, Denver, Colorado, (303) 892-2471. Anyone who plans to attend should contact Mr. Monaghan by June 17.

PURPOSE OF THE PANEL: The Intergovernmental Science, Engineering, and Technology Advisory Panel was established on November 4, 1976. The Panel is to identify State, regional and local government problems which research and technology may assist in resolving or ameliorating and to help develop policies to transfer research and development findings. The Natural Resources and Environment Task Force was formed on March 25, 1977. It is responsible for identifying steps that the Federal government might take to increase the involvement of State and local governments in setting research priorities in the natural resources and environment areas and to increase the applications of natural resources and environment-related science and technology products and processes in State and local governments.

MINUTES OF THE MEETING: Summary minutes of the meeting will be available from Louis Blair, Executive Secretary, ISETAP, Office of Science and Technology Policy, Executive Office of the President, 3011 New Executive Office Building, Washington, D.C. 20500; (202) 395-4596.

TENTATIVE AGENDA

Identification of Potential Issues for the Task Force to address.

Development of a work plan to be presented to the Steering Committee meeting on June 30, 1977.

WILLIAM J. MONTGOMERY,
Executive Officer, Office of Science and Technology.

MAY 26, 1977.

[FR Doc.77-16024 Filed 6-6-77;8:45 am]

REVIEW PANEL ON DAM SAFETY PROGRAMS

Establishment

Pursuant to the Federal Advisory Committee Act (Public Law 92-463), it is hereby determined that the establishment of the Review Panel on Dam Safety Programs is necessary, appropriate, and in the public interest in connection with the performance of the duties imposed upon the Director, Office of Science and Technology Policy (OSTP) by the National Science and Technology Policy, Organization, and Priorities Act of 1976. This determination follows consultation with the Office of Management and Budget (OMB), pursuant to section 9(a)(2) of the Federal Advisory Committee Act and OMB Circular No. A-633, Revised.

1. *Name of Group.* Review Panel on Dam Safety Programs.

2. *Purpose.* A review of Federal dam safety programs has been ordered by the President in a memorandum to a number of agency heads. In that memorandum the President directed that Federal agencies review their programs and directed that an interagency committee on dam safety be convened. In addition, the President has asked that a panel of recognized experts be established to review (1) agency regulations, procedures, and practices and (2) proposed Federal dam safety guidelines. The Panel will obtain the views and advice of established organizations, professional societies, and others concerned with the safety of dams and will provide advice on the adequacy of procedures and regulations throughout the Federal government to ensure the safety of dams which are in any way affected by a Federal role.

3. *Effective Date of Establishment and Duration:* The establishment of the Review Panel on Dam Safety Programs is effective upon filing of the charter with the Director, Office of Science and Technology Policy, and with the standing committees of Congress having legislative jurisdiction over the Office of Science and Technology Policy. The Review Panel on Dam Safety Programs will continue until October 31, 1978.

4. *Membership.* The review Panel on Dam Safety Program will be composed of approximately ten individuals selected primarily from the private sector and having qualifications for providing expert knowledge.

5. *Advisory Group Operation.* The Review Panel on Dam Safety Programs will operate in accordance with provisions of the Federal Advisory Committee Act (Public Law 92-463), OSTP policy and procedures, OMB Circular No. A-63, Revised, and other directives and instructions issued in implementation of the Act.

FRANK PRESS,
Director.

[FR Doc.76-16008 Filed 6-6-77;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release No. 20051; 70-5513]

COLUMBIA GAS SYSTEM, INC. AND COLUMBIA ALASKAN GAS TRANSMISSION CORP.

Post-Effective Amendment Regarding Participation by Gas Transmission Company in Arctic Gas Venture

MAY 27, 1977.

Notice is hereby given that The Columbia Alaskan Gas Transmission Corporation, 20 Montchanin Road, Wilmington, Delaware 19807 ("Columbia Alaskan"), a nonutility gas transportation subsidiary of The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a post-effective amendment to a previously amended application-declaration with this Commission pursuant to Sections 9 and 10 of the Public Utility Holding Company Act of 1935 ("Act") as applicable to the proposed transaction. All interested persons are referred to the post-effective amendment, which is summarized below, for a complete statement regarding the proposed transaction.

Columbia Alaskan was incorporated in 1974 by Columbia to participate in projects for development of proven gas reserves in the Arctic regions of Alaska and Canada and to transport any gas produced to markets in the United States. By order dated August 16, 1974 (HCAR No. 18534), the Commission authorized Columbia Alaskan to issue and Columbia to acquire up to 40,000 shares of Columbia Alaskan's common stock, $25 par value. The Commission also authorized Columbia Alaskan to participate in the Northern Border Pipeline Company General Partnership Agreement ("Northern Agreement") with five other companies, as partners, and apply the proceeds from the sale of its common stock to the capital of the partnership to finance the Northern Border Project. The Northern Border Project represents the third and final stage of the overall pipeline project, extending through the United States

to a terminal near Delmont, Pennsylvania.

Columbia Alaskan has now entered into the Alaskan Arctic Gas Pipeline Company General Partnership Agreement ("Alaskan Agreement") with seven other companies, pursuant to which gas will be transported over the first leg of the overall pipeline project extending from the North Slope of Alaska to the Alaskan-Canadian border. [This is the first step of the Gas Artic Project, which represents the overall undertaking of the partners to deliver gas from the Arctic regions of Canada and Alaska to markets in the United States. A proposal by Columbia Alaskan to participate in a venture for transporting gas through Canada, the second step of the Gas Arctic Project, will be the subject of a further post-effective amendment to this application declaration.

The Alaskan Agreement, like the Northern Agreement, provides, among other things, that Columbia Alaskan's obligations thereunder are contingent upon Commission approval and that it will contribute its share to the capital requirements of the partnership over a period of years. Columbia Alaskan's contributions to the partnership will be made from proceeds from the sale of its common stock to Columbia which has previously been authorized. Any additional capital contributions will be the subject of further applications to this Commission. The partnership will be succeeded, pursuant to the terms of the Alaskan Agreement, by the Alaskan Gas Transmission Company ("Alaskan Company"), a corporation to be organized under Alaskan law to take over the assets and obligations of the partnership. The Alaskan Company will issue shares to the partners in consideration for the transfer of the partnership business in proportion to each partner's respective interest in the partnership, as defined in the Alaskan Agreement.

The fees, commissions and expenses paid or incurred in connection with the proposed transaction, exclusive of filing fees, totals $3,000. It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than June 21, 1977, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be addressed personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the post-effective amendment, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77-15950 Filed 6-6-77;8:45 am]

[Release No. IC-9785]

INVESTMENT COMPANIES INVESTING IN TAX-EXEMPT SECURITIES

Views on Certain Regulatory and Disclosure Matters

In order to assist management, directors, and counsel in complying with the federal securities laws, the Commission is today publishing the views of the Division of Investment Management with respect to certain regulatory and disclosure matters pertinent to companies investing in securities the income from which is exempt from federal income taxation ("tax-exempt bonds"). Some of the matters discussed are pertinent only to managed tax-exempt bond funds ("tax-exempt bond funds"), others are pertinent to unit investment trusts investing in tax-exempt bonds as well.

DIVERSIFICATION

Inquiry has been made as to whether the term "issuer" as used in the diversification test set forth in section 5(b)(1) of the Investment Company Act of 1940 (the "Act") includes states and municipalities and their political subdivisions. This inquiry stems from the fact that the definitional provisions of section 2(a) of the Act do not specifically include such entities. However, it is the Division's view that, notwithstanding the definition of issuer in section 2(a) of the Act, the context of section 5(b)(1)[1] requires that the term "issuer" include for the purpose of such section all the issuers of tax-exempt bonds.

The identification of the issuer for purposes of section 5(b)(1) depends on the terms and conditions of the security. When the assets and revenues of an agency, authority, instrumentality or other political subdivision are separate from those of the government creating the subdivision and the security is backed only by the assets and revenues of the subdivision, such subdivision would be deemed to be the sole issuer for purposes of section 5(b)(1).[2] Similarly, in the case of an industrial development bond, if that bond is backed only by the assets and revenues of the nongovernmental user, then such nongovernmental user would be deemed to be the sole issuer for purposes of section 5(b)(1).[3] If, however, in either case, the creating government or some other entity guarantees a security, such a guarantee would be considered a separate security which must be valued and included in the 5 percent limitation computation of section 5(b)(1) subject to the limited exclusion allowed under Rule 5b-2.

The uncertainty within the industry as to who is the issuer of each tax-exempt bond suggests that there may also be confusion among the investing public. Therefore, when the term "issuer" is used in the prospectus of a tax-exempt bond fund, the prospectus should define the term or describe the factors considered in the determination of who the issuer is for purposes of the diversification test as well as for other policies and restrictions of the fund.

CONCENTRATION

In the Division's view, the statement of policy required by section 8(b)(1)(E) of the Act as to concentration of investment in an industry or group of industries is not applicable to investments in tax-exempt securities issued by governments or political subdivisions of governments since such issuers are not members of any industry. However, this exclusion does not eliminate the requirement for each tax-exempt bond fund to disclose its policy on concentration. Such a policy would apply to tax-exempt bonds issued by non-governmental users as well as to other securities to which such policies normally apply. Any intended exclusion of government issued tax-exempt bonds from such a policy by a fund should be made clear.

RISK DISCLOSURES

Notwithstanding the above, it is the Division's view that when a substantial amount of the assets of either a tax-exempt bond fund or a unit investment trust investing in tax-exempt bonds are invested in securities which are related in such a way that an economic, business, or political development or change affecting one such security would likewise affect the other securities, appropriate disclosure is necessary. For example, each investment company investing in tax-exempt bonds should disclose whether 25% or more of its assets are or may be invested in securities whose issuers are located in the same state, indicating which states. In addition, if a company invests or may invest 25% or more of its assets in securities the interest upon which is paid from revenues of similar

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[1] The introductory line of Section 2(a) states that the definitions in such section are to apply "unless the context otherwise requires."

[2] See the Division's interpretative response to Dreyfus New York Tax Exempt Bond Fund, Inc., dated April 15, 1977.

[3] See the Division's no-action response to Pennsylvania Tax-Free Income Trust dated February 2, 1977.

type projects, it should disclose this fact, identify the type or types of project and discuss any economic, business, or political developments or changes which would most likely affect all projects of that type or types. Such disclosure might include, for example, proposed or suggested federal or state legislation involving the financing of the projects; pending court decisions relating to the validity of the projects or the means of financing them; predicted or foreseeable shortages or price increases of materials needed for the projects; and declining markets or needs for the projects. Also, if a company invests or may invest 25 percent or more of its assets in industrial development bonds, it should disclose this fact.

TAX MATTERS

A. DISCLOSURE OF TAX STATUS

It is the position of the Division that it is misleading for tax-exempt bond funds to discuss the federal income tax-exempt status of their distributions in their prospectuses, advertisements, and supplemental sales literature unless, to the extent applicable, such a discussion is accompanied by disclosure indicating that some or all of the distributions may be subject to federal, state, and local income taxation; distributions which are exempt from federal taxes may be subject to state and local taxation; and that capital gains realized by the fund generally will be subject to taxation at each level.

B. DESIGNATION OF DISTRIBUTIONS AS TAX-EXEMPT

Paragraph (5) of section 852(b) of the Internal Revenue Code (the "Code") is the provision added by the Tax Reform Act of 1976 which allows for the "flow-through" of the tax-exempt status of certain interest earned and distributed by regulated investment companies. Under this section, it appears that each company has the power to determine and designate the percentage (the "designated percentage") of each distribution which is tax-exempt, subject only to the limitation that during the company's taxable year no more can be so designated than the adjusted amount actually earned. Notwithstanding the time of distribution, the designation does not have to be made until 45 days after the end of the company's taxable year. Thus, for a company distributing income more frequently than annually, the amount of distribution designated as tax-exempt for each period is not required by the Code to bear any relationship to the actual amount of tax-exempt interest earned during that period. There appear to be two reasonable methods of making the designation. The company could designate as tax-exempt the same percentage of the distribution as the actual tax-exempt income earned during the period covered by the distribution bore to total income earned during the period ("actual earned method"). Alternatively, one designated percentage could be applied uniformly to all distributions made during the company's tax year ("average annual method"). During any fraction of the year, the two methods could lead to substantially different results.

Investment companies which intend to qualify under section 852(b)(5) of the Code should disclose the basis which will be used for determining the designated percentage of each distribution and the approximate time at which such designation will be made. If the actual earned method is used, the disclosure should indicate that the percentage of the distribution which is tax exempt may vary from distribution to distribution. If the average annual method is used, the disclosure should make clear that the percentage of income designated as tax-exempt for any particular distribution may be substantially different from the percentage of the company's income that was tax-exempt during the period covered by the distribution.

C. CAPITAL GAINS TREATMENT OF ACCRUED INCOME AT TIME OF REDEMPTION

Many municipal bond funds are declaring dividends daily. Some, however, declare dividends on a less frequent basis, such as monthly or quarterly. In such cases, it appears that if a shareholder were to redeem his shares after the accrual of tax-exempt income which has not yet been the subject of a dividend declaration, that portion of his redemption proceeds which represents such accrued tax-exempt income will be treated as part of the amount realized for purposes of capital gains computations. This amount may, therefore, be taxed at long- or short-term capital gains rates although it would have been tax exempt had the fund declared it as dividends prior to the redemption. The possibility of such a tax consequence should be disclosed. Furthermore, the dates on which dividends will be declared should be disclosed so shareholders know when a redemption can be effected with the least possible adverse tax consequences. Moreover, the Division believes that section 36 of the Act may require that directors and managements of such funds consider the dates of redemptions under any automatic withdrawal programs which the fund may have when setting dividend declaration dates in order to maximize, consistent with the tax-exempt income objective of the fund, the amount of income or gain which is tax exempt for shareholders under these programs.

DISCLOSURE RELATING TO QUALITY RATINGS

Most, if not all, tax-exempt bond funds have as one of their investment policies a policy limiting purchases of bonds to ones which have been given a published quality rating by one of the rating services. Most funds having such a policy currently include in their prospectuses an appendix which describes the criterion for each of the various permissible ratings of the bonds in which it may invest. The Division encourages the continuation of this practice.

Funds which have made ratings a part of their investment policy apparently have determined that ratings are meaningful to investors and that a minimum rating policy is highly desirable. However, the significance of this policy is largely diluted unless information is provided as to the distribution of the portfolio among the various ratings. Therefore, tax-exempt bond funds which make ratings a part of their investment policy should provide information in the prospectus as to the distribution of portfolio securities among the various permissible ratings. The average percentage of assets invested in bonds of each rating over the fund's last fiscal year should be disclosed in the prospectus where rating policies are discussed. In addition, issuers may wish to include bond rating information in their portfolio schedules as is done by many issuers currently.

NAMES OF TAX-EXEMPT FUNDS

Section 35(d) of the Act in essence prohibits any fund from using a name which implies a certain type of investment unless such name accurately describes the fund's investment policies. Most tax-exempt bond funds have names which suggest that their distributions will be exempt from federal income taxation. In the Division's opinion, during periods of normal market conditions the percentage of income and corresponding distributions which is tax-exempt should be very close to 100% for such funds. In addition, any such fund should have either a fundamental policy requiring that during periods of normal market conditions the fund's assets be invested so that at least 80% of the income will be tax-exempt or a fundamental policy requiring that during periods of normal market conditions the fund have at least 80% of its net assets invested in tax-exempt securities.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 31, 1977.

[FR Doc.77-15957 Filed 6-6-77;8:45 am]

[Release No. 9779; 812-4067]

MERRILL LYNCH MUNICIPAL BOND FUND, INC.

Filing of Application Pursuant to Section 10(f) of the Act Exempting Certain Transactions From the Provisions of Section 10(f)

MAY 26, 1977.

Notice is hereby given that Merrill Lynch Municipal Bond Fund, Inc., One Liberty Plaza, 165 Broadway Plaza, New York, New York 10006, a Maryland corporation (the "Fund"), has filed an application on December 16, 1976, and amendments thereto on April 15, 1977, and April 26, 1977, pursuant to Section 10(f) of the Investment Company Act of 1940, as amended (the "Act"), for an order of the Commission exempting certain transactions of the Fund from Section 10(f) of the Act so as to permit the Fund to purchase Municipal Bonds (as hereinafter defined) in public offerings in which affiliates of the Fund's in-

vestment adviser participate as a principal underwriter, subject to the conditions specified in the application and as set forth below. All interested persons are referred to the application which is on file with the Commission for a statement of the representations made therein which are summarized below.

The Fund is a diversified open-end management investment company and is registered under the Act. The Fund's investment objective is to provide shareholders income exempt from Federal income taxation at the maximum level consistent with prudent investment management. The Fund proposes to invest in a diversified portfolio of obligations issued by or on behalf of states, territories, and possessions of the United States and the District of Columbia, and their political subdivisions, agencies, and instrumentalities, the interest from which is exempt from Federal income taxation (such obligations being referred to herein as "Municipal Bonds").

The Fund is sponsored by Merrill Lynch, Pierce, Fenner & Smith, Incorporated ("Merrill Lynch"). Merrill Lynch & Co., Inc., the parent of Merrill Lynch, is also the parent of Merrill Lynch Asset Management, Inc., which is the parent of the Fund's investment adviser, Fund Asset Management, Inc. ("FAMI"). Accordingly, Merrill Lynch and the Fund's investment adviser are each an "affiliated person" of each other as such term is defined in Section 2(a)(3) of the Act.

Merrill Lynch, a registered broker-dealer, conducts a diversified securities business and, through its Municipal Bond Department, participates as an underwriter in a substantial number of public offerings of Municipal Bonds and acts as a broker and dealer in Municipal Bonds. The application states that the Municipal Bond Department of Merrill Lynch and FAMI, the investment adviser to the Fund, operate as completely separate entities under the umbrella of the Merrill Lynch & Co., Inc., holding company. Each has separate officers and employees, and each maintains separate books and records and operates as an inindependent profit center.

Section 10(f) of the Act, in pertinent part, provides that no registered investment company shall knowingly purchase or acquire, during the existence of any underwriting or selling syndicate, any security a principal underwriter of which is an officer, director, investment adviser, or employee of such investment company, or is a person of which any such officer, director, investment adviser, or employee is an affiliated person. That section further provides that the Commission, by rules or regulations upon its own motion or by order upon application, may exempt any transaction or classes of transactions from the restrictions contained therein to the extent such exemption is consistent with the protection of investors.

Pursuant to the rule-making authority granted by Section 10(f), the Commission adopted Rule 10f-3 in 1958. The Rule provides that a purchase of securities by a registered investment company prohibited by Section 10(f) of the Act shall be exempt from the provisions of such Section if certain conditions are satisfied. The Fund notes that Rule 10f-3 was designed for underwritten offerings of corporate equity and debt securities, whereas it intends to invest primarily in Municipal Bonds. The Fund asserts that underwritten offerings of Municipal Bonds are conducted under different terms and conditions than corporate underwritings and for several reasons do not fit within the framework of Rule 10f-3. For example, there is no registration requirement for Municipal Bonds under the Securities Act of 1933 as required by Section (a)(1) of Rule 10f-3. Therefore the Fund will be precluded from being able to take advantage of the exemption afforded by the Rule and will be unable to purchase Municipal Bonds in public offerings in which Merrill Lynch or any of its affiliates participates as a "principal underwriter", as such term is defined in Section 2(a)(29) of the Act.

It is the Fund's contention, as stated in its application, that due to the special nature of the Municipal Bond market and its emphasis on distributions through underwriting syndicates, the Fund must have access to the primary underwriting market in order to obtain best price and execution in the accumulation of portfolio securities. Because of the high degree of participation of Merrill Lynch in these underwritings, the Fund believes that the prohibition of Section 10(f) would, unless modified, prejudice the Fund by precluding access to a significant portion of the Municipal Bond market.

In order for the Fund to participate in public offerings of Municipal Bonds in which Merrill Lynch or any of its affiliates is a "principal underwriter", the Fund seeks an order exempting its proposed future purchases of Municipal Bonds from Section 10(f) on the basis of the terms set forth below which are discussed in its application. These terms are based upon Rule 10f-3 appropriately revised for the purposes of the requested exemptive order to reflect the special nature of the Municipal Bond market.

Terms of Proposed Order

The exemptive order sought by the Fund would be subject to the following conditions (paragraph references are keyed to the text of Rule 10f-3):

(a) The securities to be purchased shall be:

(1) Part of an issue of Municipal Bonds, the interest on which is exempt from Federal income tax, which is being offered to the public;

(2) Purchased at not more than the public offering price prior to the end of the first full business day after the first date on which the issue is offered to the public;

(3) Offered pursuant to an underwriting agreement under which the underwriters are committed to purchase all of the Municipal Bonds being offered, if the underwriters purchase any thereof;

(4) Acquired pursuant to an order (which may be conditional) placed by the Fund with an underwriter prior to the first date on which the issue is offered to the public;

(5) Purchased in an unsolicited transaction originating with the Fund or its investment adviser; and

(6) Purchased in transactions for which records are maintained setting forth the reasons for the purchase and for the sale, if any, of any portfolio securities related to the transaction, which records shall be available for inspection by the Commission.

(b) The gross commission, spread or profit to the principal underwriters shall not exceed 2.5 percent of the principal amount of the issue.

(c) On the date of purchase the issue shall have received an investment grade rating from Standard & Poor's Corporation or Moody's Investors Service, Inc.; *Provided, however,* If the issuer of the securities to be purchased, or the entity supplying the revenues from which the issue is to be paid, shall have been in continuous operation for less than three years, including the operations of any predecessor, then on the date of purchase the issue shall have received a rating of "A" or better from Standard & Poor's Corporation or Moody's Investors Service, Inc.

(d) The principal amount of Municipal Bonds to be purchased by the Fund or by the Fund and any other investment companies having the same investment adviser, shall not exceed 3 percent of the principal amount of the issue being underwritten or $500,000 in principal amount, whichever is greater, but in no event greater than 10 percent of the principal amount of the issue.

(e) The consideration to be paid by the Fund in purchasing the Municipal Bonds being offered shall not exceed 3 percent of the total assets of the Fund; provided, that if such consideration shall exceed $1,000,000, it shall not exceed 2 percent of the Fund's total asets.

(f) The exemptive order shall not be construed to permit transactions with any affiliated person or principal underwriter of the Fund or any affiliated person thereof (including purchases from syndicate managers designated aes group sales or otherwise allocated to the account of such affiliated person or principal underwriter) which would otherwise be prohibited by Section 17 of the Investment Company Act of 1940; the Fund having represented that it will keep its noninterested directors completely informed, and fully aware, of the available alternatives with respect to recapture of the costs of portfolio transactions and having undertaken to take such steps may be necessary to seek to implement any such recapture, including the filing of applications for exemptions under the Investment Company Act of 1940, if the noninterested directors should determine that recapture is in the best in-

terests of the Fund or if otherwise required by developments in the law.

(g) The purchase of the securities being offered shall have been authorized or approved by a resolution of the board of directors of the Fund, or of a committee composed of at least three members of such board (a majority of which must be noninterested persons of the Fund), which resolution shall state that in the judgment of the board or committee, the purchase of securities proposed will meet all the requirements of paragraphs (a) through (f) of this exemptive order and which authorization or approval shall have been supported by the vote (at a meeting or by written consent given without a meeting) of not less than a majority of the members of the board of directors or of the committee who were not interested persons of the Fund.

(h) The Fund shall set forth all transactions conducted pursuant to the exemptive order in its quarterly reports filed with the Securities and Exchange Commission on Form N–1Q. In addition, information as to such transactions shall be contained in the notes to the Fund's published financial statements.

(i) The officers and directors of the Fund and its investment adviser assume the burden of establishing that each transaction made pursuant to the exemptive order is consistent with the purpose of such order to prevent the selection of the Fund's portfolio securities in the interest of such affiliated persons or in the interest of underwriters, brokers or dealers rather than in the interest of the Fund's security holders.

The Fund states that, as set forth in Investment Company Act Release No. 2797 (December 2, 1958), the conditions to the exemption from Section 10(f) contained in Rule 10f–3 were designed to permit purchases without an exemptive order where the circumstances are such as to make it unlikely that the purchase will be inconsistent with the protection of investors. The Fund contends in its application that the exemption sought from the prohibition of Section 10(f) is consistent with the protection of investors. The Fund further contends that the terms of the exemption sought in its application attempt to incorporate the substantive provisions of Rule 10f–3 into a framework taking into account the realities of Municipal Bond underwritings so as to permit effective use of the exemption and at the same time making it unlikely that a purchase thereunder will be inconsistent with the protection of investors.

Notice is further given that any interested person may, not later than June 20, 1977, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the foregoing matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the Application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–15951 Filed 6–6–77;8:45 am]

[Rel. No. 34–13576; File No. SR–MSE–77–16]

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 May 23, 1977, 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 (deletions [bracketed], additions italicized).

ARTICLE XXIV

TERMINATION OF REGISTRATION

RULE 8. [The Committee on Floor Procedure may at any time, without prior notice, suspend the registration of a specialist, co-specialist or relief specialist pending an opportunity for fair hearing on termination before the Committee on Specialist Assignment and Evaluation.]

Whenever it shall appear or be called to the attention of any member of the Committee on Floor Procedure or the President that a specialist, co-specialist or relief specialist is violating any of the Rules *of the Exchange or the Federal Securities laws* or is conducting business as a specialist, co-specialist or relief specialist in an unethical or unbusiness-like manner, the member of the Committe on Floor Procedure or the President shall, without the necessity of previous notice, order such specialist, co-specialist or relief specialist to cease activities pending an opportunity for fair hearing *on the apparent violation consistent with the procedures set out in Article XXI of the Rules of the Exchange.* [before the Committee on Specialist Assignment and Evaluation which may withdraw the registration of the specialist, co-specialist or relief specialist.]

In connection with its responsibilities to monitor and evaluate the performance of registered specialists, co-specialists and relief specialists, the Committee on Specialist Assignment and Evaluation may withdraw any such registration based upon a finding after an opportunity for fair hearing that the particular specialist, co-specialist or relief specialist has not adequately performed their particular function as measured by performance guidelines adopted by the Committee on Specialist Assignment and Evaluation.

MSE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed rule change is to eliminate wording in order to clearly define the authority of the President of the Exchange and members of the Committee on Floor Procedure in matters concerning apparent violations of Exchange Rules or the Federal Securities Laws by specialists, co-specialists or relief specialists.

The proposed rule change helps prevent fraudulent and manipulative acts and practices and promotes just and equitable principles of trade.

Comments have neither been solicited nor received.

The Midwest Stock Exchange, Incorporated, believes that no burdens have been placed on competition.

By July 12, 1977, 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 Pubic Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted within twenty-one days of the date of this publication.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 27, 1977.

[FR Doc.77–15953 Filed 6–6–77;8:45 am]

[Release No. 34-13574; File No. SR-MSE-77-14]

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) (the "Act"), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 18, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

MIDWEST STOCK EXCHANGE'S ("MSE") STATEMENT OF THE TERMS OF SUBSTANCE OF A PROPOSED RULE CHANGE

Section 1 of Article II of the MSE Constitution is amended to delete the last paragraph thereof in its entirety as follows. (Deletions are bracketed and additions are italicized):

ARTICLE II

TYPES OF MEMBERSHIPS

Sec. 1 * * * [In those sections of the By-Laws or in those Rules that are specifically designated as applicable to equity trading or equity members, the word member shall mean only equity members. In those sections of the By-Laws or in those Rules specifically designated as applicable to options trading or options members, the word member shall mean only options members.]

Section 3 of Article II of the MSE Constitution is amended as follows:

* * * * *

RIGHTS AND PRIVILEGES OF MEMBERSHIP

Sec. 3. (a) Equity members have full rights and privileges with respect to equity trading on the Exchange but are not [to be] entitled to the rights and privileges of options trading unless also options members.

(b) Options members have full rights and privileges with respect to options trading on the Exchange [but are not to be entitled to the rights and privileges of equity trading unless also equity members.] *Options members may, upon application and subject to payment of such fees and satisfaction of such requirements of training, experience and competence as the Exchange may impose, effect on the same basis as equity members (either personally or through a nominee) transactions in those equity securities, and only those equity securities, underlying options contracts traded on the Exchange. All such transactions in equity securities by an options member must be for his own account and effected in accordance with the rules of the Exchange designed to insure that they constitute a course of dealing reasonably calculated to contribute to the maintenance of a fair and orderly market. Such equity trading by options members is permitted for the purpose of facilitating the maintenance of a fair and orderly market in options contracts traded on the Exchange and such privilege is subject to revocation on an individual or collective basis by the Board of Governors upon a determination that such trading by individual options members or all options members as a group does not accomplish that objective.*

MSE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of the proposed elimination of the last paragraph of Section 1 of Article II of the Constitution is intended to avoid any confusion with respect to the existing policy of the Exchange that all Rules, whether equity or options, apply equally to all members.

The purpose of the proposed amendment to Section 3 of Article II is to provide limited access to equity trading to options-only members, thus providing additional trading opportunities for options market makers and additional liquidity to the options floor in order to facilitate a fair and orderly market in options contracts traded on the Exchange. All such transactions in equity securities by an options member will be required to be effected in accordance with the Rules of the Exchange designed to insure that they constitute a fair and orderly market. Thus, the rule change also has a its purpose the enhancement of the market in equity securities.

The rule changes are proposed to promote just and equitable principles of trade, to provide a regulatory climate to allow the Exchange to enforce compliance by members with the provisions of the Act, and to facilitate the maintenance of a fair and orderly market. As such, the Exchange cites section 6(c)(5) of the Act as the statutory basis for the proposed amendments.

The Options Floor procedure Committee has approved this proposal. No other comments have been solicited or received. The proopsals are presently being submitted to a vote of the membership, however.

The Midwest Stock Exchange, Incorporated believes that the proposed amendments to its Constitution would not place a burden on competition.

By July 12, 1977, 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 by June 28, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 27, 1977.

[FR Doc.77-15954 Filed 6-6-77;8:45 am]

[Rel. No. 9784; 812-4063]

PENNSYLVANIA TAX-FREE INCOME TRUST, ET AL.

Filing of Application Pursuant to Section 10(f) of the Act Exemption Certain Transactions From the Provisions of Section 10(f)

MAY 31, 1977.

Notice is hereby given that Pennsylvania Tax-Free Income Trust, a common law trust organized in Pennsylvania ("Trust"), B&S Asset Management Corporation ("Adviser") and Butcher & Singer, Inc., 1500 Walnut Street, Philadelphia, Pennsylvania 19102, (hereafter collectively referred to as the "Applicants") have filed an application on December 14, 1976, and amendments thereto on April 25, 1977, and May 20, 1977, pursuant to Section 10(f) of the Investment Company Act of 1940, as amended (the "Act"), for an order of the Commission exempting certain transactions of the Trust from Section 10(f) of the Act so as to permit the Trust to purchase Municipal Bonds (as hereafter defined) in public offerings in which affiliates of the Adviser participate as a principal underwriter, subject to the conditions specified in the application and as set forth below. All interested persons are referred to the application which is on file with the Commission for a statement of the representations made therein, which are summarized below.

The Trust is a diversified, open-end management investment company and is registered under the Act. It filed a registration statement on Form N-8B-1 pursuant to Section 8(b) of the Act on November 10, 1976, and has commenced distribution of shares of beneficial interest of the Trust pursuant to a registration statement under the Securities Act of 1933 which was declared effective on February 18, 1977. The Trust's investment objective is to provide shareholders, through investment in a professionally managed portfolio of Municipal Bonds, as high a level of current income exempt from Federal and Pennsylvania income taxes as is consistent, in the view of the Trust's management, with preservation of capital. In seeking this objective, the Trust proposes to invest at least 80% of its assets in a diversified portfolio of obligations issued

by or on behalf of the Commonwealth of Pennsylvania, counties, municipalities, school districts, state and local authorities organize in Pennsylvania, certain interstate agencies, and certain territories of the United States, the interest of which is exempt from Federal and Pennsylvania income taxes (such obligations are referred to herein as "Municipal Bonds"). However, this percentage may be temporarily reduced from time to time for defensive purposes under adverse market conditions. The Trust may also invest in Municipal Bonds of other jurisdictions and will invest in temporary investments.

The Trust and the Adviser are parties to an investment advisory agreement pursuant to which the Adviser provides certain specified services to the Trust in return for a set fee. The Adviser is a Pennsylvania corporation registered as an investment adviser under the Investment Advisers Act of 1940. All of the Adviser's shares of capital stock are owned by Butcher & Singer, Inc. and all of the Adviser's directors and officers are also officers of Butcher & Singer, Inc. Accordingly, the Adviser and Butcher & Singer, Inc. are each an affiliated person of each other as that term is defined in Section 2(a)(3) of the Act.

Butcher & Singer, Inc. is a Pennsylvania corporation which conducts a general investment banking and securities brokerage business with 23 offices in seven states, including 11 offices in Pennsylvania. Butcher & Singer, Inc. proposes to act as a principal underwriter during the initial distribution of the Trust's Shares and as general distributor during the continuous offering. The Applicants state that Butcher & Singer, Inc. is one of the major underwriters of Municipal Bonds in Pennsylvania, having underwritten, as syndicate manager or co-manager, over three billion dollars of Pennsylvania Municipal Bonds since 1945.

Two of the five Trustees of the Trust are affiliates of Butcher & Singer, Inc., and therefore "interested persons" of the Trust. The other three Trustees are not "interested persons" of the Trust.

Section 10(f) of the Act, in pertinent part, provides that no registered investment company shall knowingly purchase or acquire, during the existence of any underwriting or selling syndicate, any security a principal underwriter of which is an officer, director, investment adviser or employee of such investment company, or is a person of which any such officer, director, investment adviser or employee is an affiliated person. That section further provides that the Commission, by rules or regulations upon its own motion or by order upon application, may exempt any transaction or classes of transactions from the restrictions contained therein to the extent such exemption is consistent with the protection of investors.

Pursuant to the rule-making authority granted by section 10(f), the Commission adopted Rule 10f-3 in 1958. The Rule provides that a purchase of securities by a registered investment company prohibited by Section 10(f) of the Act shall be exempt from the provisions of such Section if certain conditions are satisfied. The Applicants note that Rule 10f-3 was designed for underwritten offerings of corporate equity and debt securities, whereas they intend to invest primarily in Municipal Bonds. The Applicants assert that underwritten offerings of Municipal Bonds are conducted under different terms and conditions than corporate underwritings and for several reasons do not fit within the framework of Rule 10f-3. For example, there is no registration requirement for Municipal Bonds under the Securities Act of 1933 as required by Section (a)(1) of Rule 10f-3. Therefore, the Trust will be precluded from being able to take advantage of the exemption afforded by the Rule and will be unable to purchase Municipal Bonds in public offerings in which Butcher & Singer, Inc. or any of its affiliates participates as a "principal underwriter", as such term is defined in Section 2(a)(29) of the Act.

It is the Applicants' contention, as stated in the application, that due to the special nature of the Municipal Bond market and its emphasis on distributions through underwriting syndicates, the Trust must have access to the primary underwriting market in order to obtain best price and execution in the accumulation of portfolio securities. Because of the high degree of participation of Butcher & Singer, Inc. in these underwritings, the Applicants believe that the prohibitions of Section 10(f) would, unless modified, prejudice the Trust by precluding access to a significant portion of the Municipal Bond market. The Applicants state that although portions of large municipal issues usually reappear in the secondary market soon after the underwriting syndicates have been closed not all maturities of such issues reappear. Furthermore, in the case of smaller issues (and a substantial portion of municipal issues in Pennsylvania consist of school and sewer and water issues under $5,000,000) Applicants state that most of the bonds may be purchased by investors who hold to maturity.

In order for the Trust to participate in public offerings of Municipal Bonds in which Butcher & Singer, Inc. or any of its affiliates is a "principal underwriter", the Applicants seek an order of the Commission exempting its proposed future purchases of Municipal Bonds from Section 10(f) on the basis of the terms set forth below, which are discussed in the application. These terms are based upon Rule 10f-3 appropriately revised for the purposes of the requested exemptive order to reflect the special nature of the Municipal Bond market.

The exemptive order sought by the Applicants would be subject to the following conditions (paragraph references are keyed to the text of Rule 10f-3):

(a) The securities to be purchased shall be:

(1) Part of an issue of Municipal Bonds, the interest on which is exempt from Federal income tax, which is being offered to the public;

(2) Purchased at not more than the public offering price prior to the end of the first full business day after the first date on which the issue is offered to the public;

(3) Offered pursuant to an underwriting agreement under which the underwriters are committed to purchase all of the Municipal Bonds being offered, if the underwriters purchase any thereof;

(4) Acquired pursuant to an order (which may be conditional) placed by the Trust with an underwriter prior to the first date on which the issue is offered to the public;

(5) Purchased in an unsolicited transaction originating with the Trust or its investment adviser; and

(6) Purchased in transactions for which records are maintained setting forth the reasons for the purchase and for the sale, if any, of any portfolio securities related to the transaction, which records shall be available for inspection by the Commission.

(b) The gross commission, spread or profit to the principal underwriters shall not exceed 2.5 percent of the principal amount of the issue.

(c) On the date of purchase the issue shall have received an investment grade rating from Standard & Poor's Corporation or Moody's Investors Service, Inc.; *Provided, however*, If the issuer of the securities to be purchased, or the entity supplying the revenues from which the issue is to be paid, shall have been in continuous operation for less than three years, including the operations of any predecessor, then on the date of purchase the issue shall have received a rating of "A" or better from Standard & Poor's Corporation or Moody's Investors Service, Inc.

(d) The principal amount of Municipal Bonds to be purchased by the Trust or by the Trust and any other investment companies having the same investment adviser, shall not exceed 3 percent of the principal amount of the issue being underwritten or $500,000 in principal amount, whichever is greater, but in no event greater than 10% of the principal amount of the issue.

(e) The consideration to be paid by the Trust in purchasing the Municipal Bonds being offered shall not exceed 3 percent of the total assets of the Trust; *Provided*, That if such consideration shall exceed $1,000,000, it shall not exceed 2 percent of the Trust's total assets.

(f) The exemptive order shall not be construed to permit transactions with any affiliated person or principal underwriter of the Trust or any affiliated person thereof (including purchases from syndicate managers designated as group sales or otherwise allocated to the account of such affiliated person or principal underwriter) which would otherwise be prohibited by Section 17 of the Investment Company Act of 1940; the Trust having represented that it will keep its non-interested directors completely informed, and fully aware, of the available alternatives with respect to recapture of the costs of portfolio transactions and having undertaken to take such steps as may be necessary to seek to implement any such recapture, including the filing of applications for exemptions under the Investment Company Act of 1940, if the non-interested directors should determine that recapture is in the best inter-

ests of the Trust or if otherwise required by developments in the law.

(g) The purchase of the securities being offered shall have been authorized or approved by a resolution of the Board of Trustees of the Trust, or of a committee composed of at least three members of such board (a majority of which must be noninterested persons of the Trust), which resolution shall state that in the judgment of the Trustees or committee, the purchase of securities proposed will meet all the requirements of paragraphs (a) through (f) of this exemptive order and which authorization or approval shall have been supported by the vote (at a meeting or by written consent given without a meeting) of not less than a majority of the members of the Board of Trustees or of the committee who were not interested persons of the Trust.

(h) The Trust shall set forth all transactions conducted pursuant to the exemptive order in its quarterly reports filed with the Securities and Exchange Commission on Form N–1Q. In addition, information as to such transactions shall be contained in the notes to the Trust's published financial statements.

(i) The officers and directors of the Trust and its investment adviser assume the burden of establishing that each transaction made pursuant to the exemptive order is consistent with the purpose of such order to prevent the selection of the Trust's portfolio securities in the interest of such affiliated persons or in the interest of underwriters, brokers or dealers, rather than in the interest of the Trust's security holders.

The Applicants state that, as set forth in Investment Company Act Release No. 2797 (December 2, 1958), the conditions to the exemption from Section 10(f) contained in Rule 10f–3 are designed to permit purchases without an exemptive order where the circumstances are such as to make it unlikely that the purchase will be inconsistent with the protection of investors. The Applicants contend in the application that the exemption sought from the prohibitions of Section 10(f) is consistent with the protection of investors. The Applicants further contend that the terms of the exemption sought in the application attempt to incorporate the substantive provisions of Rule 10f–3 into a framework taking into account the realities of Municipal Bond underwritings so as to permit effective use of the exemption and at the same time making it unlikely that a purchase thereunder will be inconsistent with the protection of investors.

Notice is further given that any interested person may, not later than June 24, 1977 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the foregoing matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicants at the address stated above. Proof of such service (by affidavit or, in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the Application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.77–15952 Filed 6–6–77;8:45 am]

[Rel. No. 34–13575; File No. SR–PHLX 77–3]

PHILADELPHIA 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 May 24, 1977, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

PHLX' STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Philadelphia Stock Exchange, Inc. (PHLX) proposes to amend its Option Rules by the addition of new Rule 1058 which will read as follows:

Brackets indicate deletions, italics indicate new material.

Pursuant to authority delegated by the Committee on Options under By-Law 10–13, any options floor official may impose on members and member organizations assessments not to exceed $100 per occurrence for breaches by members or their employes of regulations of the Committee on Options which relate to order, decorum, health, safety, and welfare on the Options Trading Floor. Notice of assessment for breach of such regulations shall be given by the issuance of a written citation. There shall be a right to a hearing before a duly appointed member of the Committee on Options whose ruling in the matter shall be final.

01. Time and place of hearing.—The PHLX shall fix a mutually convenient time and place of hearing, notice of which must be given in advance and may be given orally.

02. Record.—An appropriate record shall be kept.

03. Procedure.—The hearing shall be conducted by a Hearing Director who is a duly appointed member of the Committee on Options in whatever manner will permit full presentation of the evidence.

04. Evidence.—The Hearing Director shall be the sole judge of relevancy and materiality of the evidence offered.

05. Findings.—The finding of the Hearing Director shall be rendered at the close of the hearing.

06. No right of appeal.—The finding of the Hearing Director shall be final. There shall be no appeal from such finding.

07. Report to Securities and Exchange Commission (SEC).—A report in appropriate form of the finding of the Hearing Director shall be made to the SEC. No report shall be made if the citation is not contested and the assessment is promptly paid.

PHLX' STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed rule change is to insure the health, safety and welfare of all those who work on the PHLX Options Trading Floor.

Comments were not solicited nor were comments received.

The PHLX does not believe that any burden on competition will be imposed by this rule change.

By July 12, 1977, 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 submission 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 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 by June 28, 1977.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 27, 1977.

[FR Doc.77–15955 Filed 6–6–77;8:45 am]

INTERSTATE COMMERCE COMMISSION

[No. 36569]

ARKANSAS INTRASTATE FREIGHT RATES AND CHARGES, 1977

Petition For Investigation of Intrastate Freight Rates and Charges Within the State of Arkansas

Present: Dale W. Hardin, Commissioner, to whom this matter has been assigned for action.

By joint petition authorized under section 13(3) of the Interstate Commerce

Act, filed April 22, 1977, petitioners, six common carriers by railroad [1] subject to Part I of the Interstate Commerce Act, and also operating in intrastate commerce in the State of Arkansas, request that this Commission institute an investigation of their Arkansas intrastate freight rates and charges, under section 13 and 15a of the Interstate Commerce Act, wherein they will seek an order authorizing them to increase such rates and charges in the same amounts approved for interstate application by this Commission in Ex Parte No. 336.

By tariff filed with the Arkansas Transportation Commission, petitioners sought to make the increases granted in Ex Parte No. 336 applicable on Arkansas intrastate traffic. Said Commission denied the increases.

Petitioners contend that present interstate freight rates from, to, and within Arkansas are just and reasonable and that the proposed intrastate rates will not exceed a just and reasonable level; that transportation conditions for intrastate traffic in Arkansas are not more favorable than for interstate traffic; that traffic moving under present Arkansas intrastate rail freight rates and charges fails to provide its fair share of earnings; and, that the present Arkansas intrastate rail freight rates and charges create undue and unreasonable advantage, preference, and prejudice between persons and localities in intrastate commerce within Arkansas and interstate and foreign commerce, and result in undue, unreasonable, and unjust discrimination against and an undue burden on interstate commerce in violation of sections 13 and 15a of the Interstate Commerce Act, among others, to the extent that they do not include the increases authorized in Ex Parte No. 336.

Under section 13 of the Interstate Commerce Act, this Commission may institute an investigation, into the lawfulness of intrastate rail freight rates and charges for the purpose of adjusting such rates and charges to those charged on similar traffic moving in interstate or foreign commerce. This Commission may act not withstanding the laws or constitution of any State.

Wherefore, and good cause appearing therefore;

It is ordered, That the petition be, and it is, hereby granted; and that an investigation, under section 13 and 15a of the Interstate Commerce Act, be, and it is, hereby instituted to determine whether the Arkansas intrastate rail freight rates in any respect cause any unjust discrimination against or any undue burden on interstate or foreign commerce, or cause undue or unreasonable advantage, preference, or prejudice as between interstate or foreign commerce, or are otherwise unlawful, by reason of the failure of such rates and charges to include the full increases authorized for interstate application by the Commission in Ex Parte No. 336; and to determine if any rates or charges, or maximum or minimum charges, or both, shall be prescribed to remove any unlawful advantage, preference, prejudice, discrimination, undue burden, or other violation of law, found to exist.

It is further ordered, That all common carriers by railroad operating in the State of Arkansas, subject to the jurisdiction of this Commission, be, and they are, hereby made respondents in this proceeding.

It is further ordered, That all persons who wish to actively participate in this proceeding and to file and receive copies of pleadings shall make known that fact by notifying the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423, on or before 15 days from the FEDERAL REGISTER publication date. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible. The Commission desires participation of only those who intend to take an active part in the proceeding.

It is further ordered, That as soon as practicable after the date of indicating a desire to participate in the proceeding has passed, the Commission will serve a list of names and addresses of all persons upon whom service of all pleadings must be made and that thereafter this proceeding will be assigned for oral hearing or handling under modified procedure.

And it is further ordered, That a copy of this order be served upon each of the petitioners and respondents herein; that the State of Arkansas be notified of the proceeding by sending copies of this order and of the instant petition by certified mail to the Governor of the State of Arkansas and the Arkansas Transportation Commission; and that further notice of this proceeding be given to the public by depositing a copy or this order in the Office of the Secretary of the Interstate Commerce Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

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

Dated at Washington, D.C., this 25th day of May, 1977.

By the Commission, Commissioner Hardin.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-16085 Filed 6-6-77;8:45 am]

[1] Chicago, Rock Island and Pacific Railroad Company; The Kansas City Southern Railway Company; Louisiana & Arkansas Railway Company; Missouri Pacific Railroad Company; St. Louis-San Francisco Railway Company; St. Louis Southwestern Railway Company.

[Notice No. 406]

ASSIGNMENT OF HEARINGS

JUNE 2, 1977.

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 date. 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.

No. 36580, Oilfield Pipe or Tubing, Colorado to Points in the Southwest now being assigned September 7, 1977 (3 days) at Dallas, Texas in a hearing room to be later designated

MC 139973 Sub 15, J. H. Ware Trucking, Inc. now being assigned September 13, 1977 (1 day) at Dallas, Texas in a hearing room to be later designated.

MC 142662, Stewart & Stevenson Transportation, Inc. now being assigned September 14, 1977 (3 days) at Dallas, Texas in a hearing room to be later designated.

MC 133095 Sub 130, Texas-Continental Express, Inc. now being assigned September 12, 1977 (1 day) at Dallas, Texas in a hearing room to be later designated.

MC 113651 Sub 203, Indiana Refrigerator Lines, Inc. now being assigned September 21, 1977 (3 days) at Omaha, Nebraska in a hearing room to be later designated.

MC 82841 Sub 198, Hunt Transportation, Inc. now being assigned September 20, 1977 (1 day) at Omaha, Nebraska in a hearing room to be later designated.

MC 133095 Sub 138, Texas Continental Express, Inc. now being assigned September 26, 1977 (1 day) at Omaha, Nebraska in a hearing room to be laterdesignated.

MC 123872 Sub 65, W & L Motor Lines, Inc., MC 139091 Sub 18, Logan Motor Lines, Inc. now being assigned September 28, 1977 (1 day) at Omaha, Nebraska in a hearing room to be later designated.

MC 82492 Sub 141, Michigan & Nebraska Transit Co., Inc., MC 134477 Sub 147, Schanno Transportation, Inc., MC 80430 Sub 160, Gateway Transportation Co., Inc. now being assigned September 29, 1977 (2 days) at Omaha, Nebraska in a hearing room to be later designated.

MC 139850 Sub 9, Four Star Transportation, Inc. now being assigned September 27, 1977 (1 day) at Omaha, Nebraska in a hearing room to be later designated.

AB-1 (Sub-29), Chicago and Northwestern Transportation Company Abandonment between Hayward and Bayfield, also between Ashland Junction and Ashland, all in Sawyer, Ashland and Bayfield Counties, Wisconsin, now assigned June 13 through 15, 1977, at Ashland, Wisconsin at the Ashland County Courthouse and June 16 through 17, 1977, at Hayward, Wisconsin in the County Board Room, Sawyer County Courthouse.

MC 128007 (Sub-No. 91), Hofer, Inc., now assigned July 26, 1977, at Jefferson, Mo., is postponed to July 27, 1977 (1 day), in Room 201, Governor Hotel, 200 Madison, Jefferson City, Mo.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-16083 Filed 6-6-77;8:45 am]

[Notice No. 407]

ASSIGNMENT OF HEARINGS

JUNE 2, 1977.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as

presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

CORRECTION*

MC 133566 Sub 78, Gangloff & Downham Trucking Co., Inc. now being assigned June 21, 1977 (9 days) at Denver, Colorado and will be held in the Tax Court, Room 587, U.S. Federal Building, 19th and Stout Street and July 19, 1977 (9 days) at Denver, Colorado and will be held at the Court of Appeals, Division Two, U.S. Courthouse, 1961 Stout Street.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-16084 Filed 6-6-77;8:45 am]

[No. 36581]

NORTH CAROLINA INTRASTATE FREIGHT RATES AND CHARGES, 1977

Petition for Investigation of Intrastate Freight Rates and Charges Within the State of North Carolina

Present: Dale W. Hardin, Commissioner, to whom this matter has been assigned for action.

By joint petition authorized under section 13(3) of the Interstate Commerce Act, filed May 9, 1977, petitioners, class I common carriers by railroad,[1] subject to Part I of the Interstate Commerce Act, and also operating in intrastate commerce in the State of North Carolina, request that this Commission institute an investigation of North Carolina intrastate freight rates and charges, under section 13 and 15a of the Interstate Commerce Act, wherein they will seek an order authorizing them to increase such rates and charges in the same amounts approved for interstate application by this Commission in Ex Parte No. 336, Increased Freight Rates and Charges, 1977.

By tariff filed on January 4, 1977, with the North Carolina Utilities Commission, petitioners sought to make the increases granted in Ex Parte No. 336, supra, applicable on North Carolina intrastate traffic, effective February 9, 1977. The schedules were suspended until November 5, 1977, with hearings set for May 24, 1977.

Petitioners contend that present interstate freight rates from, to, and within North Carolina are just and reasonable and that the proposed intrastate rates will not exceed a just and reasonable level; that transportation conditions for intrastate traffic in North Carolina are not more favorable than for interstate traffic; that traffic moving under present North Carolina intrastate rail freight rates and charges fails to provide its fair share of earnings; that the present North Carolina intrastate rail freight rates and charges create undue and unreasonable advantage, preference, and prejudice between persons and localities in intrastate commerce within North Carolina and interstate and foreign commerce, and result in undue, unreasonable, and unjust discrimination against and an undue burden on interstate commerce in violation of section 13 and 15a of the Interstate Commerce Act, among others, to the extent that they do not include the increase authorized in Ex Parte No. 336, supra; and that the State commission has failed to act on the change in intrastate rates within 120 days of the date of filing such change as required by section 13(5) of the Interstate Commerce Act.

Under section 13(4) and 13(5) of the Interstate Commerce Act, this Commission is directed to institute an investigation, into the lawfulness of intrastate rail frieght rates and charges, upon filing of a petition by the railroads pursuant to section 13(3) of the Act, after the appropriate State agency has reached a final decision or has failed to act within 120 days after a carrier by railroad has filed with such appropriate state body a change in an intrastate rate, fare, or charge for the purpose of adjusting such rates, fare, or charge to the rate charged on similar traffic moving in interstate or foreign commerce. This Commission may act notwithstanding the laws or constitution of any State, or the pendency of any proceeding before any State court or other State authority. We note the failure of the Public Utilities Commission of the State of North Carolina to act finally within 120 days after filing by petitioners for an appropriate change in intrastate rates, vesting our jurisdiction.

Wherefore, and good cause appearing therefor:

It is ordered, That the petition be, and it is, hereby granted; and that an investigation, under section 13 and 15a of the Interstate Commerce Act, be, and it is, hereby instituted to determine whether the North Carolina intrastate rail freight rates in any respect cause any unjust discrimination against or any undue burden on interstate or foreign commerce, or cause undue or unreasonable advantage, preference, or prejudice as between interstate or foreign commerce, or are otherwise unlawful, by reason of the failure of such rates and charges to include the full increase authorized for interstate application by this Commission in Ex. Parte No. 336, supra; and to determine if any rates or charges, or maximum or minimum charges, or both, shall be prescribed to remove any unlawful advantage, preference, prejudice, discrimination, undue burden, or other violation of law, found to exist.

It is further ordered, That all common carriers by railroad operating in the State of North Carolina subject to the jurisdiction of the Commission, be, and they are, hereby made respondents in this proceeding.

It is further ordered, That all persons who wish to actively participate in this proceeding and to file and receive copies of pleadings shall make known that fact by notifying the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C., 20423, on or before 15 days from the FEDERAL REGISTER publication date. Although individual participation is not precluded, to nonserve time and to avoid unecessary expense, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible. The Commission desires participation of only those who intend to take an active part in the proceeding.

It is further ordered, That as soon as practicable after the date of indicating a desire to participate in the proceeding has passed, the Commission will serve a list of names and addresses of all persons upon whom service of all pleadings must be made and that thereafter this proceeding will be assigned for oral hearing or handling under modified procedure.

And it is further ordered, That a copy of this order be served upon each of the petitioners and respondents herein; that the State of North Carolina be notified of the proceeding by sending copies of this order of the instant petition by certified mail to the Governor of the State of North Carolina and the North Carolina Utilities Commission; and that further notice of this proceeding be given to the public by depositing a copy of this order in the Office of the Secretary of the Interstate Commerce Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

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

Dated at Washington, D.C., this 25th day of May, 1977.

By the Commission, Commissioner Hardin.

ROBERT L. OSWALD,
Secretary.

[FR Doc.77-16086 Filed 6-6-77;8:45 am]

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*This notice corrects the title of the case.

[1] Carolina, Clinchfield and Ohio Railway, Louisville and Nashville Railroad Company, Norfolk and Western Railway Company, Norfolk Southern Railway Company, Seaboard Coast Line Railroad Company, and Southern Railway Company.

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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1

AGENCY HOLDING THE MEETING: Federal Communications Commission.

TIME AND DATE: 9:30 a.m., Wednesday, June 8, 1977.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Special open meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

Common Carrier—1—Expansion of AT&T's Dataphone Digital Service (DDS) to 40 Additional Cities.

Common Carrier—2—Authorization of Switched Digital Data Service.

Common Carrier—3—Petitions for Reconsideration of the Commission's Final Decision and Order in Docket No. 20288 (DDS), 62 FCC 2d 774 (1977), filed by various parties to the proceeding.

Common Carrier—4—Technical standards and rule changes related to petitions for reconsideration of the Commission's telephone equipment registration program decision in Docket No. 19528.

Common Carrier—5—Technical standards and rule changes related to installation, connection and wiring of PBX and key telephone equipment under the Commission's telephone equipment registration program (Part 68 of the FCC's rules) Docket No. 19528.

Common Carrier—6—Petitions against AT&T's resale and sharing tariff revisions.

Common Carrier—7—Petition to Suspend and Investigate tariff revisions intended to comply with Resale and Shared Use.

Common Carrier—8—Application for Authority, pursuant to Section 214 of the Communications Act of 1934, as amended, by American Satellite Corporation to establish and operate satellite channels of communication beween Moffett Naval Air Station, California and Barbers Point, Hawaii. Application for authority to construct and operate a transmit/receive earth station at Barbers Point, Hawaii in connection with a domestic satellite system. Application to modify existing license for Moffett Naval Air Station earth terminal to add frequencies.

Common Carrier—9—Applications for Authority, pursuant to Section 214 and Title III of the Communications Act of 1934, as amended, by: (1) American Satellite Corporation to establish and operate a 1.544 Mbps satellite channel of communication between Stockton, California and Wahiawa, Hawaii, using WESTAR satellite transponder capacity and, to construct and operate a satellite earth terminal at Stockton, California; and (2) Western Union International, Inc., to construct a satellie earth terminal at Wahiawa, Hawaii, establish Stockton, California and Wahiawa, Hawaii as points of communication, and provide private line service to the Defense Communications Agency by acquiring from ASC and IRU interest in the proposed Stockton, California earth terminal, and the 1.544 Mbps channel which ASC seeks to establish.

Common Carrier—10—Applications by RCA American Communications, Inc., for a satellite earth station at Barking Sands, Kauai, Hawaii, a connecting microwave link to Kokee Park, Kauai, Hawaii, and Section 214 authority to provide a data service between Greenbelt, Md. and Kokee Park.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Officer, telephone number 202-632-7260.

Issued: June 1, 1977.

[S-569-77 Filed 6-2-77;2:13 pm]

2

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94-409), 5 U.S.C. § 552b:

AGENCY HOLDING MEETING: Federal Power Commission.

TIME AND DATE: June 9, 1977, 2 p.m.

PLACE: 825 North Capitol Street, Room 9306, Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: (Agenda).

NOTE.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

This is a list of the matters to be considered by the Commission. It does not include a list of all papers relevant to the items on the agenda. However, all public documents may be examined in the Office of Public Information, Room 1000.

POWER AGENDA, 7627TH MEETING, JUNE 9, 1977, REGULAR MEETING, PART I

P-1.—Docket No. E-7734, Mid-Continent Area Power Pool Agreement.

P-2.—Docket No. E-9563, U.S. Department of the Interior, Bonneville Power Administration.

P-3.—Docket No. E-9583, conservation of natural resources, electric energy utilization in the State of Texas reducing natural gas consumption for boiler fuel.

P-4.—Docket No. ER76-689, West Penn Power Company.

P-5.—Docket No. ER76-827, Minnesota Power and Light Company.

MISCELLANEOUS AGENDA, 7627TH MEETING, JUNE 9, 1977, REGULAR MEETING, PART I

M-1.—Reserved.

M-2.—Reserved.

M-3A.—Docket No. RM76-15, regulation of small producers.

M-3B.—Phillips Petroleum Company, FPC Gas Rate Schedule Nos. 554, 555, 556, 557, 559, and 560; Sun Oil Company, FPC Gas Rate Schedule Nos. 538, 539, 561, 562, 567, 569, 572, 576, and 577.

GAS AGENDA, 7627TH MEETING, JUNE 9, 1977, REGULAR MEETING, PART I

G-1.—Docket No. RP75-62, Cities Service Gas Company.

G-2.—Docket No. RP76-38, Arizona Electric Power Cooperative, Inc. and the city of Willcox, Arizona v. El Paso Natural Gas Company.

G-3.—Docket Nos. RP71-6, RP71-57 and RP72-1, Tennessee Gas Pipeline Company, a division of Tenneco, Inc.

G-4—Docket No. RP75-80, Alabama-Tennessee Natural Gas Company.

G-5.—Docket No. RP76-159, Columbia Gas Transmission Corporation.

G-6.—Docket No. RP74-50-5, Florida Gas Transmission Company; Florida Hydrocarbons Company.

G-7.—Docket No. RP76-67-2, Southern Natural Gas Company (South Carolina Electric and Gas Company); Docket No. CP70-7, Southern Natural Gas Company; Docket No. RP76-67-5, Southern Natural Gas Company (the utilities board of the town of Trussville, Alabama).

G-8.—Docket No. CI74-319, James M. Forgotson, operator for Gulf Coast Venture.

G-9.—Docket No. G-2801, et al., Getty Oil Company (operator) et al.

G-10.—Docket No. RI77-55, Transocean Oil, Inc.

G-11.—Placid Oil Company, et al., Highland Resources, Inc., and Ashland Oil Company.

G-12.—Docket Nos. CS76-64, et al., H. S. Phillips, et al.

G-13.—Docket No. CP73-232, Florida Gas Transmission Company and United Gas Pipe Line Company; Docket No. CI75-243, Mapco, Inc.; Docket No. CI75-244, Florida Gas Exploration Company.

G-14.—Docket Nos. CP70-196 and CP74-227, Distrigas Corporation; Docket Nos. CP73-135 and CP74-137, Distrigas of Massachusetts Corporation.

G-15.—Docket No. CP76-492, National Fuel Gas Supply Corporation, National Gas Corporation.

G-16A.—Docket No. CP76-177, Colorado Interstate Gas Company, a Division of Colorado Interstate Corporation.

G-16B.—Docket No. CP75-176, Colorado Interstate Gas Company.

G-17.—Docket No. CP73-43, Mountain Fuel Supply Corporation.

POWER AGENDA, 7627TH MEETING, JUNE 9, 1977, REGULAR MEETING, PART II

CP-1.—Docket No. ER77-273, Illinois Power Company.

CP-2.—Docket No. ER77-340, Allegheny Power Systems, Inc.

CP-3.—Docket No. ER77-296, Electric Energy, Inc.

CP-4.—Docket No. ER77-322, Illinois Power Company.

CP-5.—Docket No. ES77-36, Pacific Power & Light Company.

CP-6.—Project No. 2640, The Kansas City Star Company, Flambeau Paper Division.

CP-7.—Project No. 2458, Great Northern Nekoosa Corporation.

CP-8.—Project No. 2716, Virginia Electric and Power Company.

CP-9.—Project No. 349, Alabama Power Company.

CP-10.—Project No. 2146, Alabama Power Company.

CP-11.—Project No. 2100, Department of Water Resources, State of California.

CP-12.—Project No. 659, Crisp County Power Commission.

CP-13.—Docket No. ER77-217, Central Maine Power Company.

CP-14.—Project No. 2110, Consolidated Water Power Company.

MISCELLANEOUS AGENDA, 7627TH MEETING, JUNE 9, 1977, REGULAR MEETING, PART II

CM-1.—Staff report on projected 1977 summer load-supply situation contiguous United States.

GAS AGENDA, 7627TH MEETING, JUNE 9, 1977, REGULAR MEETING, PART II

CG-1.—Docket No. RP73-91 (PGA No. 77-2A), McCulloch Interstate Gas Corporation.

CG-2.—Docket No. RP72-10 (PGA No. 77-8), Algonquin Gas Transmission Company.

CG-3.—Docket No. RP75-8 (PGA No. 77-4), Commercial Pipepline Company, Inc.

CG-4.—Docket No. RP72-157 (PGA Nos. 77-7 and 77-7A), Consolidated Gas Supply Corporation.

CG-5.—Docket No. CP77-239, Sea Robin Pipeline Company.

CG-6.—Docket Nos. AR61-2, AR69-1, G-18783, et al., and RP73-3, Transcontinental Gas Pipe Line Corporation.

CG-7.—Docket No. RP72-157, Consolidated Gas Supply Corporation.

CG-8.—Mallard Exploration Inc. (operator), et al., FPC Gas Rate Schedule No. 2.

CG-9.—(A) Docket No. CI76-148, Enserch Exploration, Inc. (formerly Lone Star Producing Company); Docket No. CP74-134, Natural Gas Pipeline Company of America; Docket No. CP74-145, Northern Natural Gas Company; (B) Docket No. CI77-234, Harper Oil Company; Docket No. CP74-134, Natural Gas Pipeline Company of America; Docket No. CP74-145, Northern Natural Gas Company.

CG-10.—Docket No. CI77-386, Exxon Corporation.

CG-11.—Docket No. CP77-165, Columbia Gas Transmission Corporation; Docket No. CP77-167, Texas Gas Transmission Corporation.

CG-12.—Docket No. CP76-322, Tennessee Gas Pipeline Company, a division of Tenneco Inc., East Tennessee Natural Gas Company; Docket No. P77-160, Tennessee Natural Gas Lines, Inc.

CG-13.—Docket No. CP77-319, Cities Service Gas Company.

CG-14.—Docket No. CP77-318, Arkansas Oklahoma Gas Corporation.

CG-15.—Docket No. CI77-373, Pinto, Inc.; Docket No. CI77-373, ECEE, Inc.; Docket No. CI77-409, TBF Offshore Company; Docket No. RI77-13, Mesa Offshore Company; Docket No. CI76-806, Peunzoil Offshore Gas Operators, Inc.

KENNETH F. PLUMB,
Secretary.

[S-570-77 Filed 6-2-77;3:03 pm]

3

AGENCY HOLDING THE MEETING: Federal Election Commission.

DATE AND TIME: Thursday, June 9, 1977 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions will be closed to the public.

MATTERS TO BE CONSIDERED:

PORTIONS OPEN TO THE PUBLIC

I. Future meetings.

II. Correction and approval of minutes.

III. Advisory opinion 1977-18.

IV. Appropriations and budget.

V. Agency job classification actions.

VI. Pending legislation.

VII. Liaison with other federal agencies.

VIII. Report on pending litigation.

IX. Routine administrative matters.

PORTIONS OF THE MEETING CLOSED TO THE PUBLIC

X. Executive session.

A. Compliance.

B. Personnel.

PERSON TO CONTACT FOR INFORMATION:

David Fiske, Press Officer, telephone: 202-523-4065.

[S-571-77 Filed 6-2-77;4:13 pm]

4

AGENCY HOLDING THE MEETING: International Trade Commission.

TIME AND DATE: 9:30 a.m., June 16, 1977.

PLACE: Room 119, 701 E Street NW., Washington, D.C. 20436.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Reorganization.
2. Agenda.
3. Minutes.
4. Ratifications.
5. Paving equipment (Inv. AA1921-166)—briefing.
6. Petitions and complaints (if necessary): (a) Golf balls; (b) Specialty steel; (c) Fishing industry (action jacket ID-77-20).
7. Financial disclosure regulations—see draft from the General Counsel, dated May 19, 1977.
8. Response to letter dated April 22, 1977, from the Administrative Conference of the United States (if necessary).
9. Any items left over from previous agenda.

PORTIONS CLOSED TO THE PUBLIC:

1. Reorganization (portions respecting the selection of personnel).

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-572-77 Filed 6-2-77; 4:24 pm]

5

AGENCY HOLDING THE MEETING: Federal Reserve System.

ADDITION OF PREVIOUSLY ANNOUNCED AGENDA ITEM

The Board of Governors previously announced a meeting to be held on Friday, June 3, 1977, which was closed to public observation under exemption(s) of the Government in the Sunshine Act (5 U.S.C. § 552b(c)). One of the items announced for inclusion at that meeting was consideration of any agenda items carried forward from a previous meeting. The purpose of this announcement is to inform the public that the following such item, postponed from June 1, 1977, was rescheduled for this meeting.

Computer purchase by the Federal Reserve Board.

The previously announced closed items are:

1. Draft testimony to be presented before the Senate Committee on Banking, Housing and Urban Affairs, regarding H.R. 5675, a bill to authorize the Secretary of the Treasury to invest operating cash in (1) obligations of depositories maintaining tax and loan accounts and (2) obligations of the United States and United States agencies.

2. Possible amendments to Section 23A of the Federal Reserve Act to be submitted to the House and Senate Banking Committees. This matter was originally scheduled for a meeting on May 4, 1977.

The meeting remains scheduled for 11 a.m. in the Board's offices at 20th Street and Constitution Avenue NW., Washington, D.C. Information may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at 202-452-3204.

Board of Governors of the Federal Reserve System, June 2, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-573-77 Filed 6-2-77;4:59 pm]

6

AGENCY HOLDING THE MEETING: Federal Reserve System.

On Friday, June 10, 1977, at 11 a.m., a meeting of the Board of Governors of the Federal Reserve System will be held at the Board's offices at 20th Street and Constitution Avenue NW., Washington, D.C., to consider the following items of official Board business:

1. Proposed salary structure adjustments at the Federal Reserve Banks of New York and St. Louis.

2. Proposed salary adjustment for an officer at a Federal Reserve Bank.

3. A staff study of the private placement activities of commercial banks requested by the House Committee on Banking, Finance and Urban Affairs. This matter was originally scheduled for a meeting on June 6, 1977.

4. Any agenda items carried forward from a previously announced closed meeting.

This meeting will be closed to public observation because the items fall under exemptions contained in the Government in the Sunshine Act (5 U.S.C. § 552b(c)). Information with regard to this meeting may be obtained from Mr. Joseph R. Coyne, Assistant to the Board, at 202-452-3204.

Board of Governors of the Federal Reserve System, June 2, 1977.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-574-77 Filed 6-2-77;4:59 pm]

7

AGENCY HOLDING THE MEETING: Federal Deposit Insurance Corporation

NOTICE OF AGENCY MEETING

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Board of Directors of the Federal Deposit Insurance Corporation met in closed session at 9:05 a.m. on Thursday, June 2, 1977, by telephone conference call, to consider certain personnel appointments or reassignments and changes in the Manning Table occasioned by the resignation of former Chairman Robert E. Barnett and the election of George A. LeMaistre as Chairman of the Board of Directors effective at 3 p.m., June 1, 1977.

In scheduling the meeting, the Board determined by recorded vote that Corporation business required consideration of the personnel matters on less than seven days' notice to the public and that no earlier announcement of the meeting was possible.

The Board voted to close the meeting to public observation pursuant to subsections (c)(6) and (d)(1) of the "Government in the Sunshine Act" (5 U.S.C. 552b (c) (6) and (d) (1)).

Requests for information concerning the meeting may be directed to Mr. Alan R. Miller, Executive Secretary of the Corporation, at 202-389-4446.

Dated: June 2, 1977.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[S-575-77 Filed 6-3-77;8:45 am]

8

AGENCY HOLDING THE MEETING: Tennessee Valley Authority.

TIME AND DATE: 10:30 a.m., Thursday, June 9, 1977.

PLACE: Conference Rom B-32, West Tower, 400 Commerce Avenue, Knoxville, Tennessee.

STATUS: Open.

MATTERS TO BE CONSIDERED:

A—PERSONNEL ACTIONS

1. Change of status—Nathaniel B. Hughes, Jr., from Assistant Manager of Power Operations to Assistant Manager of Power, Chattanooga, Tennessee.

B—CONSULTING AND PERSONAL SERVICE CONTRACTS

1. Personal service contract with Kenneth D. McCasland, Knoxville, Tennessee—Division of Law.

2. Consulting contract with Dr. Gerald T. Orlob, Lafayette, California—Division of Environmental Planning.

C—PURCHASE AWARDS

1. Req. No. 142505—Turbine parts for Cumberland Steam Plant.

2. Req. No. 143035—Indefinite quantity term contract for Apollo Coaltrol M Chemical for Cumberland Steam Plant.

3. Amendments to Contracts 70P-43-T25 and 73P-20-T13 with The Pittsburg & Midway Coal Mining Company for coal for TVA Steam Plants.

4. Sales Invitation No. 3590—Sale of scrap admiralty metal condenser tubing.

D—PROJECT AUTHORIZATIONS

1. No. 3236—Demonstration greenhouse and related facilities.

E—FERTILIZER ITEMS

None.

F—POWER ITEMS

1. Agreement between TVA and City of Knoxville, Tennessee, concerning demonstration time-of-day rate test.

G—REAL PROPERTY TRANSACTIONS

1. Resolution relating to abandonment of portion of Cherokee-Alcoa 161-kV Transmission Line right of way in Blount County, Tennessee.

2. Filing of condemnation suits.

H—UNCLASSIFIED

1. Resolution relating to extension of employment of William W. Aydelott, Project Manager, Bellefonte Nuclear Plant Branch, Division of Construction.

2. Revised budget plan for fiscal year 1977—midyear review.

3. Memorandum of Understanding between Alabama Department of Conservation, Division of Game and Fish, and TVA concerning development and protection of fish and wildlife resources.

4. Agreements between Tennessee Valley Authority and The Upper Cumberland Housing Development Corporation for housing mitigation program—Hartsville Nuclear Plant.

DATED: June 2, 1977.

CONTACT PERSON FOR MORE INFORMATION:

John Van Mol, Director of Information, or a member of his staff can respond to requests for information about this meeting. Call 615-632-3257, Knoxville, Tennessee. Information is also available at TVA's Washington Office, 202-343-4537.

[S-576-77 Filed 6-3-77;11:21 am]

9

AGENCY HOLDING THE MEETING: Federal Trade Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 28661, June 3, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Wednesday, June 8, 1977.

CHANGES IN THE MEETING: Addition to agenda: (2) Discussion of Proposed changes in Commission Rules Concerning Assurances of Confidentiality for Confidential Business Information.

[S-577-77 Filed 6-3-77;11:52 am]

10

AGENCY HOLDING THE MEETING: Federal Trade Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 42 FR 28661, June 3, 1977.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., Tuesday, June 7, 1977.

CHANGES IN THE MEETING: Deletion of Nonadjudicative Matter No. 3: Consideration of Issuance of Proposed Complaint in (Nonpublic) Part II Matter.

[S-578-77 Filed 6-3-77;11:52 am]

11

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

TIME AND DATE: Week of June 6, 1977.

PLACE: Commissioners' Conference Room, 1717 H St. NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Additional Meetings: Thursday, June 9—1 p.m. 4. Briefing on Proposed Rule on Upgrading Safeguards for SSNM (will follow previously announced briefings).

Friday, June 10—10 a.m. 2. Briefing on Draft Procedural Rule for Export Licensing (will follow previously announced session).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee 202-634-1410.

WALTER MAGEE,
Office of the Secretary.

[S-590-77 Filed 6-6-77;10:03 a.m.]

12

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

TIME AND DATE: 11:30 a.m. (approx.), Wednesday, June 8, 1977.

PLACE: Commissioners' Conference Room, 1717 H St. NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

NRC Safety Reviews of Foreign Facilities (Additional Meeting) (Exemptions 1 and 9).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee 202-634-1410.

Dated: June 3, 1977.

JOHN C. HOYLE,
Assistant Secretary of the Commission.

[S-591-77 Filed 6-6-77;10:03 am]

federal register

TUESDAY, JUNE 7, 1977

PART II

OFFICE OF THE FEDERAL REGISTER

■

GUIDE TO RECORD RETENTION REQUIREMENTS

Revision as of January 1, 1977

Office of the Federal Register

GUIDE TO RECORD RETENTION REQUIREMENTS

REVISION AS OF JANUARY 1, 1977

This is a Guide in digest form to the provisions of Federal laws and regulations relating to the keeping of records by the public. It tells the user (1) what records must be kept, (2) who must keep them, and (3) how long they must be kept.

This year's edition includes a new feature: the names, addresses, and telephone numbers of contact persons within each agency who can answer questions about the material which appears in the Guide.

The Guide is derived from the regulations published in the Code of Federal Regulations, as amended in the daily issues of the FEDERAL REGISTER through December 31, 1976. Authority for the regulations is derived from the laws published in the United States Code, as amended by laws enacted during 1976.

This Guide was prepared under the editorial direction of Rose Steinman, with Roy Nanovic and Carol Blanchard as Chief Editors. INQUIRIES, telephone 202–523–5227. SUGGESTIONS concerning this publication may be sent to Fred J. Emery, Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

Coverage

In preparing the Guide it was necessary to establish boundaries in order to keep it from going beyond its intended purpose.

The Guide adheres strictly to the retention of records. It does not cover such matters as the furnishing of reports to Government agencies, the filing of tax returns, or the submission of supporting evidence with applications or claims.

The Guide is limited to provisions which apply to a class. Requirements applying only to named individuals or bodies have been omitted

The Guide is confined to requirements which have been expressly stated. In many laws and regulations there is an implied responsibility to keep copies of reports and other papers furnished to Federal agencies, and to keep related working papers. Such implied requirements have not been included in the Guide.

The following types of requirements have also been excluded from the Guide:

(1) Requirements as to the keeping of papers furnished by the Government, such as passports, licenses, permits, etc., unless they are closely related to other records which must be kept.

(2) Requirements as to the display of posters, notices, or other signs in places of business.

(3) Requirements contained in individual Government contracts, unless the contract provisions are incorporated in the Code of Federal Regulations.

Arrangement

The digests of recordkeeping provisions comprising the Guide are grouped under the Departments or independent agencies which impose or administer them (see "Contents"). Individual items are numbered to simplify indexing. The names, addresses, and telephone numbers of contact persons within each agency are located at the end of the appropriate grouping.

In general, the items retain their original numbers from year to year. Renumbering occurs only after a major revision of the material and is so indicated in brackets after the name of the agency involved. Individual items revised, amended, deleted, or added are shown in brackets following the item heading.

Two supplements to the Guide contain generalized information about certain requirements under the Second War Powers Act of 1942 and detailed information on requirements imposed by the Federal Aviation Administration relative to the availability of credentials for inspection.

An index to the Guide follows the last supplement.

NOTICE

The Guide to Record Retention Requirements does not have the effect of law, regulation, or ruling. It is published as a guide to legal requirements that appear to be in effect as of January 1, 1977.

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I. DEPARTMENT OF AGRICULTURE

1. Foreign Agricultural Service

1.1 Persons importing certain dairy commodities.

To keep records of importations and of the transactions relating to the procurement and disposition of such commodities.

Retention period: Not less than 2 years subsequent to the end of the quota period during which the importation was made. 7 CFR 6.28

1.2 [Transferred to I 6.1]

1.3 [Transferred to I 6.2]

1.4 [Transferred to I 6.3]

1.5 [Transferred to I 6.4]

1.6 [Transferred to I 6.5]

Persons needing further information about listed record retention requirements should contact the following:

Franklin H. Sonnabend, Chief, Management Analysis Branch, Budget and Analysis Division, Foreign Agricultural Service, U.S. Department of Agriculture, Room: 5096 S, Washington, D.C. 20250. Telephone: 202–447–4220.

2. Agricultural Marketing Service

2.1 Orange and grapefruit handlers. [Amended]

To maintain records of fruit received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years, 7 CFR 906.51; as may be prescribed by the marketing committee, 7 CFR 912.60, 913.50.

2.2 Central marketing organizations.

To keep records regarding allotment transactions for lemon handlers.

Retention period: 3 years. 7 CFR 910.62

2.3 Lime handlers.

To maintain records of limes received and disposed of in order to verify reports submitted thereon.

Retention period: At least 2 succeeding fiscal years. 7 CFR 911.60

2.4 Nectarine handlers.

To keep records of nectarines received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding fiscal years. 7 CFR 916.60

2.5 Pear, plum, and peach handlers.

To maintain records of fruit received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 917.50, 921.60, 931.60

2.6 Apricot handlers.

To maintain records of apricots received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 922.60

2.7 Cherry handlers.

To maintain records of cherries received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 923.60, 930.63

2.8 Fresh prune handlers.

To maintain records of prunes received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 924.60, 925.60

2.9 Potato handlers.

To keep records of potatoes received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 946.70, 947.80, 948.80, 950.80, 953.75

2.10 Onion handlers.

To maintain records of onions received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 958.65, 959.80

2.11 Tomato handlers.

To maintain records of tomatoes received and disposed of as may be necessary to verify the reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 965.80, 966.80

2.12 Papaya handlers.

To maintain records of papayas received and disposed of by handler as may be necessary to verify reports requested.

Retention period: 2 years. 7 CFR 928.60

2.13 Lettuce handlers.

To maintain records of lettuce received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: At least 2 succeeding years. 7 CFR 971.80

2.13a Celery producers and handlers.

To maintain records to substantiate the reports required by the committee.

Retention period: Not less than 1 year after end of season. 7 CFR 967.71

2.14 Almond handlers.

To keep records showing details of receipt of almonds, withholdings, sales, shipments, inventories, reserve disposition, and other pertinent information in respect to operations.

Retention period: 2 years after end of crop year to which such records apply. 7 CFR 981.70

2.14 Egg handlers.

To maintain records of eggs received and disposed of as may be necessary to verify reports submitted thereon.

Retention period: 2 years beyond fiscal period of applicability. 7 CFR 1250.352

2.16 Filbert handlers.

To keep records of shelled and inshell filberts received and disposed of as prescribed by Filbert Control Board.

Retention period: 2 years after end of marketing policy year in which transaction occurred. 7 CFR 982.71

2.17 Walnut handlers.

To keep records of shelled and inshell walnuts and walnut material received, held, and disposed of.

Retention period: 2 years after end of marketing year in which transactions are completed. 7 CFR 984.80, 984.464, 984.480

2.18 Date handlers.

To maintain records of the receipt, holding, handling, withholding, and disposition of dates.

Retention period: At least 2 years subsequent to termination of each crop year. 7 CFR 987.68, 987.168

2.19 Raisin handlers.

To keep records as prescribed by the Raisin Administrative Committee, of raisins received, acquired, stored, sold, and otherwise disposed.

Retention period: At least 2 years after the termination of the crop year in which the transactions occurred. 7 CFR 989.76, 989.176

2.20 Olive handlers.

To maintain records of olives acquired, held, and disposed of as may be prescribed by the Olive Administrative Committee and needed by it to perform its functions.

Retention period: At least 2 years beyond the crop year in which the transaction occurred. 7 CFR 932.61

2.21 Prune handlers.

To keep records of prunes received, held, and disposed of as prescribed by the Prune Administrative Committee.

Retention period: At least 2 years after the end of the crop year in which the transaction occurred. 7 CFR 993.74, 993.174

2.21a Cranberry handlers.

To maintain records of all cranberries acquired, withheld from handling, handled or otherwise disposed of as will substantiate the required reports.

Retention period: Not less than 3 years after termination of the crop year in which the transaction occurred or for such lesser period as the committee may direct. 7 CFR 929.61

2.21b Peanut handlers.

To maintain such records of peanuts received, held, and disposed of by him, as will substantiate any required reports.

Retention period: At least 2 years beyond the crop year of their applicability. Marketing Agreement 146 (30 F.R. 9402)

2.21c Hops handlers.

To maintain such records of hops handled or held as will substantiate the required reports.

Retention period: At least 2 years after end of marketing year. 7 CFR 991.61

2.21d Handlers (including each subsidiary and affiliate thereof) of Type 62 Shade Tobacco.

To keep such books and records as will clearly show the details of the respective person's handling of tobacco, including, but not limited to, identification of the grower of the tobacco and the field in which produced.

Retention period: 5 years. 7 CFR 1201.60, 1201.130

2.22 Shippers handling fruits and vegetables covered by exemption certificates under marketing order programs.

To keep records of such shipments.

Retention period: Not specified, except for tomatoes (at least 2 succeeding years). 7 CFR 917.141, 966.80

(Certificate (record) returned after shipment of commodities (pears, grapes).) 7 CFR 926.122, 927.125

2.23 Commission merchants, dealers, and brokers of fruits and vegetables subject to the Perishable Agricultural Commodities Act of 1930.

(a) To keep accounts, records, memoranda, and documents which disclose all business transactions.

Retention period: 2 years. 7 CFR 46.14, 46.15, 46.17–46.19, 46.21–46.24, 46.28, 46.29, 46.31, 46.32

(b) To preserve records and memoranda which disclose the true ownership and management of the business.

Retention period: 4 years. 7 CFR 46.14

2.24 Date, prune, and raisin importers. [Amended]

To maintain records of transactions.

Retention period: Not less than 2 years subsequent to calendar year of acquisition for dates and prunes. Not less than 2 years subsequent to calendar year of importation for raisins. 7 CFR 999.1, 999.200, 999.300

2.25 Packers of processed fruits and vegetables.

To maintain separate data sheets for each item as required in section cited.

Retention period: Not specified. 7 CFR 52.205

2.26 [Reserved]

2.27 Transporters, shippers, and handlers of eggs and egg products.

To maintain records of production, receipt, delivery, sale, movement, disposition, inventories, and class and quantities of eggs and egg products and such other records as required in section cited.

Retention period: 2 years. 7 CFR 59.200

2.28 [Reserved]

2.29 Dairy plants approved for USDA inspection and grading service.

To maintain (a) records of quality tests made on raw milk and cream received from each producer, seller, or shipper, (b) pasteurization recorder charts, (c) water supply test certificates, and (d) cooling and heating recorder charts.

Retention period: (a) 1 year, (b) 3 months, (c) 6 months, (d) 3 months. 7 CFR 58.148, 58.322

2.30–2.37 [Reserved]

2.38 Licensed agricultural products warehousemen.

To keep copies of all receipts issued.

Retention period: 1 year after December 31 of the year in which the corresponding original receipt is canceled. 7 CFR 101.17, 102.20, 103.17, 104.17, 105.17, 106.17, 107.17, 108.17, 111.18

2.39 Licensed agricultural products warehousemen.

To retain each canceled receipt.

Retention period: 6 years after December 31 of the year in which receipt is canceled and for such longer period as may be necessary for the purpose of any litigation which the warehouseman knows to be pending, or as may be required by the Administrator in particular cases to carry out the purposes of the act. 7 CFR 101.28, 102.34, 103.28, 104.28, 105.29, 106.30, 107.31, 108.29, 111.33

2.40 [Reserved]

2.41 Licensed agricultural products warehousemen.

To maintain accounting records as specified in sections cited.

Retention period: 6 years after December 31 of the year in which such cotton for such longer period as may be necessary for the purposes of any litigation which the warehouseman knows to be pending, or as may be required by the Administrator in particular cases to carry out the purposes of the act. 7 CFR 101.33, 102.37, 103.40, 104.28, 105.33, 106.37, 107.39, 108.33, 111.41

2.42 Licensed agricultural products warehousemen.

To maintain as part of warehouseman's records an exact copy of each report submitted.

Retention period: 3 years after December 31 of the year in which submitted. 7 CFR 101.36, 102.38, 103.41, 104.29, 105.35, 106.39, 107.42, 108.35, 111.44

2.43 Licensed cotton warehousemen.

To keep copies of certificates covering cotton stored, and copies of Form A memorandums and Form C certificates issued by a board of cotton examiners which forms a basis of any receipt issued.

Retention period: 1 year after December 31 of the year in which the receipt based on such certificates or memoranda is canceled. 7 CFR 101.47

2.44 Licensed cotton warehousemen.

To keep records of cotton sampling including the written request, if any.

Retention period: 1 year after December 31 of the year in which such cotton is removed from the warehouse. 7 CFR 101.49

2.45 Licensed tobacco warehousemen.

To keep records of information necessary to verify any submitted forms.

Retention period: 2 years from the opening of marketing season in which tobacco is sold. 7 CFR 29.9407

2.46 Licensed agricultural products warehousemen.

To keep either copies of, or the original inspection, grade and/or weight, certificates covering lots of commodities stored.

Retention period: 3 years after December 31 of the year in which issued. 7 CFR 102.29, 103.24, 105.46, 106.54, 107.55, 108.47, 111.56

2.47 Licensed grain warehousemen.

To keep records of weights, kinds, and grades of all lots of nonstorage grain received into and delivered from warehouses.

Retention period: 1 year after December 31 of the year in which the lot of nonstorage grain is delivered from the warehouse. 7 CFR 102.30

2.48 Licensed agricultural products warehousemen.

To keep as a record notices of the condition of commodities stored in the warehouse.

Retention period: 6 years after December 31 of the year in which created, and for such longer period as may be necessary for the purposes of litigation which the warehouseman knows is pending, or as may be required by the Administrator in particular cases to carry out the purposes of the act. 7 CFR 102.54, 103.39, 106.48, 107.51, 108.42, 111.52

2.49 Persons shipping agricultural and vegetable seeds subject to the Federal Seed Act regulations.

To keep complete records of each lot of agricultural and vegetable seeds transported or delivered for transportation in interstate commerce, including records necessary to disclose the name of any substance used in the treatment of such seed.

Retention period: 3 years for documents, 1 year for seed samples, including separate samples of the treated seed portion of any lot of seed. 7 CFR 201.4

2.50 Country shippers of agricultural seeds subject to the Federal Seed Act regulations.

To keep copies of origin declarations issued and records showing names and addresses of growers or country shippers from whom seeds were purchased, quantity, and date of delivery.

Retention period: 3 years. 7 CFR 201.5 (retention: 201.4)

2.51 Procurers of seeds from growers subject to the Federal Seed Act regulations.

To obtain and keep the grower's declaration.

Retention period: 3 years. 7 CFR 201.7 (retention: 201.4)

2.52 Growers of seeds subject to the Federal Seed Act regulations.

To keep copy of the grower's declaration and a sample of the seed.

Retention period: 3 years for documents, 1 year for seed samples. 7 CFR 201.7 (retention: 201.4)

2.53 Cotton handlers.

To maintain books and records necessary to carry out the provisions of the

Cotton Research and Promotion Act and to verify required reports.

Retention period: At least 2 years beyond the marketing year of their applicability. 7 CFR 1205.335, 1205.531, 1205.532

2.54 Licensed cottonseed chemists.

To keep records of the analysis of each individual sample of cottonseed graded as well as books, papers, records, and accounts relating to the performance of their duties under the Agricultural Marketing Act of 1946 and the regulations made under the act by the Secretary of Agriculture.

Retention period: At least 1 year after date of analysis. 7 CFR 61.15

2.55 [Transferred to I 11 and revised]

2.56 Accredited turpentine and rosin processors for naval stores.

To keep such records as may be necessary to submit correct reports.

Retention period: Not specified. 7 CFR 160.50

2.57 [Reserved]

2.58 Potato handlers.

To maintain books and records necessary to carry out provisions of the Potato Research and Promotion Act and to verify required reports.

Retention period: At least 2 years beyond marketing year of their applicability. 7 CFR 1207.351, 1207.532

2.59 [Reserved]

2.60 Milk handlers.

To maintain records pertaining to receipt and use of milk and milk products, including records of production, processing, and distribution, and financial records relating thereto.

Retention period: 3 years, but can be extended by the market administrator by written notice. 7 CFR 1000.5 (For specific marketing area, see Parts 1001–1199.)

Persons needing further information about listed record retention requirements should contact the following:

Robert J. McNeil, Paperwork Planning and Systems Branch, Administrative Services Division, AMS, U.S. Department of Agriculture, Room 1093 S, Washington, D.C. 20250. Telephone: 202–447–7965.

3. Animal and Plant Health Inspection Service

3.1 Licensed manufacturers (domestic and foreign), distributors, and importers of biological products.

To keep detailed records of production, inventory, disposition, labeling, sterilization and pasteurization, and such other records as specified in part cited.

Retention period: 2 years after expiration date of the product involved, or longer if requested by the Deputy Administrator, Veterinary Services. 9 CFR Part 116 (retention: 116.8)

3.2 Organizations sponsoring horse shows or exhibitions.

To maintain records as specified in section cited.

Retention period: 90 days or as specified by Deputy Administrator. 9 CFR 11.21

3.3 [Deleted]

3.4 [Deleted]

3.5 Persons processing, transporting, shipping, or receiving poultry slaughtered for human consumption or poultry products in commerce, or holding such products.

To maintain detailed records of such transactions as specified in the regulations.

Retention period: 2 years. 9 CFR 381.175 (retention: 381.177)

3.6 Research investigators or research sponsors administering experimental biological products to animals.

To maintain adequate records relative to the disposition of each animal administered experimental biological products. Such records include name and address of owner, pertinent data about animals and their location, and, if sold, name and address of purchaser.

Retention period: At least 2 years from the date that an experimental product was administered to such animal. 9 CFR 103.2

3.7 Persons certifying animals to be free of diethylstilbestrol (DES) residue.

To maintain a copy of such certificate as prescribed.

Retention period: 1 year from date of transaction. 9 CFR 309.16

3.8 Research facilities, exhibitors, operators of auction sales, and dealers engaged in transportation, sale, and handling of certain warm blooded animals used for research, exhibition, or pet purposes.

To keep records with respect to the purchase, sale, transportation, identification, and previous ownership.

Retention period: 2 years or longer as may be required by any Federal, State, or local law. 9 CFR 2.75–2.78 (retention: 2.79)

3.9 Operators of livestock markets handling any class of swine.

To maintain records of origin and destination of all swine, and also of the identification of all swine other than slaughter swine, handled through livestock markets.

Retention period: 1 year after transaction. 9 CFR 76.18

3.10 Carriers transporting meat.

To keep original certificates delivered to a carrier separate and apart from all its other papers and records or identified in some acceptable manner so as to be readily accessible for review.

Retention period: 2 years after end of year in which transaction occurred. 9 CFR 325.14

3.11 Meatbrokers, renderers, and other persons dealing in animal carcasses for use as human or animal food.

To keep records as specified in section cited.

Retention period: 2 years after end of year in which the transaction occurred, or longer if directed by the Administrator. 9 CFR 320.1 (retention: 320.3)

3.12 Custom slaughter operators claiming exemption.

To keep records as specified in section cited or by the Administrator.

Retention period: 2 years after end of year in which the transaction occurred or longer if directed by the Administrator. 9 CFR 303.1 (retention 320.3)

3.13 Transporters of undenatured livestock lungs.

To keep shipper's certificate.

Retention period: 2 years after end of year in which transaction occurred. 9 CFR 325.8 (retention: 320.3)

3.14 Operators of quarantine facilities for imported birds.

To maintain daily log for each lot of birds, recording such information as general condition of birds each day, source of origin of each lot, total number in each lot when imported, date placed in quarantine, tests, laboratory findings, and such other information as specified in section cited.

Retention period: 1 calendar year following release of birds from quarantine. 9 CFR 92.11

3.15 Operators of plants preparing, receiving, or shipping certified technical animal fat.

To keep records as specified in section cited.

Retention period: 1 year after date of transaction. 9 CFR 351.22

Persons needing further information about listed record retention requirements should contact the following:

Meat and Poultry Inspection—

E. C. Mootz, Jr., Acting Director, Technical Services, Meat and Poultry Inspection, 4911 South Building, Washington, D.C. 20250. Telephone: 202–447–7470.

Veterinary Services—

E. R. Mackery, Chief Staff Veterinarian, Regulatory Administration, Veterinary Services, Room 868A, Federal Building, Hyattsville, Md. 20782. Telephone: 301–436–8684.

Plant Protection and Quarantine—

C. R. Ranek, Executive Officer, Program Services Office, Plant Protection and Quarantine Programs, Room 402, Federal Building, Hyattsville, Md. 20782. Telephone 301–436–8387.

4. Agricultural Stabilization and Conservation Service

4.1 [Reserved]

4.2 Producers of gum naval stores from turpentine trees.

To keep records of faces by tracts and drifts in connection with the Naval Stores and Agricultural Conservation Programs.

Retention period: 2 years following close of applicable program year. 7 CFR 706.6 (retention: 708.1)

4.2a Food processors participating in the wheat marketing allocation program.

To maintain records and documents for each processing plant of all wheat processed into food products and of all sales and removals of food products from processing plants.

Retention period: 3 years. 7 CFR 777.15

4.2b [Reserved]

4.2c Dairy and beekeeper indemnity payment program participants.

To keep existing books, records, and accounts supporting any information furnished in connection with the program.

Retention period: 3 years following the end of the year during which application for payment was filed. 7 CFR 760.30, 760.118

4.3 Ginners of cotton.

To keep for each bale of cotton or lot less than a bale ginned by him records showing (a) date of ginning; (b) name of operator of farm on which cotton produced; (c) name of producer of cotton; (d) county and State in which farm located; (e) gin bale number or mark; (f) name and address of person delivering cotton to gin; and (g) gross weight of each bale and net weight of each lot of lint cotton less than a bale.

Retention period: Until December 31 of second year following year in which cotton is planted.[1] 7 CFR 722.85 (retention: 722.88)

4.4 Buyers of cotton.

To keep for each bale of cotton or lot less than a bale purchased from a producer records showing (a) name and address of the producer; (b) date purchased; (c) original gin bale number or equivalent; (d) number of pounds of lint cotton in each bale and lot; and (e) amount of penalties to be collected, if any.

Retention period: Until December 31 of second year following year in which cotton is planted.[1] 7 CFR 722.86 (retention: 722.88)

4.5–4.6 [Reserved]

4.7 Warehousemen, processors, common carriers, and other persons handling cotton from, for, or on behalf of the producer.

To keep records concerning such cotton so that the accuracy of any reports or other records that may be required can be checked.

Retention period: Until December 31 of second year following year in which cotton is planted.[1] 7 CFR 722.87 (retention: 722.88)

4.8 Producers of cotton.

To keep records of cotton marketed, and a copy of certificate showing name and address of buyer or transferee if marketed to persons not within the United States.

Retention period: Until December 31 of second year following year in which cotton is planted.[1] 7 CFR 722.90

4.9 Producers and producer-manufacturers of fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, and cigar-filler and binder tobacco.

To maintain records relating to acreage, production, and disposition of tobacco as required by regulations.

Retention period: 3 years after end of marketing year.[1] 7 CFR 724.95 (retention: 724.105)

4.10 Producers of flue-cured and burley tobacco.

To maintain records relating to the production and disposition of tobacco.

Retention period: 3 years after end of marketing year.[1] 7 CFR 725.98, 726.92 (retention: 725.111, 726.102)

4.11 Cigar tobacco buyers and loan organizations.

To maintain records relating to each sale of tobacco made by producer to buyer, kinds of tobacco purchased, and disposition of such tobacco.

Retention period: 3 years after end of marketing year.[1] 7 CFR 724.99, 724.100 (retention: 724.105)

4.12 Truckers and persons redrying, prizing, or stemming fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, and cigar-filler and binder tobacco.

To keep complete and detailed records containing specified information concerning each lot of tobacco received and copies of required reports.

Retention period: 3 years after end of of marketing year [1] 7 CFR 724.101 (retention: 724.105)

4.13 Truckers and firms redrying, prizing, or stemming flue-cured and burley tobacco, and storage firms.

To keep complete and detailed records containing specified information concerning each lot of tobacco received or handled and copies of required reports.

Retention period: 3 years after end of marketing year.[1] 7 CFR 725.105, 726.96 (retention: 725.111, 726.102)

4.14 Warehousemen handling burley, fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, cigar-filler and binder, and flue-cured tobacco.

To keep records that will permit furnishing detailed information of all transactions.

Retention period: 3 years after end of marketing year.[1] 7 CFR 724.96, 725.99, 725.115, 726.93 (retention: 724.105, 725.111, 726.102)

4.15 Firms acting as marketing agents or processors for processed producer carryover tobacco.

To maintain records as required in sections cited, in addition to records relating to receiving, processing, storage, and sale of producer tobacco delivered to him for processing.

Retention period: 3 years.[1] 7 CFR 725.103, 726.105

4.16 Dealers handling burley, fire-cured, dark air-cured, Virginia sun-cured, cigar-binder, cigar-filler and binder, and flue-cured tobacco.

To keep records that will permit furnishing detailed information of all transactions.

Retention period: 3 years after end of marketing year.[1] 7 CFR 724.97, 724.99, 725.100, 726.94 (retention: 724.105, 725.111, 726.102)

4.17 Firms storing processed or unprocessed producer owned tobacco.

To maintain records as required in sections cited, in addition to records required by 7 CFR 725.105, 726.96

Retention period: 3 years.[1] 7 CFR 725.103, 725.104, 726.105, 726.106

4.18 Persons engaged in more than one business relating to tobacco.

To keep separate records for each business as required by regulations.

Retention period: 3 years after end of marketing year.[1] 7 CFR 724.102, 725.106, 726.97 (retention: 724.105, 725.111, 726.102)

4.19–4.26 [Reserved]

4.27 Wheat producers, warehousemen, elevator operators, feeders, processors or transferees, and buyers.

To keep records of wheat transactions as specified in the regulations.

Retention period: 2 calendar years beyond the calendar year in which the marketing year ends.[1] 7 CFR 728.1173, 728.1174, 728.1177

4.27a Industrial users of flour second clears.

To maintain accurate records and documents supporting information shown on Form CCC–161 (Industrial Users Production Report and Claim for Refund).

Retention period: 3 years. 7 CFR 777.19

4.27b Distributors of flour second clears.

To maintain accurate records and documents, including Forms CCC–165 (Processor Certification) and CCC–165-1 (Flour Second Clears), relating to the sale of flour second clears to industrial users.

Retention period: 3 years. 7 CFR 777.20 (retention: 777.19)

4.28 Peanut producers.

To keep copies of specified reports on disposition of peanuts produced and marketed.

Retention period: 3 years following end of pertinent marketing year.[1] 7 CFR 729.52, 729.53, 729.54, 729.56 (retention: 729.66)

4.29 Peanut buyers.

To keep detailed records of peanuts marketed and sales memoranda with respect to farmers stock peanuts and shelled peanuts purchased from producers.

Retention period: 3 years following end of pertinent marketing year.[1] 7 CFR 729.57 (retention: 729.66)

[1] Or for such longer period of time as may be requested in writing by the State Executive Director or the Director.

4.30 Peanut shellers.

To maintain detailed records and keep copies of reports pertaining to the shelling of each lot of peanuts (including record of peanuts retained by the sheller) as specified in the regulations.

Retention period: 3 years following end of pertinent marketing year.[1] 7 CFR 729.62 (retention: 729.66)

4.31 Rice producers, warehousemen, mill or elevator operators, other processors or transferees, and buyers.

To keep records of rice transactions as prescribed in sections cited.

Retention period: 2 calendar years beyond the calendar year in which the marketing year ends.[1] 7 CFR 708.1, 730.34, 730.35, 730.38

Persons needing further information about listed record retention requirements should contact the following:

Sara L. Cohran, Chief, Communications Management Branch, Administrative Services Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Room 6950 South, Washington, D.C. 20250. Telephone: 202–447–2721.

5. Commodity Credit Corporation

5.1 Warehousemen handling storage agreements for bulk oils.

To maintain inventory and operating records.

Retention period: Not specified. 7 CFR 1424.2

5.2 Cottonseed crushers participating in the cottonseed oil and meal purchase program.

To keep complete and detailed records as specified with respect to all purchases of cottonseed and other specified transactions.

Retention period: At least 3 years from the last date any of the products tendered by the crusher have been delivered. 7 CFR 1443.67

5.3 [Reserved]

5.4 Peanut shellers participating in the peanut price support program.

To keep accounts with respect to the purchase and sale of crop peanuts, including types, grades, quality, weight, names and addresses of producers and purchasers, and date and place of each transaction.

Retention period: 3 years after final delivery of peanuts to CCC. 7 CFR 1446.19

5.5 Mohair producers participating in the payment program for mohair and their marketing agencies.

To maintain books, records, and accounts showing the marketing of mohair on which an application for payment is based.

Retention period: 3 years. 7 CFR 1468.22

See footnote 1 page 29188.

5.6 Producers of wool, sheep, and lambs and their marketing agencies participating in price support program.

To maintain books, records, and accounts on production of wool, sheep and lambs, and the shearing thereof, and on purchases of lambs on and after April 1, 1956.

Retention period: 3 years after end of specified marketing year. 7 CFR 1472.1351, 1472.1451

5.7–5.8 [Reserved]

5.9 Handlers, dealers, and warehousemen performing transactions with regard to delivery orders under the livestock feed program.

To maintain books and records which will permit verification of all transactions with regard to delivery orders.

Retention period: At least 3 full years following deliveries against delivery orders (or to be kept longer if requested by the Commodity Credit Corporation). 7 CFR 1475.213

5.10 Dealers participating in the Puerto Rican tobacco purchase program.

To keep records with respect to all transactions relating to the tobacco of any crop year during which tobacco is sold to CCC.

Retention period: 3 years after delivery of tobacco to CCC. 7 CFR 1464.60

5.11 Exporters of agricultural commodities.

To maintain documents evidencing the export sale contract and obligation of importer for financed portion of export sale.

Retention period: 3 years after maturity of related financing agreement. 7 CFR 1488.19

5.12 Crushers of castor beans participating in the castor oil purchase program.

To maintain books, records, and accounts including name of sellers, date of receipt, and the gross and clean weight, quality and price of each lot of castor bean purchased.

Retention period: At least 3 years from last date any castor oil is delivered by the crusher. 7 CFR 1443.108

5.13 Warehousemen handling honey under the price support program.

To maintain inventory and operating records.

Retention period: Not specified. 7 CFR 1434.51

5.14 Warehousemen handling grain, rice, dry edible beans, and seed under the price support program.

To maintain inventory and operating records.

Record retention: Not specified. 7 CFR 1421.5552

5.15–5.17 [Reserved]

5.18 Cotton ginners participating in the cottonseed purchase program.

To keep books, records, and accounts for all purchases of cottonseed (including name of producer, date of receipt, weight, and purchase price of each lot) and other transactions.

Retention period: 3 years from last day any cottonseed is tendered to CCC for purchase under the applicable Participating Ginner's Agreement. 7 CFR 1443.13

5.19 Cooperative marketing associations participating in the price support program.

To maintain records showing quantity, quality, and disposition of commodities (cotton, dry edible beans, honey, rice, soybeans, tung oil) eligible for price support received from each member. The same records to be kept for commodities received from nonmembers which are ineligible for price support.

Retention period: Through end of the 5th marketing year following the marketing year for which approval is obtained. 7 CFR 1425.17, 1425.18

5.20 Exporters participating in the tobacco export program.

To maintain accurate records (including contracts of purchase, sale, and storage) establishing eligibility of tobacco for export payments made to exporters under the program.

Retention period: 3 years after date of export. 7 CFR 1490.10

Persons needing further information about listed record retention requirements should contact the following:

Sara L. Cohran, Chief, Communications Management Branch, Administrative Services Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Room 6950 South, Washington, D.C. 20250. Telephone: 202–447–2721.

6. Office of the General Sales Manager [Transferred from I 1]

6.1 Exporters subject to export sales reporting requirements. [Transferred From I 1.2]

To maintain records of all export sales of commodities designated in 7 CFR Part 20, Appendix 1, including contracts and other agreements with foreign buyers and sellers, and bills of lading or delivery documents evidencing all such exports and inspection and weight certificates relating thereto.

Retention period: 3 years after date of export to which they relate. 7 CFR 20.9

6.2 Private organizations or individuals which enter the private trade agreements pursuant to title I of Public Law 480. [Transferred From I 1.3]

Maintain books and records as well as pertinent documents, correspondence, and memoranda covering all transactions relating to the private trade agreement.

Retention period: Not specified (subject to examination by the Administrator at all reasonable times until the entire amount due under the agreement has been paid CCC). 7 CFR 14.66

6.3 Suppliers who sell agricultural commodities under a title I credit purchase authorization (including ocean transportation). [Transferred From I 1.4]

Maintain pertinent books, documents, papers, and records related to the supplier and the importer.

Retention period: 3 years after final payment under such contracts. 7 CFR 14.17

6.4 Exporters of agricultural commodities under CCC export credit sales program. [Transferred From I 1.5]

To keep books, documents, papers, and records involving transactions relating to contracts between the exporter and the importer.

Retention period: 3 years after maturity of related credit arrangement. 7 CFR 1488.19

6.5 Importers and suppliers involved in sales of agricultural commodities. [Transferred From I 1.6]

(a) *Importers*—To maintain a record of all offers received from suppliers as a result of public tenders or negotiation.

(b) *Suppliers*—To maintain accurate books, records, and accounts with respect to all contracts entered into hereunder.

Retention period: Until expiration of 3 years after final payment under such contracts. 7 CFR 11.6, 11.17, 17.6, 17.17

Persons needing further information about listed record retention requirements should contact the following:

Thomas B. McDonald, Jr., Administrative Officer, Office of the General Sales Manager, Room 4066 South, U.S. Department of Agriculture, Washington, D.C. 20250. Telephone: 202–447–7493.

7. Farmers Home Administration

7.1 Individual borrowers and grant recipients of FHA funds.

To maintain records of the operations to meet requirements of State and local regulations and terms of agreement with FHA and other creditors.

Retention period: Not specified. 7 CFR 1802.24

7.2 Local organizations obtaining watershed loans and advances under the Watershed Protection and Flood Prevention Act.

To maintain accounts and records relating to the installation, operations, and maintenance of works of improvement.

Retention period: 3 years after the year to which such records pertain. 7 CFR 1823.359

7.3 Rural communities and other associations or organizations of farmers and rural residents obtaining loans and grants for housing, central domestic water systems, waste disposal systems, shift-in-land-use projects and related facilities, and recreational facilities.

To maintain records of its operations, maintenance, and management of its facility including the establishment and maintenance of financial accounts and records.

Retention period: Until summarized and reflected in the agency's official records and until the requirements of State and local laws and regulations are met. Number of years after this point not specified. 7 CFR 1802.77, Part 1823, App. 2, Item 3, 1823.107, 1823.284

7.4 Persons receiving community facility loans.

To maintain books of account and all other records, books, memoranda which support entries in the books of account.

Retention period: At least 3 years. 7 CFR 1823.14

7.5 Borrowers receiving business and industrial loans from private lending institutions guaranteed by the Farmers Home Administration. [Amended]

To maintain accounting records satisfactory to the lender and the Farmers Home Administration.

Retention period: Not specified. 7 CFR 1980.493

7.6 Individual borrowers receiving real estate and operating type loans from private lending institutions guaranteed by the Farmers Home Administration.

To maintain accounting records satisfactory to the lender and the Farmers Home Administration.

Retention period: Not specified. 7 CFR 1841.75

7.7 Borrowers receiving emergency livestock loans from private lending institutions guaranteed by the Farmers Home Administration.

To maintain accounting records satisfactory to the lender and the Farmers Home Administration.

Retention period: Not specified 7 CFR 1845.29

Persons needing further information about listed record retention requirements should contact the following:

N. Eric Rierson, Chief, Records, Forms, and Communications Management Branch, Business Services Division, Farmers Home Administration, USDA, Washington, D.C. 20250. Telephone: 202–447–4495.

8. Federal Crop Insurance Corporation

8.1 Insured under Federal Crop Insurance Corporation. [Amended]

To keep records of harvesting, storage, shipments, sale, or other disposition of all barley, dry beans, combined crops, corn, cotton, flax, grain sorghum, oats, peanuts, canning and freezing peas, dry peas, rice, rye, soybeans, sugar beets, sugarcane, sunflowers, tobacco, tomatoes, and wheat produced on each insurance unit covered by the contract, and separate records showing the same information for production on any uninsured acreage of the insured crop in the county in which he has an interest.

Retention period: 2 years after time of loss. 7 CFR 401.111, sec. 17

Persons needing further information about listed record retention requirements should contact the following:

Ralph F. Satterfield, Administrative Services Branch, Administrative Management Division, Federal Crop Insurance Corporation, Room 4606 South, Washington, D.C. 20250. Telephone 202–447–4603.

9. Packers and Stockyards Administration

9.1 [Reserved]

9.2 Market agencies or licensees selling or buying livestock or live poultry on a commission or agency basis.

To keep accounts and records in regard to the Custodial Account for Shippers' Proceeds and the Custodial Account for Buyers' Funds.

Retention period: 2 years.[1] 9 CFR 201.42 (retention: 201.50)

9.3 Market agencies or licensees selling or buying livestock or live poultry on a commission or agency basis.

To keep available for inspection by owners or consignors or purchasers copies of bills covering charges paid for or on behalf of the owner or consignor which were deducted from the gross proceeds of the sale or added to the purchase price thereof when accounting for the sale or purchase.

Retention period: 2 years.[1] 9 CFR 201.45 (retention: 201.50)

9.4 Stockyard owners, registrants buying or selling livestock, and licensees buying or selling live poultry.

To keep (in addition to other necessary records) daily accurate records of purchases, sales, shipments, prices, etc.

Retention period: 2 years.[1] 9 CFR 201.46 (retention: 201.50)

9.5 Sellers of live poultry under Packers and Stockyards Act regulations.

To keep copy of ticket prepared by seller at time of sale showing the name of the designated market, the date of the transaction, the names of the seller and buyer, the number of coops, kinds of poultry, price per pound, and such terms and conditions as the parties may agree upon.

Retention period: 2 years.[1] 9 CFR 201.48 (retention: 201.50)

9.6 Stockyard owners, market agencies, or licensees weighing livestock or live poultry for purposes of purchase or sale under Packers and Stockyards Act regulations.

To keep copy of scale ticket of weighing showing for both livestock and live poultry, name of agency performing the service, date of weighing, number of the scale or other information identifying the scale, name of seller, name of buyer, name of consignor, or understandable abbreviations of such names; in case of livestock, also, the number of head, kind, and actual weight, the amount of dockage and name or initials of person weighing it; and, in case of live poultry, also,

[1] Except as otherwise provided, records shall not be destroyed or disposed of without the consent in writing of the Administrator, Packers and Stockyards Administration, Department of Agriculture. 9 CFR 201.50.

number of coops weighed, the gross, tare, and net weights, and the name or initials of person operating scale at time of weighing.

Retention period: 2 years.[1] 9 CFR 201.49 (retention: 201.50)

9.7 Stockyard owners, market agencies, or licensees who weigh livestock or live poultry for purposes of purchase and sale under Packers and Stockyards Act regulations.

To keep one copy of form report of tests and inspections of scales and shall cause one copy to be kept by the agency conducting the test and inspection of the scales (a third copy to the Area Supervisor of the Service).

Retention period: 2 years.[1] 9 CFR 201.74, 201.106 (retention: 201.50, 201.-101)

9.8 Authorized State agencies and livestock associations under Packers and Stockyards Act regulations.

To keep adequate records showing in detail the income derived from the collection of authorized fees, the disbursement of such funds as expenses for conducting the services, the inspections performed and the results thereof, including records showing a full description of brands, marks, and other identifying characteristics of inspected livestock; and currently maintain records of the brands, marks, and other identifying characteristics of livestock located in the State from which such agency or association will operate and with reference to which the authorization has been granted.

Retention period: Not specified.[1] 9 CFR 201.89

9.9 Packers subject to the provisions of the Packers and Stockyards Act.

To retain for the specified period of time the following records:

(a) Cutting tests; departmental transfers; buyers' estimates; drive sheets; scale tickets received from others; inventory and products in storage; receiving records; trial balances; departmental overhead or expense recapitulations; bank statements, reconciliations and deposit slips; production or sale tonnage reports (including recapitulations and summaries of routes, branches, plants, etc.); buying or selling pricing instructions and price lists; correspondence, telegrams, teletype communications and memoranda relating to matters other than contracts, agreements, purchase or sales invoices, or claims or credit memoranda.

(b) Kill sheets, lot sheets or carcass graded cost sheets; carcass hot weight sheets and carcass test cost sheets by lots for purchases of livestock on a grade and yield or grade or yield basis; contracts and agreements; purchase invoices; sales invoices; freight bills, bills of lading or shipping tickets; scale tickets and weight records issued or prepared by the packer; cash sales receipts and memoranda; claims and credit memoranda; canceled checks and drafts; check stubs or vouchers; correspondence, telegrams, teletype communications, and memoranda relating to contracts, agreements, purchase or sales invoices, or claims or credit memoranda.

(c) Departmental statements and summaries; balance sheets and profit and loss or operating statements.

Retention period: (a) 1 year; (b) 2 years; (c) 3 years. 9 CFR 203.4

9.10 Stockyard owners, market agencies, dealers and licensees subject to the provisions of the Packers and Stockyards Act.

To maintain records of items listed in section cited.

Retention period: 2 full calendar years, or longer if directed by the Administrator.[1] 9 CFR 201.50

9.11 Packers and dealers of live poultry under the Packers and Stockyards Act.

To keep records listed in the section cited.

Retention period: 2 years. 9 CFR 201.101

Persons needing further information about listed record retention requirements should contact the following:

Robert J. McNeil, Paperwork Planning and Systems Branch, Administrative Services Division, AMS, U.S. Department of Agriculture, Room 1093 S, Washington, D.C. 20250. Telephone: 202–447–7965.

10. Office of the Secretary

10.1 Educational institutions having negotiated research agreements with the Department of Agriculture.

To maintain records with respect to status of project, expenditures, separate records of expenditures for funds provided from other sources, and accounting records, all to be compatible with the Department's and institutions' administrative and fiscal processes.

Retention period: 3 years after final payment under the agreement. 41 CFR 4–3.5108, 4–7.5101–9 (retention: 4–7.5101–10)

10.2 State agencies having contracts or agreements for relocation assistance projects.

To maintain records as specified in section cited.

Retention period: 3 years. 7 CFR 21.909

Persons needing further information about listed record retention requirements should contact the following:

Cherie L. Cozin, Management Analysis Branch, Room 1541 S, U.S. Department of Agriculture, Washington, D.C. 20250. Telephone: 202–447–9215.

11. Federal Grain Inspection Service [Transferred from I 2.55 and Revised]

11.1 Grain inspection agencies operating under Section 27 of the U.S. Grain Standards Act of 1976.

To maintain complete records of each inspection activity performed by them.

Retention period: 2 years after inspection activities are performed (other than file samples). 7 CFR 26.55; Section 27, U.S. Grain Standards Act of 1976, Pub. L. 94–582, 90 Stat. 2889

11.2 Delegated or designated grain inspection and weighing agencies and licensees.

To maintain records of inspection and weighing activities performed by them. 7 U.S.C. 87a, as amended by the U.S. Grain Standards Act of 1976, Pub. L. 94–582, 90 Stat. 2882. (No obligation until implementing regulations are issued; no such agencies were delegated or designated authority prior to January 1, 1977.)

Retention period: 5 years after the inspection and weighing activities are performed (other than file samples). 7 U.S.C. 87a, as amended

11.3 Grain merchandisers and grain warehouse owners and operators.

To maintain records of purchases, sales, transportation, storage, weighing, handling, treating, cleaning, drying, blending, and other processing, official inspection, and official weighing of grain merchandised, stored, or handled by them. 7 U.S.C. 87a, as amended by U.S. Grain Standards Act of 1976, Pub. L. 94–582, 90 Stat. 2882. (No obligation to keep specific records until implementing regulations are issued; but records normally maintained by the merchandisers, owners, and operators with reference to the named activities must be made available for inspection and copying by authorized officials.)

Retention period: 5 years after obtaining official inspection or weighing services. 7 U.S.C. 87a, as amended

Persons needing further information about listed record retention requirements should contact the following:

Howard Woodworth, Federal Grain Inspection Service, U.S. Department of Agriculture, Room 1634 S, Washington, D.C. 20250. Telephone: 202–447–9166.

12. Food and Nutrition Service

12.1 Cooperating State agencies, school food authorities, and food service management companies participating in the National School Lunch program. [Amended]

To maintain records as specified in the regulations.

Retention period: 3 years after submission of final Financial Status Report, or until resolution of any audit questions. 7 CFR 210.8, 210.14, 210.16, 240.10

12.2 Participants in the summer food service program for children. [Amended]

(a) *Food service management companies*—To maintain records supported by invoices, receipts, and other evidence pertaining to service institution's feeding operations.

(b) *Service institutions*—To maintain food service operations, including meals, program receipts, and program expenditures for food, labor, and all other costs.

Retention period: (a) 3 years after end of fiscal year; (b) 3 years and 3 months after end of fiscal year, except for non-

[1] See footnote 2 page 29190.

food assistance records which are to be maintained for 5 years. 7 CFR 225.5, 225.9, 225.14

12.3 Cooperating State agencies, school food authorities, child care institutions, and food service management companies participating in the Special Milk program.

To maintain records as specified in the regulations.

Retention period: 3 years after the end of the Federal fiscal year to which they pertain. 7 CFR 215.7, 215.11, 215.12

12.4 Distributing, subdistributing, and recipient agencies distributing food commodities donated for use in school lunch programs, for training students in home economics, in summer camps for children, by needy Indians on reservations, in institutions, and management companies pertaining to the feeding operations of the institutions, in State correctional institutions for minors, in nutrition programs for the elderly, and in assistance of other needy persons. [Amended]

To maintain records relating to receipt, disposal, and inventory of commodities, including records with respect to the receipt, and disbursement of funds arising from, or federally disbursed for, operation of the distributing program; also, to maintain records on all activities under the Supplemental Food Program. Also, to maintain records with respect to the receipt and disbursement of cash received in lieu of commodities for nutrition programs for elderly.

Retention period: 3 years from the close of the Federal fiscal year to which the records pertain. 7 CFR 250.6, 250.8, 250.10, 250.14, 250.15, 251.9

12.5 Cooperating State agencies, school food authorities, and food service management companies participating in the school breakfast program. [Amended]

To maintain accounts and records as specified in sections cited.

Retention period: (a) 3 years after submission of final financial status report by school food authority or food service management company; (b) 3 years after the end of the Federal fiscal year to which they pertain for State agencies. State records may be kept in their original form or on microfilm. In all cases records are to be maintained until the resolution of any audit questions. 7 CFR 220.7, 220.13, 220.14, 240.10

12.6 State agencies participating in the food stamp program.

To keep such records, microfilms, or approved lists in lieu of records, and submit such reports and other information as may from time to time be required by FNS.

Retention period: (a) For unlisted records, microfilms, or lists in lieu of records, 3 years from month of origin of such records, or longer if instructed in writing by FNS or the Department; (b) for records which have been microfilmed, no retention period after required reconciliation and microfilming; (c) for records covered by an approved list, 1 year after month of execution, or longer if instructed in writing by FNS or the Department. 7 CFR 271.1

12.6a State agencies participating in the food stamp program.

To maintain financial records, supporting documents, statistical records, and other records pertinent to FNS program funds or negotiated contracts exceeding $2,500 thereunder.

Retention period: 3 years, or longer if instructed in writing by FNS or the Department, and/or as qualified in section cited. 7 CFR 275.4

12.7 States participating in emergency food assistance for victims of major disasters.

To keep records of information as required by the Food and Nutrition Service.

Retention period: Not specified. 7 CFR 274.7

12.8 School food authorities participating in the National School Lunch program or receiving federally donated commodities for school lunch programs.

To keep records of hearings on applications which families make for free or reduced price lunches for children.

Retention period: 3 years. 7 CFR 245.7

12.9 Cooperating State agencies, school food authorities, and service institutions participating in the nonfood assistance program. [Amended]

To maintain records as specified in the regulations.

Retention period: 3 to 5 years after the end of the Federal fiscal year to which they pertain. 7 CFR 226.22, 226.23, 230.12

12.10 States participating in temporary emergency food assistance for victims of other than major disasters.

To keep records of information as required by the Food and Nutrition Service.

Retention period: Not specified. 7 CFR 274.14

12.11 State and local health agencies participating in the special supplemental food program for women, infants, and children.

To maintain records of fiscal operations, food delivery systems, certification and recertification, racial and ethnic participation data and fair hearings, as indicated in section cited.

Retention period: 3 years following end of Federal fiscal year to which they pertain, or until resolution of an audit or of any litigation. 7 CFR 246.9

12.12 [Deleted]

12.13 Participants in child care food program. [Added]

(a) Food service management companies to maintain books and records pertaining to institution's feeding program.

(b) Service institutions to maintain all accounts and records pertaining to the program.

(c) Sponsoring organizations to maintain records as specified in section cited.

Retention period: (a) 3 years from date of submission of final Financial Status Report; (b) 3 years after end of fiscal year to which they pertain, or until resolutions of any audit questions; (c) 3 years. 7 CFR 226.9, 226.14, 226.15, 226.28

Persons needing further information about listed record retention requirements should contact the following:

Miss Rose S. Musumeci, Records Management Officer, Food and Nutrition Service, Washington, D.C. 20250. Telephone: 202–447–8278.

II. DEPARTMENT OF COMMERCE

1. Economic Development Administration

1.1 Recipients of loans and grants for public work and development facilities projects.

To maintain financial records, supporting documents, statistical records, and all other records relating to the project.

Retention period: At least 3 years from date of submission of final expenditure report or longer if audit findings have not been resolved; 3 years after final disposition for nonexpendable property; period required by State or local law for nonconstruction loans or grants or contracts for less than $100,000. 13 CFR 305.93

1.2 Recipients of grants for technical assistance.

To maintain (a) financial records disclosing the amount and disposition of any funds applied to the project and terms and conditions upon which such grants-in-aid were made; and (b) project control records, where applicable, reflecting work progress and indicating its relationship to estimated costs and schedules.

Retention period: Until completion of the purpose or undertaking for which such funds were used, or until final disbursement is made by EDA, whichever is later, and for at least 3 years thereafter. 13 CFR 307.16

1.3 Technical assistance and research contractors and subcontractors.

To maintain (a) progress control records reflecting acquisition, work progress, expenditures and commitments indicating relationship to established costs and schedules; and (b) written financial records establishing compliance to requirement of the act and terms and conditions of contract or subcontract.

Retention period: At least 3 years after final payment. 13 CFR 307.17

1.4 Recipients of financial assistance (including contractors and subcontractors).

To maintain financial records of amount and disposition of funds, total cost of project or undertaking, amount and nature of portion of cost supplied by other sources; and such other records as will facilitate an effective audit.

Retention period: 3 years after date of final expenditure or, for projects re-

newed annually, after date of submission of annual expenditure report except (a) until audit findings are resolved; (b) 3 years after final disposition of nonexpendable personal property; (c) 3 year retention requirement is not applicable if records are transferred to or maintained by EDA. 13 CFR 305.96, 309.9

1.5 Recipients of loans and grants (nondiscrimination records). [Amended]

To maintain timely, complete, and accurate compliance records for submission to EDA officials at such times and in such form and containing such information as the responsible EDA official may determine to be necessary for ascertaining whether the recipient has complied or is complying with section 112 of Public Law 92-65 of the Public Works and Economic Development Act of 1971 (nondiscrimination on the ground of sex).

Retention period: 3 years except for applications for employment which shall be retained for at least 12 months. 13 CFR 311.47, 315.3, 316.11

1.6 Recipients of adjustment grants under title IX under the Public Works and Economic Development Act.

To maintain financial records, supporting documents, statistical records, and all other records pertinent to a grant program.

Retention period: 3 years except that (a) records shall be maintained until audit findings are resolved, (b) records for nonexpendable property acquired with Federal grant funds shall be retained for 3 years after final disposition, and (c) the retention requirement is not applicable to the grantee if the grant records are transferred to or maintained by the Federal grantor agency. 13 CFR 308.28(c)

2. Domestic and International Business Administration

2.1 [Reserved]

INDUSTRIAL MOBILIZATION

2.2 Persons in the United States participating in transactions covered by DPS Regulation 2. [Amended]

To keep records of receipts and deliveries in sufficient detail to permit the determination, after audit, of compliance of each transaction with provisions of DPS Regulation 2 (Operations of the Priorities and Allocations Systems between Canada and the United States).

Retention period: At least 3 years. 32A CFR 652, DPS Reg. 2, sec. 7(a)

2.3 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by Defense Materials System Regulation 1, as amended July 1, 1974. [Amended]

To keep accurate and complete records of each such transaction, including all rated orders, ACM orders and directives received by such persons, copies of all rated orders and ACM orders placed by such persons, records of purchases, receipts, inventories, production, use, sales, and deliveries of all materials acquired by means of priority, allotment or directive assistance, and records of sales and deliveries of all materials sold or delivered by such persons pursuant to rated orders, ACM orders and directives. Records shall be maintained in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of DMS Reg. 1, as amended July 1, 1974.

Retention period: For at least 3 years. 32A CFR 621, DMS Reg. 1, sec. 20

2.4 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by DPS Regulation 1, DMS Order 1, and DMS Order 3. [Amended]

To keep accurate and complete records of receipts, deliveries, inventories, production, and use, in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of DPS Reg. 1—Basic Rules of the Priorities System; DMS Order 1—Iron and Steel; and DMS Order 3—Aluminum, as applicable to such transaction.

Retention period: For at least 3 years. 32A CFR 651, DPS Reg. 1, sec. 25; 631, DMS Order 1, sec. 17(a); 633, DMS Order 3, sec. 15(a)

2.5 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in any transaction covered by DPS Order 1. [Amended]

To keep accurate and complete records of rated orders and directives received and monthly records of production, production schedules and deliveries in sufficient detail to permit the determination, after audit, whether each transaction complies with the provisions of DPS Order 1—Metalworking Machines.

Retention period: For at least 3 years. 32A CFR 661, DPS Order 1, sec. 8(a)

2.6 Individuals, corporations, partnerships, associations, or any other organized groups of persons participating in transactions covered by DMS Order 2—Nickel Alloys and DPS Order 2—Nickel. [Amended]

To keep accurate and complete records of receipts and deliveries in sufficient detail to permit the determination, after audit, of compliance of each transaction with the provisions of DMS Order 2—Nickel Alloys and DPS Order 2—Nickel.

Retention period: At least 3 years. 32A CFR 632, DMS Order 2, sec. 13(a); 662, DPS Order 2, sec. 6(a)

2.7 Producers, distributors, and users of copper controlled materials, intermediate shapes, and copper raw materials. (DMS Order 4—Copper and Copper-base Alloys). [Amended]

To keep accurate and complete records of purchases, receipts, inventories, production, use, sales and deliveries of copper controlled materials, intermediate shapes, and copper raw materials in sufficient detail to permit the determination, after audit, whether each such transaction complies with the provisions of DMS Order 4—Copper and Copper-base Alloys. Such records shall include, but shall not be limited to, all authorized controlled material orders (ACM), rated orders and directives received by such persons, and copies of all authorized controlled material orders (ACM), and rated orders placed by such persons.

Retention period: At least 3 years. 32A CFR 634, DMS Order 4, sec. 12

EXPORT ADMINISTRATION

2.8 Holders of International Import Certificates selling or transferring commodities covered by such certificates.

To maintain written acceptance by the purchaser or transferee of all obligations imposed under the Export Administration regulations of the United States.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[3] 15 CFR 368.2

2.9 Executors of International Import Certificates where resale or transfer of commodities covered by Import Certificate occurs before delivery.

To maintain written acceptance by purchaser or transferee of obligation to provide delivery verification.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[3] 15 CFR 368.3

2.10 Exporter of commodities related to nuclear weapons, nuclear explosive devices, or nuclear testing.

To keep copies of exporter's letter of inquiry and manufacturer's reply regarding use of commodities.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[3] 15 CFR 378.2 (retention: 387.11)

2.11 Applicants for export licenses.

To keep documents constituting evidence of an order and of facts relating to the purchase transaction as specified in section cited.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[3] 15 CFR 372.6 (retention: 387.11)

2.12 Foreign importers of aircraft or vessel repair parts.

To keep records of commodities imported from the U.S. and supplied abroad to vessels or aircraft.

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[3] Complete and accurate reproductions may be substituted for documents required to be retained under Export Administration Regulations after 12 months from beginning of required retention period, provided facilities for location and inspection are available at the place of retention. 15 CFR 387.11

Retention period: 2 years from, date the commodities are supplied to a vessel or aircraft.[3] 15 CFR 373.8

2.13 Exporter to a foreign distributor.

(a) *Exporters*—To retain copies of validated or rejected Forms DIB–624P and DIB–625P, and all other forms, documents, correspondence, memoranda, books, and other records relating to exports under the Form FC–243 procedure.

(b) *Foreign distributor*—To retain copies of Form DIB–625P and records of distribution, sale, or reexportation from a foreign-based stock under this procedure.

Retention period: 2 years (a) from date of validated or rejected forms, and (b) from whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[3] 15 CFR 373.4 (retention: 387.11)

2.14 Applicants for a Periodic Requirements and Time Limit Licenses.

To keep records of the documentary evidence of the prescribed relationship with each consignee.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[3] 15 CFR 373.5, 373.6 (retention: 387.11)

2.15 Forwarding agents receiving copies of commercial invoices not containing destination control statement.

To keep record of corrected entry or of notification to exporter of obligation and exporter's reply of compliance therewith.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[3] 15 CFR 386.6 (retention: 387.11)

2.16 Transferors and transferees of export licenses.

To keep records of all documents evidencing the order covered by these licenses.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[3] 15 CFR 372.13

2.17 Exporters or agents.

To keep records of export transactions, exports and reexports.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[3] 15 CFR 387.11

2.18 Loan or sale of commodities by airlines.

To keep records of commodities imported from the U.S. and lent or sold to another airline without profit.

Retention period: 2 years from date of transaction. 15 CFR 376.8

2.19 Carriers releasing shipment without receiving a bill of lading containing notice of prohibition against diversion.

To secure a receipted copy of the written notice omitted from the bill of lading from party taking custody of the shipment.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[3] 15 CFR 386.6 (retention: 387.11)

2.20 Exporters of certain kinds of technical data.

To secure and retain a written assurance from the consignee regarding use of the data and its direct product.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[3] 15 CFR 379.4 (retention: 387.11)

2.21 Exporters and distributors of commodities under distribution licenses. [Amended]

To keep (a) one copy of each validated or rejected Form DIB–678P; (b) all other forms, documents, correspondence, memoranda, books, and other records relating to any export from the United States under a distribution license; (c) all records regarding a sale or reexport by a distributor who is an approved consignee; (d) the original of Swiss Blue Import Certificate and reproduced copies of the original of the Yugoslav End Use Certificates.

Retention period: 2 years (a) from date of validation or rejection; (b) from whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction; (c) from date of sale or reexport; and (d) from the date the commodities are distributed.[3] 15 CFR 373.3 (retention: 387.11)

2.22 U.S. exporters, foreign-based service facilities, and foreign manufacturers operating under the Service Supply Procedure.

To keep records of all exports and reexports under the Service Supply Procedure.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[3] 15 CFR 373.7 (retention: 387.11)

2.23 Exporters of commodities to be returned to the United States.

To keep records of temporary exports to be returned to the United States as well as Customs Entry Number or any other evidence of disposition of commodities exported.

Retention period: 2 years from date of return of commodities of other disposition.[3] 15 CFR 371.22 (retention: 387.11)

2.24 Forwarding agents for exporters operating under the Shippers Export Declaration.

To maintain the power-of-attorney or other authorization as well as redelegations by the forwarding agent.

Retention period: 2 years after the last action taken. 15 CFR 386.3

2.25 Exporters reexporting commodities exported under general license.

To maintain reexport authorization document.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction.[3] 15 CFR 374.7 (retention: 387.11)

2.26 Exporters and related service organizations (including banks, insurers, freight forwarders, shipping companies, etc.)

To keep pertinent records relating to all requests for an action, including the furnishing of information or the signing of agreements, that has the effect of furthering or supporting restrictive trade practices or boycotts fostered or imposed by foreign countries against any countries friendly to the United States, including those requests that tend to discriminate against U.S. citizens or firms on the basis of race, color, religion, sex or national origin; to include records relating to any action taken with respect to any boycott request.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction. 15 CFR 369.5 [4] (retention: 387.11)

2.27 Applicants for export licenses who have submitted supporting documents with their applications.

To maintain the original of any copy of a document submitted to support a license application, should inspection of such document be required by the Office of Export Administration. However, after a year from the beginning of the prescribed retention period, a reproduction of the original document may be substituted.

Retention period: 2 years from, whichever is later, date of exportation, reexportation, transshipment, diversion, or other termination of the transaction. 15 CFR 375.6 [5] (retention: 387.11)

2.28–2.30 [Reserved]

FOREIGN-TRADE ZONES

2.31 Grantees of foreign-trade zones.

To maintain records required under the Uniform System of Accounts, Records, and Reports.

Retention period: 5 years after the merchandise covered by such records has been forwarded from the zone. 15 CFR 400.1014

See footnote 3 page 29193.

SHIPPING RESTRICTIONS

2.32 Ship and aircraft owners, masters, officers, employees and agents participating in transportation.

To retain records of voyages and/or shipments in sufficient detail to permit an audit to determine if the provisions of orders T–1 and T–2 (Shipping restrictions) have been carried out. No changes in the records customarily maintained are required provided such records supply an adequate basis for audit. Records may be retained in microfilm or other photographic copies instead of the originals.

Retention period: At least 2 years. 32A CFR Ch. VII, T–1, sec. 4; T–2, sec. 5

2.33 Persons transporting commodities to and from Southern Rhodesia.

To retain records of shipments in sufficient detail to permit an audit that will determine, for each transaction, that the provisions of 15 CFR Part 11 have been met. No changes in the records customarily maintained are required provided such records supply an adequate basis for audit. Records may be retained in microfilm or other photographic copies instead of the originals.

Retention period: At least 2 years. 15 CFR 11.5

3. Assistant Secretary for Science and Technology

3.1 State agencies or institutions receiving financial assistance under the State Technical Services Act of 1965.

To maintain records and documentation (e.g., vouchers, payrolls, invoices, contracts) relating to grant and amount, nature, and identification of funds supplied from non-Federal sources.

Retention period: Until audit has been conducted by the Department and all questions arising therefrom are resolved. 15 U.S.C. 1368

4. Economic Analysis Bureau.

4.1 Foreign investors in the United States.

To maintain information concerning transactions covered by Survey of Foreign Direct Investment.

Retention period: 2 years after due date for filing of survey report. 15 CFR 804.19

5. Maritime Administration

5.1 General agents (shipping companies) or their subcontractors and berth agents. [Amended]

To keep books, records, documents and accounts (which shall be the property of the U.S.), relating to the activities, maintenance and business of vessels covered by or involving transactions related to Service Agreements as prescribed in AGE–1—General Agents, Agents and Berth Agents.

Retention period: Until completion of audit.[1] 32A CFR 1801, AGE–1, sec. 2(a), General Agency Agreement, Art. 3 (g)(1) and Art. 15; sec. 2(b) Berth Agency Agreement, Art. 3(e)(1) and Art. 14

5.2 Agents entering into service agreements. [Amended]

To keep separate sets of books of accounts to record the various transactions in connection with procedural rules for financial transactions under agency agreements.

Retention period: Until completion of audit.[1] 32A CFR 1831, FIS–1, sec. 1

5.3 Agents entering into service agreements. [Amended]

To keep the originals of all documents, at his principal office, including authorizations, for facilities, services and supplies and complete tariffs and port schedules covering charges at domestic and foreign ports incident to the operation of the vessels assigned under the procedural rules for financial transactions under agency agreements.

Retention period: Until completion of audit.[1] 32A CFR 1831, FIS–1, secs. 9 and 12

5.4 General agents. [Amended]

To prepare monthly invoices for husbanding and other compensation earned during preceding month under the applicable provisions of NSA Order No. 47 (AGE–4) and record amounts of compensation paid in agency account books.

Retention period: Until completion of audit.[1] 32A CFR 1832, FIS–2, sec. 3(a)(1) and sec. 5

5.5 General agents. [Amended]

To keep originals of statements or credit memoranda for return premiums for all vessels insured with Underwriters pursuant to INS–1–Maritime Protection and Indemnity Insurance Instructions Under General Agency and Berth Agency Agreements.

Retention period: Until completion of audit.[1] 32A CFR 1841 INS–1, sec. 7(b)

5.6 General agents. [Amended]

To keep records to account, if required, for the purchase, delivery to the Master, receipts from sales, condemnations, transfers and all other transactions in connection with slop chests.

Retention period: Until completion of audit.[1] 32A CFR 1861, OPR–1, sec. 2(e)

5.7 Masters. [Amended]

To keep records and logs disclosing receipts for the quantities of slop chest items delivered aboard ship and for losses sustained due to fire, water, or other damage which renders articles unsaleable.

Retention period: Until completion of audit.[1] 32A CFR 1861, OPR–1, sec. 3 (d) and (e)

5.8 General agents. [Amended]

To keep a copy of each Job Order, Supplemental Job Order or WORKSMAL REP Contracts for the maintenance and repair of vessels when work awarded by General Agents.

Retention period: Until completion of audit.[1] 32A CFR 1885, SRM–5

5.9 General agents. [Amended]

To keep records and supporting documents pertaining to repairs and equipment purchased for repairs to ships so that reports may be made to the Maritime Administration.

Retention period: Until completion of audit.[1] 32A CFR 1882, SRM–4, sec. 2; 1883, sec. 3(d); SRM–4, sec. 2; 1885, sec. 3(a) and sec. 19

5.10 Charterers of Government-owned dry-cargo vessels.

To keep books, records, and accounts, required under Clause 37(1), Part II, of Form 705 charter; section 705 of the Merchant Marine Act, 1936.

Retention period: 3 years after a release or final settlement is completed between the Maritime Administration and the charterer. 46 CFR 221.13

5.11 [Reserved]

5.12 Operators of operating-differential subsidized vessels.

To keep copy of Form MA–140, Repair Summary (together with the letter and documents pertinent thereto) for each terminated voyage.

Retention period: Not less than 6 years after audit and approval by the Maritime Administration and Maritime Subsidy Board of a final accounting for the last year of a recapture period and settlement of such a recapture period. 46 CFR 272.7

5.13 Operating-differential subsidy contractors, and such affiliates, domestic agents, subsidiaries, or holding companies connected with, or directly or indirectly controlling or controlled by, such contractors.

To keep its books, records, and accounts, as the Maritime Administration shall require, relating to the maintenance, operation, and servicing of the vessels, services, routes, and lines.

Retention period: In accordance with the provisions of 46 CFR 380.24. 46 CFR 282.1, 292.3

5.14 Operating-differential subsidy contractors.

To keep records supporting entries to notes and accounts receivable from officers and employees and subsidiary accounts.

Retention period: In accordance with the provisions of 46 CFR 380.24. 46 CFR 282.364

5.15 Contractors and subcontractors.

To keep accounts, books, documents, memoranda, minutes and records of every kind involving cost of performing a contract or subcontract subject to inspection and audit by the Administration.

Retention period: 2 years after the final determination by the Maritime Administration. 46 CFR 285.5

5.16 Contractors and subcontractors.

To keep books and records in such manner that a proper determination of profit can be made therefrom.

[1] After audit by the General Accounting Office, the Maritime Administration will take custody of the records.

Retention period: 2 years after the contractor or subcontractor has made payment of excess profits as determined by the Maritime Administration. 46 CFR 285.35

5.17 Operators of operating-differential subsidy agreements and depositories.

To keep certified copies of resolutions authorizing the establishment of special and capital reserve funds and such other accounts established in connection therewith.

Retention period: In accordance with the provisions of 46 CFR 380.24. 46 CFR 286.2

5.18 Taxpayers establishing construction reserve funds.

To keep records and make such additional reports as the Commissioner of Internal Revenue or the Maritime Administration may require.

Retention period: 6 months after the termination or closing out of the reserve fund. 46 CFR 287.26

5.18a Taxpayers establishing construction reserve funds; depositories.

To keep resolutions in connection with the establishment and maintenance of the construction reserve fund under agreement with the depository.

Retention period: 2 years after a final release or settlement agreement is completed between the Maritime Administration/Maritime Subsidy Board and the taxpayer. 46 CFR 287.6

5.19 Operators of operating-differential subsidy agreements.

To keep all working papers (irrespective of by whom prepared) in support of the various statements comprising annual and final accountings.

Retention period: In accordance with the provisions of 46 CFR 380.24. 46 CFR 292.8

5.20 [Reserved]

5.21 Purchasers of war-built vessels.

To keep books, records and accounts available for examination and audit as may be required by the Maritime Administration.

Retention period: Until a final release or settlement agreement is completed between the Maritime Administration and the purchaser. 46 CFR 299.21

5.22 Charterers of war-built vessels.

To keep books, records and accounts relating to the vessel in such form as the Maritime Administration may prescribe available for examination and audit.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration and the charterer. 46 CFR 299.31

5.23 Charterers of war-built vessels, Government-owned dry-cargo vessels, and war-built dry-cargo vessels.

To keep books, records and accounts relating to the management, operations, conduct of the business of and maintenance of the vessels covered by the agreement in accordance with the "Uniform System of Accounts" and under such regulations as may be prescribed by the owner: *Provided*, That if the Charterer is subject to the jurisdiction of the Interstate Commerce Commission, the Administration will not require the duplication of books, records and accounts required to be kept in some other form by the Interstate Commerce Commission.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration and the charterer. 46 CFR 299.39, 299.130, 299.202

5.24 Charterers of war-built vessels.

To keep cost records or other sound accounting evidence for purpose of supporting claims, if any, for post-redelivery overhead expenses.

Retention period: 2 years after final release or settlement agreement is completed between the Maritime Administration and the charterer. 46 CFR 299.48, 299.52, 299.53

5.25 Underwriting agents under war risk insurance program for hull, P & I and second seamen.

To keep a full and complete record of all applications, binders and policies, and also record all premiums, charges or deposits required by the terms of the binders or policies; and books, records and accounts covering the operations and activities under the Underwriting Agency Agreement, which shall be the property of the United States represented by the Maritime Administrator.

Retention period: Until a release is granted by the Maritime Administration, at which time the Maritime Administration will take custody of the records. 46 CFR 308.8

5.26 Those assured under war risk cargo insurance program.

To keep books, records and accounts in such form and manner that all information available to the assured as to the amounts at risk and the amounts of losses incurred and premiums due can be readily ascertained therefrom by the Maritime Administrator.

Retention period: Until a release is granted by the Maritime Administration, at which time the Maritime Administration will take custody of the records. 46 CFR 308.517

5.27 Underwriting agents under war risk cargo insurance program.

To keep a full and complete record of all applications, binders, and policies, and also record all premiums, charges, collateral deposit funds and surety bonds required by the terms of the binders and policies; and books, records and accounts covering the operations and activities under the Underwriting Agency Agreement, which shall be the property of the United States represented by the Maritime Administrator.

Retention period: Until a release is granted by the Maritime Administration, at which time the Maritime Administration will take custody of the records. 46 CFR 308.548

5.28 State maritime schools.

To keep records pertaining to the schools, its officers, instructors, crew, cadets, training vessels and shore bases. The schools shall also maintain records of cadet enrollments, reenrollments, absences with or without leave, hospitalizations, disenrollments, graduations, and other analogous data.

Retention period: Not specified. 46 CFR 310.3

5.29 Clearing agents under war risk cargo insurance programs.

To keep a complete, separate system of books, records and accounts covering its operation and activities under this agreement, including a record of all statements, vouchers and other information received by it from the underwriting agents which shall be the property of the United States represented by the Maritime Administrator.

Retention period: During the period of the agreement and up to 36 months after its termination and thereafter until final settlement of any outstanding claims against the Administrator by holders of policies issued by the underwriting agents. 46 CFR 308.551

5.30 Operators under title VI and VII, Merchant Marine Act, 1936.

To keep varied records created while under contract with the Maritime Administration/Maritime Subsidy Board.

Retention period: In accordance with the provisions of sections cited. 46 CFR 380.20–380.24

6. Office of the General Counsel

6.1 Persons required to make reports to the Office of Foreign Direct Investments and persons aiding in making such reports.

When the Office of Foreign Direct Investments was abolished on June 30, 1974, the General Counsel of the Department was delegated the responsibility to assure continued compliance with the Foreign Direct Investment Regulations set forth in 15 CFR 1000—1050. All persons who prepared reports required by 15 CFR 1020.121(a) and 1000.602(b) shall preserve all working papers (irrespective of by whom prepared) used in the preparation of such reports, all exhibits, all schedules, all attachments to such papers, and all books and records relating to such reports that were prepared in the ordinary course of business.

Retention period: Until July 1, 1977. 15 CFR 1020.121(b)

7. National Bureau of Standards

7.1 Participants in Voluntary Labeling Program for Household Appliances and Equipment To Effect Energy Conservation. [Revised]

To maintain records of measurement data on energy consumption and energy efficiency characterics of household appliances and equipment labeled in accordance with the program.

Retention period: 2 years after the particular model of appliance or equipment is no longer manufactured unless otherwise provided in accordance with program procedures. 15 CFR 9.5(b) (1)

8. National Oceanic and Atmospheric Administration

8.1 Licensees on whale catchers and factory ships, and at land stations.

To maintain records of detailed information of the killing, capturing, and delivery of whales and a detailed record of whales received and processed.

Retention period: 6 months following the end of the calendar year to which the records apply. 50 CFR 230.30, 230.31, 230.32 (retention: 230.34)

8.2 Persons engaged in weather modification or related activities.

To maintain daily record of activities, name and address of person operating weather modification apparatus, and such other records as required by sections cited.

Retention period: 5 years. 15 CFR 908.8, 908.9, 908.11

8.3 Recipients of fishing vessel obligation guarantees. [Amended]

To maintain books of account and submit periodic reports as required by the Secretary of Commerce.

Retention period: End of period during which obligation guarantees is in force. 50 CFR 255.4

8.4 Masters or operators of fishing vessels holding shrimp fishing permits.

To maintain an accurate log of fishing operations showing vessel name, official number, port of departure and date, port of arrival and date, net size, captain's name and number in crew, fishing area, fishing time, and date, and shrimp catch for each day fished.

Retention period: Not specified. 50 CFR 245.7

8.5 Persons with permits to engage in activities involving the endangered wildlife species.

To maintain records of any taking, possession, transportation, sale, purchase, barter, exportation, or importation, including names and addresses of persons involved in such transaction, date of transaction, and such other information as may be required.

Retention period: 5 years. 50 CFR 220.46

8.6 Operators of fishing vessels possessing certificate of inclusion to take marine mammals incidental to fishing operations.

To maintain logs of incidental take of marine mammals including location, time and date of death or injury; identity and number of marine mammals killed or injured; and a description of the circumstances.

Retention period: 1 year after submission of required reports. 50 CFR 216.24

8.7 Masters of shipping vessels engaged in yellowfin tuna fishing in the regulatory area of the Inter-American Tropical Tuna Commission.

To keep an accurate log of all fishing operations, including the date, locality, and estimated quantity of tuna fish and other marketable fish, by species which are taken on board.

Retention period: Not specified. 50 CFR 280.11

8.8 State fishery agencies or other non-Federal interests receiving Federal assistance under the Anadromous Fish Act of 1965.

To maintain records of accounts and reports, with supporting documentation thereto.

Retention period: 3 years after submission of final expenditure report on project, or until final resolution of any audit questions. 50 CFR 401.15

8.9 [Reserved]

8.10 Purchasers of any regulated species of fish taken by any fishing vessel within the regulatory area of the International Commission for the Northwest Atlantic Fisheries [Amended]

To keep records of each purchase of any regulated species of fish taken by a U.S. fishing vessel within the regulatory area of the International Commission for the Northwest Atlantic Fisheries, including haddock, ocean perch, halibut, grey sole, dabs, Greenland halibut, cod, yellowtail flounder, pollock, white hake, black back or lemon sole, silver hake, red hake, herring, and mackerel.

Retention period: Not specified. 50 CFR 240.5

8.11 Masters or operators of vessels over 100 gross tons fishing for regulated species within the regulatory area of the International Commission for the Northwest Atlantic Fisheries. [Amended]

To keep an accurate log of all fishing operations, including details of type of gear used, locality and duration of fishing, and estimated poundage of each species taken at each retrieval of gear.

Retention period: 1 year subsequent to date of last entry in logbook. 50 CFR 240.5

8.12 Masters or operators of vessels holding Pacific halibut fisheries license or permit.

To keep an accurate log of all fishing operations, including the date, locality, amount of gear used, and amount of halibut taken daily in each locality.

Retention period: 2 years. 50 CFR 301.7

8.13 Halibut dealers.

To keep records of each purchase or receipt of halibut, showing date, locality, name of vessel, firm or corporation purchased or received from and amount in pounds according to trade categories of the halibut and other species landed therewith.

Retention period: 2 years. 50 CFR 301.8

8.14 Factory whaling ships and land stations.

To enter immediately in a permanent record the information reported by radio on whales taken by whale catchers, as prescribed in 50 CFR 351.13 (c), and other data, as prescribed in paragraph (d), when it becomes available.

Retention period: Permanent. 50 CFR 351.13

8.15 Holders or purchasers who have certificate of exemptions, copies thereof, or applications thereof for sperm whale oil or scrimshaw products held within the United States on December 28, 1973, in the course of commercial activity. [Added]

To keep an accurate record with the supporting documentation thereto of the receiving, selling, transferring, distributing, or otherwise disposing thereof.

Retention period: 3 years following the date of acquisition or transfer. 50 CFR 222.12

9. Regional Action Planning Commissions

9.1 [Reserved]

9.2 Recipients of grants, technical and planning assistance, and supplements to Federal grant-in-aids.

To maintain records of amount and disposition of total budgeted funds, purpose for use of funds, amount and nature of contributions from all other sources, and other such financial records as necessary.

Retention period: 3 years following disbursement of funds. 13 CFR 540.3, 550.5, 560.8

10. United States Travel Service

10.1 States or private or nonprofit organizations receiving Federal grants for travel promotion projects.

To maintain all books, documents, papers, and records relating to the project.

Retention period: 3 years unless extended by the Assistant Secretary for Tourism. 15 CFR 1200.5 (retention: 1200.7)

11. Census Bureau

11.1 Exporters, their agents, and owners and operators of exporting carriers.

To retain all shipping documents, invoices, orders, packing lists, correspondence, and other documentation as required by 15 CFR 30.7 and 30.8.

Retention period: 3 years subsequent to exportation. 15 CFR 30.11

Persons needing further information about listed record retention requirements should contact the following:

Mrs. Ivy V. Parr, Departmental Records Management Officer, Office of Administrative Services and Procurement, Room 6047, Main Commerce Building, Washington, D.C. 20230. Telephone: 202–377–3630.

III. DEPARTMENT OF DEFENSE

1. Department of the Air Force

1.1 Contractors' flight operating procedures and flight crews.

To keep records of each flight crew member and policy and flight operating procedures.

Retention period: Not specified. 32 CFR 860.5

Persons needing further information about listed record retention requirements should contact the following:

Mr. H. Hughes, Headquarters United States Air Force/LGPM, Washington, D.C. 20330. Telephone: 202–695–6969.

2. [Reserved]

3. Defense Civil Preparedness Agency

3.1 Contractors with federally assisted contracts.

To maintain payroll and other related records during the course of the work for all laborers and mechanics working at the site of the work.

Retention period: 3 years after termination of the contract. 32 CFR 1808.4

3.2 States and political subdivisions receiving Federal contributions for civil defense equipment and construction.

To maintain books, records, and documents relating to such contributions.

Retention period: 3 years following completion of the approved project. Records for nonexpendable property acquired with Federal assistance shall be retained for 3 years after its final disposition. 32 CFR 1801.6, 1812.16

3.3 States and political subdivisions receiving financial contributions for personnel and administrative expenses.

To keep books, records, papers, and other pertinent supporting material including those relating to procurement of administrative equipment and to merit system operations showing receipt and disbursement of Federal funds received.

Retention period: 3 years after payment unless advised by DCPA to maintain such records for a longer period. 32 CFR 1807.6

3.4 States and political subdivisions receiving copies of contractors' payroll records for Federally assisted construction.

To retain copies of all payrolls and statements required to be submitted in cases where the contract involves construction work in excess of $2,000.

Retention period: 3 years from date of completion of contract unless records are transferred to the Defense Civil Preparedness Agency. 32 CFR 1808.5

Persons needing further information about listed record retention requirements should contact the following:

Mr. William L. Wilde, Management Division, Defense Civil Preparedness Agency, Washington, D.C. 20301. Telephone: 202–695–7968.

IV. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

1. Office of Education

1.1 State and local agencies, institutions, organizations, and others receiving financial assistance under direct project grant and contract programs or under State administered programs.

To maintain records relating to the receipt and expenditure of Federal funds (and to the expenditure of the recipient's contribution to the cost of the project, if any), including all accounting records and related original and supporting documents.

Retention period: 3 years, after date of submission of annual or final expenditure report or after final disposition of nonexpendable personal property. Microfilm copies may be substituted in lieu of original records. 45 CFR 100a.477, 100b.477

1.2—1.3 [Reserved]

1.4 Local educational agencies receiving Federal assistance in areas affected by Federal activities.

To maintain adequate written records to substantiate Federal connection of pupils forming the basis for claim for financial assistance.

Retention period: Until completion of administrative review, or 3 years following fiscal year to which the claim relates, whichever is earlier. 45 CFR 115.40 (retention: 115.42)

1.5 Private nonprofit schools receiving loans for acquisition of equipment for strengthening instruction in academic subjects.

To keep all records supporting the use of loan funds.

Retention period: 3 years after receipt of loan funds or until the loan has been paid in full, whichever is later. 45 CFR 142.44

1.6 Institutions of higher education participating in the national defense student loan program.

To maintain records of all transactions with respect to the fund, general ledger control accounts and subsidiary accounts as required, pertinent records of fund activities including individual oaths, and promissory notes.

Retention period: Until agreed upon with the Commissioner that there is no further need for retention. 45 CFR 144.11

1.7 Institutes of higher education receiving financial assistance for graduate fellowship programs.

To keep all records supporting claims for Federal payments.

Retention period: 3 years after the close of the fiscal year to which such records relate; or until notified that such records are not needed for program administration review; or until notified of the completion of the Department's fiscal audit, whichever is the latest. 45 CFR 145.5

1.8 State commissions receiving financial assistance for construction of higher education facilities.

To maintain (a) complete file on each application received, and (b) full record of all hearings and appeals and all proceedings by which it establishes priorities and recommends Federal share for eligible projects.

Retention period: (a) 2 years after final action with respect to such application; and (b) 3 years. 45 CFR 170.5

1.9 State commissions handling grants for instructional equipment for institutions of higher education.

To maintain records on each application received, on all hearings on appeals, and on all proceedings by which it establishes relative priorities and recommends Federal shares for eligible projects.

Retention period: 3 years. 45 CFR 171.8

1.10 Guarantee agencies and lenders of low-interest loans to vocational students and students in institutions of higher education.

(a) *Guarantee agencies.* To keep records on status of its student loan insurance reserve fund and the operation of its loan insurance progam.

(b) *Lenders.* To keep complete and accurate records on all federally insured loan accounts reflecting each transaction.

Retention period: (a) Not specified; (b) until Commissioner has no further need for such records, but for not less than 3 years from date loan either has been repaid in full or defaulted with reimbursement of the lender by the guarantee agency or the Commissioner. 45 CFR 177.8

1.11 Lenders participating in programs of low-interest loans and direct Federal loans to vocational students.

To maintain records of all federally insured loan accounts which reflects each transaction so as to identify each borrower's account and status thereof and contains full and proper documentation to support a claim for loss.

Retention period: Until such time as the Commissioner has no further need for such records. 45 CFR 178.41

1.12 Institutions of higher education receiving veteran's cost-of-instruction payments.

To maintain records relating to the receipt and expenditure of Federal funds, including accounting records and related original and supporting documents.

Retention period: 3 years after submission of fiscal operations report or in the case of nonexpendable property, 3 years after its final disposition. Microfilm copies may be substituted in lieu of original records. 45 CFR 189.31

1.13 [Reserved]

1.14 Educational institution receiving supplemental educational opportunity grants.

To maintain records relating to the receipt and expenditure of Federal funds, including accounting records and related

original and supporting documents substantiating costs charged to the award.

Retention period: 3 years after date of submission of annual Institutional Fiscal Operations Report, or if Federal audit questions not resolved, until resolution of all such questions. Microfilm copies may be substituted in lieu of original records. 45 CFR 176.23

1.15 Institutions of higher education receiving basic educational opportunity grants.

To maintain records relating to student eligibility, amount of grant awarded and to whom, amount and date of disbursement to such student, and amount and date of overpayments that have been restored to program account.

Retention period: 3 years following date of submission of final report covering such funds. 45 CFR 196.80

1.16 Grantees, educational broadcasting facilities program.

To maintain fiscal records in accordance with 45 CFR 100a.477, provided that final disposition of nonexpendable personal property shall be deemed to have occurred 10 years after completion of project.

Retention period: Not specified. 45 CFR 153.17

1.17 Local educational institutions participating in follow through program.

To maintain records showing that the identification and selection of eligible children complied with requirements.

Retention period: Not specified. 45 CFR 153.12

1.18 Educational institutions participating in Federal, State, and private programs of low-interest loans to students.

To maintain (a) administrative and fiscal records to insure efficient administration of funds received, and (b) student records of admission, academic study, attendance, courses taken, and placement.

Retention period: (a) Not specified; (b) 5 years after graduation, withdrawal, or failure to matriculate, unless otherwise directed by Commissioner. 45 CFR 177.62

1.19 Regional centers for deaf-blind children receiving Federal funds under Education of the Handicapped Act.

To maintain adequately organized records on all deaf-blind children in the region.

Retention period: Not specified. 45 CFR 121c.12

1.20 Local educational agencies receiving emergency school aid.

To maintain records necessary to verify reports submitted and a description of provisions for the evaluation of the activities for which assistance is sought.

Retention period: Not specified. 45 CFR 185.13

1.21 Institutions of higher education participating in cooperative education programs.

To maintain such records as the Commissioner may require.

Retention period: Not specified: 45 CFR 182.15

1.22 State agencies receiving financial assistance for community service and continuing education programs.

To maintain such records as necessary to substantiate reports required by section cited.

Retention period: Not specified. 45 CFR 173.22

1.23 Local educational agencies receiving grants under educational services for Indochinese refugee children programs.

To maintain written records to substantiate eligibility and entitlement requirements, and other records in support of the application.

Retention period: Until completion of administrative review, or 5 years following fiscal year to which the application relates, whichever is earlier. 45 CFR 122.13, 122.14.

1.24 State agencies receiving financial assistance under State administered programs involving matching and cost sharing.

To keep records of in-kind contributions from third parties, documenting (a) the extent of volunteer services, and (b) basis for determining the charges for personal services, material, equipment, buildings and land.

Retention period: Not specified. 45 CFR 100b.94

1.25 State agencies receiving financial assistance under State administered programs involving negotiated procurements.

To keep with procurement records or files, for negotiated purchases in excess of $2,500, a justification for the use of negotiation in lieu of advertising, contractor selection, and the basis of cost or price negotiated.

Retention period: 3 years after date of submission of annual or final expenditure report. 45 CFR 100b.107 (retention: 100b.477)

1.26 State educational agencies receiving financial assistance for supplementary centers and services; guidance, counseling and testing programs.

To keep such records as may be necessary to assure correctness and verification of reports required by 45 CFR 100b.477.

Retention period: Not specified. 45 CFR 118.16

1.27 State educational agencies receiving funds under the libraries and learning resources program.

To maintain data on expenditures from non-Federal sources and qualifications of persons appointed to the State advisory council.

Retention period: Not specified. 45 CFR 134.41, 134.52

Persons needing further information about listed record retention requirements should contact the following:

James E. Arneson, Records Officer, Office of Education, Health, Education, and Welfare Department, 400 Maryland Ave., S.W., Room 1167 Washington, D.C. 20201. Telephone: 202–245–8315.

2. Food and Drug Administration

2.1 Persons introducing shipment or delivery of unlabeled food, drugs and devices, and cosmetics into interstate commerce and operators of establishments processing, labeling, and repacking.

To keep written agreements containing such specifications as will insure that such food, drugs and devices, and cosmetics will not be adulterated or misbranded upon completion of such processing, labeling, or repacking.

Retention period: 2 years after final shipment or delivery of such commodities from such establishment. 21 CFR 201.150, 701.9, 801.150

2.2 Commercial processors manufacturing, processing, or packing low-acid foods. [Amended]

To maintain (a) complete records covering all aspects of the establishment of the process and associated incubation tests; and (b) processing and production records as specified in sections cited.

Retention period: (a) Permanent; (b) not less than 1 year at the processing plant; and at the processing plant or other accessible location for 2 more years. 21 CFR 507.83, 507.110, 508.35

2.3 Distributors of veterinary drugs.

To maintain records of each shipment and other delivery (including exports) of each certified batch or part thereof, showing date and quantity of each shipment or delivery, and name and address of person to whom shipped or delivered.

Retention period: 3 years. 21 CFR 510.350

2.4 Suppliers of food flavor certifications. [Amended]

To maintain certificates relating to food flavor labeling.

Retention period: At least 3 years. 21 CFR 501.22

2.5 Packers of processed shrimp and canned oysters operating under the seafood inspection service.

To keep shipping records covering shipments from each lot of inspected seafood.

Retention period: At least 2 years. 21 CFR 85.9, 85.24

2.6 Sponsors, investigators, and shippers of new drugs and antibiotic drugs for investigational use; and investigational review committees.

To maintain records of (a) each shipment and delivery and disposition of each new or antibiotic drug; and (b) documents relating to membership, study dis-

cussions, resolutions, etc. of review committees.

Retention period: (a) 2 years after shipment and delivery; (b) 3 years after completion or discontinuance of study. 21 CFR 312.1, 312.9, 312.10, 433.17, 511.1

2.7 Persons introducing shipment or delivery of antibiotic drugs into interstate commerce; operators of establishments processing, labeling, storing, repacking, and manufacturing antibiotic drugs; and persons requesting certification of antibiotic drugs.

(a) To keep complete records of all shipments and deliveries of each batch or part thereof.

Retention period: 3 years from date of shipment or delivery and/or receipt of same. 21 CFR 431.61, 433.12—433.16

Photostatic or other permanent reproductions may be used as substitutes for records identified in this section after the first 2 years of retention. 21 CFR 431.62, 433.30

2.8 Persons petitioning for exemption from certification for antibiotic drugs intended for local or topical use.

To keep records of all laboratory tests and assays required as a condition for certification on each batch produced and of all shipments and deliveries of each batch or part thereof.

Retention period: 3 years after date of shipment or delivery. 21 CFR 433.1

Photostatic or other permanent reproduction may be substituted for such records after the first 2 years of the holding period. 21 CFR 433.30

2.9 Insulin distributors to whom certifications have been issued by the Food and Drug Administration.

To keep records of shipments and deliveries.

Retention period: 2 years after disposal of all the batch covered by the certificate. 21 CFR 429.60

2.10 Dairy farms and plants at which any milk or cream is pasteurized for shipment or transportation into the United States.

To keep all thermograph charts.

Retention period: 2 years, unless within that period the charts are examined and released by authorized agent of the Secretary. 21 CFR 1210.15

2.11 Persons manufacturing, processing, packing, or holding finished pharmaceuticals.

To maintain batch production and control records for each batch of drugs; data concerning laboratory tests performed; records of the distribution of each batch of drug in a manner that will facilitate its recall if necessary; and written and oral complaints regarding the drug.

Retention period: 2 years after the distribution of the drug has been completed or 1 year after the expiration of the drug, whichever is longer. 21 CFR 211.58, 211.101, 211.110, 211.115

2.12 Persons to whom color-additive certificates have been issued by the Food and Drug Administration.

To keep complete and separate records showing the disposal of all the color additive from the batch covered by such certificates.

Retention period: At least 2 years after disposal of all such color additive. 21 CFR 8.26

2.13 Persons delivering for introduction or introducing into interstate commerce a color additive or a food, drug, or cosmetic containing such an additive, for investigational use.

To maintain complete records of each shipment and delivery.

Retention period: 2 years after such shipment and delivery. 21 CFR 8.33

2.14 Manufacturers or distributors shipping new drug substances intended for hypersensitivity testing.

To maintain records of all shipments for this purpose.

Retention period: 2 years after shipment. 21 CFR 310.103

2.15 Persons treating food with low dose electron beam radiation.

To keep a record of the radiation intensity and power used by means of recorders coupled to the electron accelerator. The record shall identify the food that has been subjected to the radiation.

Retention period: Permanent; 1 year for Food and Drug Administration inspection. 21 CFR 121.3007

2.16 Manufacturers, packers, distributors, and shippers of antibiotic drugs for human release.

To maintain such records as specified in section cited to facilitate determination whether such certificate or release should be rescinded or whether any regulations should be amended or repealed.

Retention period: Not specified. 21 CFR 431.60

2.17 Persons holding approved new-drug applications.

To maintain records necessary to facilitate a determination whether there may be grounds for invoking section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) to suspend or withdraw approval of the application.

Retention period: Not specified. 21 CFR 310.300, 310.303

2.18 Manufacturers, processors, packers, and holders of medicated feeds. [Amended]

To maintain (a) receipt and inventory records of drug components; (b) production records; (c) Master Record File; (d) laboratory control records on results of assays; (e) records of action taken when results of assays indicate a problem; (f) proofread labels; (g) distribution records; and (h) records of complaints and action taken and, for certain feeds, records and reports of clinical and other experience with the drug.

Retention period: (a)–(d) 1 year; (e) not specified; (f) 1 year; (g) 1 year; (h) not specified. 21 CFR 225.42, 225.58, 225.80, 225.102, 225.110, 225.115

2.19 Manufacturers, processors, packers, and holders of smoked and smoke-flavored fish.

To maintain records providing positive identification of the process procedures used for the manufacture of hot-process smoked or hot-process smoke-flavored fish and of the distribution of the finished product.

Retention period: Not specified. 21 CFR 128a.7(e)(5)

2.20 Manufacturers, processors, packers, and holders of medicated premixes for use in the manufacture of medicated feeds.

To maintain receipt and inventory records of any drug components used; batch production and control records; results of assays; distribution records; and oral and written complaints concerning safety and efficacy of each premix.

Retention period: 2 years. 21 CFR 226.42, 226.58, 226.102, 226.110, 226.115

2.21 Manufacturers, processors, packers, and repackers of human foods.

To maintain records of coding of food products.

Retention period: The shelf life of the product, except not longer than 2 years. 21 CFR 128.7(i)

2.22 Commercial processors manufacturing, processing, or packing cacao products and confectionary.

To maintain records of results of examinations of raw materials, packaging materials, and finished products; suppliers' guarantees; processing and production records; initial distribution records.

Retention period: Exceed shelf life of finished product, except that records need not be retained more than 2 years. 21 CFR 128c.8

2.23 Manufacturers, bottled drinking water.

To maintain records of government agency approval of water source; sampling and analysis performed by plant; physical inspection of water treatment equipment, mechanical washers, and sanitizing operations.

Retention period: 2 years. 21 CFR 128d.5, 128d.7

2.24 Sponsors of methadone maintenance programs.

To maintain for each patient an admission evaluation and records consisting of personal and medical history, physical examination, and such other information as necessary.

Retention period: Not specified. 21 CFR 310.505

2.25 Manufacturers of impact-resistant lenses for glasses and sunglasses.

To maintain records of sale, distribution, and results of tests conducted on impact-resistant lenses.

Retention period: 3 years. 21 CFR 201.410

2.26–2.27 [Reserved]

2.28 Licensed domestic and foreign manufacturing establishments of biological products.

To keep records concurrently with performance of each step in the manufacture and distribution of each lot; complete records of recall from distribution; sterilization records including date, duration, temperature, and other conditions relating to each sterilization, so as to identify the particular process to which the sterilization relates; animal necropsy records; and records by each establishment participating in manufacture of a product showing degree of individual responsibility with manufacturer preparing product in final form to retain complete records of all manufacturing operations.

Retention period: 5 years after the records of manufacture have been completed or 6 months after the latest expiration date, whichever is later.

Suspension of retention requirements: If a summary is retained, authorization may be granted to suspend retention of records of a manufacturing step upon a showing that such records no longer serve the purpose for which they were made. 21 CFR 600.12

2.29 Food manufacturers and processors of mislabeled food products sold to institutions operated by Federal, State or local governments. [Amended]

To retain signed statements of purchasers that acknowledge nature and extent of mislabeling.

Retention period: 2 years after date of shipment. 21 CFR 501.105

2.30 Manufacturers of certain electronic products.

To maintain (a) description of the quality control procedures with respect to electronic product radiation safety; (b) record of the results of tests for electronic product radiation safety; (c) for products that display aging effects which may increase radiation emission, records of the results of tests for durability of the product, and the basis for selecting the tests; (d) copies of all pertinent written communications; (e) records of the manufacturers distribution of products; and (f) records received from dealers or distributors pursuant to § 1002.41.

Retention period: 5 years from the date of the record. 21 CFR 1002.30 (retention: 1002.31)

2.31 Dealers and distributors of certain electronic products.

To maintain, for products for which the retail price is not less than $50.00, information as necessary to permit tracing of specific products to specific purchasers.

Retention period: 5 years from the date of sale, award, or lease of such product. 21 CFR 1002.40, 1002.41

2.32 Manufacturers, packers, distributors, and retailers promoting retail sales promotions.

To maintain invoices and other records relating to "cents-off" coupons or other savings representations and to package size savings.

Retention period: 1 year subsequent to end of year in which promotion occurs. 21 CFR 1.1d, 1.1e

2.33 Hospitals and other authorized dispensers of methadone.

To maintain clinical record for each patient showing dates, quantity, and batch or code mark of drug dispensed.

Retention period: 3 years. 21 CFR 310.505

2.34 Manufacturers of methadone.

To maintain signed invoices of methadone delivered to licensed practitioner.

Retention period: Not specified. 21 CFR 310.505

2.35 Persons introducing or moving food shipments into interstate commerce who are not the original processors or packers. [Amended]

To keep records of agreements with operators of food processing establishments, signed by and containing the post office addresses of such persons and such operators, and containing specifications for the processing, labeling, or repacking to insure that such food will not be adulterated or misbranded upon completion of such processing, labeling, or repacking.

Retention period: 2 years after date of final shipment or delivery from the establishment. 21 CFR 501.100

2.36 [Reserved]

2.37 Manufacturers or persons employing food additive amino acids to improve the protein value of food.

To keep and maintain records of tests of effectiveness.

Retention period: During period of use of the additive(s) and for 3 years thereafter. 21 CFR 121.1002

2.38 Sponsors of approved new animal drug applications.

To maintain full reports of information pertinent to the safety or effectiveness of new animal drugs not previously submitted as part of approved applications.

Retention period: Not specified. 21 CFR 510.300, 510.301

2.39 Manufacturers, packers, and distributors of cosmetic products.

To maintain all correspondence and records pertaining to alleged cosmetic product injuries.

Retention period: 3 years. 21 CFR 730.4

2.40 Collectors and processors of whole blood (human) collected from human donors for transfusion to human recipients.

To maintain a manual of standard procedures and methods to be followed by employees to determine suitability of donors, and to maintain records of names and qualifications of persons in charge of employees who determine the suitability of donors when a physician is not present.

Retention period: Not specified. 21 CFR 600.12, 640.3

2.41 Manufacturers of source plasma (human).

To keep separate and complete records for donors of all initial and periodic examinations, tests, laboratory data, interviews, etc., including donors' written consent for participation in the plasmapheresis program and certifications of good health.

Retention period: Not specified. 21 CFR 600.12, 640.69

2.42 Collectors and processors of whole blood (human) collected from human donors and processed for transfusion or further manufacturing.

To maintain records on compatibility testing, adverse reactions, collection, processing, storage and distribution of each unit as specified in sections cited.

Retention period: 5 years after records of processing have been completed or 6 months after latest expiration date for individual product, whichever is later. When there is no expiration date, records shall be retained indefinitely. 21 CFR 606.151, 606.160, 606.165, 606.170

2.43 Establishments licensed for Source Plasma (Human). [Added]

To maintain results of certain laboratory tests for review by a licensed physician or by an authorized representative of the Food and Drug Administration.

Retention period: Not specified. 21 CFR 640.71(b) (1)

2.44 Plasmapheresis centers. [Added]

To maintain records documenting shipping temperatures for source plasma (human) intended for manufacture into injectable products; maintain records concerning donors; maintain distribution records of plasma found reactive to a serologic test for syphilis.

Retention period: Not specified. 21 CFR 640.72

2.45 Plasma derivative manufacturer. [Added]

To maintain records of source plasma (human) that has been stored or shipped at unacceptable temperatures. Records shall identify the units involved, their disposition, and shall explain the conditions that caused the accidental temperature exposure.

Retention period: Not specified. 21 CFR 640.76

2.46 Manufacturers of cholera vaccine. [Added]

To maintain records of the results of potency testing of the vaccine in mice.

Retention period: Not specified. 21 CFR 620.33(d)

Persons needing further information about listed record retention requirements should contact the following:

John A. Richards, Federal Register Writer, (HFC–11), 5600 Fishers Lane, Rockville, Md. 20857. Telephone: 301–443–2994.

3. Public Health Service [5]

3.1 Institutions receiving grants for research projects.[6]

3.2 States and State agencies receiving Federal funds for construction and modernization of hospitals and medical facilities.[6]

3.3 Public or private nonprofit agencies, institutions, or organizations receiving grants for family health center projects.[6]

3.4 Public or nonprofit agencies and organizations receiving grants for initial cost of professional and technical personnel of community mental health centers.

To maintain such records, books, documents, and papers as the Secretary shall prescribe that are pertinent to assistance under the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963, in addition to any other records required by the regulations of 45 CFR Part 74.[6]

Retention period: Not specified for records other than those required by 45 CFR Part 74. 42 CFR 54.308, 54.309

3.5 State health agencies, public or nonprofit private agencies, institutions, or organizations receiving grants for dental health of children.[6]

3.6 Institutions receiving Federal grants for the construction of health research facilities (including mental retardation facilities).

To maintain (a) all fiscal or other records relating to the construction and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) Not specified (b) 3 years after completion of the contract. 42 CFR 57.8

3.7 Public or nonprofit private schools of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, veterinary medicine, and public health receiving Federal grants for the construction of teaching facilities for health personnel.

To maintain (a) adequate and separate accounting and fiscal records for all funds provided from any source to pay the cost of the project and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) 3 years after close of fiscal year in which construction is completed or if audit has not occurred, for 5 years after close of fiscal year in which construction is completed or until applicant is notified of completion of Federal audit, whichever is earlier; [7] (b) 3 years after completion of the contract. 42 CFR 57.107, 57.108

3.8 Institutions participating in the health professions and the nursing student loan programs.

To keep (a) records reflecting all transactions with respect to the student loan fund, recording Federal capital contributions and Federal capital loans separately and (b) individual student records as indicated in sections cited.

Retention period: (a) Until agreed with the Secretary that there is no further need for retention; (b) in the case of health professions student loan program, 5 years after individual student has ceased to be a full-time student, or in the case of the nursing student loan program, 5 years after the individual student has ceased to be at least a half-time student.[7] 42 CFR 57.218, 57.318

3.9 Public or nonprofit private schools receiving Federal funds for construction of nurse training facilities.

To maintain (a) accounting and fiscal records and accounts for all funds provided from any source to pay cost of construction project, and (b) payroll records and kickback statements for all laborers and mechanics working at the project site.

Retention period: (a) 3 years after close of fiscal year in which construction is completed; or if Federal audit has not occurred, 5 years or until applicant is notified of completion of audit, whichever is earlier; [7] (b) 3 years after completion of the project. 42 CFR 57.407, 57.408

3.10 Public or nonprofit schools of medicine, dentistry, osteopathy, optometry, pharmacy, podiatry, and veterinary medicine receiving Federal funds to support their educational programs, for scholarship funds and for special projects.

To maintain operational and accounting records relating to the use of grant funds.

Retention period: 3 years after close of period of time during which grantee may obligate funds (budget period) if grantee notified of completion of Federal audit. If grantee not so notified such records shall be retained for 5 years after close of budget period or until grantee is notified of completion of audit, whichever comes first.[7] 42 CFR 57.513, 57.611, 57.1112

3.11 Public or nonprofit schools of public health receiving grants for provision of public health training.

To maintain records, documents, and information that relate to the grants.

Retention period: Until completion of the fiscal audit and resolution of all questions arising therefrom. 42 CFR 58.9

3.12 [Reserved]

3.13 Public or private nonprofit institutions receiving Federal grants for improving and expanding medical libraries.[6]

3.14 Public or private nonprofit medical libraries receiving Federal grants for the establishment of regional medical libraries.

To maintain separate fiscal records and accounts for all grant funds.

Retention period: 3 years after termination of the grant unless a shorter or longer period of time is, respectively, permitted or required by the Secretary. 42 CFR 59a.37

3.15 Institutions receiving Federal grants for National Institutes of Health and National Library of Medicine training.

To maintain fiscal and other records relating to the training and instruction for which a grant is awarded.

Retention period: Not specified. 42 CFR 64.4

3.16 State and State agencies receiving grants for the support of communicable disease control programs.[6]

3.17 Public or nonprofit institutions receiving Federal grants for regional medical programs.

To maintain all construction, financial and other records relating to the use of the grant funds.

Retention period: Until records have been audited unless a different period is permitted or required in writing by the Secretary. 42 CFR 54.405

3.18 State and State agencies receiving grants for comprehensive health planning.

To maintain adequate records to show the disposition of all funds (Federal and non-Federal) expended for activities under the approved State program, in addition to other records required by the regulations in 45 CFR Part 74.[6]

Retention period: 3 years after submission of anhual expenditure report or until resolution of all audit questions; for nonexpendable property, 3 years after its final distribution. 42 CFR 51.4, 51.9

3.19 State health or mental health authorities receiving grants for comprehensive public health services.

To maintain adequate records to show the disposition of all funds (Federal and non-Federal) expended for activities under the approved State plan, in addition to any other records required by the regulations in 45 CFR Part 74.[6]

Retention period: 3 years after submission of annual expenditure report or until resolution of all audit questions; for nonexpendable property, 3 years after its final distribution. 42 CFR 51.104, 51.111

3.20 Clinical laboratories which have been issued licenses under the Clinical Laboratories Improvement Act of 1967.

To maintain (a) records relating to the observations of each step in the examination of specimens, the identity of the specimens, laboratory reports, quality control procedures, and maintenance of equipment and instruments; and (b) personnel records.

Retention period: (a) At least 2 years after date of submittal of report except as otherwise prescribed in the part or au-

[5] For Food, Drug and Cosmetic Act regulations applicable to products licensed under the Public Health Service Act, see Food and Drug Administration, IV 2.

[6] The provisions of 45 CFR Part 74, establishing uniform requirements for the administration of HEW grants, are applicable to certain Public Health Service programs. For record retention requirements for such programs, see IV 6.4 of this Guide.

[7] In all cases where audit questions have arisen before expiration of such 5 year period, records shall be retained until resolution of all such questions.

thorized by the Secretary; (b) on a current basis. 42 CFR 74.50, 74.52, 74.53

3.21 Clinical laboratories (microbiology and serology, clinical chemistry, immunohemotology, pathology, and radiobiology).

Clinical laboratories with small or infrequent operations in which no more than 100 specimens are accepted during any calendar year and which hold an unrevoked or unsuspended letter of exemption are to maintain and make available such accession and other records as the Secretary may find necessary to determine initial and continuing eligibility for exemption.

Retention period: Not specified. 42 CFR 74.2

3.22 State agencies and institutions of higher learning receiving Federal grants for maternal and child health services and crippled children's services.[6]

3.23 State agencies receiving Federal grants for child welfare services.[6]

3.24 State agencies receiving Federal grants for child welfare services which have purchased items of equipment and supply in carrying out the annual budget.[6]

3.25 State health agencies or public or nonprofit private agencies and institutions receiving project and personnel training grants for family planning services.[6]

3.26 State and local public agencies and public or nonprofit institutions of higher learning receiving Federal grants for research projects relating to maternal and child health services and crippled children's services, and research or demonstration projects relating to child welfare services.[6]

3.27 Public or nonprofit private schools of nursing receiving Federal funds for scholarship grants and for support of their educational programs.

To maintain operational and accounting records relating to the use of grant funds.

Retention period: 3 years after end of budget period if grantee notified of completion of Federal audit or if grantee has not been so notified, until grantee is notified of the completion of Federal audit or until 5 years following end of budget period, whichever comes first.[7] 42 CFR 57.911, 57.1013

3.28 Public and nonprofit agencies or institutions receiving grants for the advancement of health in coal mining.[6]

3.29 Approved Psittacine Bird Treatment Centers.

To maintain complete records of all birds received, treated and shipped, including date of each shipment and name and address of consignee.

Retention period: Not specified. 42 CFR 71.163

3.30 Local government units receiving grants for the detection and prevention of lead-based paint poisoning.[6]

3.31 Public or nonprofit entities receiving grants for migrant health services.[6] **[Amended]**

3.32 Schools receiving grants to improve the quality of training centers for allied health professions.

To maintain progress and fiscal records relating to the use of grant funds.

Retention period: 3 years after end of budget period if grantee notified of completion of Federal audit or if grantee has not been so notified, until grantee is notified of the completion of Federal audit or until 5 years following end of budget period, whichever comes first.[7] 42 CFR 57.716

3.33 Schools receiving grants for the construction of teaching facilities for allied health professions personnel.

To maintain (a) adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay for the cost of the project and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) Not specified; (b) 3 years after the completion of the contract. 42 CFR 57.808

3.34 Public or nonprofit 2-year schools of medicine receiving grants for conversion to a school accredited to grant the degree of doctor of medicine.

To maintain operational and accounting records relating to the use of grant funds.

Retention period: 3 years after end of budget period if grantee notified of completion of Federal audit or if grantee has not been so notified, until grantee is notified of the completion of Federal audit or until 5 years following end of budget period, whichever comes first.[7] 42 CFR 57.1310

3.35 New public or nonprofit schools of medicine, dentistry, and osteopathy receiving grants to meet their initial cost of operation.

To maintain operational and accounting records relating to the use of grant funds.

Retention period: 3 years after end of budget period if grantee notified of completion of Federal audit or if grantee has not been so notified, until grantee is notified of the completion of Federal audit or until 5 years following end of budget period, whichever comes first.[7] 42 CFR 57.1413

3.36 Public or nonprofit hospitals receiving grants for training, traineeships, and fellowships in family medicine.

To maintain operational and accounting records relating to the use of grant funds.

Retention period: 3 years after end of budget period if grantee notified of completion of Federal audit or if grantee has not been so notified, until grantee is notified of the completion of Federal audit or until 5 years following end of budget period, whichever comes first.[7] 42 CFR 57.1612

3.37 Public and private nonprofit agencies or institutions receiving research and demonstration grants relating to occupational safety and health.

To maintain such progress and fiscal records relating to the approved project as the Secretary may prescribe in addition to any other records required by the regulations of 45 CFR Part 74.[8]

Retention period: 3 years after end of budget period if grantee notified of completion of Federal audit or if grantee has not been so notified, until grantee is notified of the completion of Federal audit or until 5 years following end of budget period, whichever comes first.[7] 42 CFR 87.24, 87.40, 87.41

3.38 Applicants for certification of gas detector tube units.

To maintain quality control inspection records as specified in section cited.

Retention period: Not specified. 42 CFR 84.33

3.39 Health maintenance organizations receiving Federal financial assistance.

To maintain records disclosing the amount and disposition of the proceeds of the grant or loan (directly made or guaranteed) and the total cost of the undertaking in connection with which such assistance was given or used (including that portion of the cost of the undertaking supplied by other sources), in addition to records required by the regulations of 45 CFR Part 74.[8]

Retention period: Not specified for records other than those required by 45 CFR Part 74. 42 CFR 110.205, 110.211

3.40 Nonprofit institutions receiving grants for carrying out programs for the operation of miners' respiratory clinics.[6]

3.41 States, units of general local government, or public and nonprofit private entities receiving grants for emergency medical services systems.[6]

3.42 Schools of medicine, dentistry, osteopathy, and nursing, training centers for allied health professions, or other educational entities receiving grants for training in emergency medical services.[6]

3.43 Schools of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, and podiatry receiving financial distress grants.[6]

3.44 Importers of nonhuman primates.

To maintain records relating to number of primates imported, countries of origin, species, dates of importation, dates of shipment to other persons or organizations, disease incidence, and such other information as may be requested by the Director, Center for Disease Control.

Retention period: Not specified. 42 CFR 71.185

3.45 Public or nonprofit private schools of medicine, osteopathy, dentistry, and public health, affiliated teaching hospitals, and specialized cancer institutes receiving Federal grants under the National Cancer Institute clinical cancer education program.

To maintain such progress and fiscal records relating to the conduct and re-

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See footnote 6 page 29202.
See footnote 7 page 29202.

sults of the approved grant and the use of grant funds as the Director, NCI may find necessary in addition to any other records required by the regulations of 45 CFR Part 74.[5]

Retention period: Not specified for records other than those required by 45 CFR Part 74. 42 CFR 52d.10, 52d.11

3.46 Public or nonprofit private schools of nursing, agencies, organizations and institutions receiving grants for special projects.[5]

3.47 Public or nonprofit private entities receiving Federal grants for sudden infant death syndrome information and counseling.[5]

3.48 Non-Federal public or nonprofit private institutions receiving grants for National Research Service Awards.

To maintain such progress and fiscal records relating to the conduct and results of the approved grant and the use of grant funds as the Secretary may find necessary in addition to any other records required by the regulations of 45 CFR Part 74.[5]

Retention period: Not specified for records other than those required by 45 CFR Part 74. 42 CFR 66.211, 66.212

3.49 Public or nonprofit private agencies and institutions receiving grants for projects relating to heart, blood vessel, lung, and blood diseases.

To maintain such progress and fiscal records relating to the conduct and results of the approved grant and the use of grant funds as the Director, NHLBI may find necessary in addition to any other records required by the regulations of 45 CFR Part 74.[5]

Retention period: Not specified for records other than those required by 45 CFR Part 74. 42 CFR 52e.11, 52e.12

3.50 Public or nonprofit private health or educational entities receiving special health career opportunity grants.[5]

3.51 Public or nonprofit private institutions of higher learning, Indian tribes, and Alaskan Regional Corporations receiving grants under Minority Biomedical Support Program.[5]

To maintain such progress and fiscal records relating to the conduct and results of the approved grant and the use of grant funds as the Secretary may find necessary in addition to any other records required by the regulations of 45 CFR Part 74.[5]

Retention period: Not specified for records other than those required by 45 CFR Part 74. 42 CFR 52c.10, 52c.11

3.52 Public or nonprofit educational or training agencies and institutions receiving grants for education programs in occupational safety and health.[5]

3.53 Public or nonprofit private institutions of higher learning receiving grants for special projects relating to maternal and child health and crippled children's services.[5]

See footnote 6 page 29202.

3.54 Public or nonprofit private schools of nursing receiving financial distress grants.[5]

3.55 Public or nonprofit private health or educational entities receiving Federal grants for health manpower education initiative projects.[5] [Added]

3.56 Public or nonprofit private entities receiving Federal grants for health services research centers.[5] [Added]

3.57 Health systems agencies receiving Federal grants.[5] [Added]

3.58 Public or nonprofit private entities receiving Federal grants for community health services projects.[5] [Added]

3.59 Public or nonprofit private entities receiving Federal grants for home health services.[5] [Added]

3.60 Public or nonprofit private entities receiving Federal grants for hemophilia treatment centers.[5] [Added]

3.61 Public or nonprofit private hospitals or schools of medicine, or other public or nonprofit private agencies or institutions receiving Federal grants as national research and demonstration centers under the National Heart, Blood Vessel, Lung and Blood Diseases and Blood Resources Program. [Added]

To maintain such progress and fiscal records relating to the conduct and results of the approved grant and the use of grant funds as the Director, NHLBI may find necessary in addition to any other records required by the regulations of 45 CFR Part 74.[5]

Retention period: Not specified for records other than those required by 45 CFR Part 74. 42 CFR 52a.11, 52a.12

3.62 Public or private nonprofit agencies or institutions receiving grants for construction of cancer research and demonstration centers and laboratories.[5] [Added]

3.63 Public or private institutions or agencies receiving DHEW grants or contracts supporting research, development, and related activities involving human subjects. [Added]

To maintain all records related to the deliberations of Institutional Review Boards, subject to the requirements of the grant or contract award.

Retention period: Subject to the conditions of the grant or contract award. 45 CFR 46.119.

Persons needing further information about listed record retention requirements should contact the following:

Ms. Susanne Lee, Attorney Advisor, PHS Division, OGC, Room 4A–53, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20857. Telephone: 301–443–2240.

4. Social Security Administration [Revised]

4.1 States and interstate instrumentalities under agreement for voluntary coverage of employees of State, political subdivision, or interstate instrumentality.

To keep records of all remuneration paid to employees for services included under an agreement. The records must show for each employee: the name, address, and account number of the employee (or, when applicable, pertinent information from a receipt acknowledging that the employee had applied for an account number); the total amount and date of each remuneration payment (including any sum withheld for any reason) and the period of service covered thereby; the amount of such payment which constitutes wages; the amount and date of employee's contribution withheld or collected with respect to such payment; the reason for any difference between the total payment and the amount subject to contribution; and, where contributions with respect to multiple employment are computed as though the employee had only one employer, the amount of wages received from all employers for services included under an agreement. In addition, the required records must include details of each adjustment or settlement of an overpayment or underpayment of contributions; complete and detailed records of any contribution or interest for which a credit or refund is claimed; and a copy of any form or document required to be kept by regulations of the Social Security Administration or by instructions applicable thereto.

Retention period: 4 years after the date of contributions were due or were paid, whichever is later. These records must be retained for the prescribed period whether or not, in the interim, the agreement has been terminated in whole or in part. Records for claims for credit and refund—for 4 years after the date the claim is filed whether or not, in the interim, the agreement has been terminated in whole or in part. 20 CFR 404.1201, 404.1256

4.2 Religious orders electing old-age, survivors, and disability insurance coverage for members.

To maintain records of details relating to each retirement.

Retention period: Not specified. 20 CFR 404.1015a

4.3 Hospitals which have filed agreements to participate in the health insurance for the aged and disabled program.

To maintain the following: bylaws adopted by the governing body and medical staff; minutes and reports of meetings conducted by the governing body, medical and nursing staffs, and executive or other committees; annual operating budgets and capital expenditure plans; written evidence of inspections and approvals by State and/or local fire, health, and building safety authority; personnel records for employees, including application forms and verification of credentials; medical records for each patient admitted to the hospital, each outpatient, and each emergency room patient; records of pharmacy or drug room transactions, including records of prescription and narcotic drugs dispensed to each patient; X-ray reports and roentgenographs; copies of laboratory reports and reports of tissue exam-

inations; utilization review committee records and reports; and medical care evaluation studies and reports. In addition to the above, participating psychiatric and tuberculosis hospitals are required to maintain medical records which permit determination of the degree and intensity of the treatment provided to individuals who are furnished services in the institution.

Retention period: Medical records, X-ray reports, and roentgenographs, for a period not less than that determined by the statute of limitations in the respective State. 20 CFR 405.1026(b), 405.1029(d)(3). Other records, not specified. 20 CFR 405.1011—405.1040

4.4 Hospitals and hospital-based physicians under agreements apportioning the physicians' compensation.

To keep records which substantiate the agreements they enter into concerning allocation of the compensation of the physicians.

Retention period: Not specified. 20 CFR 405.487.

4.5 Skilled nursing facilities which have filed agreements to participate in the health insurance for the aged and disabled program.

To maintain the following: bylaws adopted by the governing body; annual operating budgets and capital expenditure plans; personnel records for each employee containing sufficient information to support placement; records indicating the content of, and attendance at, staff development programs; patient care plans for each patient; written reports of inspections by State and/or local health authorities, with notations of actions taken to comply with any recommendations; records of receipt and disposition of controlled drugs; medical records for each patient; written disaster plans; utilization review committee records; and medical care evaluation studies and reports.

Retention period: Medical records, for a period of time not less than that determined by the respective State statute or the statute of limitations in the State; in the absence of a State statute, 5 years from the date of discharge, or, in the case of a minor, 3 years after the patient becomes of age under State law. 20 CFR 405.1132(f). Other records, not specified. 20 CFR 405.1101—405.1137

4.6 Home health agencies which have filed agreements to participate in the health insurance for the aged and disabled program.

To maintain the following: bylaws adopted by the governing body; personnel records including job descriptions, qualifications, licensure, performance evaluations, and health examinations; annual operating budgets and capital expenditure plans; written plans of treatment for each patient; clinical records for each patient; and program evaluation records and reports.

Retention period: Clinical records, for 5 years after the month the cost report to which the records apply is filed with the intermediary, unless State law stipulates a longer period of time. 20 CFR 405.1228(a). Other records, not specified. 20 CFR 405.1201—405.1230

4.7 Clinics, rehabilitation agencies, and public health agencies which have filed agreements to participate in the health insurance for the aged and disabled program, as providers of outpatient physical therapy and/or speech pathology services.

To maintain the following: personnel records including job descriptions, qualifications, licensure, performance evaluations, and health examinations; written plans of care for each patient; clinical records for each patient; and written disaster plans.

Retention period: Clinical records, for a period of time not less than that determined by the respective State statute or the statute of limitations in the State; in the absence of a State statute, 5 years after the date of discharge, or, in the case of a minor, 3 years after the patient becomes of age under State law or 5 years after the date of discharge, whichever is longer. 20 CFR 405.1722(d). Other records, not specified. 20 CFR 405.1701—405.1737

4.8 All providers of services (hospitals, skilled nursing facilities, home health agencies, and clinics, rehabilitation agencies, and public health agencies as providers of outpatient physical therapy and/or speech pathology services) which have filed agreements to participate in the health insurance for the aged and disabled program.

To maintain sufficient financial records and statistical data for proper determination of costs payable under the program. Such records shall include but not be limited to matters of provider ownership, organization, and operation; fiscal, medical, and other record-keeping systems; Federal income tax status; asset acquisition, lease, sale or other action; franchise or management arrangements; patient service charge schedules; matters pertaining to costs of operation; amounts of income received by source and purpose; and flow of funds and working capital. In addition, participating providers of services are required to retain physician certification and recertification statements.

Retention period: Financial records and statistical data, not specified. 20 CFR 405.406. Physician certification and recertification statements, not specified 20 CFR 405.1625

4.9 Independent laboratories.

To maintain the following: records of proficiency testing results; employee records containing evidence of training, experience, duties, dates of employment, and adequate health supervision, such as results of preemployment physical examinations, including chest X-rays, immunization records, and records of all accidents or illnesses occurring on duty; a compilation of all automated and manual methods for tests performed in or offered by the laboratory; records indicating the daily accession of specimens; duplicate copies or a suitable record of laboratory reports; records reflecting the dates and, where appropriate, the nature of inspection, validation, monitoring, or evaluation of laboratory procedures and the dates and nature of changes or remedial actions, and records documenting the routine precision of each method and its recalibration schedule.

Retention period: Duplicate copies or a suitable record of laboratory reports, for at least 2 years after the date of submittal of the report or for a period of time required by State law for such records, whichever is longer. 20 CFR 405.1316(g). Other records, not specified. 20 CFR 405.1310—405.1317

4.10 Suppliers of portable X-ray services.

To maintain the following: employee records including documentation of training, experience, and adequate health supervision, such as records of all illnesses and accidents occurring on duty and results of any preemployment and periodic physical examinations; reports of X-ray examination for each patient indicating the date of examination, the name of the patient, the procedures ordered and performed, the referring physician, the operator(s) of the portable X-ray equipment who performed the examination, the physician to whom the radiograph was sent, and the date it was sent; and records of current inspections by radiation health specialists.

Retention period: Reports of X-ray examinations, for at least 2 years, or for the period of time required by State law for such records (as distinguished from requirements as to the radiograph itself), whichever is longer. 20 CFR 405.1414(c). Other records, not specified. 20 CFR 405.1411—405.1416.

4.11 [Reserved]

4.12 Suppliers of End-Stage Renal Disease (ESRD) services.

To maintain the following: personnel records on all employees including health status reports, resumes of training and experience, and job descriptions; records reflecting the content of, and attendance at, employee training sessions; written long-term programs and patient care plans for each patient; medical records on all patients (i.e., those receiving care within the facility and those self-care or home dialysis patients for whom the facility has assumed responsibility); records of equipment test results and maintenance; an emergency preparedness plan; and, in the case of renal dialysis facilities, documentation from a renal dialysis center to the effect that patients from the facility will be accepted and treated in emergencies.

Retention period: Medical records, for a period of time not less than that determined by the State statute governing records retention or statute of limitations; or in the absence of a State statute, 5 years from the date of discharge, or, in the case of a minor, 3 years after the patient becomes of age under State law, whichever is longer. 20 CFR 405.-

2139(e). Other records, not specified. 20 CFR 405.2133—405.2160.

Persons needing further information about listed record retention requirements should contact the following:

George S. Yamamura, Social Security Administration, Room 1–A–16, Operations Building, 6401 Security Boulevard, Baltimore, Md. 21235. Telephone: 301–594–5770.

5. Social and Rehabilitation Service

NOTE: For record retention requirements for grant programs not included in this section, see IV 6.4

5.1—5.13 [Reserved]

MEDICAL SERVICES ADMINISTRATION

5.14 State agencies administering medical assistance programs. [Added]

To maintain records on applicants and recipients, program operation, fiscal and statistical information, and other records necessary for reporting and accountability.

Retention period: As prescribed by the Secretary. 45 CFR 205.60

5.15 State and local agencies participating in medical assistance programs. [Added]

To maintain accounting and fiscal records relating to the expenditure of funds.

Retention period: 3 years from date of submission of expenditure report or until resolution of audit questions; for nonexpendible property, 3 years after disposition of such property. 45 CFR 205.145

5.16 Persons or institutions providing services under a State plan for medical assistance.

To keep such records as are necessary to disclose the extent of the services provided to individuals receiving assistance under the plan.

Retention period: Not specified. 45 CFR 250.21

5.17 State agencies administering plans for medical assistance. [Amended]

To maintain such records as specified in sections cited relating to care in skilled nursing facilities, intermediate care facilities, and intermediate care facilities for the mentally retarded.

Retention period: Various. 45 CFR 249.12, 249.13

5.18 [Reserved]

5.19 Contractors with State agencies administering plans for medical assistance.

To maintain an appropriate record system for services rendered title XIX enrollees.

Retention period: As specified by the Secretary. 45 CFR 249.82

5.20 Utilization review committees in medical assistance programs. [Amended]

To maintain records which show the number of days which each title XIX patient has received institutional care beyond sixty days, or, for inpatient mental hospital services, beyond ninety days.

Retention period: Not specified. 45 CFR 250.18

5.21 State agencies performing facility surveys under the medical assistance program.

To maintain survey reports and ownership information, and keep on file all information and reports used in determining whether Federal requirements for participating facilities are being met.

Retention period: Not specified. 45 CFR 250.70, 250.100

5.22 State agencies administering plans for medical assistance.

To keep on file health and other standards for public and private institutions furnishing medical care and services.

Retention period: Not specified. 45 CFR 250.100

5.23 State agencies administering plans for medical assistance. [Added]

To maintain adequate records to substantiate compliance with the requirements specified for expenditures for inpatient psychiatric facility services for individuals under the age of 21 and to assure that all necessary adjustments have been made.

Retention period: Not specified. 45 CFR 249.10

5.24 State agencies administering plans for medical assistance. [Added]

To maintain procedures for reporting information specified in section cited relating to cases of suspected fraud and abuse.

Retention period: Not specified. 45 CFR 250.80

5.25 Providers of long-term care facility services. [Added]

To maintain financial and statistical records to support cost reports specified in section cited relating to reasonable charges.

Retention period: Not less than 3 years after submission of cost report. 45 CFR 250.30

5.26 State agencies administering plans for medical assistance. [Added]

To maintain all cost reports submitted by providers of long-term facility services and all reports of audits specified in section cited relating to reasonable charges.

Retention period: Not less than 3 years. 45 CFR 250.30

5.27–5.29 [Reserved]

Persons needing further information about the above listed record retention requirements should contact the following:

Patricia Hufford, Medical Services Administration, Social and Rehabilitation Service, U.S. Department of Health, Education, and Welfare, 330 C Street, S.W., Room 4521, Washington, D.C. 20201. Telephone: 202–245–0251.

5.30 State agencies administering public assistance programs.

To maintain records on applicants and

ASSISTANCE PAYMENTS ADMINISTRATION

recipients, program operation, fiscal and statistical information, and other records necessary for reporting and accountability.

Retention period: As prescribed by the Secretary. 45 CFR 205.60

5.31 State and local agencies participating in public assistance programs.

To maintain accounting and fiscal records relating to the expenditure of funds.

Retention period: 3 years from date of submission of expenditure report or until resolution of audit questions; for nonexpendable property, 3 years after final disposition of such property. 45 CFR 205.145

Persons needing further information about the above listed record retention requirements should contact the following:

Ludwig Guckenheimer, Assistance Payments Administration, Social and Rehabilitation Service, U.S. Department of Health, Education, and Welfare, 330 C Street, S.W., Room 1232–8, Washington, D.C. 20201. Telephone: 202–245–1699.

5.32 State and local WIN sponsors and welfare agencies submitting required reports to DOL and HEW.

To maintain records and accounts necessary to substantiate expenditure of all program funds, including non-Federal share.

Retention period: 3 years after completion of or final payment under agreement, whichever is later. In either case, records are to be kept until final resolution of any audit questions. 45 CFR 224.17

Persons needing further information about the above listed record retention requirements should contact the following:

Robert Easley, Office of Work Incentive Program, U.S. Department of Labor, 601 D Street, N.W., Room 5102, Washington, D.C. 20212. Telephone: 202–376–6375.

5.33 State IV–D agencies participating in child support enforcement programs.

To maintain records necessary for proper and efficient administration of the program including records regarding: (a) applications for services for non-AFDC recipients; (b) location of absent parents, actions to establish paternity and obtain and enforce child support and the costs incurred in such actions; (c) amount and sources of child support collections and the distribution of these collections; (d) any fees charged or paid for child support enforcement services; (e) any other administrative costs; (f) any other information required by the Office; (g) statistical, fiscal, and other records necessary for reporting and accountability required by the Secretary; and (h) any cases serviced by the IV–D program which will contain all records pertaining to the case including the records specified in 45 CFR 303.2.

Retention period: All records of the Child Support Enforcement program are to be retained in accordance with the requirements of 45 CFR Part 74 as provided in 45 CFR 302.15.

Persons needing further information about the above listed record retention requirements should contact the following:

Steve Henigson, Office of Child Support Enforcement, U.S. Department of Health Education, and Welfare, 330 C Street, S.W., Room

2321, Washington, D.C. 20201. Telephone: 202–427–4510.

PUBLIC SERVICES ADMINISTRATION

5.34 State agencies administering social service programs for individuals and families. [Amended]

To maintain records necessary for proper and efficient operation of program, including records regarding applications, determination of eligibility, provision of services, administrative costs; statistical, fiscal, and other records necessary for reporting and accountability in accordance with 45 CFR 201 and 205.

Retention period: As prescribed by the Secretary. 45 CFR 228.17

Persons needing further information about the above listed record retention requirements should contact the following:

Mrs. Johnnie U. Brooks, Public Services Administration, Social and Rehabilitation Service, U.S. Department of Health, Education, and Welfare, 330 C Street, S.W., Room 2225, Washington, D.C. 20201. Telephone: 202–245–9415.

6. Office of Secretary

6.1 State agencies participating in the distribution and utilization of surplus property for health, education, and civil defense purposes. [Revised]

Shall maintain accurate accountability records of all donable property approved for transfer to the State agency and donable property received, warehoused, and distributed by it. Accountability records of all single items having an acquisition cost of $2,500 or more shall be kept separate from those of lesser amounts.

Retention period: Records and documents pertaining to the eligibility of donee institutions and organizations shall be retained as a permanent record. All official records of the State agency shall be kept for at least 5 years. However, records pertaining to property containing restrictions for more than 4 years (such as aircraft and vessels) shall be kept 1 year beyond the specified period of restrictions. In those cases where property is in noncompliance status at the expiration of the period of restriction, the records will be retained for at least 1 year after the compliance case has been closed. 45 CFR 14.6.

Persons needing further information about listed record retention requirements should contact the following:

Mr. Cecil A. Patterson, Director, Office of Federal Property Assistance, (OFEPM) Department of Health, Education, and Welfare, Room 514, Reporters Bldg., 330 Independence Ave., S.W., Washington, D.C. 20201. Telephone: 202–755–8836.

6.2 State and local agencies acquiring real property.

To maintain (1) records of relocation payments made and assistance furnished, and notifications to persons and businesses displaced; and (2) documents associated with an appeal.

Retention period: (1) As prescribed by regulations for affected program but not less than 3 years; (2) 3 years. 45 CFR 15.52, 15.54

Persons needing further information about the above listed record retention requirements should contact the following:

Mr. Art Artiglio, Director, Office of Real Property Management (OFEPM), Department of Health, Education, and Welfare, Room 3040, North Bldg., 330 Independence Ave, S.W., Washington, D.C. 20201. Telephone: 202–245–1597.

6.3 [Transferred to IV 9]

6.4 State and local governments, institutions of higher learning, hospitals, and other nonprofit organizations receiving HEW grants.

To maintain financial records, supporting documents, statistical records, nonexpendable property records, and any other records pertinent to an HEW grant.

Retention period: 3 years from date of submission of annual or final expenditure report (or in case of unexpendable property, 3 years after final disposition of such property); or if Federal audit has not been completed or audit findings have not been resolved at the end of 3 years, until resolution of all audit findings.

Microfilm or other adequate copies may be used in lieu of original records when properly authorized. 45 CFR 74.20, 74.21, 74.22

Persons needing further information about the above listed record retention requirements should contact the following:

Mr. Joel Feinglass, Chief, Business and General Management Policy Branch (OGPM), Department of Health, Education, and Welfare, Room 513D, South Portal, 200 Independence Ave., S.W., Washington, D.C. 20201. Telephone: 202–245–8901.

6.5 Public or private educational institutions receiving direct or indirect Federal financial assistance.

To maintain descriptions of any modifications of policies and practices concerning admission of students, treatment of students, employment of both academic and non-academic personnel, and remedial steps taken to eliminate discrimination.

Retention period: 3 years following completion of evaluation. 45 CFR 86.3

Persons needing further information about the above listed record retention requirements should contact the following:

Dr. Lloyd Henderson, Director, Elementary and Secondary Education Division (OCR), Department of Health, Education, and Welfare, Room 3228, North Building, 330 Independence Ave., S.W., Washington, D.C. 20201. Telephone: 202–245–6118.

7. Office of Human Development

OFFICE OF CHILD DEVELOPMENT

7.1 Public and private non-profit agencies receiving grants under head start program.

To maintain individual health records of children in program, pertinent family data, and records covering nutrition services budgets, including expenditures for food, menus utilized, numbers and types of meals served daily with separate recordings for children and adults, inspection reports made by health authorities, recipes, and any other information deemed necessary.

Retention period: Not specified. 45 CFR 1304.3–5, 1304.3–10, 1304.4–2

DEVELOPMENTAL DISABILITIES OFFICE

7.2 Grantees receiving Federal funds for the construction of university-affiliated facilities for the mentally retarded.

To maintain (a) adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project and (b) payroll records and kickback statements for all laborers and mechanics working at the project.

Retention period: (a) Not specified; (b) 3 years after completion of the contract. 42 CFR 54.4

7.3 State and public or nonprofit private agencies receiving Federal funds for services and construction of developmental disabilities facilities.

To maintain records and accounts as required by Part C of the Developmental Disabilities and Facilities Construction Act and regulations of 45 CFR Part 416.

Retention period: 3 years or longer if audit findings have not been resolved; nonexpendable property, 3 years after final disposition of such property. 45 CFR 416.38

7.4 Public and nonprofit agencies and organizations receiving Federal funds for initial cost of professional and technical personnel for community mental retardation facilities.

To maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the costs of the staffing project, in addition to other records required by regulations of 45 CFR Part 74.

Retention period: 3 years after submission of annual or final report, or if Federal audit not completed at the end of 3 years, until resolution of all audit questions. 45 CFR 416.94, 416.98, 416.99

REHABILITATION SERVICES ADMINISTRATION

7.5 States and local governments receiving Federal funds for the provision of vocational rehabilitation services; assistance for rehabilitation facilities, research, and training, or operation of the National Center for Deaf-Blind Youths and Adults; and contractors providing program and project evaluation and technical assistance.

(a) To maintain financial records, supporting documents, statistical records, and all other pertinent records in accordance with 45 CFR Part 74, Subpart D.

(b) To maintain studies, evaluation, and program data developed within activities supported under 45 CFR Part 402.

Retention period: (a) 3 years from date of submission of annual or final expenditure report (or in case of unex-

pendable property, 3 years after final disposition of such property); or if Federal audit has not been completed or audit findings not resolved at end of 3 years, until resolution of all audit findings. Microfilm or other adequate copies may be used in lieu of original records when properly authorized. 45 CFR 74.20–74.22; (b) 3 years after termination of Federal support unless otherwise specified by the Secretary. 45 CFR 1362.16

Persons needing further information about listed record retention requirements should contact the following:

Miss Dorothy J. Butler, Office of Human Development, Department of Health, Education, and Welfare, Room 330–E South Portal Bldg., 2nd and Independence Ave., S.W., Washington, D.C. 20201. Telephone: 202–245–2879.

ADMINISTRATION ON AGING

7.6 State agencies or other public and nonprofit private agencies participating in the retired citizens volunteer program.

To maintain accounting and other records as determined by the Commissioner.

Retention period: Accounting records—3 years after end of budget period or if audit has not occurred, until audit or 5 years following end of budget period, whichever is earlier, or until resolution of any audit questions; other records—not specified. 45 CFR 906.10 (retention: 901.4)

7.7 State agencies, organizations, or grantees administering a project under the Foster Grandparent program.

To maintain records to assure correctness and verification of such reports required by this section.

Retention period: Not specified. 45 CFR 907.15

Persons needing further information about listed record retention requirements should contact the following:

Anita McIntyre, Records Liaison Office, Room 4760, Department of Health, Education, and Welfare, 330 Independence Ave. S.W., Washington, D.C. 20201. Telephone: 202–245–0556.

8. [See 7.6, 7.7]

9. National Institutes of Health [Transferred from IV 6.3]

9.1 Public or private institutions or agencies receiving grants or contracts supporting research, development, and related activities in which human subjects are involved. [Added]

To maintain all documents presented or required for initial and continuing review by the Institutional Review Board.

Retention period: Not specified. 45 CFR 46.19

Persons needing further information about the above listed record retention requirements should contact the following:

Dr. Donald T Chalkley, Director, Office for Protection from Research Risk, National Institutes of Health, 5333 Westbard Ave., Room 303, Bethesda, Md. 20016. Telephone: (301) 496–7005

V. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

1. Office of the Secretary

1.1 State agencies participating in relocation assistance programs.

To maintain records pertaining to eligibility for relocation payments, including all claims, receipted bills, or other documentation in support of a claim, and records pertaining to action on a claim.

Retention period: 3 years after completion of project, or in the case of community development block grant program, 3 years after receipt by displaced person of final payment pursuant to regulations in Part cited. 24 CFR 42.180

1.2 State or local governments applying for assistance under community development block grant program.

To maintain an environmental review record for each project as specified in section cited.

Retention period: Not specified. 24 CFR 58.11

1.3 [Transferred to V 9.1]

1.4–1.5 [Reserved]

1.6 Insurer, or pool, or person executing agreement under Federal riot reinsurance program.

To maintain books, documents, papers, and records that are pertinent.

Retention period: 3 years after final adjustment. 24 CFR 1906.38

1.7 Agencies designing, constructing or altering publicly-owned residential structures.

To maintain records relating to each contract, grant, or loan involving such publicly-owned residential structures.

Retention period: Not specified. 24 CFR 40.6

1.8 Developers of new communities.

To maintain records of costs incurred for the project, including those of contractors and subcontractors.

Retention period: Not specified. 24 CFR 710.22

2. Office of Assistant Secretary for Housing Production and Mortgage Credit (Federal Housing Administration)

2.1 Lending agencies with respect to property improvement and mobile home loans.

To keep complete credit and collection file pertaining to each eligible property improvement or mobile home loan transaction, which will accompany any claim for loss made by the insured.

(a) A property improvement loan file will include the borrower's application for a title I loan, the original note, completion certificate(s), certifications with respect to carpeting, and other exhibits furnished to the lending institution by the borrower. Where proceeds of the loan are not disbursed directly to borrower without dealer intervention in any manner, file will include borrower's written authorization to disburse to other than the borrower, signed copy of contract or sales agreement describing type and extent of improvements to be made and the material to be used, also record of written notice to borrower of credit application approval. Proper evidence shall be in the file of permissible additional charges assessed against the borrower for additional expenses such as recording or filing fees, documentary stamp taxes, title examination charges and hazard insurance premiums in connection with title I property improvement loans where security is taken in the nature of a real estate mortgage, deed of trust conditional sales contract, chattel mortgage, mechanic's lien or other security device taken for the purpose of securing the payment of eligible loans. Evidence of late charge billing must be in the file if claim is made under the Contract of Insurance. With respect to Class 3 property improvement loans under Title I of the National Housing Act, the property description, plans and specifications shall remain a permanent part of the loan file in connection with certification to the Commissioner by the insured that in its opinion the site is suitable for a home and the proposed structure when completed will not adversely affect surrounding properties.

Retention period: Not specified. 24 CFR 200.171, 200.172, 200.174, 200.177, 201.2, 201.4, 201.6, 201.8, 201.10, 201.11

(b) A mobile home loan file will include a dated credit application form executed by the borrower, a commercial credit report obtained by the insured on the borrower or evidence that the insured has made an adequate investigation of the borrower's credit. The file will also include the obligation document, a record of advance notice of intention to disburse proceeds of the loan, a number of certificates pertaining to mobile home standards, sanitary facilities and codes, zoning, and placement, and manufacturer's warranty instrument.

Retention period: Not specified. 24 CFR 201.520, 201.525, 201.545, 201.570, 201.575, 201.605, 201.610, 201.665

2.2 Lending agencies—title I.

To keep dealer files in connection with dealer approval, investigation and control which shall contain the dealer application, the approval by the insured together with supporting information and a record of the insured's experience with the loans originated by such dealer.

Retention period: Not specified. 24 CFR 200.171, 201.8, 201.595

2.3 Project mortgagors under the National Housing Act.

(a) To keep books and accounts in accordance with requirements of the FHA Commissioner and in such form as will permit a speedy and effective audit and maintain for such periods of time as may be prescribed by the Commissioner; contracts, records, documents, and papers shall be subject to inspection and examination by the FHA Commissioner and his duly authorized agent at all reasonable times.

Retention period: Not specified. 24 CFR 205.127, 207.19, 213.30, 220.630, 221.530, 221.538, 221.550, 221.552, 227.1, 232.87, 233.505, 235.830, 236.1, 242.65, 242.79, 244.105

(b) Where neither mortgagor nor any of its associates has any interest in the builder, financial or otherwise, and in connection with cost certification procedure, records shall be kept of all costs of any construction or other cost items not representing work under the general contract; where the mortgagor and/or its associates have any interest in the builder, contractor, or any subcontractor, the mortgagor shall keep such records and in turn require the builders to keep similar records. Requirements also apply to rehabilitation projects.

Retention period: Not specified. 24 CFR 205.110–205.125, 207.27, 213.35, 213.37, 220.501, 221.550, 227.1, 231.1, 232.83, 233.505, 234.501, 235.501, 236.1, 241.155–241.160, 242.251, 244.147–244.155

2.4 Investors insured under yield insurance provisions under title VII of the National Housing Act.

To maintain such books, records, and accounts with respect to the insured project as may be prescribed by the Commissioner and will, in the judgment of the Commissioner, adequately and accurately reflect the conditions and operations of the project. The investor shall agree to permit the Commissioner or his agent at all reasonable times upon request to examine any and all books, records, contracts, documents, and accounts of the investor which reflect in any way the condition or operations of the project.

Retention period: Not specified. 24 CFR 238.255

2.5 Lending agencies for project mortgages insured under the National Housing Act.

Upon assignment of the mortgage to the Federal Housing Commissioner, when entitled to receive the benefits of the insurance will deliver to the Commissioner, in addition to other items specified, all records, documents, books, papers, and accounts relating to the mortgage transaction.

Retention period: Not specified. 24 CFR Parts 205, 207, 210, 211, 213, 220, 221, 224, 227, 229, 231–236, 241, 242, 244

2.6 Mortgagors of new or rehabilitated multifamily housing insured under the National Housing Act.

To keep such records as are prescribed by the Federal Housing Commissioner at the time certification to keep such records is made and to keep them in such form as to permit a speedy and effective audit.

Retention period: Not specified. 42 U.S.C. 1434

2.7 Mortgagees of lower income family homes.

To maintain such records as the Commissioner may require with respect to the mortgagor's payments, the mortgage assistance payments received from the Commissioner, and the biennial recertifications of financial status from the homeowner or mortgagor.

Retention period: As prescribed by the Commissioner. 24 CFR 235.365

2.8 Nursing home and intermediate care facility owners or builders.

To maintain records of all costs of any construction improvements or other cost items not representing work under general contract.

Retention period: Not specified. 24 CFR 232.615

3. Office of Assistant Secretary for Policy Development and Research

3.1 Contractors and subcontractors with research and development contracts.

To maintain books, records, documents and other supporting evidence relating to the contract and such other records as specified in 41 CFR 1–20.301—1–20.301–3.

Retention period: Various. 41 CFR Part 1–20

4. Office of the Assistant Secretary for Housing Management

4.1 Lending agencies for mortgages of lower income family homes.

To maintain such records as the Assistant Secretary may require with respect to the mortgagor's payments, the mortgage assistance payments received from the Assistant Secretary, and the annual recertification of financial status from the homeowner or mortgagor.

Retention period: As prescribed by the Assistant Secretary. 24 CFR 420.5

4.2 Public agencies receiving assistance under Advances for Public Works Planning (First Program).

To keep accurate accounting records of all costs involved in connection with plan preparation.

Retention period: Not specified. 24 CFR 490.13

5. Office of Assistant Secretary for Equal Opportunity

5.1 Applicants, recipients, contractors, and subcontractors of assistance projects subject to section 3 of the Housing and Urban Development Act of 1968.

To maintain such records and accounts as required by the Secretary.

Retention period: Not specified. 24 CFR 135.120

6. Office of Assistant Secretary for Community Planning and Development

6.1 Public agencies receiving community development block grants.

To maintain financial records, supporting documents, statistical records, and other records pertinent to the grant program as indicated in sections cited.

Retention period: 3 years (a) from date of submission of annual performance report or if audit questions not resolved, until resolution of such questions, (b) after final disposition of nonexpendable property, and (c) after final payment to any displaced person. 24 CFR 570.406, 570.510, 570.907

6.2 States receiving managing substate planning and management assistance.

To maintain a record of all its actions taken pursuant to the consultation requirement and of the comments received from elected officials.

Retention period: Not specified. 24 CFR 600.120

7. Federal Disaster Assistance Administration

7.1 State or local governments receiving Federal disaster assistance.

To maintain adequate and separate accounting and fiscal records which account for all funds provided from any source to pay costs of the project.

Retention period: Not specified. 24 CFR 2205.7

8. Low-Income Public Housing

8.1 Owners participating in housing assistance payments program.

To maintain (a) copies of completed applications, related correspondence, records on applicant families necessary to provide racial, ethnic, and gender data, and records of ineligibility determinations; (b) records of unit inspections made by owner and families; (c) books, documents, papers, and records pertaining to compliance with contract; (d) records of employment by trade of number of apprentices and trainees, records of trainees by first year of training, records of journeymen, and wage and hour records; (e) payroll and basic records for all laborers and mechanics working at project.

Retention period: (a)–(b) 3 years; (c)–(d) not specified; (e) during course of work and 3 years thereafter. 24 CFR 880.218, 880.221, 880 Apps. II, IV, V, 881.218, 881.221, 881 Apps. I, II, IV, V, 883.318, 883.321

8.2 Public housing agencies participating in housing assistance payments program.

To maintain (a) copies of applications, related correspondence, records of ineligibility determinations and any informal hearings, statements of final disposition; (b) utility consumption records; (c) complaints received concerning owner compliance with PHA quality standards; (d) complete and accurate books and records, as may be prescribed, in connection with each project to permit speedy and effective audit; and (e) original requests for lease approval, inspection records, and any PHA disapprovals.

Retention period: (a)–(c) 3 years; (d)–(e) not specified. 24 CFR 880 App. I, 881.218, 881 App. III, 882.209, 882.210, 882.211, 882 App. I, 883.318, 890.107

8.3 Housing finance agencies participating in housing assistance payments program.

To maintain (a) documentation relating to financing projects, including any certifications of compliance with ap-

plicable Treasury or HUD regulations; and (b) one set of the working drawings and specifications covered by HFA certificate in 24 CFR 883.312(c).

Retention period: (a) Not specified; (b) while contract is in effect, unless HUD approves shorter period of time. 24 CFR 880.125, 881.125, 883.312

8.4 Contractors participating in housing assistance payments program.

To maintain (a) books, records, and accounts necessary to show compliance with equal employment opportunity provisions; (b) records of employment by trade of number of apprentices and trainees; (c) payroll and basic records for all laborers and mechanics employed at project.

Retention period: (a)–(b) Not specified; (c) 3 years. 24 CFR 880 Apps. I, II, IV, 881 Apps. I, III, IV.

9. Office of the Assistant Secretary for Consumer Affairs and Regulatory Functions [Transferred from V 1.3]

9.1 Lending institutions insured or regulated by Federal agencies, or creditors making real estate loans.

To retain copies of exemption record and settlement statements as required by RESPA.

Retention period: 2 years. 24 CFR 3500.7(f), 3500.8(c).

Persons needing further information about listed record retention requirements should contact the following:

William W. Baird, Chief, Paperwork Management Branch, Room 3284, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410. Telephone: 202–755–5179.

VI. DEPARTMENT OF THE INTERIOR

1. Office of the Secretary

1.1 State agencies participating in relocation assistance programs.

To maintain records pertaining to such programs.

Retention period: At least 3 years. 41 CFR 114–50.407–4

Persons needing further information about the above listed record retention requirements should contact the following:

George W. Sandberg, Office of Administration and Management Policy, Department of the Interior, Washington, D.C. 20240. Telephone: 202–343–3185.

1.2 Contractors and subcontractors.

To maintain books, records, and other evidence of accounting practices to reflect costs claimed and incurred in performance of contract.

Retention period: 3 years from final payment of contract or as specified by Federal procurement regulations (41 CFR Part 1–20), whichever expires earlier, and for such longer period as required by statute or contract. 41 CFR 14–63.104–1, 14–63.104–3

Persons needing further information about the above listed record retention requirements should contact the following:

William Opdyke, Office of Administration and Management Policy, Department of the Interior, Washington, D.C. 20240. Telephone: 202–343–5914.

1.3 Contractors and subcontractors subject to the Trans-Alaska Pipeline Authorization Act.

To maintain such records as are necessary to ascertain compliance to the equal employment opportunity requirements of the act.

Retention period: Not specified. 43 CFR 27.7

Persons needing further information about the above listed record retention requirements should contact the following:

Edward Shelton, Office for Equal Opportunity, Department of the Interior, Washington, D.C. 20240. Telephone 202–343–5693.

2. Fish and Wildlife Service

2.1 Operators of commercial preservation facilities receiving or having in custody migratory game birds.

To maintain accurate records showing the numbers and kinds of such birds, dates received and disposed of, and the names and addresses of the persons from whom received and to whom delivered.

Retention period: 1 year following the last entry on record. 50 CFR 20.82

2.2 State fish and game departments conducting fish and wildlife restoration projects with Federal aid.

To maintain cost records, accounts, and supporting documents relating to each project.

Retention period: 3 years after submission of final expenditure report. 50 CFR 80.28

2.3 Persons engaged in wildlife activities.

To maintain records of any taking, possession, transportation, sale, purchase, barter, exportation, or importation of wildlife pursuant to permit. Records to include date, names and addresses of persons involved in such transaction, and such other information as may be required.

Retention period: 5 years from date of issuance of permit. 50 CFR 13.46

2.4 States participating in anadromous fisheries conservation projects or grant-in-aid awards with Secretary.

To maintain cost records, accounts, and supporting documents relating to each project.

Retention period: 3 years after submission of final expenditure report, or longer if audit findings have not been resolved. 50 CFR 401.15–401.16

2.5 Federal or State agencies, public or private institutions, or other persons receiving grants under the Marine Mammal Protection Act.

To maintain all records of accounts and reports, with supporting documentation thereto.

Retention period: 3 years after submission of the final expenditure report. 50 CFR 82.15

2.6 Licensees and persons (fabricators) engaged in business of processing American alligator hides into leather.

To maintain records of all American alligator hides, including State tags and verification stubs; fabricators shall maintain records showing relationship of hides to finished products.

Retention period: Not specified. 50 CFR 17.42

2.7 Shippers of furs, hides and skins who hold symbol marking permits.

To maintain and hold open to inspection, audit or copying, records of furs, hides and skins shipped in interstate or foreign commerce which are identified by a symbol in lieu of marking certain information on the package or container.

Retention period: Not specified. 50 CFR 14.83(b)(2)

2.8 Buyers of captive-reared migratory waterfowl.

To maintain buyer's copy of form 3–186, Notice of Waterfowl Sale or Transfer. Copy is obtained from the transferor, who must be a holder of a waterfowl sale and disposal permit.

Retention period: During possession of such birds or eggs, or progeny or eggs therefor. 50 CFR 21.14(f)

2.9 Holders of permits to mark or band migratory birds. [Amended]

To maintain accurate records and file reports as set forth in the North American Bird Banding manual.

Retention period: 3 years after termination or inactivation of bird marking and salvage permit. 50 CFR 21.22(c)(4)

2.10 Holders of permits to perform taxidermy services on migratory birds.

To maintain accurate records, on a calendar year basis, showing receipt and delivery of migratory birds, parts, nests and eggs for taxidermy purposes; also repeats requirement for retaining buyer's copy of form 3–186, Notice of Waterfowl Sale or Transfer (see VI 2.8).

Retention period: Not specified. 50 CFR 21.24(d)(1)

2.11 Holders of permits to sell migratory waterfowl.

To maintain one copy of form 3–186, Notice of Waterfowl Sale or Transfer, in transferor's (seller's) files.

Retention period: Not specified. 50 CFR 21.25(c)(5)

Persons needing further information about listed record retention requirements should contact the following:

Arthur J. Ferguson, U.S. Fish and Wildlife Service (FWS), Department of the Interior, Washington, D.C. 20240. Telephone 202–343–8914.

3. Geological Survey

3.1 Coal-mine lessees (federally owned lands). [Revised]

Lessees and permittees shall maintain current and accurate records showing: (i) the type, quality or grade and weight of all coal mined, sold, and used on the

premises, or otherwise disposed of, and all coal in storage (remaining in inventory); (ii) the prices received for all coal sold and to whom sold, by type and by quality or grade.

Retention period: Until termination of lease. 30 CFR 211.66(a)

3.2 Oil and gas lessees (federally owned and restricted Indian lands). [Amended]

To keep accurate and complete records of the drilling, redrilling, deepening, repairing, plugging, or abandoning of oil wells and of all other well operations, and of all alterations to casing.

Retention period: Until termination of lease. 30 CFR 221.23

3.3 Lessees of geothermal resources operations on public, acquired, and withdrawn lands. [Amended]

To maintain records of all well operations as specified in section cited.

Retention period: Until termination of lease. CFR 270.37–270.39, 270.70–270.78

3.4–3.7 [Reserved]

3.8 Operators of mines on leased public or Indian lands. [Amended]

To keep books of a correct account of all ore mined, put through the mill, of all ore and mineral products sold and to whom sold, the weight, assay value, moisture content, prices received, and percentage of mineral products recovered or lost.

Retention period: Until termination of lease. CFR 231.60

3.9 Oil and gas and sulphur lessees (Outer Continental Shelf).

To keep well records and production records, and information obtained in the course of well operations.

Retention period: Until termination of lease covering such well operations. 30 CFR 250.38

Persons needing further information about listed record retention requirements should contact the following:

Oscar W. Mueller, Jr., Geological Survey, 206 National Center, Reston, Va. 22092. Telephone: 703–860–7211.

4. Bureau of Indian Affairs

4.1 Indian tribes, corporations, partnerships, cooperative associations, and individual Indians with loan agreements from the United States.

To maintain accounting and operating records that are satisfactory to the Commissioner.

Retention period: Not specified. 25 CFR 91.12

4.2 Indian corporations and tribes.

To keep separate records and accounts of their cattle loans in connection with the revolving cattle pool.

Retention period: Not specified. 25 CFR 92.9

4.3–4.4 [Reserved]

4.5 Oil and gas pipeline operators with rights-of-way over Indian lands.

To keep books and records of oil produced or run from the lands.

Retention period: Not specified. 25 CFR 161.25

4.6 Lessees of tribal lands for mining.

To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 171.18

4.7 Lessees of allotted lands for mining.

To keep a full and correct accounting of all operations and their books and records, showing manner of operations and persons interested, shall be open at all times for examination of such officers of the Department as shall be instructed in writing by the Secretary of the Interior or authorized by regulations to make such examinations.

Retention period: Not specified. 25 CFR 172.25

4.8 Lessees of lands in Crow Indian Reservation, Montana, for mining.

To keep books of account showing amount of ore shipped or oil or other mineral substance sold or treated, and showing amount of money received from sale of ores, oil, etc.

Retention period: Not specified. 25 CFR 173.18

4.9 Lessees of restricted lands of members of Five Civilized Tribes, Oklahoma, for mining.

To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 174.34

4.10 Lessees of lands in Osage Reservation, Oklahoma, for mining, except oil and gas.

To keep upon the leased premises accurate records of the drilling, redrilling, or deepening of all holes, showing the formations; and books and records showing manner of operations and persons interested.

Retention period: Not specified. 25 CFR 175.13

4.11 Lessees of lands under jurisdiction of Quapaw Agency for lead and zinc mining.

To keep books in which shall be a correct account of all ore and rock mined on the tract, of all ore put through the mill, etc.

Retention period: Not specified. 25 CFR 176.24

4.12 Lessees of Osage Reservation lands for oil and gas mining.

To keep a full and correct account of all operations; and their books and records.

Retention period: Not specified. 25 CFR 183.30

4.13 Lessees of lands in Wind River Indian Reservation, Wyoming, for oil and gas mining.

To keep a full and correct account of all operations; and their books and records, showing the manner of operations and persons interested, shall be open at all times for examination by such officers of the Department as shall be instructed in writing by the Secretary of the Interior or authorized by regulations, to make such examination.

Retention period: Not specified. 25 CFR 184.25

4.14 Business owners and pawnbrokers on Navajo, Zuni, and Hopi Reservations.

To maintain accurate records of business transactions by owners; pawnbrokers shall maintain accurate records of transactions and refinancing, together with records of risk insurance.

Retention period: 3 years for records of business owners; not specified for records of pawnbrokers. 25 CFR 252.20, 252.34, 252.41, 252.44, 252.58.

4.15 Lenders, loans to eligible tribes, Indian organizations, and individual Indians.

To maintain adequate records on guaranteed and insured loans.

Retention period: Not specified. 25 CFR 93.52

4.16 Banks maintaining special bank accounts for advance payment.

To maintain books and records with respect to the special bank accounts.

Retention period: Not specified. 41 CFR 14H–30.414–1

4.17 Contractors, Indian tribal organizations.

To maintain accounts, books, and records of advance payments.

Retention period: Not specified. 41 CFR 14H–30.414–2

4.18 Minimum standards for detention program. [Added]

To maintain: (a) A record of each inspection logged in appropriate records; (b) a record of all visitors indicating date, time, and identity of each visitor.

Retention period: Not specified. 25 CFR 11.305

4.19 Business owners on Navajo, Zuni, and Hopi Reservations. [Added]

To maintain records necessary to substantiate annual reports filed with Area Director. The reports contain the names and respective interests of all persons participating in the business, and the reports are subject to a yearly audit.

Retention period: Not specified. 25 CFR 252.58

Persons needing further information about listed record retention requirements should contact the following:

Dean Poleahla, Bureau of Indian Affairs, Department of the Interior, Washington, D.C. 20245. Telephone: 202–343–4144.

5. [Reserved]

6. Mining Enforcement and Safety Administration

6.1 Operators of metal and nonmetal mines.

To maintain records of instruction on fire alarms signals and procedures.

Retention period: 2 years. 30 CFR 55.4, 56.4, 57.4

6.2 Operators of metal and nonmetal mines.

To maintain written records of investigations of accidents and a copy of report relating thereto.

Retention period: 3 years from date of accident. 30 CFR 58.23, 58.31

6.3 Operators of underground coal mines. [Amended]

To maintain records of tests, examinations, and inspections required by mandatory safety standards.

Retention period: Not specified. 30 CFR 75.1800–75.1808

6.4 Operators of underground coal mines. [Amended]

To maintain a list of all certified and qualified persons designated to perform duties under 30 CFR Parts 75 and 77.

Retention period: Not specified. CFR 75.159, 77.106

6.5 Operators of coal mines.

To maintain (a) written records of investigations of accidents and (b) a copy of report relating thereto.

Retention period: (a) 5 years from date of the accident, 30 CFR 80.22, 80.23; (b) 5 years from date of occurrence, 30 CFR 80.31

Persons needing further information about listed record retention requirements should contact the following:

June R. Rodano, Mining Enforcement and Safety Administration, 4015 Wilson Boulevard, Arlington, Va. 22203. Telephone: 703–235–1470.

7. Bureau of Mines

7.1 [Reserved]

7.2 State and local authorities receiving aid for reclamation and rehabilitation of strip and surface mine areas. [Amended]

To maintain suitable records and accounts of transactions with and payments to project contractors.

Retention period: Not specified. 30 CFR 642.7

7.3 State agencies, organizations, institutions (public and private), or individuals receiving Federal grants for solid waste disposal projects, health and safety programs in coal mines, and research. [Amended]

(a) To maintain books of account and supporting papers of financial transactions involving Federal grants and those financed with matching funds from other sources.

(b) To maintain accountability record of all property items with expected life of more than 1 year and acquisition cost of $100 or more.

Retention period: (a) 3 years after last payment to grantee; (b) not specified. 30 CFR 651.8

7.4–7.5 [Reserved]

7.6 Private helium distributors selling to Federal agencies.

To keep such helium accounting records as are necessary to assure compliance with regulations in the section cited.

Retention period: At least 1 year following the dates of their applicability, and shall be made available to any duly authorized representative of the Bureau of Mines for examination. 30 CFR 602.4

Persons needing further information about listed record retention requirements should contact the following:

Victor E. Traver, Bureau of Mines, 2401 E Street NW., Washington, D.C. 20241. Telephone 202–634–1571.

8. National Park Service

8.1 Concessioners.

To keep records of their employees, payrolls, and other records with respect to compliance with labor standards established from time to time by or pursuant to Federal or State labor laws

Retention period: 3 years. 36 CFR 8.8

8.2 Concessioners and subconcessioners operating under negotiated contracts in areas administered by National Park Service.

To keep such records as the Secretary of the Interior may prescribe to enable the Secretary to determine that all terms of the concession contract have been and are being faithfully performed.

Retention period: 5 calendar years after the close of the business year of concessioner or subconcessioner. 16 U.S.C. 20g

Persons needing further information about listed record retention requirements should contact the following:

James A. Owen, National Park Service, 1100 L Street, NW., Washington, D.C. 20001. Telephone: 202–523–5127.

9. Office of Water Research and Technology

9.1 Individuals and institutions receiving funds under the Water Resources Research Act of 1964.

To maintain books and records reflecting financial transactions involving allotments, grants, contracts, or other arrangements and all papers necessary to explain or prove the validity of the transactions recorded.

Retention period: 3 years after allottee's or grantee's last disbursement of such funds or after last payment thereunder was received by the contractor. 18 CFR 505.6

Persons needing further information about listed record retention requirements should contact the following:

George C. Cassaday, Office of Water Research and Technology, Department of the Interior, Washington, D.C. 20240. Telephone: 202–343–4607.

VII. DEPARTMENT OF JUSTICE

1.1 Foreign agents required to register under 22 U.S.C. 611 et seq.

To keep all books and records relating to any activities which require registration, including correspondence, memoranda, and other written communications to and from foreign principals and other persons, names and addresses of persons to whom "political propaganda" has been sent, financial records, etc.

Retention period: 3 years following termination of registration. Upon good and sufficient cause shown in writing to the Assistant Attorney General, Criminal Division, a registrant may be permitted to destroy books and records in support of the information furnished in the registration statement which was filed 5 or more years prior to the date of the application to destroy. 28 CFR 5.500

1.2 Manufacturers of and dealers in gambling devices.

To keep monthly records of sales and deliveries of gambling devices, showing the mark and number identifying each article together with the name and address of the buyer or consignee thereof and the name and address of the carrier, and including duplicate bills and invoices.

Retention period: 5 years. 15 U.S.C. 1173

1.3–1.10 [Reserved]

1.11 Manufacturers, distributors, dispensers, researchers, importers, exporters, and chemical analysts subject to the Controlled Substances Import and Export Act.

To maintain records and inventories of each substance manufactured, imported, received, sold, delivered, exported, or disposed of in accordance with Part 1304.

Retention period: 2 years. 21 CFR 1304.03, 1304.11–1304.29, 1308.24 (retention: 1304.04)

1.12 Recipients of assistance under the Omnibus Crime Control and Safe Streets Act of 1968.

To maintain records as required in 28 CFR Part 42.

Retention period: Not specified. 28 CFR 42.305

Persons needing further information about listed record retention requirements should contact the following:

Robert M. Yahn, Chief, Directives and Records Management Section, FSS/OBDSS Office of Management and Finance, Department of Justice, Washington, D.C. 20530. Telephone: 202–739–4256.

VIII. DEPARTMENT OF LABOR [Revised]

1. Office of the Secretary

1.1 Contractors or subcontractors engaged in construction, prosecution, completion, or repair of any public building, public work, or work financed in whole or in part by loans or grants from a Federal agency.

To keep weekly payroll records setting out name and address of each laborer and mechanic, his correct classification, rate of pay, daily and weekly number of hours worked, deductions made, and actual wages paid.

Retention period: 3 years from date of completion of contract. 29 CFR 3.4; 32 CFR 18.703–1; 41 CFR 1–18.703–1

1.2 Contractors or subcontractors subject to labor standards provisions applicable to contracts covering federally financed and assisted construction (see 29 CFR 5.1 and 5.5).

(a) To keep payroll and basic records including name and address of each laborer or mechanic, correct classification, rate of pay (including rates of contributions or costs anticipated for medical or hospital care, pensions on retirement or death, compensation for injuries or illness resulting from occupational activity, or insurance to provide any of the foregoing, for unemployment benefits, life insurance, disability and sickness insurance, or accident insurance, for vacation and holiday pay, for defraying costs of apprenticeship programs, or for other bona fide fringe benefits), daily and weekly number of hours worked, deductions made, and actual wages paid to all laborers and mechanics.

(b) In the case of unfunded plans or programs for fringe benefits listed in the Davis-Bacon Act, which are approved by the Department of Labor, to maintain records showing: (1) that the contractor's commitment is enforceable, (2) that it has been communicated in writing to laborers or mechanics employed by him, and (3) that it is financially responsible.

Retention period: 3 years after termination of contract. 29 CFR 5.5(a)(3)(i) and (6)

1.3 Contractors or subcontractors subject to labor standards provisions applicable to contracts subject only to the Contract Work Hours and Safety Standards Act.

To keep records relating to wages and hours.

Retention period: 3 years from completion of contract. 29 CFR 5.5(e); 516.2(a); 32 CFR 12.303–1; 41 CFR 1–12.303

1.4 Persons subject to the Farm Labor Contractor Registration Act of 1963.

To keep payroll records showing specified information concerning earnings, hours worked, withholdings from wages, time periods constituting the basis for payment, piece rates, and units of work performed at piece rates for migrant workers engaged in interstate agricultural employment paid by such a contractor either on his own behalf or on behalf of another.

Retention period: Not specified. 29 CFR 40.10

1.5 Contractors or subcontractors subject to Service Contract Act of 1965.

To keep records relating to (a) work classifications, wages, fringe benefits, hours worked, and (b) safety and health standards.

Retention period: (a) 3 years from completion of work; (b) 5 years following the end of the year to which they relate. 29 CFR 4.6(g), 4.185, 1925.3; 32 CFR 12.1004; 41 CFR 1–12.904–1

1.6 Contractor or subcontractors employing apprentices and trainees on Federal and federally assisted construction.

To keep records of employment by trades of the number of apprentices and trainees, the number of apprentices and trainees by first year of training, the number of journeymen, and the wages paid the apprentices, trainees, and journeymen.

Retention period: During the performance of each contract. 41 CFR 1–18.703–1

Persons needing further information about the above listed record retention requirements should contact the following:

Walter S. Marx, Director, Division of Enforcement Policy and Procedures, Wage and Hour Division, NDOL – S–3018, Washington, D.C. 20210. Telephone: 202–523–7474.

1.7 Sponsors of apprenticeship and training programs and State apprenticeship agencies.

To maintain records on qualification and evaluation of each applicant and other records of compliance with regulations including affirmative action plans and qualification standards.

Retention period: 5 years. 29 CFR 30.8

1.8 Recipients participating in federally assisted programs of the Department of Labor subject to nondiscrimination regulations.

To maintain records as specified in section cited to ascertain compliance to such regulations.

Retention period Not specified. 29 CFR 31.5

1.9 Contractors or subcontractors subject to the equal opportunity in employment regulations under EO 11246, as amended.

To maintain written affirmative action programs and supporting documentation including required utilization analysis and utilization evaluation for supply and service contractors and subcontractors.

To maintain other records and documents relating to compliance with applicable EEO nondiscrimination and affirmative action requirements for construction and supply and service contractors, including records and documents on nature and use of tests, validations of tests, and test results as required; compliance with construction industry EEO plans and requirements, etc.

Retention period: Not specified. 41 CFR 1–12.805–4, 60–1.7, 60–1.40, 60–3.13

1.10 Contractors and subcontractors subject to affirmative action requirements under the Rehabilitation Act of 1973, as amended.

(a) To maintain pertinent books, documents, papers, and records concerning the employment and advancement in employment of the handicapped.

(b) To maintain records regarding complaints and the action taken.

Retention period: (a) Not specified; (b) 1 year. 41 CFR 60–741.52

1.11 Contractors and subcontractors subject to affirmative action requirements under the Vietnam Era Veterans' Readjustment Assistance Act of 1974.

(a) To maintain pertinent books, documents, papers, and records concerning the employment and advancement of disabled veterans and veterans of the Vietnam Era.

(b) To maintain records regarding complaints and the action taken.

(c) To provide reports to local offices of State employment services regarding employment openings and hires under the mandatory listing requirement of 41 CFR 60–250.4.

Retention period: (a) Not specified; (b) 1 year; (c) 1 year after final payment under contract. 41 CFR 60–250.4, 60–250.52

Persons needing further information about the above listed record retention requirements should contact the following:

Stephen Feigin, Deputy Associate Solicitor, Division of Labor Relations and Civil Rights, NDOL – N–2414, Washington, D.C. 20210. Telephone: 202–523–8238.

2. Employment Standards Administration

2.1 Physicians and hospitals treating Federal employees covered by the Federal Employees' Compensation Act.

To keep records of all injury cases treated by them sufficient to supply the Office of Federal Employees' Compensation with a history of the employee's accident, the exact description, nature, location and extent of injury, the degree of disability arising therefrom, the X-ray findings if X-ray examination has been made, the nature of the treatment rendered, and the degree of disability arising from the injury.

Retention period: Not specified. 20 CFR 10.410

2.2 Employers subject to the provisions of the Longshoremen's and Harbor Workers' Compensation Act, as extended by the Defense Base Act, the District of Columbia Workmen's Compensation Act, the Outer Continental Shelf Lands Act, and the Nonappropriated Fund Instrumentalities Act.

To keep records in respect to any injury to an employee, including information of disease, other disability, or death.

Retention period: Not specified. 20 CFR 702.111

2.3 Insurance carriers and self-insured employers subject to Longshoremen's and Harbor Workers' Compensation Act, as extended by the District of Columbia Workmen's Compensation Act, the Defense Base Act, the Outer Continental Shelf Lands Act, and the Nonappropriated Fund Instrumentalities Act.

To make, keep, and preserve such records as the Secretary deems necessary or appropriate to carry out his responsibilities under section 44.

Retention period: Not specified. 20 CFR 702.148

2.3a Operators subject to Part C of Title IV, Federal Coal Mine Health and Safety Act, as amended.

To keep receipts for payments made to disabled miners, or in case of death, his dependents or personal representative.

Retention period: Not specified. 20 CFR 725.336

Persons needing further information about the above listed record retention requirements should contact the following:

Helen F. Hettick, Administrative Officer, Office of Workers' Compensation Programs, NDOL–S–3524, Washington, D.C. 20210. Telephone: 202–523–7511.

2.4 Supply contractors subject to Public Contracts Act (contracts with U.S. agencies or District of Columbia).

(a) To keep unexpired certificate of age of employee issued and held pursuant to the Fair Labor Standards Act.

Retention period: During period of employment of such minors. 41 CFR 50–201.105

(b) To keep employment records, including name, address, sex, occupation, date of birth of each employee under 19 years of age (if the employer has obtained a certificate of age to record the title and office issuing the certificate, the number of certificate, if any, the date of its issuance, and the name, address, and date of birth of the minor, as the same appears on the certificate of age), wage and hour records.

Retention period: 3 years from date of last entry. 41 CFR 50–201.501(d)

(c) To keep basic employment and earnings records, wage rate tables, and work time schedules.

Retention period: 2 years from date of last entry or last effective date, whichever is later. 41 CFR 50–201.501(h)

(d) To keep a supplementary record and an annual summary of occupational injuries and illnesses.

Retention period: 5 years following the end of the year to which they relate. 29 CFR 1904.6

2.5 State educational agencies concerned with work experience and career exploration programs.

To maintain names and addresses of each school enrolling students in such programs, and the number of enrollees in each unit.

Retention period: 3 years from date of enrollment. 29 CFR 570.35a

2.6 State agencies having agreements with Secretary of Labor, or Administrator of Wage and Hour Division, for utilization of their services in making investigations and inspections under Fair Labor Standards Act and Public Contracts Act.

To keep accounting records and supporting data pertaining to expenditures for investigations and inspections.

Retention period: Not specified. 29 CFR 515.6

2.7 Public agencies engaged in fire protection or law enforcement activities.

To maintain records as indicated in 29 CFR Part 516.

Retention period: Various. 29 CFR 553.21 (retention: Part 516)

2.8 Employers subject to Fair Labor Standards Act.

To keep employment records relating to wages (including retroactive payment of wages), hours, sex, occupation, conditions of employment, etc.

Retention period: 3 years for records containing employee information, payrolls, and certificates, upon agreements, and notices; and 2 years for basic employment and earnings records, wage rate tables, work time schedules, order shipping and billing records (customers bills, etc.), job evaluations, merit or seniority systems, or other matters which describe or explain the basis for payment of any wage differentials to employees of the opposite sex in the same establishment, records of deductions from or additions to pay. 29 CFR 516.2, 516.3, 516.5, 516.6, 516.11–516.29

2.9 Employers subject to Fair Labor Standards Act employing apprentices in skilled trade at wages lower than minimum wage applicable.

To keep records relating to wages, hours, conditions of employment, etc., as well as designation of apprentices on the payroll, and when applicable, the apprenticeship program, apprenticeship agreement, and special certificate under which an apprentice is employed.

Retention period: 3 years from termination of apprenticeship. 29 CFR 516.5, 521.8 (a) and (c)

2.10 Joint apprenticeship committees holding certificates issued by Administrator.

To keep records of apprenticeship program, apprenticeship agreement, and special certificate under which an apprentice is employed by an employer; the cumulative amount of work experience gained by the apprentice, and a list of employers to whom apprentice was assigned and period of time worked for each employer.

Retention period: 3 years from date of termination of apprenticeship. 29 CFR 516.5, 521.8 (b) and (c)

2.11 Employers subject to Fair Labor Standards Act employing learners under special learners certificates.

To keep payroll records of learners and occupation in which each learner is employed; any special learner certificates issued; statements obtained from learners employed under special learners certificates of experience acquired in the industry in the 3 years prior to employment as a learner; and to maintain file of all evidence and records, including correspondence, pertaining to filing or cancellation of job orders (in addition to requirements of 29 CFR Part 516).

Retention period: 3 years. 29 CFR 516.5, 516.30, 522.7

2.12 Employers subject to Fair Labor Standards Act employing student-learners as learners under certificates.

To keep payroll records of student-learners and occupation in which each student-learner is employed and copies of applications filed in accordance with 520.4(a) and of any special certificates issued under which student-learners are employed (in addition to requirements of 29 CFR Part 516).

Retention period: 3 years. 29 CFR 516.5, 516.30, 520.7

2.13 Employers subject to Fair Labor Standards Act employing handicapped workers.

To keep a copy of special certificates authorizing employment of workers whose earning capacity is impaired by physical or mental deficiencies at wages lower than the minimum wages applicable under Fair Labor Standards Act with employment record (in addition to requirements of 29 CFR Part 516).

Retention period: 3 years. 29 CFR 516.5, 516.30, 524.10

2.14 Sheltered workshops (as defined in 29 CFR 525.2(b)).

To keep (a) records of the nature of each client's disability and records that reflect the productivity of each client on a continuing basis or at periodic intervals not exceeding 6 months; learning periods when authorized by the certificate; designation of workers who are evaluees and trainees as authorized by certificate; indication of which workers are under each certificate where more than one certificate held; indication of workers for whom individual certificates held; pricing of work and time studies made to establish prices; documents relating to State certification; and (b) records required under applicable provisions of 29 CFR Part 516.

Retention period: (a) 2 years; (b) 3 years. 29 CFR 516.5, 516.30, 525.13

2.15 Educational institutions employing student-workers as learners under certificates.

To keep payroll records showing rate of pay, including a copy of any special certificate issued (in addition to requirements of 29 CFR Part 516).

Retention period: 3 years. 29 CFR 516.5, 516.30, 527.7

2.16 Agriculture, retail, or service establishments and institutions of higher education subject to Fair Labor Standards Act employing full-time students outside of their school hours under special full-time student certificates.

To keep payroll records of full-time students employed outside of their school hours in any retail or service establishment and occupations in which each such full-time student is employed; statements obtained by the employer from schools attended by such students that the employee receives primarily daytime instruction at the physical location of the school in accordance with the

school's accepted definition of a full-time student; records of the monthly hours of employment of full-time students at special minimum wages under a full-time student certificate and of the total hours of employment during the month of all employees in the establishment; and any special certificates issued (in addition to requirements of 29 CFR Part 516).

Retention period: 3 years. 29 CFR 516.5, 516.30, 519.7, 519.17

2.17 Retail or service establishments subject to Fair Labor Standards Act employing commission employees exempt from overtime pay requirements pursuant to section 7(h).

To keep employment records relating to wages, hours, circumstances and conditions of employment, including a symbol or letter to identify each such employee; an indication that the employee's regular rate of pay in each workweek meets requirements of the exemption and basic records demonstrating this fact; copy of the agreement or understanding or summary of its terms, including the basis of compensation, applicable representative period, and the date on which the agreement or understanding was entered into; and total compensation paid to each employee in each pay period stating separately the commission and noncommission straight time earnings.

Retention period: 3 years for records containing employee information, payrolls and certificates, union agreements, and notices; 2 years for basic employment and earning records, wage rate tables, work time schedules, orders, shipping and billing records (customers' bills, etc.), record of deductions from or additions to pay. 29 CFR 516.2, 516.5, 516.6, 516.28

2.18 Homeworkers and employers in the women's apparel industry, the jewelry manufacturing industry, the knitted outerwear industry, the gloves and mittens industry, the button and buckle manufacturing industry, the handkerchief manufacturing industry, and the embroideries industry.

To maintain a copy of each certificate authorizing employment of industrial homeworkers in the above industries on file in the same place at which the worker's employment records are maintained (in addition to requirements of 29 CFR Part 516).

Retention period: 3 years. 29 CFR 516.5, 516.30, 530.8, 530.9

2.19 Hospitals and institutions employing patient workers.

To maintain records of disability, productivity, prevailing wage, production standards, evaluation and training records, work activities and group minimum wage records, patient worker exceptions, and other applicable provisions of 29 CFR 516.

Retention period: As specified in 29 CFR 516. 29 CFR 529.10

2.20 Employers of industrial homeworkers engaged in making handfashioned jewelry on the Navajo, Pueblo, and Hopi Indian Reservations.

To keep records, including name, address, and date of birth of the homeworker, if under 19 years of age, description of work performed, amount and date of cash payments for each pay period, and a schedule of piece rates paid, and all records required by Part 516, except those required by 516.2 and 516.24.

Retention period: 3 years. 29 CFR 530.12 (retention: 516.5)

2.21 Employers of homeworkers in industries in Puerto Rico.

To maintain (a) all records relating to the receipt, distribution, and production of goods; (b) handbook furnished by the Wage and Hour Division; and (c) personnel and wage and hour (including retroactive pay) records as indicated in section cited.

Retention period: (a) and (c) 3 years; (b) 2 years after date of last entry. 29 CFR 545.7

2.22–2.24 [Reserved]

2.25 Employers of homeworkers in industries in the Virgin Islands.

To maintain (a) all records relating to the receipt, distribution, and production of goods; (b) handbook furnished by the Wage and Hour Division; and (c) records relating to such homeworkers including wages and hours and retroactive pay.

Retention period: (a) and (c) 3 years; (b) 2 years after date of last entry. 29 CFR 695.6 (retention: 695.7)

2.26 Employers of domestic service employees.

To maintain records of names, social security numbers, addresses, total hours worked each week, total cash wages, sums claimed by employer for board and lodging, and overtime pay.

Retention period: 3 years. 29 CFR 516.34, 552.110

2.27 Employers of local delivery drivers and helpers.

To keep records and computations with respect to employees for whom the overtime pay exemption is taken.

Retention period: 3 years. 29 CFR 516.15, 551.9 (retention: 516.5)

2.28 Employers, employment agencies, and labor organizations subject to Age Discrimination in Employment Act of 1967.

(a) *Employers*—(1) To keep records for each employee containing name, address, date of birth, occupation, rate of pay and compensation earned each week; (2) when made in the regular course of business, to keep personnel or employment records related to job applications, promotion or discharge, job orders submitted to employment agency or labor organization for recruitment of personnel, test papers of employer-administered aptitude or other employment test, results of physical examinations considered in connection with personnel action, and advertisements; (3) to keep any employee benefit plans; (4) to keep application forms for positions known to be of a temporary nature.

Retention period: (1) 3 years, (2) 1 year, (3) 1 year after termination of plan, (4) 90 days. 29 CFR 850.3

(b) *Employment agencies*—(1) To keep records related to placements, referrals, job orders, job applications, test papers, and advertisements; and (2) to keep application forms for positions known to be of a temporary nature.

Retention period: (1) 1 year; (2) 90 days. 29 CFR 850.4

(c) *Labor organizations*—To keep records of name, address, and date of birth of members, and any individual seeking membership in the organization.

Retention period: 1 year. 29 CFR 850.5

2.29 [Reserved]

2.30 Employers subject to child-labor provisions of the Fair Labor Standards Act.

To maintain (a) certificates of age, (b) written training agreements, and (c) such other employment records as required by 29 CFR Part 516.

Retention period: (a) Until termination of employment, (b) duration of training program, (c) 3 years. 29 CFR 516.5, 516.33, 570.3, 570.35a, 570.72

Persons needing further information about the above listed record retention requirements should contact the following:

Walter S. Marx, Director, Division of Enforcement Policy and Procedures, Wage and Hour Division, NDOL–S–3018, Washington, D.C. 20210. Telephone: 202–523–7474.

3. Labor-Management Services Administration

3.1 Every labor organization required to file a labor organization information report under the Labor-Management Reporting and Disclosure Act of 1959, or under regulations promulgated under Executive Order 11491, as amended. [Amended]

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 204.3, 402.9

3.2 Every person who pursuant to an agreement or arrangement with an employer undertakes certain activities or who has certain receipts or makes certain disbursements subject to the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which

the documents filed with the Office may be verified, explained or clarified and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 406.8

3.3 Labor organizations required to file annual financial reports under the Labor-Management Reporting and Disclosure Act of 1959, or under regulations promulgated under Executive Order 11491, as amended. [Amended]

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing the documents. 29 CFR 204.3, 403.7

3.4 Employers required to report payments or agreements or arrangements under the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 405.9

3.5 Persons required to file any report under labor organization trusteeship reports provision of the Labor-Management Reporting and Disclosure Act of 1959, or under regulations promulgated under Executive Order 11491, as amended. [Amended]

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 204.3, 408.10

3.6 Labor organization officers and employees who are required to file reports of certain income and interests under the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on the matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the documents filed with the Office may be verified, explained or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, and applicable resolutions.

Retention period: Not less than 5 years after filing of documents. 29 CFR 404.7

3.7 Election officials designated in the constitution and bylaws, or the secretary if no other official is designated, of labor organizations conducting election by secret ballot provided for under the Labor-Management Reporting and Disclosure Act of 1959, or under regulations promulgated under Executive Order 11491, as amended. [Amended]

To preserve all election records, including ballots.

Retention period: 1 year. 29 CFR 204.-29, 452.106

3.8 Officials designated in the constitution and bylaws, or the secretary if no other official is designated, of national or international labor organizations conducting elections by a convention of delegates provided for under the Labor-Management Reporting and Disclosure Act of 1959, or under regulations promulgated under Executive Order 11491, as amended by Executive Order 11616.

To preserve the credentials of delegates and all minutes and records pertaining to election.

Retention period: 1 year. 29 CFR 204.-29, 452.134

3.9 Surety companies required to file reports under section 211 of the Labor-Management Reporting and Disclosure Act of 1959.

To maintain records on matters required to be reported which will provide in sufficient detail the necessary basic information and data from which the reports may be verified, explained or clarified, and checked for accuracy and completeness.

Retention period: Not less than 5 years after filing of report. 29 CFR 409.5

Persons needing further information about listed record retention requirements should contact the following:

Vincent R. Agnelli, Assistant Director for Reports, Processing and Disclosure, Labor-Management Standards Enforcement, NDOL-N-5603, Washington, D.C. 20210. Telephone: 202-523-7298.

4. Occupational Safety and Health Administration

4.1 Persons accredited for vessel cargo gear certification.

To maintain records of all work performed on gear certification, including tests, proof loads, and heat treatment; of the status of the certification of each vessel issued a register by such accredited person.

Retention period: Permanent. 29 CFR 1919.10, 1919.11

4.2 Operators or officers of vessels.

To keep vessel's register and certificates relating to cargo gear.

Retention period: 4 years after date of the latest entry except for nonrecurring test certificates concerning gear which is kept in use for a longer period, in which case certificates are retained as long as that gear is in use. 29 CFR 1919.12

4.3 Employers of maritime employees under the Longshoremen's and Harbor Workers' Compensation Act.

(a) To maintain records of tests of strength of stevedoring gear.

Retention period: As long as such gear is in use. 29 CFR 1918.61

(b) To keep records of the dates, times, and locations of tests for carbon monoxide made when internal combustion engines exhaust into the hold or intermediate deck.

Retention period: 30 days after the work is completed. 29 CFR 1918.93

(c) To keep records relating to tests and inspections for the existence of hazardous flammable, explosive, or toxic liquids and gases.

Retention period: 3 months from the date of the completion of the job. 29 CFR 1915.10, 1916.10, 1917.10

4.4 Contractors subject to Public Contracts Act (contracts with U.S. agencies or District of Columbia).

To keep an annual summary of occupational illnesses and accidents.

Retention period: 5 years after date of entry. 29 CFR 1904; 41 CFR 50-201.502

4.5 Contractors subject to Public Contracts Act (contracts with U.S. agencies or District of Columbia).

To maintain records of radiation exposure of all employees for whom personnel monitoring is required.

Retention period: Not specified. 41 CFR 50-204.32

4.6 State agencies receiving development and planning grants for occupational safety and health.

To maintain records consistent with pertinent instructions.

Retention period: Not specified. 29 CFR 1950.11

4.7 Employers, except small employers as provided in 29 CFR 1904.15, subject to the Occupational Safety and Health Act of 1970.[*]

To maintain records for each occupational injury and illness, including an annual summary, and also a supplemental record in detail according to OSHA Form 101 and such other records as specified in sections cited.

Retention period: 5 years. 29 CFR 1904.2, 1904.4-1904.6, 1952.4

4.8 Employers subject to the asbestos standard.

To maintain records of (a) any personal or environmental monitoring required by section cited, and (b) all employee medical examinations.

Retention period: (a) 3 years, (b) 20 years. 29 CFR 1910.1001

4.9 Employers subject to the ionized radiation standard.

To maintain records of radiation exposure of all employees who are personally monitored.

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[*] Any employer with no more than 10 employees during calendar year 1973 need not comply with any requirements of Part 1904 (except for 1904.8) for any funds appropriated under Pub. L. 93-517. 40 FR 7094

Retention period: Indefinite. 29 CFR 1910.96

4.10 State agencies receiving grants implementing approved State plans in the occupational health and safety program.

To maintain financial records, supporting documents, statistical records, and all other records pertinent to the grant program.

Retention period: 3 years, or longer if audit findings not resolved; for nonexpendable property, 3 years after final disposition. Microfilm copies may be substituted for the originals. 29 CFR 1951.47

4.11 Employers subject to vinyl chloride standards.

To maintain (a) monitoring and measuring records; (b) authorized personnel rosters; and (c) medical records.

Retention period: (a) Not less than 30 years; (b) not less than 30 years; and (c) duration of employment plus 20 years, or 30 years, whichever is longer. 29 CFR 1910.1017

4.12 Employers subject to mechanical power presses standard.

To maintain records of periodic and regular inspections of his power presses and of the maintenance work performed.

Retention period: Not specified. 29 CFR 1910.217(e)

4.13 Employers subject to industrial slings standards.

To maintain record of most recent month in which each alloy steel chain sling was thoroughly inspected and proof test certificates for each new, repaired or reconditioned sling; also, to attach permanent tag or mark, or keep a record in order to indicate date and nature of repairs to metal mesh slings.

Retention period: Not specified. 29 CFR 1910.184

4.14 Employers, telecommunications.

To maintain (a) written description of training programs and record of employees who have received such training; (b) records of inspections of derricks and associated equipment.

Retention period: (a) Duration of employee's employment; (b) not specified. 29 CFR 1910.268

4.15 Employers subject to carcinogen standards.

To maintain records of (a) authorized personnel rosters; and (b) medical records.

Retention period: (a) At least 20 years; (b) duration of employee's employment. 29 CFR 1910.1003–1910.1016

4.16 Employers subject to take coke oven emissions standard.

To maintain records of (a) all measurements taken to monitor employee exposure required by section cited, and (b) employee medical surveillance programs required by section cited.

Retention period: At least 40 years or the duration of employment plus 20 years, whichever is longer. 29 CFR 1910.1029

4.17 Employers subject to ground-fault protection standards.

To maintain records of testing of equipment required by section cited.

Retention period: Until replaced by a more current record. 29 CFR 1910.309 (c), 1926.400(h)

Persons needing further information about listed record retention requirements should contact the following:

Flo H. Ryer, NDOL–N–3663, Washington, D.C. 20210. Telephone: 202–523–7174.

5. Employment and Training Administration

5.10 State agencies administering Federal Supplemental benefits program (emergency unemployment compensation).

To maintain records pertaining to administration of program as prescribed by the Secretary.

Retention period: Not specified. 20 CFR 618.17

5.2 State agencies administering special unemployment assistance program.

To maintain records pertaining to administration of program as prescribed by the Secretary.

Retention period: Not specified. 20 CFR 619.15(a)

5.3 Sponsors of work training and experience programs under the Neighborhood Youth Corps.

To maintain such records as required by the Secretary for the purpose of the administration of the Economic Opportunity Act of 1964, as amended.

Retention period: Not specified. 29 CFR 50.41

5.4 Sponsors participating in the senior community service employment program under the Older American Community Service Employment Act of 1973.

To maintain financial records, supporting documents, statistical records, and any other records pertinent to the grant program.

Retention period: 3 years from date of submission of annual or final expenditure report, or if Federal audit questions not resolved at end of 3 years, until resolution of such questions; or for nonexpendable property, 3 years after final disposition. Substitution of microfilm copies in lieu of original records may be authorized upon request. 29 CFR 89.39

5.5 Center directors participating in Job Corps Program.

To maintain personnel records as specified and to maintain auditable records on all nonconsumable materials and equipment.

Retention period: Not specified. 29 CFR 97.23, 97.114

5.6 State or local government agency, public agency, Indian tribes on Federal or State reservations, or institutions receiving grants under the Emergency Employment Act of 1971.

To maintain records and accounts, including records of property purchased with non-Federal shares, and personal and financial records.

Retention period: 3 years after expiration of grant. 29 CFR 55.17, 55.31a, 55.42, 55.51

5.7 State and local WIN sponsors and welfare agencies.

To maintain records and accounts for all program funds, including non-Federal share.

Retention period: 3 years after completion or final payment under agreement, whichever is later, or until final resolution of all audit questions. 29 CFR 56.17

5.8 Sponsors participating in programs for economically disadvantaged youth and migrant and other seasonally employed farmworkers under the Comprehensive Employment and Training Act of 1973. [Amended]

To maintain financial records, supporting documents, statistical records, and any other records pertinent to the grant program.

Retention period: 3 years from date of submission of annual or final expenditure report, or if Federal audit questions not resolved at end of 3 years, until resolution of such questions; or for nonexpendable property, 3 years after final disposition. Substitution of microfilm copies in lieu of original records may be authorized upon request 29 CFR. 97.1(c), 97.14, 97.250(b), 98.18, 98.27

5.9 Sponsors, subgrantees, and contractors participating in Indian manpower programs under the Comprehensive Employment and Training Act of 1973.

To maintain financial records, supporting documents, statistical records, and any other records pertinent to the grant program.

Retention period: 3 years from date of submission of annual or final expenditure report, or if Federal audit questions are not resolved at the end of 3 years, until resolution of such questions; or for non-expendable property, 3 years after final disposition. When grant program records are transferred to or maintained by the Secretary the 3 year retention requirements will not be applicable to the prime sponsor. Substitution of microfilm copies in lieu of original records may be authorized upon request. 29 CFR 97.134, 97.154, 97.167

5.10 Sponsors of employment and training programs under Titles I, II and VI of the Comprehensive Employment and Training Act of 1973.

To maintain financial records, supporting documents, statistical records and any other records pertinent to the grant program.

Retention period: 3 years from date of submission of annual or final expenditure report, or, if Federal audit questions are not resolved at end of 3 years, until resolution of such questions; or, for nonexpendable property, 3 years after final disposition. Substitution of microfilm copies in lieu of original records may be authorized upon request. 29 CFR 98.18, 98.27, 99.80

Persons needing further information about listed record retention requirements should contact the following:

Mr. James F. Moriarty, Records Officer, Employment and Training Administration, Department of Labor, Washington, D.C. 20210. Telephone: 202–376–6204.

6. Employment Retirement Income Security

6.1 Persons required to file any plan descriptions, annual reports and summary annual reports or to certify any information therefor under the Employee Retirement Income Security Act of 1974 (ERISA).

Every person subject to a requirement to file any description or report or to certify any information therefor under Title I of the Employee Retirement Income Security Act of 1974 (ERISA)—including a requirement to comply under an alternative method prescribed by the Secretary of Labor pursuant to sec. 110 of ERISA—or who would be subject to such requirement but for an exemption or simplified reporting requirement under sec. 104(a) (2) or (3) of Title I of ERISA, shall maintain records on the matters of which disclosure is required which will provide in sufficient detail the necessary basic information and data.

Retention period: Not less than 6 years after filing date of reports or descriptions required—in normal form or by alternate method—or which would have been required but for exemptions or simplified reporting requirements under sec. 104(a) (2) or (3) of Title I of ERISA. 28 U.S.C. 1027

6.2 Persons required to file any description or report or to certify any information therefor under the Welfare and Pension Plans Disclosure Act.

To maintain records on the matters of which disclosure is required which will provide in sufficient detail the necessary basic information and data from which the documents thus required may be verified, explained, or clarified, and checked for accuracy and completeness, and shall include vouchers, worksheets, receipts, applicable resolutions and records of any written authorization delegating authority to sign any description or report.

Retention period: 5 years. 29 CFR Part 486

Persons needing further information about listed record retention requirements should contact the following:

Wayland Coe, NDOL – N–4655, Washington, D.C. 20210. Telephone: 202–523–8769.

IX. DEPARTMENT OF STATE [Transferred from X]

1. Office of Munitions Control

1.1 Persons required to register as manufacturers or exporters of United States Munitions List articles.

To maintain, subject to the inspection of the Secretary of State, or any person designated by him, records on the exportation of articles enumerated in the United States Munitions List. Records shall contain all information pertinent to the transaction.

Retention period: 6 years, except that the Secretary may prescribe a longer or shorter period in individual cases as he deems necessary. 22 CFR 122.05

1.2 Applicants, suppliers and vendors required to furnish or obtain information regarding political contributions and fees or commissions in connection with the sale of defense articles or services. [Added]

To maintain a record of any information required to be furnished or obtained in connection with the sale of defense articles or services, and all records upon which reports are based, in accordance with Part 130 of the International Traffic in Arms Regulations (22 CFR 130). Records shall be made available upon request for use by standing committees of the Congress and subcommittees thereof, and by United States Government agencies, in accordance with section 39(d) of the Arms Export Control Act (22 U.S.C. 2779(d)).

Retention period: Not less than 6 years. 22 CFR 130.23

Persons needing further information about listed record retention requirements should contact the following:

Ms. Nancy L. Hindeman, PM/MC, Room 800, SA–6, Department of State, Washington, D.C. 20520. Telephone: 202–235–9770.

2. Agency for International Development [9]

2.1 Foreign governments, U.S. voluntary agencies, or intergovernmental organizations, except the World Food Program and United Nations Relief and Works Agency, involved in the transfer of food commodities for use in disaster relief, economic development, and other assistance.

To maintain records and documents of all transactions pertaining to receipt, storage, inspection, and distribution of commodities, including records of receipt and disbursement of funds accruing from the operation of the program.

Retention period: 3 years from close of the U.S. fiscal year to which they pertain. 22 CFR 211.10

2.2 AID suppliers of commodities and commodity-related services for AID-financed programs or projects.

To maintain all records pertaining to the supplier's business together with all other documents bearing on supplier compliance with the undertakings and certifications of the Supplier's Certificate, AID Form 282.

Retention period: Not less than 5 years after date of execution of the Supplier's Certificate. 22 CFR Part 201, App. A., sec. 11

2.3 AID service contractors and subcontractors.

To retain records, books, documents, and other supporting evidence pertaining to the contract.

Retention period: 3 years after final payment under the contract or subcontract or as otherwise specified. 41 CFR 1–20

2.4 AID grantees and subgrantees (other than foreign governments or agencies and associations thereof).

To retain records, books, documents and other supporting evidence pertaining to the grant.

Retention period: 3 years after final payment under the nongovermental grant or subgrant, or as otherwise specified in AID Handbook 13, "Grants". 22 U.S.C. 2395(b)

Persons needing further information about listed record retention requirements should contact the following:

Fred D. Allen, MO/CRM, Agency for International Development, Department of State, Washington, D.C. 20523. Telephone: 202–632–9808.

X. DEPARTMENT OF TRANSPORTATION [Transferred from XII]

1. Federal Aviation Administration

1.1 Aircraft and related products manufacturers.

To maintain records of inspection identified with the completed product and records of Materials Review Board action applying to materials, parts, assemblies, and the completed product.

Retention period: At least 2 years. 14 CFR 21.125

1.2 Aircraft and related products manufacturers.

To maintain records of inspection applying to the manufacture of replacement or modification parts and identifiable with the completed part.

Retention period: At least 2 years. 14 CFR 21.303

1.3 Certificated air carriers and commercial operators.

To keep (a) all the records necessary to show that all requirements for the issuance of an airworthiness release under 14 CFR 121.709 or 127.319 have been met and (b) records of total time in service of airframe; current status of life limited parts of each airframe, engine, propeller, rotor, and appliance; time since last overhaul of all items required to be overhauled on a specified time basis; identification of current inspection status of aircraft, including time since last inspection required by inspection program under which aircraft and its appliances are maintained; current status of applicable airworthiness directives, including method of compliance; and a list of current major alterations to each airframe, engine, propeller, rotor, and appliance.

Retention period: (a) Until work is repeated or superseded by other work or for 1 year after work is performed, except for records of last complete overhaul of each airframe, engine, propeller, rotor, or appliance which are retained until work is superseded by work of equivalent scope and detail; (b) transferred with

[9] AID contractors should also see XXIX of this Guide.

the aircraft at the time the aircraft is sold. 14 CFR 121.380, 127.141

1.4 Certificated repair stations or airframe, powerplant, propeller, or appliance manufacturers.

To maintain a duplicate copy of the customer's work order, when accepted in lieu of the Major Repair and Alteration Form (FAA–337 or equivalent).

Retention period: At least 2 years. 14 CFR Part 43, App. B

1.5 Domestic, flag, and supplemental air carriers and commercial operators of large aircraft.

To retain information taped by flight recorders.

Retention period: Until the airplane has been operated for at least 25 hours of the operating time specified in § 121.359 (a) but no more than 60 days, or for a longer period if requested by a representative of the Federal Aviation Administration or the National Transportation Safety Board. 14 CFR 121.343

1.6 Domestic, flag, and supplemental air carriers and commercial operators of large aircraft.

To maintain current records of every crewmember and aircraft dispatcher, as is necessary to show compliance with the appropriate requirements of Federal Aviation Regulations and each action taken concerning the release from employment or physical or professional disqualification of flight crewmembers or aircraft dispatchers.

Retention period: At least 6 months after termination of employment. 14 CFR 121.683

1.7 Domestic, flag, and supplemental air carriers and commercial operators of large aircraft.

To maintain (a) an aircraft maintenance log; (b) copies of alteration and repair reports; and (c) copies of airworthiness release forms.

Retention period: Not specified for (a) and (b); 2 months for (c). 14 CFR 121.701, 121.707, 121.709

1.8 Flag and domestic air carriers.

To maintain a list of aircraft in current operation and airplanes operated under interchange agreements.

Retention period: Not specified. 14 CFR 121.685

1.9 Flag and domestic air carriers.

To retain copies of load manifests, dispatch releases, and flight plans.

Retention period: 3 months. 14 CFR 121.695

1.10 Flag and domestic air carriers.

To maintain records pertaining to radio contacts by or with pilots en route.

Retention period: 30 days. 14 CFR 121.711

1.11 Air taxi operators and commercial operators of small aircraft.

To maintain at principal business office (1) ATCO certificate, (2) operation's specifications, (3) a current list of aircraft used or available for use and the operations for which each is equipped and (4) an individual record of each pilot used (including name, certificate and ratings held, aeronautical experience, current duties, medical certificate, etc.), and (5) a load manifest.

Retention period: (1) and (2) Not specified; (3) and (4) 6 months; (5) at least 60 days. 14 CFR 135.43

1.12 Registered owners or operators of civil aircraft.

To keep (a) records of maintenance, alterations, 100-hour, annual, and progressive inspections, and other required or approved inspections for each aircraft, and for each airframe, engine, propeller, rotor, and appliance of an aircraft including a description of the work performed, the date the work was completed, and signature and certificate number of the persons approving the aircraft for return to service and (b) records of total time in service of airframe; current status of life limited parts of each airframe, engine, propeller, rotor, and appliance; time since last overhaul of all items required to be overhauled on a specified time basis; identification of current inspection status of aircraft, including time since last inspection required by inspection program under which aircraft and its appliances are maintained, current status of applicable airworthiness directives, including method of compliance; and a list of current major alterations to each airframe, engine, propeller, rotor, and appliance.

Retention period: (a) Until the work is repeated or superseded by other work or for 1 year after the work is performed; (b) transferred with the aircraft at the time the aircraft is sold. 14 CFR 91.173

1.13 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To keep a maintenance log of all action taken in the case of a reported or observed failure or malfunction of an airframe, engine, rotor, or appliance that is critical to the safety of flight.

Retention period: Not specified. 14 CFR 127.311

1.14 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To maintain records of every crewmember as is necessary to show compliance with the appropriate requirements of Federal Aviation Regulations and each action taken concerning the release from employment or physical or professional disqualification of any flight crewmember.

Retention period: At least 3 months. 14 CFR 127.301

1.15 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To retain copies of (a) load manifest, (b) flight release, and (c) airworthiness release forms.

Retention period: (a) and (b) At least 60 days; (c) at least 2 months. 14 CFR 127.307, 127.319

1.16 Air carriers.

To retain copy of shipper's certification for transportation of explosives and other dangerous articles.

Retention period: Not specified. 14 CFR 103.3

1.17 Pilots.

To keep a reliable record of the flight time used to meet the experience requirements for pilot certificate or rating, or the recent flight experience requirements, including as to each flight such general data as points of departure and arrival, date, duration, and type and identification of aircraft; type of piloting time; and conditions of flight.

Retention period: Not specified. 14 CFR 61.51

1.18 Domestic and flag air carriers, commercial operators engaged in intrastate common carriage, and foreign air carriers: X-ray systems. [Amended]

To maintain records of operator duty time and results of dosimeter evaluations.

Retention period: Not specified. 14 CFR 121.538a, 129.26

1.19 Flight instructors.

To maintain separately or in his logbook a record of (a) the name of each person to whom he has given flight or group instruction or whose student pilot certificate he has endorsed, and the date and type of each flight instruction period or endorsement, and (b) the name of each person for whom he has signed a recommendation for a written, flight, or practical test, including the kind of test, date of his certification, and the result of the test.

Retention period: 3 years. 14 CFR 61.189

1.20 Flight navigator training course operators.

To keep an accurate record of each student, including a chronological log of all instructions, subjects covered, and course examinations and grades.

Retention period: During continuation of approval of course. 14 CFR Part 63, App. B, para. (f)

1.21 Certificated parachute riggers.

To keep a record of the packing, maintenance, and alteration of parachutes performed or supervised by him.

Retention period: At least 2 years after the date record is made. 14 CFR 65.131

1.22 Aircraft dispatcher course operators.

To keep an accurate record of each student including a chronological log of all instructions, subjects covered, and course examinations and grades.

Retention period: During continuation of approval of course. 14 CFR Part 65, App. A, para. (g)

1.23 Certificated pilot schools.

To keep a current, accurate, and individual record of each student's participation and accomplishments in the course for which he is enrolled, including

a chronological log of his instruction, attendance, subjects covered, tests, and test grades.

Retention period: 1 year following student's graduation or termination of his participation in the training course. 14 CFR 141.101

1.24 Certificated domestic repair stations and applicants for a domestic repair station certificate and rating.

To maintain a roster of its supervisory and inspection personnel, and a summary of the employment of each person whose name is on the roster containing enough information to show compliance with experience requirements.

Retention period: Not specified. 14 CFR 145.43

1.25 Certificated domestic repair stations.

To maintain adequate records of work performed, naming the certificated mechanic or repairman who performed or supervised the work, and the inspector of that work.

Retention period: At least 2 years. 14 CFR 145.61

1.26 Certificated foreign repair stations.

To keep a record of the maintenance and alteration performed on United States registered aircraft.

Retention period: Not specified. 14 CFR 145.79

1.27 Certificated aviation maintenance technician schools.

To keep (a) current record of each student enrolled showing his attendance, tests, and grades received on subjects required, instruction credited by reason of instruction completed at another aviation maintenance technician school (or other specified source), and authenticated transcript of his grades; and (b) current progress chart or individual progress record showing the projects or laboratory work completed, or to be completed, by the student in each subject.

Retention period: At least 2 years after the end of the student's enrollment as to (a); (b) not specified. 14 CFR 147.33

1.28 Holders of parachute loft certificates.

To maintain records of work performed, including names of persons doing the work.

Retention period: At least 2 years. 14 CFR 149.15

1.29 Owners of VOR, nondirectional radio beacon, and instrument landing system facilities.

To keep for each facility the following records on the forms named, or on an equivalent form acceptable to the Regional Director: (a) Record of meter readings and adjustments—Form FAA-198 (1 copy); (b) Radio equipment operation record—Form FAA-418 (original); (c) VOR ground check error data, FAA Form 6790-4 (original—for VOR facilities only); and (d) a facility maintenance log—FAA Form 6030-1.

Retention period: Permanent for (a), (b), and (d); not specified for (c). 14 CFR 171.13, 171.33, 171.53, 171.73

1.30 Manufacturers of aircraft.

To maintain at factory, for each product type certificated under the delegation option procedures, current records containing the following: (a) technical data file including type design drawings, reports on tests, and original type inspection report and amendments; (b) data (including amendments) required with original application for each production certificate; (c) record of all rebuilding and alteration performed; (d) complete inspection record for each product manufactured; (e) record of reported service difficulties.

Retention period: (a), (b), and (c) for the duration of the manufacturing operation under the delegation option authorization; (d) and (e), 2 years. 14 CFR 21.293

1.31 Contractors for construction of public airports.

To keep payrolls and basic records during the course of the work for all laborers and mechanics as specified in the Appendix cited.

Retention period: 3 years from the completion of the work. 14 CFR 151.49; Part 151, App. H, para. C(1)

1.32 Sponsors of the construction of public airports.

To keep records of all affidavits and copies of payrolls furnished by the contractor.

Retention period: 3 years from the date of the completion of the contract. 14 CFR 151.53

1.33 Sponsors of the construction of public airports.

To retain in its files documentary evidence supporting each item of project cost, such as invoices, cost estimates and payrolls. Also evidence of all payments for items of project costs including vouchers, canceled checks or warrants, and receipts for cash payments.

Retention period: 3 years after final grant payment. 14 CFR 151.55

1.34 Supplemental air carriers and commercial operators.

To maintain originals or copies of load manifests, flight releases, flight plans, airworthiness releases, and pilot route certification.

Retention period: 6 months. 14 CFR 121.697

1.35 Commercial operators using large aircraft.

To retain a copy of each contract under which it provides service, or a memorandum stating elements of oral contracts, and of each contract amendment.

Retention period: 1 year after date of execution of contract or amendment. 14 CFR 121.713

1.36 Commercial agricultural aircraft operators.

To maintain records showing name and address of persons for whom service was provided, date of service, name and quantity of material dispersed for each operation conducted, and the name, address, and certificate number of each pilot used, and the date he met the requirements of 14 CFR 137.19(e).

Retention period: At least 12 months. 14 CFR 137.71

1.37 Designated alteration stations.

To maintain current records of technical data (including drawings, photographs, specifications, instructions, and reports) for each product for which it has issued a supplemental type certificate; list of products by make, model, manufacturer's serial number, etc.; and a file of information on alteration difficulties of products altered.

Retention period: For duration of the operation under the DAS authorization. 14 CFR 21.493

1.38 Flight engineer training course operators.

To keep a record of each student's training, including a chronological log of the subject course, attendance, examinations, and grades.

Retention period: At least 2 years after student graduates, fails, or drops from course. 14 CFR Part 63, App. C, para. (g)

1.39 Domestic, flag, and supplemental air carriers.

To keep a log of each flight conducted with a provisionally certificated airplane and to keep accurate and complete records of each inspection and all maintenance performed on the airplane.

Retention period: Not specified. 14 CFR 121.207

1.40 Domestic, flag, and supplemental air carriers, and commercial operators of large aircraft.

To keep, in the event of an accident or occurrence requiring immediate notification of the National Transportation Safety Board under Part 430 of its regulations, the information recorded on cockpit voice recorders.

Retention period: At least 60 days or longer if requested by the Administrator or the Board. 14 CFR 121.359

1.41 Domestic, flag, and supplemental air carriers.

To maintain, or determine that each person with whom it arranges to perform its required inspections maintains, a current listing of persons who have been trained, qualified, and authorized to conduct required inspections.

Retention period: Not specified. 14 CFR 121.371.

1.42 Aircraft and related products manufacturers holding Technical Standard Order Authorizations.

To keep records pertaining to each article manufactured including (a) a complete and current technical data file, design drawings, and specifications, and (b) complete and current inspection records.

Retention period: (a) Until the TSO article is no longer produced by the

manufacturer; (b) and at least 2 years. 14 CFR 37.13

1.43 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To keep a log of each flight conducted with a provisionally certificated helicopter and to keep accurate and complete records of each inspection made and all maintenance performed on the helicopter.

Retention period: Not specified. 14 CFR 127.85

1.44 Air carriers (utilizing helicopters in scheduled interstate air transportation).

To maintain, or determine that each person with whom it arranges to perform its required inspections maintains, a current listing of persons who have been trained, qualified, and authorized to conduct required inspections.

Retention period: Not specified. 14 CFR 127.135

1.45 Air travel clubs using large airplanes.

To maintain (a) current records of every crewmember and aircraft dispatcher, as is necessary to show compliance with the appropriate requirements of Federal Aviation Regulations and each action taken concerning the release from employment or physical or professional disqualification of flight crewmembers as aircraft dispatchers, and (b) an aircraft maintenance log.

Retention period: At least 6 months after termination of employment. 14 CFR 123.27 (retention: 121.683)

1.46 Sponsors and contractors of airport development and planning projects.

To keep records (a) pertaining to the expenditure of the Federal grant, the total cost, and amount supplied by other sources; (b) of affidavits and copies of payrolls furnished by the contractor; (c) of payrolls and other basic records of all laborers and mechanics; and (d) of disposition of non-expendable property which was acquired with Federal funds.

Retention period: 3 years (a) after the date of the submission of the final expenditure report; (b) from date of completion of the contract; (c) from completion of the work; and (d) after final disposition of the property. 14 CFR 152.-55, 152.59, 152.63, 152.143, Part 152, App. H, para. C.

1.47 Aircraft and related products manufacturers—production under type certificate only.

To maintain at the place of manufacture the technical data and drawing necessary for the Administrator to determine whether the product and its parts conform to the type design.

Retention period: Not specified. 14 CFR 21.123

1.48 Owners of non-Federal Simplified Directional Facilities (SDF); non-Federal Distance Measuring Equipment (DME) Facilities; and non-Federal VHF Marker Beacon Facilities.

To maintain: (a) record of meter readings and adjustments (Form FAA-198) reflecting an accurate record of facility operation and adjustment and must be revised after any major repair, modification, or retuning; (b) a facility maintenance log (FAA Form 6030-1), consisting of a permanent record of all equipment malfunctioning met in maintaining the facility, including information on the kind of work and adjustments made, equipment failures, causes (if determined), and corrective action taken; (c) a radio equipment operation record (Form FAA-418) containing a complete record of meter readings, recorded on each scheduled visit to the facility.

Retention period: (a) Permanent; (b) and (c) not specified. 14 CFR 171.117, 171.163, 171.213

1.49 Lessees and conditional buyers of U.S. registered large civil aircraft other than a foreign air carrier or certificate holder under 14 CFR Parts 121, 123, 127, 135, or 141.

To keep a copy of lease or contract of conditional sale, to which cited section applies, in the aircraft.

Retention period: Not specified. 14 CFR 91.54

1.50 Owners or maintenance representatives of ISMLS facilities.

To retain originals of FAA Forms 198, 418, and 6030-1 at the facility.

Retention period: FAA Forms 198 and 6030-1, permanent; FAA Form 418, not specified. 14 CFR 171.275

Persons needing further information about listed record retention requirements should contact the following:

Dewey R. Roark, Jr., Office of the Chief Counsel (AGC-20), Federal Aviation Administration, Washington, D.C. 20591. Telephone: 202-426-3235.

2. Federal Highway Administration

2.1 State highway departments or their agents.

To maintain all records and documents as may be prescribed in the "Retention Schedule of Federal-Aid Highway Records for State Highway Departments" relating to (a) projects undertaken pursuant to Federal law and regulations; (b) toll facilities financed in part with Federal funds; and (c) such other records as specified in the appendix to Part 17.

Retention period: (a) 3 years from date of final payment of Federal funds to State or as otherwise specified in the retention schedule; (b) at least 3 years after facility has been operated on a free basis; and (c) various. 23 CFR 17.105 and Part 17, Appendix A

2.2 State agencies administering relocation assistance programs.

To maintain relocation records, moving expense records, and replacement housing payments records as specified in section cited.

Retention period: Not specified. 23 CFR 740.14

2.3 Class I and II motor carriers.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1220

2.4 Class III motor carriers.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1220

2.5 State highway departments using airspace for nonhighway purposes. [Amended]

To maintain an inventory of all agreements.

Retention period: Not specified. 23 CFR 713.205.

2.6 [Reserved]

2.7 Carriers of migratory workers by motor vehicles.

To keep records as listed in the section cited.

Retention period: Various. 49 CFR 398.3

2.8 Motor carriers in interstate commerce transporting Class A or Class B explosives.

To maintain drivers' receipts for documents pertaining to safety and procedures in case of accident or delay.

Retention period: 1 year. 49 CFR 397.19

2.9 Motor carriers reviewing drivers' records.

To maintain records of all violations of motor vehicle traffic laws of which the driver has been convicted.

Retention period: Not specified. 49 CFR 391.27

2.10 All common, contract, and private motor carriers operating in interstate or foreign commerce, except private carriers of persons.

To maintain driver qualification files as listed in the section cited.

Retention period: Various. 49 CFR 391.51

2.11 All common, contract, and private motor carriers operating in interstate or foreign commerce, except private carriers of persons.

To maintain an accident register and associated documents as set out in the section cited.

Retention period: 3 years from the date of the occurrence of any accident recorded. 49 CFR 394.13

2.12 All common, contract, and private motor carriers operating in interstate or foreign commerce, except private carriers of persons.

To maintain drivers' daily logs as set out in the section cited.

Retention period: Approximately 1 year from the date the carrier receives the daily log from the driver. 49 CFR 395.8

2.13 All common, contract, and private motor carriers operating in interstate or foreign commerce, except private carriers of persons.

To maintain records of inspection and maintenance for each motor vehicle for the period the motor vehicle is controlled by the carrier as set out in the section cited.

Retention period: Varies. 49 CFR 396.2

2.14 All common, contract, and private motor carriers operating in interstate or foreign commerce, except private carriers of persons.

To maintain daily driver reports on the condition of motor vehicles as set out in the section cited.

Retention period: 3 months from date of the report. 49 CFR 396.7

2.15 Owners of private interstate toll bridges.

To keep records relating to construction, financing, and promotion of such bridges.

Retention period: At least 3 years after completion of bridge. 33 U.S.C. 528

2.16 States or municipalities or other political subdivisions or public agencies there of taking over or acquiring or constructing an interstate toll bridge.

To keep an accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating same, and of the daily tolls collected.

Retention period: Not specified. 33 U.S.C. 529

2.17 Contractors and subcontractors with direct Federal highway construction contracts.

To maintain such records as are necessary to determine compliance to the equal employment opportunity regulations.

Retention period: 3 years following completion of contract. 23 CFR Part 633, Subpart C, App. A, sec. 6(j)(2)

2.18 Contractors and subcontractors with Federal-aid highway construction contracts.

To maintain (a) payroll records during the course of the work for all laborers, mechanics, etc., working at the site, and (b) records of materials and supplies purchased.

Retention period: (a) 3 years after completion of the project, and (b) not specified. 23 CFR Part 633, Subpart A, App. A, sec. V, para. 5 and sec. VI, para. 2, and Subpart B, App. B, sec. VII, para. 5 and sec. VIII, para. 1.

2.19 Contractors and subcontractors holding State highway contracts other than competitively bid.

To maintain all books, documents, papers, accounting records, and other evidence pertaining to the costs incurred, and records supporting cost proposals.

Retention period: 3 years. 23 CFR 170.111

2.20 State highway departments administering metropolitan planning funds.

To maintain records necessary for audit, including identity of parties involved, purpose and statement of work, period of performance, consideration and payment, and cost principles.

Retention period: Not specified. 23 CFR 450.206

2.21 Applicants, railroad work reimbursement.

To maintain company cost records and accounts relating to project.

Retention period: 3 years after final payment received by company. 23 CFR 140.922

2.22 State highway agencies, bridge structure data. [Added]

To maintain an inventory of all bridge structure and appraisal data.

Retention period: Not specified. 23 CFR 650.311

2.23 State highway agencies, forest highway projects. [Added]

To maintain records for forest highway projects constructed under State supervision. The Federal Highway Administrator is to keep all forest highway records as listed in the Part cited.

Retention period: Not specified. 23 CFR 660.9

2.24 State highway agencies, hydraulic design and data computations. [Added]

To maintain reports and design computations for: (1) hydrologic and hydraulic data and design computations, (2) the analysis of the highway effect on stream stability, and (3) the favorable or adverse effects on the stream environment.

Retention period: In permanent files. 23 CFR 650.109

2.25 State highway agencies, negotiators for real property acquisition. [Added]

To maintain records of negotiation on a parcel basis.

Retention period: Not specified. 23 CFR 712.304(f)

2.26 Contractors and subcontractors other than Metropolitan Planning Organizations (MPO's) with State highway agencies to carry out research and development or planning studies. [Added]

Contractors and subcontractors to maintain all books, documents, papers, accounting records, and other evidence pertaining to costs incurred.

Retention period: 3 years after final payment to the contractor. 23 CFR 420.-205(a)(10)

2.27 Contractors and subcontractors of Metropolitan Planning Organizations (MPO's) with State highway agencies to carry out research and development or planning studies. [Added]

Contractors and subcontractors to maintain all records pertaining to costs incurred.

Retention period: 3 years after final payment to contractor. 23 CFR 420.205 (b)(8)

2.28 State highway agencies, State audit expense of contract costs. [Added]

To maintain records and accounts for the reimbursement of audit costs incurred by third parties pursuant to a State/claimant contract on Federal-aid and other highway projects undertaken with the Federal Highway Administration.

Retention period: Not specified. 23 CFR 140.805

2.29 State highway agencies, State legal expenses in contract claims. [Added]

To maintain records and accounts evidencing the State control over costs or expenses for reimbursement of administrative settlement costs, and other legal expenses in contract claims on Federal-aid projects.

Retention period: Not specified. 23 CFR 140.504(b)

2.30 State highway agencies, bond issue projects. [Added]

To maintain final vouchers for bond issue projects.

Retention period: 3 years. 23 CFR 140.607(b)

2.31 State highway agencies, construction contract EEO compliance procedures. [Added]

State highway agencies and FHwA Regional Offices to maintain EEO contract compliance review reports.

Retention period: Not specified. 23 CFR 230.413

2.32 State highway agencies, research and development property management. [Added]

To maintain an inventory record for each piece of nonexpendable equipment purchased or built under the Federal-aid research and development program.

Retention period: Not specified. 23 CFR 522.9

2.33 State highway agencies, research and development program. [Added]

To maintain internal reports to control R&D portion of the Highway Planning and Research (HP&R) work program, and fiscal accounting records for Federal-aid R&D program.

Retention period: Not specified. 23 CFR 524.7(c)(3) and (4)

2.34 Governors, State highway agencies, and police departments, speed limit enforcement. [Added]

To maintain records as listed in the Part cited.

Retention period: Not specified. 23 CFR 658.7

2.35 Governors, State highway agencies, and police departments, vehicle size and weight. [Added]

To maintain records as listed in the Part cited.

Retention period: Not specified. 23 CFR 658.9

2.36 State highway agencies, sign modification costs reimbursement. [Added]

To maintain cost records for reimbursement of funds used for sign modification.

Retention period: Not specified. 23 CFR 658.13

2.37 States, outdoor advertising. [Added]

To maintain records to be eligible for Federal participation concerning sign information for: (1) payment to sign owner, (2) payment to the site owner, and (3) relocation of signs prior to January 4, 1975.

Retention period: Not specified. 23 CFR 750.306

2.38 State highway agencies, noise study report. [Added]

To maintain final noise study report.

Retention period: Not specified. 23 CFR 772.11(c)(2)

2.39 State highway agencies, pavement marking demonstration program. [Added]

To maintain records of all data collected to carry out the pavement marking demonstration program.

Retention period: Not specified. 23 CFR 920

Persons needing further information about listed record retention requirements should contact the following:

Durward E. Timmons, Jr. (HCC–10), Office of the Chief Counsel, Federal Highway Administration, Washington, D.C. 20590. Telephone: 202–426–0761.

3. United States Coast Guard

3.1 Certificates or documents issued to the public by Coast Guard.

To maintain certificates or documents, as required by laws, rules, or regulations, for the applicable period of time.

Retention period: If the certificate or document (a) specifies a definite period of time for which it is valid, it shall be retained for so long as it is valid unless it is required to be surrendered; (b) does not specify a definite period of time for which it is valid, it shall be retained for that period of time such certificate or document is required for operation of the vessel; or, (c) is evidence of a person's qualifications, it shall be retained for so long as it is valid unless it is required to be surrendered. 46 CFR 2.95–1

3.2 Owners, masters or persons in charge of vessels required to have cargo gear certificates and/or registers, and records regarding such gear.

To keep on board the current, valid cargo gear certificate and/or register, and records regarding such gear, such as inspections and tests or examinations, original or certified copies of certificates of manufacturers and/or testing laboratories, companies, or organizations for loose cargo gear, wire rope, or the annealing of gear, and records of all tests and examinations conducted by or under the supervision of surveyors of organizations or associations approved by the Commandant.

Retention period: The cargo gear certificate and/or register shall be retained for so long as it is valid unless it is required to be surrendered, and in addition until the next Coast Guard inspection for certification of the vessel. The certificates of manufacturers and/or testing laboratories, companies, or organizations shall be maintained so long as the gear described in such certificates is on board the vessel. The records of inspections by ship's officers shall be maintained on the vessel for that period of time which agrees with the period covered by the current Coast Guard certificate of inspection issued to the vessel. 46 CFR 31.10–16, 31.37–75, 71.25–25, 71.47–75, 91.25–25, 91.37–75 (retention: 2.95–5)

3.3 Owners, masters, or persons in charge of vessels required to have performed tests and inspections of all firefighting equipment.

To keep on board records of required tests and inspections of all firefighting equipment.

Retention period: For the period of validity of the current Coast Guard certificate of inspection for the vessel. 46 CFR 31.10–18, 78.17–80, 97.15–60, 196.15–60

3.4 Owners, masters or persons in charge of new vessels having cargo gear described in approved plans.

To keep on board a set of approved plans of cargo gear showing a stress diagram with the principal details of the gear and a diagram showing arrangement and safe working loads.

Retention period: During period such cargo gear is on board vessel. 46 CFR 31.37–15, 31.37–20, 31.37–23, 71.47–15, 71.47–20, 71.47–23, 91.37–15, 91.37–20, 91.37–23 (retention: 31.37–75, 71.47–75, 91.37–75)

3.5 Masters of tank vessels or vessels towing tank barges transporting flammable or combustible cargo.

To keep on board a bill of lading manifest or shipping document giving name of consignee and the delivery point, the kind, grades, and approximate quantity of each kind and grade of cargo, and for whose account the cargo is being handled.

Retention period: Not specified. 46 CFR 35.01–10

3.6 Masters or persons in charge of vessels required to conduct fire and lifeboat drills.

To make entries in the ship's logs relating to the fire and lifeboat drills and examinations of emergency equipment.

Retention period: Until official log book is required to be surrendered to the Coast Guard, or for a vessel not required to use the official log book such logs shall be kept for a period of one year after date entries were made. 46 CFR 35.10–5, 78.17–50, 97.15–35, 167.65–1, 196.15–35

3.7 Owners, agents, masters, or persons in charge of vessels involved in marine casualties.

To keep such voyage records of the vessel as are maintained by the vessel, such as both rough and smooth deck and engineroom logs, bell books, navigation charts, navigation work books, compass deviation cards, gyro compass records, stowage plans, records of draft aids to mariners, radiograms sent and received, the radio logs, crew and passenger lists, articles of shipment, official logs, and other material which might be of assistance in investigating and determining the cause of the casualty.

Retention period: Until notification of completion of investigation is received from Coast Guard. 46 CFR 35.15–1, 78.07–15, 97.07–15, 167.65–65, 196.07–15

3.8 Masters or senior deck officer of tank ships in charge of transfer of flammable and combustible cargo.

To keep on board copy of Declaration of Inspection Prior to Bulk Cargo Transfer.

Retention period: 1 month. 33 CFR 156.150 (e) and (f)

3.9 Manufacturers or contractors responsible for welding and brazing procedures.

To maintain records of test results obtained in welding procedure, welder's performance qualifications, and identification data.

Retention period: Not specified. 46 CFR 57.02–3

3.10 Owners, masters, or persons in charge of nuclear vessels required to have "Operating Manuals."

To keep on board a copy of the approved "Operating Manual," which shall be kept up to date.

Retention period: At all times vessel has a nuclear reactor on board. 46 CFR 79.20–1, 99.20–1

3.11 Owners, operators, and masters of vessels.

To maintain (a) official logbooks or (b) for those not required to have such a logbook, logs and records as prescribed by regulations.

Retention period: (a) Until filed with Officer in Charge, Maritime Inspection; (b) other, 1 year. 46 CFR 35.07–5, 35.07–10, 46.10–55, 78.37–3, 78.37–5, 97.35–3, 97.35–5

3.12 Persons holding certificates or documents of other public agencies or private organizations.

To maintain such certificates or documents which are accepted as prima facie evidence of compliance with Coast Guard requirements.

Retention period: If the certificate or document (a) specifies a definite period of time for which it is valid, it shall be retained for so long as it is valid unless it is required to be surrendered; (b) does not specify a definite period of time for which it is valid, it shall be retained for

the period of time such certificate or document is required for operation of the vessel; or (3) is evidence of a person's qualifications, it shall be retained for so long as it is valid unless it is required to be surrendered. 46 CFR 2.95–5

3.13 Owners, their agents, or persons in charge of Outer Continental Shelf artificial or fixed structures involved in marine casualties.

To maintain records concerning loss of life, injury, damage incurred, and need for emergency equipment as indicated in sections cited.

Retention period: Not specified. 33 CFR 146.01–20; 46 CFR 4.05–15

3.14 Owners of manned platforms.

To maintain report records of all emergency drills.

Retention period: 1 year. 33 CFR 146.05–25

3.15 Masters of vessels storing explosives for a period exceeding 24 hours (other than barges, magazine vessels, and oceanographic vessels). [Amended]

To make an entry in the vessel's log book for each inspection of the storage of the explosives.

Retention period: 1 year for vessels. 46 CFR 146.02–22

3.16 Carriers shipping explosives or other dangerous articles. [Amended]

To keep shipping orders, manifests, or other shipping documents, cargo lists, cargo stowage plans, reports, papers, and records as required to be prepared.

Retention period: 1 year. 46 CFR 146.02–22

3.17 Owners, agents, masters, and operators of vessels involved in a marine casualty.

To maintain voyage records such as logs, charts, books, lists, and such other material as may be related to the casualty.

Retention period: Not specified. 46 CFR 4.05–15

3.18 Masters of vessels subject to load line requirements.

To maintain on board a copy of the load line survey report which shall be made available for inspectors and surveyors when carrying out subsequent load line surveys.

Retention period: For period of current certificate (5 years). 46 CFR 42.09–1, 43.01–40

3.19 [Deleted]

3.20 Masters of towing vessels towing barges transporting or storing explosives or other dangerous articles or substances, and combustible liquids, as cargo.

To keep on board dangerous cargo manifests, lists, bills of lading, or shipping documents.

Retention period: During the period of transportation or storage. 46 CFR 151.45–7

3.21 [Deleted]

3.22 [Reserved]

3.23 Manufacturers of equipment or material which must be approved or found satisfactory for use.

To keep the required drawings, plans, blueprints, specifications, production models (if any), qualification tests, and related correspondence containing evidence that the Coast Guard has found such equipment satisfactory, during the period of time the approval or listing is valid.

Retention period: Not specified. Most of the specifications containing detailed descriptions of records to be retained are contained in 46 CFR Parts 160—164. 46 CFR 2.95–10

3.24 Each voluntary association holding a Certification of Authorization under the Great Lakes Pilotage Uniform Accounting System.

To keep all books, records and memoranda and file them in such a manner to readily permit the audit and examination thereof by representatives of the U.S. Coast Guard. Also, the records must be housed or stored in such a manner as to afford protection from loss, theft or damage by fire, flood or otherwise.

Retention period: 10 years unless otherwise authorized by the Commandant. 46 CFR Part 403

3.25 Masters or operators of vessels subject to Oil Pollution Act of 1961, as amended.

To keep on board an Oil Record Book as prescribed by 33 CFR 151.35.

Retention period: As specified in 33 CFR 151.35(h)

3.26 Owners, operators, and/or masters of oceanographic vessels.

(a) To keep official logbook, or (b) for vessels not required to have such a logbook, to keep their own logs or records as prescribed by regulations.

Retention period: (a) 1 year or for period of validity of vessel's current certificate of inspection, whichever is longer; (b) 1 year, except for separate records of tests and inspections of firefighting equipment, which shall be maintained for the period of validity of the vessel's certificate of inspection. 46 CFR 196.35–3, 196.35–5

3.27 Masters of ships subject to International Convention on Load Lines, 1966. [Amended]

To enter in the ships logs, before departure from loading port, the data required by 46 U.S.C. 86g(b) and 88e, including statements of load line marks applicable to the voyage, position of load line marks, and actual drafts of the vessel.

Retention period: Until official logbook is surrendered to Coast Guard, or 1 year for ships not required to use official logbook. 46 CFR 42.07–20

3.28 Manufacturers of marine sanitation devices.

To maintain records required to determine compliance with the act.

Retention period: Not specified. 33 U.S.C. 1322(g)(3)

3.29 Nonprofit firms or associations designated to certify containers for international transport under Customs seal.

To maintain copy of each Certificate of Approval by design type issued, together with copy of plans and applications to which approval refers, and records of manufacturer's serial number assigned to containers manufactured under each approval and such other records as indicated in section cited.

Retention period: Not specified. 46 CFR 421.30

3.30 Operators of oil transfer facilities.

To maintain (a) letter of intent, name of person in charge of transfer, operations, equipment, tests and inspections, hose, information, facility inspection record, and (b) signed copy of each declaration of inspection for facility.

Retention period: (a) Not specified; (b) 1 month from date of signature. 33 CFR 154.740, 156.150

3.31 Owners and operators of vessels engaged in oil transfer operations.

To maintain (a) name of person in charge of transfer operations, date and results of tests, hose information, and valve inspection data; and (b) signed copy of each declaration of inspection for such vessel-to-vessel transfer.

Retention period: (a) Not specified; (b) 1 month from date of signature. 33 CFR 155.820, 156.150

3.32 Licensees, deepwater ports.

(a) To maintain documentation of the designation and qualifications of key deepwater port personnel.

(b) To maintain a record of all machinery, both fixed and portable, such as generators, cargo pumps, fire pumps, and discharge containment and removal systems; and a record of all fire fighting, lifesaving, and other emergency equipment.

(c) To maintain a record of the name, nationality, and owner of vessels discharging crude oil at deepwater ports; the country of origin of crude oil; and the total quantity of oil transferred.

(d) To maintain signed copies of the declaration of inspection of the deep water port form.

Retention period: (a) Duration of each individual's employment at the deepwater port by the licensee; (b) 1 year for each monthly emergency drill required, 3 years for test and inspection performed by port personnel; (c) 3 years; (d) 1 month from date of signature. 33 CFR 150.753, 150.755, 150.757, 150.759

Persons needing further information about listed record retention requirements should contact the following:

Stanley M. Colby, Office of the Chief Counsel (G–LRA/81), United States Coast Guard, Washington, D.C. 20590. Telephone: 202–426–1534.

4. Federal Railroad Administration [Revised]

4.1 Railroad companies.

To keep records pertaining to Federal financial assistance as prescribed by the

Secretary or the United States Railway Association.

Retention period: 3 years after implementation of the final system plan, but with respect to certain matters, until the financial assistance has been repaid. 45 U.S.C. 722(a)

4.2 Railroad companies.

To keep records as prescribed by the following sections:

(a) To keep a record of each inspection of track, switch, and track crossing. Retention period: 1 year after the inspection covered by the record. 49 CFR 213.241

(b) To retain a record or copy of information cards attached to or removed from defective railroad cars. Retention period: 90 days. 49 CFR 215.9

(c) To keep a record of the date and place of each operational test and inspection. Retention period: 1 year. 49 CFR 217.9(d)

(d) To keep a record of each notification to the operator of remotely controlled switches that work is to be performed and that each remotely controlled switch has been lined against movement to that track and locked as prescribed by 49 CFR 218.29(a). Retention period: 30 days. 49 CFR 218.29(a) (effective 1/11/77)

(e) To maintain logs, supplementary records, and annual summaries relating to railroad accidents. Retention period: 5 years after end of calendar year to which they relate. 49 CFR 225.25, 225.27(a).

(f) To retain duplicates of all forms submitted to Federal Railroad Administration relating to railroad accidents. Retention period: 2 years after end of calendar year to which they relate. 49 CFR 225.27(b)

(g) To keep such records as the Administrator shall prescribe concerning the disposition of grants, contracts, or other arrangements. Retention period: 3 years after completion of the project or undertaking. 49 CFR 255.19

(h) To keep books, documents, papers, and reports used as justification for matching share contributions. Retention period: 3 years after completion of the project or undertaking. 49 CFR 267.17 (effective 2/11/77)

4.3 Electric railway companies.

To keep records as listed in Part 1220. Retention period: Various. 49 CFR 1220

Persons needing further information about listed record retention requirements should contact the following:

Rufus S. Watson, Jr. (RCC), Office of the Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590. Telephone: 202–426–7710.

5. [Reserved]

6. Materials Transportation Bureau

Pipeline Safety

6.1 Welders of steel materials to be used in pipelines.

To keep records of welding procedures that have been qualified under either section IX of the ASME Boiler and Pressure Vessel Code or section 2 of API Standard 1104.

Retention period: As long as procedure is used. 49 CFR 192.225(c)

6.2 Operators of natural gas pipelines.

Records must be retained showing by milepost, engineering station, or by geographic feature, the number of girth welds made, the number nondestructively tested, the number rejected and the disposition of the rejects whenever nondestructive testing is required under 192.241(b).

Retention period: Life of the pipeline. 49 CFR 192.243(f)

6.3 Operators of natural gas pipelines.

To keep records of safety tests required with names of those involved, methods used, and results of the tests.

Retention period: Duration of pipeline's use. 49 CFR 192.517

6.4 Operators of natural gas pipelines.

To retain records of each segment of pipeline that has been uprated showing each investigation required by the subpart, all work performed and each pressure test conducted in connection with the uprating.

Retention period: Life of the segment of pipeline. 49 CFR 192.553(b)

6.5 Operators of natural gas pipelines.

To keep records necessary to administer the operating and maintenance plan established for each segment of pipeline.

Retention period: Not specified. 49 CFR 192.603(b)

6.6 Operators of natural gas transmission lines.

To keep records governing each leak discovered, repair made, transmission line break, leakage survey, line patrol and inspection.

Retention period: As long as the segment of transmission line involved remains in service. 49 CFR 192.709

6.7 Operators of liquid pipelines.

To retain records of the nondestructive testing of welds, including (if radiography is used) the developed film, with so far as practicable, the location of the weld.

Retention period: 3 years following the placement of the line in operation. 49 CFR 195.234(g)

6.8 Operators of liquid pipelines.

To maintain records showing the total number of girth welds and the number nondestructively tested, including the number rejected and the disposition of each rejected; the amount, location, and cover of each size of pipe installed; the location of each crossing of another pipeline; the location of each buried utility crossing; the location of each overhead crossing; the location of each valve, weighted pipe, corrosion test station, or other item connected to the pipe.

Retention period: Life of each facility. 49 CFR 195.266

6.9 Operators of liquid pipelines.

To retain records of each hydrostatic test including the recording gauge charts, deadweight tester data, and the reasons for any failure during a test. Where elevation differences in the section under test exceed 100 feet, a profile of the pipeline that shows the elevation and test sites over the entire length of the test section must also be included.

Retention period: As long as the facility tested is in use. 49 CFR 195.310

6.10 Operators of liquid gas pipelines.

To maintain maps and records of its pipeline systems including at least the location and identification of all major facilities, all crossings of public roads, railroads, rivers, buried utilities and foreign pipelines, the maximum operating pressure of each pipeline, the diameter, grade, type and nominal wall thickness of all pipe.

Retention period: Not specified. 49 CFR 195.404(a)

6.11 Operators of liquid pipelines.

To maintain daily operating records that indicate the discharge pressures at each pump station and any unusual operations of a facility.

Retention period: At least 3 years. 49 CFR 195.404(b)

6.12 Operators of liquid pipelines.

To maintain records that indicate the date, location and description of each repair made to its pipeline systems as well as a record of each inspection and test required by the subpart.

Retention period: Useful life of the part of the pipeline system to which the record relates. 49 CFR 195.404(c)

6.13 Operators of natural or other gas pipelines.

To maintain corrosion control records and maps as indicated in section cited.

Retention period: Length of pipeline service. 49 CFR 192.491

6.14 Operators of liquid pipelines.

To maintain, at the principal place of business, a copy of each accident report required to be filed with the Director, Office of Pipeline Safety.

Retention period: Not specified. 49 CFR 195.54

6.15–6.19 [Reserved]

Hazardous Materials

6.20 [Reserved]

6.21 Manufacturers of compressed gas cylinders.

To maintain data sheets recording the results of visual inspections of certain compressed gas cylinders.

Retention period: Permanent. 49 CFR 173.34(e)(10)

6.22 Owners of compressed gas cylinders.

To maintain records showing results of reinspection and retest of such cylinders.

Retention period: Until expiration of retest period, or until cylinder is rein-

spected and retested, whichever occurs first. 49 CFR 173.34(e)(5)

6.23 Motor carriers operating MC 330 and MC 331 cargo tanks.

To maintain (a) records showing each MC 330 and MC 331 in service, (b) records relating to reason for, and date of, withdrawal of certification of cargo tank, (c) copies of reports filed with Director and records of inspections, and (d) records of analysis for prescribed water-content in ammonia.

Retention period: (a) to (c) During period of service and at least 1 year thereafter; (d) 2 years. 49 CFR 173.33, 173.315, 177.824

6.24 Owners of tank motor vehicles transporting flammable liquids.

To maintain records of inspection as required in section cited.

Retention period: 2 years after date of inspection. 49 CFR 177.824(b)

6.25 Manufacturers of cylinders and tanks.

To maintain (a) inspector's report on specification DOT-39 cylinders, and (b) test samples on specification DOT-56 and 57 portable tanks.

Retention period: (a) 3 years; (b) 1 year. 49 CFR 178.65-15(a), 178.251-5(a)

6.26 Motor carriers operating cargo tanks.

To maintain manufacturer's data report and certificate of compliance and related papers on specification MC331 cargo tanks; and manufacturer's certificate of compliance on specifications MC 306, 307, and 312 cargo tanks.

Retention period: During time of use of tank plus 1 year thereafter. 49 CFR 178.337-18(b), 178.340-10(c)

6.27 Cargo tank manufacturers.

To maintain sketch of location of plate in specification MC331 cargo tank and records of welder qualification in fabrication of such cargo tanks.

Retention period: 5 years. 49 CFR 178.337-2(a)(3), 178.337-4(b)

6.28 Owners of portable tanks carrying hazardous materials.

To maintain records (a) of manufacturer's data report and (b) date and results of all required tests.

Retention period: (a) During time used, and (b) until satisfactory completion of next retest. 49 CFR 173.32 (a) and (e)(4)

6.29 Shippers of hazardous materials offered by or consigned to the Department of Defense. [Amended]

To maintain duplicate certification of each shipment.

Retention period: Not less than 1 year. 49 CFR 173.7(a)(1), 177.806(a)(1)

6.30 Owners of foreign containers.

To maintain records showing results of retests of foreign containers.

Retention period: Until the next scheduled retest date. 49 CFR 173.301(j)

6.31 [Reserved]

6.32 Shippers subject to cargo security advisory standards.

To maintain records as specified in section cited.

Retention period: Various. 49 CFR 85.33 and Appendix, secs. 85-1.19, 85-1.33, 85-1.35, 85-1.41, 85-2.49, 85-3.13, 85-3.71

6.33 Owners of tank cars.

To maintain record of (a) reports of latest tests and (b) inspection results of DOT 106A and DOT 106A-W tank cars.

Retention period: (a) Until next test has been accomplished and recorded; (b) permanently. 49 CFR 173.31(c)(8), (d)(8), and (d)(9)

6.34 Shippers of special form radioactive material.

To maintain complete certificate and supporting safety analysis to indicate compliance with requirements of sections cited.

Retention period: 1 year after latest shipment. 49 CFR 173.394(a)(1), 173.-395(a)(1), 173.398(a)(4) Note 1

6.35 Motor carriers using cargo tank vehicles.

To maintain manufacturing and testing certificate and any other data furnished.

Retention period: For length of time cargo tank is used and for 1 year thereafter. 49 CFR 177.814(a)

6.36 Manufacturers of shipping containers.

To maintain (a) test results of spec 34 containers; (b) inspectors report on spec 3T cylinders; (c) tests and results of spec 33A polystyrene cases; (d) report of tests results on spec 23H fiberboard boxes; and (e) records of qualification of spec 51 portable tanks.

Retention period: (a) Not specified; (b) as long as cylinders are authorized for use by regulations; (c) and (d) 1 year; (e) 5 years. 49 CFR 178.19-7(d), 178.45-18(a), 178.150-6b, 178.219-14, 178.245-1(a)

Persons needing further information about listed record retention requirements should contact the following:

Louise Mills, Chief, Docket Section (MTH-11), Materials Transportation Bureau, Washington, D.C. 20590. Telephone: 202-426-2077.

7. National Highway Traffic Safety Administration

7.1 States participating in the National Highway Safety Program.

To maintain records described in Highway Safety Program Standards 1, 2, 5, 10, and 14.

Retention period: Not specified. 23 CFR 204.4

7.2 Manufacturers of complete or incomplete motor vehicles.

To maintain list of names and addresses of first purchasers or subsequent purchasers to whom a warranty has been transferred and vehicle identification number involved in each safety defect notification campaign.

Retention period: 5 years after defect information report is submitted to the Administrator. 49 CFR 573.6

7.3 Manufacturers, brand name owners, distributors, and dealers of new and retreaded tires.

To maintain records of name and address of tire purchaser and tire seller, and the tire identification number.

Retention period: 3 years from date the tire manufacturer records the information is submitted. 49 CFR 574.7, 574.8

7.4 Tire manufacturers.

To maintain records of each distributor or dealer purchasing tires directly from him and selling them to purchasers, number of tires purchased, and number of tires for which reports have been received from distributor or dealer.

Retention period: 3 years from date the tire manufacturer records the information is submitted. 49 CFR 574.7

7.5 Manufacturers of motor vehicles.

To maintain records of tires on or in each vehicle shipped to a distributor or dealer, and the name and address of the first purchaser.

Retention period: 3 years from date of sale of vehicle to first purchaser. 49 CFR 574.10

7.6 Manufacturers of motor vehicles and tires.

To maintain records of names and addresses of first purchasers of motor vehicles and tires produced.

Retention period: Not specified. 15 U.S.C. 1418(b)

7.7 Motor vehicle manufacturers.

To maintain records containing information concerning malfunctions that may be related to motor vehicle safety.

Retention period: 5 years. 49 CFR 576.6 (retention: 576.5)

Persons needing further information about listed record retention requirements should contact the following:

Roger Tilton, Office of the Chief Counsel (N40-3-), National Highway Traffic Safety Administration, Washington, D.C. 20590. Telephone: 202-426-2077.

8. Office of the Secretary

8.1 State agencies participating in relocation assistance programs.

(a) To maintain all documents associated with an appeal.

Retention period: Not specified. 49 CFR 25.21 (b)(4)

(b) To maintain information on each project as specified in section cited.

Retention period: Not specified. 49 CFR 25.77

(c) To maintain relocation accounts and records.

Retention period: 3 years after completion of project. 49 CFR 25.23, 25.235

Persons needing further information about listed record retention requirements should contact the following:

Robert I. Ross, Office of the General Counsel (TGC), Department of Transportation, Washington, D.C. 20590. Telephone: 202-426-4723.

XI. DEPARTMENT OF THE TREASURY

1. Bureau of Government Financial Operations

1.1 Public and private agencies holding refugee relief loans.

To maintain adequate books and records relating to the funds borrowed from the Secretary of the Treasury under the Refugee Relief Act of 1953, as amended, and resettlement loans made therefrom.

Retention period: During life of the loan. 31 CFR 290.5

Persons needing further information about listed record retention requirements should contact the following:

Paperwork Management Officer, BGFO, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place, NW., Washington, D.C. 20226. Telephone: 202–566–8711.

2. Comptroller of the Currency

2.1 National bank loans in flood areas.

To maintain, in connection with all loans secured by improved real estate or a mobile home, sufficient records to indicate the method used by the bank to determine whether or not such loans fall within the provisions of regulations requiring flood insurance, prohibiting loans in certain areas, or exempting certain self-insured State-owned property.

Retention period: Not specified. 12 CFR 22.5

2.2 National banks exercising trust powers.

To keep a separate set of books and records showing in proper detail all permissible fiduciary transactions engaged in under regulations and State and local law.

Retention period: Not specified. 12 CFR 9.8

2.3 National banks' shareholder lists.

To maintain a stock register book containing names and residences of all shareholders, such book to be kept in the main office of the bank.

Retention period: Permanent. 12 U.S.C. 62

2.4 Certificates executed by national banks under Exception 13 of R.S. 5200.

To keep certificates, executed by an officer of the bank designated by the board of directors for that purpose, in support of loans made based on negotiable or nonnegotiable installment consumer paper where the bank has in fact evaluated and is relying primarily on the makers for the payment of such obligations.

Retention period: Until repayment of the loan. 12 U.S.C. 84

2.5 Directors and principal officers of national banks.

To maintain on file with the bank a statement of his outside business interests and of certain transactions between the bank and the outside business interests.

Retention period: During the tenure of the reporting person as an official of the bank, plus 2 years and until repayment of specified credits. 12 CFR 23.3, 23.4

2.6 Investments in securities by national banks: credit information required.

To maintain credit information demonstrating prudence in evaluating public and investment securities.

Retention period: Not specified. 12 CFR 1.8

2.7 Security devices required in national banks.

To maintain records showing the name(s) and title(s) of law enforcement officer(s) who advises bank on installation, maintenance, and operation of appropriate security devices.

Retention period: Not specified. 12 CFR 21.5(b)

2.8 Banks dealing with bank service corporations.

To retain a letter recognizing the right of the Comptroller to examine and regulate the activities of a bank service corporation or other supplier of bank services.

Retention period: Not specified. 12 CFR 7.7390

Persons needing further information about listed record retention requirements should contact the following:

Mr. Richard H. Neiman, Staff Attorney, Comptroller of the Currency, 490 L'Enfant Plaza SW. Washington, D.C. 20219. Telephone: 202–447–1880.

3. United States Customs Service

3.1 Owners, importers, consignees, and agents handling merchandise for repairs, alterations, or processing.

To maintain certificates of registration as indicated in sections cited.

Retention period: 2 years from date of final liquidation of final quantity covered by certificate of registration. 19 CFR 10.8, 10.9

3.2 Vessels withdrawing, delivering, or receiving fuel oil.

To maintain all pertinent records, including financial records relating to the withdrawal, delivery, or receipt of such fuel oil.

Retention period: Not specified. 19 CFR 10.62

3.3 Importers and manufacturers of master records and metal matrices.

To maintain plant and account records relating to such records and matrices.

Retention period: Not specified. 19 CFR 10.90

3.4 Exporting carriers of merchandise.

To maintain records of claims and settlement of export freight charges, and any other records which may relate to the transaction.

Retention period: Not specified. 19 CFR 18.7

3.5 Cigar manufacturing warehouse proprietors.

To maintain record of each transfer of scraps, cuttings, and clippings to cigar or tobacco manufacturer operating under internal revenue laws; and application for such transfer.

Retention period: Not specified. 19 CFR 19.16

3.6 Manufacturers, processors, or dealers entering or withdrawing wool or hair of the camel under bond or receiving wool or hair by transfer under bond.

To keep records showing (a) in case of entry or withdrawal, the quantity, entered clean content, identity, and description of such wool or hair; (b) in case of receipt by transfer, the quantity, description, and date of transfer certificate of wool or hair and name and address of transferor.

Retention period: Records relating to bonded wool or hair—3 years after the imported wool or hair has been used in manufacturing; records of transferor, where the wool or hair has been charged against the transferee—3 years from date of transfer. 19 CFR 10.93 (retention: 10.95)

3.7 Manufacturers or processors of products and substances resulting wholly or in part from bonded wool or hair of the camel.

To keep records showing (a) date or inclusive dates of processing of each lot or inclusive dates of each period of manufacture; (b) quantity, identity, and description of wool or hair not previously processed put into process; (c) quantity and description of all intermediate products, stocks in process, and wastes not described put into process; (d) quantity and description of final products and quantity by weight of wool or hair content; (e) quantity of wastes remaining on hand; (f) inventory of wool and hair on hand at close of each abstract period; (g) quantities and description of any yarns spun.

Retention period: Records relating to bonded wool or hair—3 years after the imported wool or hair has been used in manufacturing; records of transferor, where the wool or hair has been charged against the transferee—3 years from date of transfer. 19 CFR 10.94 (retention: 10.95)

3.8 Manufacturers, processors, or dealers of articles of wool or hair of the camel.

To keep records showing quantity, description, and wool or hair content of all articles delivered from their premises pursuant to transfer under bond, purchase, consignment, or otherwise; date of delivery; name and address of person to whom delivered; exact designation; price paid or agreed upon.

Retention period: Records relating to bonded wool or hair—3 years after the imported wool or hair has been used in manufacturing; records of transferor, where the wool or hair has been charged against the transferee—3 years from date of transfer. 19 CFR 10.95

3.9 Licensed cartmen and lightermen.

To maintain written records relating to cartage and lighterage as may be re-

quired by district directors of Customs for local Customs administration.

Retention period: Not specified. 19 CFR 112.29

3.10 Importers of petroleum products subject to duty at a specific rate transferred to shore storage tanks.

To maintain file of plans of each shore tank and certified gauge tables at the plant of the oil company.

Retention period: Not specified. 19 CFR 151.44

3.11 Operators of importing vessels, aircraft, or vehicles.

To maintain evidence to support a claim of nonimportation or proper disposition of merchandise manifested but not found on board the importing vessel, aircraft, or vehicle.

Retention period: 1 year. 19 CFR 4.12, 6.7, 123.9

3.12 Proprietors of bonded smelting and/or refining warehouses operating under section 312, Tariff Act of 1930, as amended.[35]

To keep such records of the operation that will show the quantities of metal-bearing materials (a) on hand at the beginning of the period and the dutiable contents thereof; (b) received during the period and the dutiable contents thereof; (c) total to be accounted for and the dutiable contents thereof; (d) on hand at the end of the period and the dutiable contents thereof; and (e) worked during the period and the dutiable contents thereof.

Retention period: 5 years from date of statement. 19 CFR 19.19

3.13 Importers, exporters, proprietors of Customs bonded warehouses, bonded common carriers, and others handling imported wheat in continuous Customs custody.

To maintain such records as will enable Customs officers to verify the handling to which imported wheat has been subjected and the proper accounting of any increase or shortage in quantity from shrinkage or other factor.

Retention period: 2 years after date of transaction. 19 CFR 19.34

3.14 Manufacturers or producers of articles manufactured or produced in the United States with the use of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313(a), Tariff Act of 1930.[35]

To keep records showing the date or inclusive dates of manufacture or production of the articles, the quantity and identity of the imported duty-paid merchandise used or appearing in the exported articles, the quantity and description of finished product obtained, and, if valuable waste is incurred in manufacture and claim is not based on the quantity of imported merchandise appearing in the exported articles, the value of the imported merchandise used in manufacture and the quantity and value of the waste incurred, and, in cases where two or more products are obtained, the values thereof at the time of separation.

Retention period: At least 3 years after payment of drawback claims. 19 CFR 22.4, 22.6 (retention: 22.46)

3.15 Manufacturers or producers of articles manufactured or produced in the United States with the use, in certain cases, of substituted merchandise in lieu of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313(b), Tariff Act of 1930, as amended.[35]

To keep detailed records pertaining to duty-paid merchandise or other articles manufactured or produced under drawback regulations with the use of such merchandise designated as the basis for the allowance of drawback on the exported articles.

Retention period: At least 3 years after payment of drawback claims. 19 CFR 22.5, 22.6 (retention: 22.46)

3.16 Manufacturers or producers of flavoring extracts and medicinal or toilet preparations (including perfumery) manufactured or produced in the United States with the use of domestic taxpaid alcohol and intended for exportation with benefit of drawback under section 313(d), Tariff Act of 1930, as amended.[35]

To keep records similar to those required of manufacturers or producers in the case of articles manufactured or produced in the United States with the use of imported duty-paid merchandise and intended for exportation with benefit of drawback under section 313(a), Tariff Act of 1930.

Retention period: At least 3 years after payment of drawback claims. 19 CFR 22.23, 22.24 (retention: 22.46)

3.17 Licensed customhouse brokers.

To keep current records of account reflecting all their financial transactions as customhouse brokers, including a copy of each entry made with all supporting papers, except those documents they are required to file with Customs, powers of attorney, copies of all correspondence and other papers relating to customs business and, except for certain specified limitations, a record of transactions of licensed customhouse broker (Customs Form 3079) in addition to the regular records of account.

Retention period: At least 6 years after the date of entry. When merchandise is withdrawn from a bonded warehouse, copies of papers relating to the withdrawal shall be retained for 6 years from the date of withdrawal. Powers of attorney shall be retained until revoked, and revoked powers of attorney and letters of revocation shall be retained for 6 years after the date of revocation. Records may be retained on microfilm pursuant to section cited. 19 CFR 111.21, 111.22 (retention: 111.23)

3.18 Importers of merchandise subject to actual use provisions.

To maintain records showing use or disposition of imported merchandise.

Retention period: 3 years from date of liquidation of entry. 19 CFR 10.137

3.19 Manufacturers of car, compartment, and package seals.

To maintain records relating to the purchase, sale or distribution of Customs approved seals.

Retention period: 3 years. 19 CFR 24.13a

3.20 Importers of metal articles to be used in remanufacture by melting.

To maintain plant and import records relating to such remanufacture.

Retention period: Not specified. 19 CFR 54.6

3.21 Alcoholic beverage warehouse proprietors.

To maintain records relating to entry and withdrawal of alcoholic beverages by foreign military personnel under item 822.20 of the United States Tariff Schedules (19 U.S.C. 1202).

Retention period: At least 3 years from date of entry or withdrawal of such beverages. 19 CFR 148.90

3.22 Importers and assemblers, articles assembled abroad with U.S. components.

To maintain records of U.S. components showing quantities, sources, costs, dates shipped abroad and other necessary information in order to waive certain entry requirements.

Retention period: Not specified. 19 CFR 10.24

Persons needing further information about listed record retention requirements should contact the following:

All items except 3.2, 3.4, 3.9, and 3.11, Director, Regulatory Audit Division (O:R), U.S. Customs Service, Room 2116, 1301 Constitution Avenue, Washington, D.C. 20229. Telephone: 202–566–2812.

Items 3.2, 3.4, 3.9, and 3.11, Director, Inspection & Control Division (O:I), U.S. Customs Service, Room 4148, 1301 Constitution Avenue, Washington, D.C. 20229. Telephone: 202–566–2366.

4. Internal Revenue Service

NOTE: The following items refer to requirements issued under the Internal Revenue Code of 1939 and the Internal Revenue Code of 1954 which were in effect as of January 1, 1977. All regulations applicable under any provision of law in effect on August 16, 1954, the date of enactment of the 1954 Code, are applicable to the corresponding provisions of the 1954 Code insofar as such regulations are not inconsistent with the 1954 Code, and such regulations remain applicable to the 1954 Code until superseded by regulations under such Code. The Internal Revenue Service points out that the omission from this compilation of any record retention requirement provided for by law or regulation issued thereunder shall not be construed as authority to disregard any such requirement. The Service also points out that persons subject to income tax are bound by the retention requirement given in item 4.1 regardless of other requirements which for other purposes allow shorter retention periods.

The record retention requirements of the Internal Revenue Service are divided into the following categories: Income, Estate, Gift, Employment, and Excise Taxes.

[35] These records are required to be kept by manufacturers or producers, proprietors of bonded smelting and/or refining warehouses operating under section 312, Tariff Act of 1930, and importers.

INCOME TAX

4.1 Persons subject to income tax.

(a) *General.* Except as provided in paragraph (b), any person subject to tax, or any person required to file a return of information with respect to income shall keep such permanent books of account or records, including inventories, as are sufficient to establish the amount of gross income, deductions, credits, or other matters required to be shown by such person in any return of such tax or information.

(b) *Farmers and wage-earners.* Individuals deriving gross income from the business of farming, and individuals whose gross income includes salaries, wages, or similar compensation for personal services rendered, are required to keep such records as will enable the district director to determine the correct amount of income subject to the tax, but it is not necessary that these individuals keep the books of account or records required by paragraph (a).

(c) *Exempt organizations.* In addition to the books and records required by paragraph (a) with respect to the tax imposed on unrelated business income, every organization exempt from tax under section 501(a) of the Code shall keep such permanent books of account or records, including inventories, as are sufficient to show specifically the items of gross income, receipts, and disbursements, and other required information.

Retention period: So long as the contents thereof may become material in the administration of any internal revenue law. 26 CFR 1.6001–1

4.1a Section 38 property; computation of investment credit and qualified investment.

(a) *Component members of a controlled group on a December 31 apportionment of $25,000 amount.* To keep as a part of its records a copy of the statement containing all the required consents to the apportionment plan. 26 CFR 1.46–1

(b) *Persons computing qualified investment in certain depreciable property.* Maintain sufficient records to determine whether section 47 of the Internal Revenue Code, relating to certain dispositions of section 38 property, applies with respect to any asset. 26 CFR 1.46–3

(c) *Recomputation of credit and qualified investment.* Maintain records which will establish with respect to each item of section 38 property, the following facts: (1) The date the property is disposed of or otherwise ceases to be section 38 property, (2) the estimated useful life which was assigned to the property for computing qualified investment, (3) the month and the taxable year in which property was placed in service, and (4) the basis (or cost), actually or reasonably determined, of the property.

Taxpayers who, for purposes of determining qualified investment, do not use a mortality dispersion table with respect to section 38 assets similar in kind but who consistently assign to such assets separate lives based on the estimated range of years taken into consideration in establishing the average useful life of such assets, must, in addition to the above records, maintain records which will establish to the satisfaction of the district director that such asset has not previously been considered as having been disposed of. 26 CFR 1.47–1

(d) *Disposition or cessation of section 38 property.* Any taxpayer who seeks to establish his interest in a trade or business, a former electing small business corporation, an estate or trust, or a partnership, shall maintain adequate records to demonstrate his indirect interest after any such transfer or transfers. 26 CFR 1.47–3, 1.47–4, 1.47–5, 1.47–6

(e) *Persons selecting used section 38 property, $50,000 cost limitation.* To maintain records which permit specific identification of any item of used section 38 property selected, which was placed in service by the person selecting the property. Each member, other than the filing member, of a controlled group shall retain as part of its records a copy of the apportionment statement which was attached to the filing member's return. 26 CFR 1.48–3

(f) *Election of lessor of new section 38 property to treat lessee as purchaser.* The lessor and the lessee shall keep as a part of their records the statements filed with the lessee, signed by the lessor and including the written consent of the lessee. 26 CFR 1.48–4

Retention period: See Item 4.1

4.1b Apportionment of the first $25,000 of the work incentive program (WIN) credit among members of a controlled group of corporations.

Each component member of the group shall keep a copy of the statement containing all the required consents. 26 CFR 1.50A–1

Retention period: See Item 4.1.

4.1c Persons claiming that a recomputation of the work incentive program (WIN) credit is not required by the early termination of a participating employee.

To maintain sufficient records to support claim that a termination of employment falls within the exceptions specified in the section cited.

Retention period: Expiration of the pertinent period of limitations. 26 CFR 1.50A–4

4.1d Persons maintaining that the transfer of an interest in a former small business corporation, estate or trust, or partnership for an interest in another entity does not result in a diminution requiring a recapture of the work incentive program (WIN) credit.

To maintain adequate records to demonstrate their indirect interest after any such transfer or transfers. 26 CFR 1.50A–5, 1.50A–6, 1.50A–7

Retention period: See Item 4.1.

4.1e Persons participating in employer accident or health plans.

To maintain records as are necessary to substantiate amount treated as their investment in their annuity contract. 26 CFR 1.72–15

Retention period: See Item 4.1.

4.1f Persons not totally blind claiming the additional exemption for blindness.

To retain a copy of the certified opinion of the examining physician skilled in the disease of the eye that there is no reasonable probability that his visual acuity will ever improve beyond the minimum standards described in section 1.151–1 (d)(3) of the regulations. 26 CFR 1.151–1(d)(4)

Retention period: See Item 4.1.

4.2 Persons paying travel or other business expenses incurred by an employee in connection with the performance of his services.

To maintain adequate and detailed records of ordinary and necessary travel, transportation, entertainment, and other similar business expenses, including identification of amount and nature of expenditures, and to keep supporting documents, especially in connection with large or exceptional expenditures. 26 CFR 1.162–17

Retention period: See Item 4.1.

4.3 Persons claiming allowance for depreciation of property used in trade or business or property held for the production of income.

To keep records and accounts with respect to basis of property, depreciation rates, reserves, salvage, retirements, adjustments, elections, property excluded from elections, cost of repair, maintenance or improvement of property, agreements with respect to estimated useful life, rates and salvage, and other factors. 26 CFR 1.167(a)–7, 1.167(a)–11, 1.167(a)–12, 1.167(d)–1

Retention period: See Item 4.1.

4.3a Persons changing method of depreciation of section 1245 or section 1250 property.

To maintain records which permit specific identification of section 1245 or section 1250 property in the account with respect to which the election is made, and any other property in such account. The records shall also show for all the property in the account the date of acquisition, cost or other basis, amounts recovered through depreciation and other allowances, the estimated salvage value, the character of the property, and the remaining useful life of the property. 26 CFR 1.167(e)–1, 1.167(j)–1

Retention period: See Item 4.1.

4.3b Persons claiming depreciation with respect to residential rental property.

To maintain a record of the gross rental income derived from a building, and the portion thereof which constitutes gross rental income from dwelling units, in addition to records required under section 1.167(a)–7(c) with respect

to property in a depreciation account. 26 CFR 1.167(j)-3

Retention period: See Item 4.1.

4.3c Persons claiming depreciation of expenditures to rehabilitate low-income rental housing.

To maintain detailed records which permit specific identification of the rehabilitation expenditures that are permitted to be allocated to individual dwelling units under the allocation rules and income certifications that must be obtained from tenants who propose to live in rehabilitated dwelling units after the close of the certification year. 26 CFR 1.167(k)-2, 1.167(k)-3

Retention period: See Item 4.1.

4.3d Persons claiming a deduction for amounts expended in maintaining certain students as a member of household.

To keep adequate records of amounts actually paid in maintaining a student as a member of the household. For certain items, such as food, a record of amounts spent for all members of the household, with an equal portion thereof allocated to each member, will be acceptable. 26 CFR 1.170-2, 1.170A-2

Retention period: See Item 4.1.

4.3e Persons claiming a deduction for a charitable contribution to a private nonoperating foundation that distributes an amount equal to all contributions received. [Added]

Obtain adequate records or other sufficient evidence from such foundation showing that the information made the required qualifying distributions within the time prescribed.

Retention period: See Item 4.1. 26 CFR 1.170A-9(g)(4)

4.4 Persons electing to treat trademark or trade name expenditures as deferred expenses.

To make an accounting segregation on his books and records of trademark and trade name expenditures, for which the election has been made, sufficient to permit an identification of the character and amount of each expenditure and the amortization period selected for each expenditure. 26 CFR 1.177-1

Retention period: See Item 4.1.

4.5 Persons electing additional first-year depreciation allowance for section 179 property.

To maintain records which permit specific identification of each piece of "section 179 property" and reflect how and from whom such property was acquired. 26 CFR 1.179-4

Retention period: See Item 4.1.

4.5a Persons electing to deduct rehabilitation expenditures with respect to certain railroad rolling stock.

To maintain a separate section 263(e) record, as specified in the section cited, for each unit for which rehabilitation expenditures are deducted, and to maintain records for expenditures deducted as incidental repairs and maintenance. 26 CFR 1.263(e)-1

Retention period: See Item 4.1.

4.6 Persons receiving any class of exempt income or holding property or engaging in activities the income from which is exempt.

To keep records of expenses otherwise allowable as deductions which are directly allocable to any class or classes of exempt income and amounts of items or parts of items allocated to each class. 26 CFR 1.265-1

Retention period: See Item 4.1.

4.7 Taxpayer substantiation of expenses for travel, entertainment, and gifts related to active conduct of trade or business.

A taxpayer must substantiate each element of an expenditure by adequate records or sufficient evidence corroborating his own statements. 26 CFR 1.274-1, 1.274-5

Retention period: See Item 4.1.

4.7a Persons who file a waiver of attribution agreement with respect to a redemption of stock in termination of their interest.

To retain copies of income tax returns and any other records indicating fully the amount of tax which would have been payable had the redemption been treated as a distribution subject to section 301. 26 CFR 1.302-4

Retention period: See Item 4.1.

4.7b Corporations using different methods of depreciation for taxable income and earnings and profit.

To maintain records which show the depreciation taken each year and which will allow computation of the adjusted basis of the property in each account using depreciation taken. 26 CFR 1.312-15(d)

Retention period: See Item 4.1.

4.8 Corporations receiving distributions in complete liquidation of subsidiaries.

To keep records showing information with respect to the plan of liquidation and its adoption. 26 CFR 1.332-6

Retention period: See Item 4.1.

4.9 Qualified electing shareholders receiving distributions in complete liquidation of domestic corporations other than collapsible corporations.

To keep records in substantial form showing all facts pertinent to the recognition and treatment of the gain realized upon shares of stock owned at the time of the adoption of the plan of liquidation 26 CFR 1.333-6

Retention period: See Item 4.1.

4.10 Persons who participate in a transfer of property to a corporation controlled by the transferor.

To keep records in substantial form showing information to facilitate the determination of gain or loss from a subsequent disposition of stock or securities and other property, if any, received in the exchange. 26 CFR 1.351-3

Retention period: See Item 4.1.

4.11 Persons who participate in a tax-free exchange in connection with a corporate reorganization.

To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange, or any liabilities to which any of the properties received were subject), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange. 26 CFR 1.368-3

Retention period: See Item 4.1.

4.12 Corporations which are parties to reorganizations in pursuance of court orders in receivership, foreclosure, or similar proceedings, or in proceedings under Chapter X of the Bankruptcy Act [Renumbered from 4.13]

To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange. 26 CFR 1.371-2

Retention period: See Item 4.1.

4.13 Persons who exchange stock and securities in corporations in accordance with plans of reorganizations approved by the courts in receivership, foreclosure, or similar proceedings, or in proceedings under Chapter X of the Bankruptcy Act. [Renumbered from 4.12]

To keep records in substantial form showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received (including any liabilities assumed upon the exchange), in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange. 26 CFR 1.371-1

Retention period: See Item 4.1.

4.14 Railroads participating in a tax-free reorganization.

Records in substantial form must be kept by every railroad corporation which participates in a tax-free exchange in connection with a reorganization under section 374(a) of the Internal Revenue Code, showing the cost or other basis of the transferred property and the amount of stock or securities and other property or money received, including any liabilities assumed upon the exchange, in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received from the exchange.

Retention period: Permanent. 26 CFR 1.374-3

4.15 Records required in computing depreciation allowance carryovers of acquiring corporations in certain corporate acquisitions.

Records shall be maintained in sufficient detail to identify any depreciable property to which section 1.381(c)(6)-1 of the regulations applies and to establish the basis thereof. 26 CFR 1.381(c)(6)-1

Retention period: See Item 4.1.

4.16 Corporations and shareholders for whom elections are filed with respect to the tax treatment of corporate reorganizations.

To keep permanent records of all relevant data in order to facilitate the determination of gain or loss from a subsequent disposition of stock or securities or other property acquired in the transaction in respect of which the election was filed. 26 CFR 1.393-3

Retention period: See Item 4.1.

4.16a Qualified pension or annuity plans with provisions for certain medical benefits.

To keep a separate account for record-keeping purposes with respect to contributions received to fund medical benefits described in section 401(h) of the Internal Revenue Code. 26 CFR 1.401-14

Retention period: See Item 4.1.

4.17 Employers maintaining a pension, annuity, stock bonus, profit-sharing, or other funded plan of deferred compensation.

To keep records substantiating all data and information required to be filed with respect to each plan. 26 CFR 1.404(a)-2, 1.404(a)-2A

Retention period: See Item 4.1.

4.18 Persons required to seek the approval of the Commissioner in order to change their annual accounting period.

To keep adequate and accurate records of their taxable income for the short period involved in the change and for the fiscal year proposed. 26 CFR 1.442-1

Retention period: See Item 4.1.

4.19 Persons selling by the installment method.

(a) *Installment method.* In adopting the installment method of accounting the seller must maintain such records as are necessary to clearly reflect income. A dealer who desires to compute income by the installment method shall maintain accounting records in such a manner as to enable an accurate computation to be made by such method.

(b) *Revolving credit plan.* The percentage of charges under a revolving credit plan which will be treated as sales on the installment plan shall be computed by making an actual segregation of charges in a probability sample of the revolving credit accounts in order to determine what percentage of charges in the sample is to be treated as sales on the installment plan. The taxpayer shall maintain records in sufficient detail to show the method of computing and applying the sample. 26 CFR 1.453-1, 1.453-2

Retention period: See Item 4.1.

4.19a Prepaid dues income.

A taxpayer who makes an election with respect to prepaid dues income shall maintain books and records in sufficient detail to enable the district director to determine upon audit that additional amounts were included in the taxpayer's gross income for any of the three taxable years preceding such first taxable year. 26 CFR 1.456-7

Retention period: See Item 4.1.

4.20 Persons engaged in the production, purchase, or sale of merchandise.

(a) *General.* To keep a record of inventory, properly computed and summerized, conforming to the best accounting practices in the trade or business which clearly reflects income, enables inventories to be verified, and is consistent from year to year.

(b) *Manufacturers—full absorption method.* To maintain records and working papers to support burden rate calculations; and to preserve at his principal place of business all records, data, and other evidence relating to the full absorption values of inventory resulting from an election to change to the full absorption method. 26 CFR 1.471-1, 1.471-2, 1.471-11

Retention period: See Item 4.1.

4.20a Persons permitted or required to use the LIFO method of inventory valuation.

(a) *General.* To maintain such supplemental and detailed inventory records as will enable the District Director to verify the inventory computations.

(b) *Dollar-value method.* To maintain adequate records to support the appropriateness, accuracy, and reliability of the index or link-chain method. 26 CFR 1.472-2, 1.472-8

Retention period: See Item 4.1.

4.20b Controlled entities arm's length charges.

To maintain adequate books and records to permit verification of costs or deductions when a factor in determining the arm's length charge for services rendered to other members of a controlled group. 26 CFR 1.482-2(b)(3)

Retention period: See Item 4.1.

4.20c Supplemental Unemployment Benefit Trusts.

To maintain records indicating the amount of separation benefits and sick and accident benefits which have been provided to each employee. If a plan is financed, in whole or in part, by employee contributions to the trust, the trust must maintain records indicating the amount of each employee's total contributions allocable to separation benefits. 26 CFR 1.501(c)(17)-2(j)

Retention period: See Item 4.1.

4.20d Farmer's cooperative marketing and purchasing associations.

To keep permanent records of the business done both with members and nonmembers, which show that the association was operating during the taxable year on a cooperative basis in the distribution of patronage dividends to all producers. While under the Code patronage dividends must be paid to all producers on the same basis, this requirement is complied with if an association, instead of paying patronage dividends to nonmember producers in cash, keeps permanent records from which the proportionate shares of the patronage dividends due to nonmember producers can be determined, and such shares are made applicable toward the purchase price of a share of stock or of a membership in the association. 26 CFR 1.521-1

Retention period: See Item 4.1.

4.21 Corporations claiming deduction for dividends paid.

To keep permanent records necessary (a) to establish that dividends with respect to which the deduction is claimed were actually paid during the taxable year, and (b) to supply the information required to be filed with the income tax return of the corporation. To also keep canceled dividend checks and receipts obtained from shareholders acknowledging payment. 26 CFR 1.561-2

Retention period: See Item 4.1.

4.21a Mutual savings banks, etc., maintaining reserves for bad debts.

To maintain as a permanent part of its regular books of account, an account for: (1) a reserve for losses on nonqualifying loans, (2) a reserve for losses on qualifying real property loans, and (3) if required, a supplemental reserve for losses on loans. A permanent subsidiary ledger containing an account for each of such reserves may be maintained. 26 CFR 1.593-7

Retention period: See Item 4.1.

4.21b Mutual savings banks, etc., making capital improvements on land acquired by foreclosure.

To maintain such records as are necessary to reflect clearly, with respect to each particular acquired property, the cost of each capital improvement and whether the taxpayer treated minor capital improvements with respect to such property in the same manner as the acquired property. 26 CFR 1.595-1

Retention period: See Item 4.1.

4.22 Persons claiming allowance for cost depletion of natural gas property without reference to discovery value or percentage depletion.

To keep accurate records of periodical pressure determinations where the annual production is not metered. 26 CFR 1.611-2

Retention period: See Item 4.1.

4.23 Persons claiming an allowance for depletion and depreciation of mineral property, oil and gas wells, and other natural deposits.

To keep a separate account in which shall be accurately recorded the cost or other basis of such property together with subsequent allowable capital additions to each account and all other required adjustments; and, to assemble, segregate, and have readily available at his principal place of business, all the supporting data which is used in compiling certain summary statements required

to be attached to returns and such other records as indicated in sections cited. 26 CFR 1.611–2, 1.611–5, 1.613–6

Retention period: See Item 4.1.

4.23a Persons claiming an allowance for depletion of timber property. [Renumbered from 4.24]

To keep accurate ledger accounts in which shall be recorded the cost or other basis of the property and land together with subsequent allowable capital additions in each account and all other adjustments. In such accounts there shall be set up separately the quantity of timber, the quantity of land, and the quantity of other resources, if any, and a proper part of the total cost or value shall be allocated to each after proper provision for immature timber growth. The timber accounts shall be credited each year with the amount of the charges to the depletion accounts or the amount of the charges to the depletion accounts shall be credited to depletion reserves accounts. 26 CFR 1.611–3

Retention period: See Item 4.1.

4.23b Partnerships claiming an allowance for depletion of oil and gas property. [Added]

Each partner to keep separately records of his share of the adjusted basis in each oil and gas property of the partnership.

Retention period: Not specified. 26 U.S.C. 613A as amened by Pub. L. 94–455

4.23c Mineral property, taxable income computation, allocation of section 1245 gain. [Renumbered from 4.23a]

Taxpayer shall have available permanent records of all the facts necessary to determine with reasonable accuracy the portion of any gain recognized under section 1245(a)(1) of the Code which is properly allocable to the mineral property in respect of which the taxable income is being computed. In the absence of such records, none of the gain recognized under section 1245(a)(1) shall be allocable to such mineral property. 26 CFR 1.613–5

Retention period: See Item 4.1.

4.24 Persons computing gross incomes from mining by use of representative market or field price [Renumbered from 4.23b]

To keep records as to the source of his pricing information and relevant supporting data. 26 CFR 1.613–4(c)(5)

Retention period: See Item 4.1.

4.25 Persons electing to aggregate separate operating mineral interests.

To maintain adequate records and maps that shall contain a description of the aggregation and the operating mineral interests within the operating unit which are to be treated as separate properties apart from the aggregation. A general description, accompanied by appropriately marked maps, which accurately circumscribes the scope of the aggregation and identifies the properties which are to be treated separately will be sufficient. There shall also be included a description of the operating unit in sufficient detail to show that the aggregated operating mineral interests are properly within a single operating unit. 26 CFR 1.614–2

Retention period: See Item 4.1.

4.26 Persons with separate operating mineral interests in the case of mines.

To maintain adequate records and maps and statements of election as indicated in the section cited. 26 CFR 1.614–3

Retention period: See Item 4.1.

4.26a Persons aggregating operating mineral interests in oil and gas wells in a single tract or parcel of land.

To obtain accurate and reliable information, and keep records with respect thereto, establishing all facts necessary for making the computations prescribed for the fair market value method of determining basis on the aggregation. 26 CFR 1.614–6

Retention period: See Item 4.1.

4.26b Persons electing to treat separate operating mineral interests in oil and gas wells in a single tract or parcel of land as separate properties.

To maintain and have available records and maps sufficient to clearly define the tract or parcel and all of the taxpayer's operating mineral interests therein. 26 CFR 1.614–8

Retention period: See Item 4.1.

4.26c Trustee of trust claiming charitable remainder interest deduction, incompetent grantor.

To retain certificate of incompetency or a copy of the judgment or decree and any modification thereof. 26 CFR 1.642(c)–2(b)(3)

Retention period: See Item 4.1

4.26d Pooled income fund investing or reinvesting any portion of its properties jointly with other properties.

To maintain records which identify the portion of the total fund which is owned by the pooled income fund and the income earned by, and attributable to, such portion. 26 CFR 1.642(c)–5

Retention period: See Item 4.1.

4.26e Trusts-accumulation distribution allocated to preceding years.

For all taxable years of a trust, the trustee must retain copies of the trust's income tax return as well as information pertaining to any adjustments in the tax shown as due on the return. Trustee shall also retain trust's records required by section 6001 of the Internal Revenue Code and the regulations thereunder for each taxable year for which the period of limitations on assessment of tax under section 6501 of the Code has not expired. 26 CFR 1.666(d)–1A

Retention period: See Item 4.1.

4.26f Life insurance companies issuing contracts with reserves based on segregated asset accounts.

To keep such permanent records and other data relating to such contracts as is necessary to enable the District Director to determine the correctness of the application of the separate accounting rules and the accuracy of the computations. 26 CFR 1.801–8(c)

Retention period: See Item 4.1.

4.27 Life insurance companies distributing dividends to policyholders.

Every life insurance company claiming a deduction for dividends to policyholders shall keep such permanent records as are necessary to establish the amount of dividends actually paid during the taxable year. Such company shall also keep a copy of the dividend resolution and any necessary supporting data relating to the amounts of dividends declared and to the amounts held or set aside as reserves for dividends to policyholders during the taxable year.

Retention period: Permanent. 26 CFR 1.811–2

4.27a Domestic mutual life insurance companies with contiguous country branches which make an election under sec. 819A. [Added]

To establish and maintain a separate account for the various items attributable to contracts insuring residents of a country contiguous to the U.S.

Retention period: Not specified. 26 U.S.C. 819A as amended by Pub. L. 94–455

4.28 Life insurance companies with respect to the optional treatment of policies reinsured under modified coinsurance contracts.

The reinsured and reinsurer shall maintain as part of their permanent books of account any subsequent amendments to the original modified coinsurance contract between the reinsured and reinsurer. 26 CFR 1.820–2

Retention period: See Item 4.1.

4.29 Regulated investment companies.

(a) To maintain records showing the information relative to the actual owners of its stock contained in the written statements to be demanded from the shareholders.

(b) To maintain records showing the maximum number of its shares (including the number and face value of securities convertible into stock) to be considered as actually or constructively owned by each of the actual owners of its stock during the last half of its taxable year.

(c) To maintain a list of persons failing or refusing to comply in whole or in part with its demand for statements respecting ownership of its shares.

(d) To keep a record of the proportion of each capital gain dividend which is gain described in section 1201(d)(1) or (2) of the Internal Revenue Code of 1954 for taxable years ending after 1969, and beginning before 1975.

(e) To keep a record of the proportion of undistributed capital gains which are gains described in section 1201(d)(1) or (2) of the Code for taxable years ending after 1969, and beginning before 1975. 26 CFR 1.852–4(c)(3), 1.852–6, 1.852–9(a)(1)(iii) and (c)(3).

Retention period: See Item 4.1.

4.29a Shareholders of regulated investment companies.

To keep copy C of Form 2439 furnished for the regulated investment company's taxable years ending after 1969, and beginning before 1975, to show increases in the shareholder's adjusted basis of shares of such company. 26 CFR 1.852–9

Retention period: See Item 4.1.

4.30 Real estate investment trust.

(a) To keep a record of the proportion of each capital dividend which is gain described in section 1201(d) (1) or (2) of the Internal Revenue Code of 1954 for taxable years ending after 1969, and beginning before 1975.

(b) To maintain records showing the information relative to the actual owners of its stock contained in the written statements to be demanded from its shareholders.

(c) To maintain records showing the maximum number of its shares (including the number and face value of securities convertible into stock) to be considered as actually or constructively owned by each of the actual owners of its stock during the last half of its taxable year.

(d) To maintain a list of persons failing or refusing to comply in whole or in part with its demand for statements respecting ownership of its shares. 26 CFR 1.857–4(e)(2), 1.857–6

Retention period: See Item 4.1

4.31 Persons claiming credit for taxes paid or accrued to foreign countries and possessions of the United States.

To keep readily available for comparison on request the original receipt for each such tax payment, or the original return on which each such accrued tax was based, a duplicate original, or a duly certified or authenticated copy, in case only a sworn copy of a receipt or return is submitted. 26 CFR 1.905–2

Retention period: See Item 4.1.

4.32 Western Hemisphere trade corporations.

To keep records substantiating income tax statement showing that its entire business is done within the Western Hemisphere and if any purchases are made outside the Western Hemisphere, the amount of such purchases, the amount of its gross receipts from all sources, and any other pertinent information. 26 CFR 1.921–1

Retention period: See Item 4.1.

4.32a Persons or corporations seeking to come within the exception to the limitation on reduction in income tax liability incurred to the Virgin Islands, under section 934 of the Internal Revenue Code of 1954.

Must maintain such records and other documents as are necessary to determine the applicability of the exception. 26 CFR 1.934–1

Retention period: See Item 4.1.

4.32b United States shareholders of controlled foreign corporations.

To provide permanent books of account or records which are sufficient to verify for the taxable year subpart F, export trade, and certain other classes of income; gross income excluded from base company income and the increase in earnings invested in United States property; also, if the Commissioner has issued a determination letter granting authority for excluding certain income from foreign base company income, a copy of the letter shall be retained. 26 CFR 1.954–1(b)(4)(v), 1.964–3, 1.964–4

Retention period: See Item 4.1.

4.32c Domestic international sales corporations (DISCs); foreign investment attributable to producer's loans.

To keep permanent books or records as are sufficient to establish the transactions, amounts, and computations described in the section cited. 26 CFR 1.995–5 (f) and (g)

Retention period: See Item 4.1.

4.32d Election to use the average basis method for certain regulated investment company stock.

To maintain records as are necessary to substantiate the average basis (or bases) used on an income tax return in reporting gain or loss from the sale or transfer of shares. 26 CFR 1.1012–1

Retention period: See Item 4.1.

4.33 Executors or other legal representatives of decedents, fiduciaries of trusts under wills, life tenants and other persons to whom a uniform basis with respect to property transmitted at death is applicable.

To make and maintain records showing in detail all deductions, distributions, or other items for which adjustment to basis is required to be made. 26 CFR 1.1014–4

Retention period: See Item 4.1.

4.34 Persons making or receiving gifts of property acquired by gift after December 31, 1920.

To preserve and keep accessible a record of the facts necessary to determine the cost of the property and, if pertinent, its fair market value as of March 1, 1913, or its fair market value as of the date of the gift, to insure a fair and adequate determination of the proper basis. 26 CFR 1.1015–1

Retention period: See Item 4.1.

4.35 Persons participating in exchanges or distributions made in obedience to orders of the Securities and Exchange Commission.

To keep records in substantial form showing the cost or other basis of the property transferred and the amount of stock or securities and other property (including money) received. 26 CFR 1.1081–11

Retention period: See Item 4.1.

4.36 Stock or security holders records of distribution pursuant to the Bank Holding Company Act of 1956.

Each stock or security holder who receives stock or securities or other property upon a distribution made by a qualified bank holding corporation under section 1101 of the Internal Revenue Code shall maintain records of all facts pertinent to the nonrecognition of gain upon such distribution. 26 CFR 1.1101–4

Retention period: See Item 4.1.

4.36a Gain upon sale or exchange of obligations issued at an original issue discount after December 31, 1954.

Taxpayer shall keep a record of the issue price and issue date upon or with each such obligation (if known or reasonably ascertainable by him). If the obligation held is an obligation of the United States received from the United States in an exchange upon which gain or loss is not recognized because of section 1037(a) of the Code (or so much of section 1031 (b) or (c) as relates to section 1037(a)), the taxpayer shall keep sufficient records to determine the issue price of such obligations for purposes of applying section 1.1037–1 of the regulations upon the disposition or redemption of such obligations. 26 CFR 1.1232–3(f)

Retention period: See Item 4.1.

4.37 Persons engaged in arbitrage operations in stock and securities.

To keep records that will clearly show that a transaction has been timely and properly identified as an arbitrage operation. Such identification must ordinarily be entered in the taxpayer's records on the day of the transaction. 26 CFR 1.1233–1

Retention period: See Item 4.1.

4.37a Grantors of straddles.

In the case of a multiple option where the number of options to sell and the number of options to buy are not the same or if the terms of all the options are not identical, the grantor must indicate in his records the individual serial number of, or other characteristic symbol imprinted upon, each of the two individual options which comprise the straddle, or by adopting any other method of identification satisfactory to the Commissioner. Such identification must be made before the expiration of the fifteenth day after the day on which the multiple option is granted and is applicable to multiple options granted after January 24, 1972. 26 CFR 1.1234–2

Retention period: See Item 4.1.

4.38 Record retention requirements for corporations and shareholders with respect to the substantiation of ordinary loss deductions on small business corporation stock.

(a) *Corporations.* The plan to issue stock which qualifies under section 1244 of the Internal Revenue Code must appear upon the records of the corporation. In addition, in order to substantiate an ordinary loss deduction claimed by its shareholders, the corporation should maintain records as indicated in section cited.

(b) *Shareholders.* Any person who claims a deduction for an ordinary loss on stock under section 1244 of the Code shall file with his income tax return for the year in which a deduction for the loss is claimed a statement setting forth information indicated in section cited.

In addition, a person who owns "section 1244 stock" in a corporation shall maintain records sufficient to distinguish such stock from any other stock he may own in the corporation. 26 CFR 1.1244(e)-1

Retention period: See Item 4.1.

4.38a Foreign investment companies.

To maintain and preserve such permanent books of account, records, and other documents as are sufficient to establish what its taxable income would be if it were a domestic corporation. Generally, if the books and records are maintained in the manner prescribed by regulations under section 30 of the Investment Company Act of 1940, the requirements shall be considered satisfied. 26 CFR 1.1247-5

Retention period: See Item 4.1.

4.38b Recomputed basis of section 1245 property and additional depreciation adjustments to section 1250 property when such property is sold, exchanged, transferred, or involuntarily converted.

To maintain permanent records which include (1) the date and manner in which the property was acquired, (2) the basis on the date the property was acquired and the manner in which the basis was determined, (3) the amount and date of all adjustments to basis, and (4) similar information with respect to other property having an adjusted basis reflecting depreciation or amortization adjustments by the taxpayer, or by another taxpayer on the same or other property. 26 CFR 1.1245-2, 1.1250-2

Retention period: See Item 4.1.

4.39 Persons involved in the liquidation and replacement of lifo inventories.

To keep detailed records such as will enable the Commissioner, in his examination of the taxpayer's return for the year of replacement, readily to verify the extent of the inventory decrease claimed to be involuntary in character and the facts upon which such claim is based, all subsequent inventory increases and decreases, and all other facts material to the replacement adjustment authorized. 26 CFR 1.1321-1, 1.1321-2

Retention period: See Item 4.1.

4.40 Unincorporated business electing to be taxed as a domestic corporation.

To keep records, render statements, and make returns in the same manner as a domestic corporation and maintain such other records as indicated in the sections cited. 26 CFR 1.1361-10, 1.1361-14

Retention period: See Item 4.1.

4.41 Records by small business corporations of (1) distributions of previously taxed income and (2) undistributed taxable income.

A small business corporation must keep records of (1) distributions of the net share of the previously taxed income of each shareholder and (2) each person's share of undistributed taxable income. In addition, each shareholder of such corporation shall keep a record of his own net share of previously taxed income and undistributed taxable income and shall make such record available to the corporation for its information. 26 CFR 1.1375-4; 1.1375-6

Retention period: See Item 4.1.

4.41a Persons required to withhold tax on nonresident aliens, foreign corporations, and tax-free covenant bonds on payments of income made on and after January 1, 1957.

To keep copies of Forms 1042 and 1042S. 26 CFR 1.1461-2

Retention period: See Item 4.1.

4.41b Affiliated group; (1) intercompany transactions, accounting for deferred gain or loss, and (2) alocation of Federal income tax liability.

(1) Maintain permanent records (including work papers) which will properly reflect the amount of deferred gain or loss and enable the group to identify the character and source of the deferred gain or loss to the selling member and apply the applicable restoration rules. (2) If an affiliated group elects to use the method of allocating Federal income tax liability provided in section 1.1502-33(d)(2)(i) of the regulations, it must maintain specific records to substantiate the tax liability of each member on a separate return basis for purposes of paragraphs (a)(1) and (b)(1) of such subdivision (i). In addition, allocations of tax liability may be made in accordance with any other method approved by the Commissioner, but a condition of such approval shall be that the group maintain specific records to substantiate its computations pursuant to such method. 26 CFR 1.1502-13(c)(5), 1.1502-33, 1.1552-1

Retention period: See Item 4.1.

4.41c Withholding agents making payment to nonresident aliens, foreign partnerships, or foreign corporations after December 31, 1971, which are subject to a reduced rate or an exemption from tax pursuant to a tax treaty.

To maintain Form 1001, Ownership, Exemption, or Reduced Rate Certificate.

Retention period: *Coupon bond interest* at least 4 years after the close of the calendar year in which the interest is paid; *Income other than coupon bond interest or dividends* at least 4 years after the close of the calendar year in which the interest is paid; *Noncoupon bond interest* at least 4 years after the interest is paid. 26 CFR 1.1441-6, 1.1461-1

4.42 Tax-exempt organizations.

(a) *General.* To keep records and books of account pertaining to information included in the annual return, including items of gross income, receipts, disbursements, and contributions and gifts received, and to keep other pertinent information which will enable the district director to inquire into the organization's exempt status. An organization claiming an exception from the filing of an information return must maintain adequate records to substantiate such claim. 26 CFR 1.6001-1, 1.6033-1, 1.6033-2

(b) *Employees' trusts.* To keep as a part of its records for taxable years beginning after December 31, 1969, and ending before December 31, 1971, written notification, or a copy thereof, from an employer to the trustee that the employer has or will timely file the information required under section 404 of the Internal Revenue Code. 26 CFR 1.6033-2

(c) *Group returns.* The central organization shall retain the certified statements of those local organizations authorizing their inclusion in a group return. 26 CFR 1.6033-1, 1.6033-2

Retention period; (a) and (b) See Item 4.1; (c), for taxable years prior to January 1, 1970, permanent; for taxable years after December 31, 1969, until the expiration of 6 years after the last taxable year for which a group return includes the local organization.

4.42a Banking institutions, trust companies, or brokerage firms, who elect to file Form 1087, Nominee's Information Return, for each actual owner for whom it acts as nominee.

Must maintain such records as will permit a prompt substantiation of each payments of dividends made to the actual owner. 26 CFR 1.6042-1

Retention period: See Item 4.1.

4.42b Any trustee, insurance company, or other person, which is notified under section 6047(b) of the Code that contributions to a trust or under a retirement plan have been made on behalf of an owner-employee.

Shall maintain a record of such notification.

Retention period: Until all funds of the trust or under the plan on behalf of the owner-employee have been distributed. 26 CFR 1.6047-1

4.42c Nonbank trustees, pension and profit-sharing trusts benefiting owner-employees. [Added]

To maintain separate and distinct fiduciary records, permanent records of all fiduciary assets deposited or withdrawn from vault, full information relative to each account, and an adequate record of all pending litigation in connection with exercise of fiduciary powers. 26 CFR 11.401(d)(1)-1(f)

Retention period: See Item 4.1

4.42d [Transferred to 4.44a]

4.43 Persons engaged in construction of aircraft for the Army and the Air Force.

To keep books, records, and original evidences of costs pertinent to the determination of the true profit, excess profit, deficiency in profit, or net loss from the performance of a contract or subcontract.

Retention period: So long as the contents thereof may become material in the administration of the act of March 27, 1934, as amended. 26 CFR 16.13 (see 26 CFR 1.1471-1)

4.44 Persons engaged in construction of naval vessels or aircraft for the Navy.

To keep books, records, and original evidences of costs pertinent to the deter-

mination of the true profit, excess profit, deficiency in profit, or net loss from the performance of a contract or subcontract.

Retention period: So long as the contents thereof may become material in the administration of the act of March 27, 1934, as amended. 26 CFR 17.14 (see 26 CFR 1.1471–1)

4.44a Persons making payments of estimated tax installments in foreign currency. [Renumbered]

Maintain a copy of the statement certified by the foundation, commission, or other person having control of the payments to the taxpayer in nonconvertible foreign currency which are expected to be received during the taxable year for the purpose of exhibiting it to the disbursing officer when making installment deposits of foreign currency. 26 CFR 301.6316–6

Retention period: See Item 4.1.

4.44b [Deleted]

4.44c Domestic building and loan associations. [Renumbered]

To maintain adequate records to establish to the satisfaction of the district director that various assets tests are met for taxable years beginning after October 16, 1962, and ending before November 1, 1964. 26 CFR 301.7701–13

Retention period: See Item 4.1.

4.44d Income tax return preparers. [Added]

To maintain a completed copy of the return or claim for refund, or retain, on a list, the name, taxpayer identification number, and the taxable year of the taxpayer and the type of return or claim prepared.

Retention period: 3 years following the close of the return during which the return or claim for refund was filed. 26 CFR 404.6107–1(b)

ESTATE TAX

4.45 Executors of estates.

To keep detailed records of the affairs of the estate as will enable the district director to determine the amount of the estate tax liability, including copies of documents relating to the estate, appraisal lists of items included in the gross estate, copies of balance sheets or other financial statements relating to value of stock, and any other information necessary in determining the tax.

Retention period: Not specified. 26 CFR 20.6001–1

GIFT TAX

4.46 Persons making transfers of property by gift.

To maintain books of account or records as are necessary to establish the amount of the total gifts together with the deductions allowable in determining the amount of taxable gifts, and other information required to be shown in their gift tax returns.

Retention period: Permanent. 26 CFR 25.6001–1

EMPLOYMENT TAX

4.47 General record retention requirement for employment taxes.

(a) Persons required by regulations or instructions shall keep copies of any return, schedule, statement, or other document as part of their records.

(b) Any person who claims a refund, credit, or abatement shall keep records as indicated in the section cited.

(c) While not mandatory (except in the case of claims) it is advisable for each employee to keep permanent accurate records as indicated in the section cited.

Retention period: 4 years after the due date of such tax for the return period to which the records relate or the date such tax is paid, whichever is later. In the case of claimants, at least 4 years after the date the claim is filed. 26 CFR 31.6001–1

4.48 Vow-of-poverty religious orders electing social security coverage for its members.

To maintain records of the details relating to the retirement of each of its members.

Retention period: Not specified. 26 CFR 31.3121(r)–1

4.49 Employers required to deduct and withhold income tax on wages which include sick pay.

To keep records with respect to payments (sick pay) made directly to employees under a wage continuation plan, and other informaton specified in the sections cited.

Retention period: 4 years after the due date of such tax for the return period to which the records relate or the date such tax is paid, whichever is later. 26 CFR 31.3401(a)–1, 31.6001–5 (retention: 31.6001–1)

4.50 Employers liable for tax under the Federal Insurance Contributions Act.

To keep records of all remuneration, whether in cash or in a medium other than cash, paid to his employees after 1954 for services (other than agricultural labor which constitutes or is deemed to constitute employment, domestic service in a private home of the employer, or service not in the course of the employer's trade or business) performed for him after 1936; and records of all remuneration in the form of tips received by employees after 1965 and reported to him. Records shall include information specified in section cited.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 26 CFR 31.6001–2 (retention: 31.6001–1)

4.51 Employers and employee representatives subject to the Railroad Retirement Tax Act.

To keep records of all remuneration (whether in money or in something which may be used in lieu of money) other than tips, paid to his employees after 1954 for services rendered to him (including "time lost") after 1954 and such other records as specified in section cited.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. 26 CFR 31.6001–3 (retention: 31.6001–1)

4.52 Employers and persons who are not employers for purposes of the Federal Unemployment Tax Act.

To maintain records as specified in the section cited to determine the correct liability or nonliability for the tax.

Retention period: 4 years after the due date of such tax for the return period to which the records relate or the date such tax is paid, whichever is later. 26 CFR 31.6001–4 (retention: 31.6001–1)

4.53 Employers required to deduct and withhold income tax on wages paid.

(a) To keep records of all renumeration paid to such employees and tips received by employees and reported to him. Such records shall show with respect to each employee the information specified in the section cited.

(b) To retain the Internal Revenue Service copy and the employee copy of all undeliverable annual withholding statements.

Retention period: 4 years after the due date of such tax for the return period to which the records and statements relate, or the date such tax is paid, whichever is later. 26 CFR 31.6001–5, 31.6051–1(f)(3) (retention: 31.6001–1)

4.54 Employers claiming a refund, credit, or abatement of tax under the Federal Insurance Contributions Act or Railroad Retirement Tax Act.

Every employer who has filed a claim for refund, credit, or abatement of employee tax under section 3101 or section 3201 of the Internal Revenue Code, or a corresponding provision of prior law, collected from an employee shall retain as part of his records the written receipt of the employee showing the date and amount of the repayment, or the written consent of the employee, whichever is used in support of the claim. Where employee tax was collected under section 3101 of the Code, or a corresponding provision of prior law, from an employee in a calendar year prior to the year in which the credit or refund is claimed, the employer shall also retain as part of his records a written statement from the employee (a) that the employee has not claimed refund or credit of the amount of the overcollection, or if so, such claim has been rejected, and (b) that the employee will not claim refund or credit of such amount.

Retention period: 4 years after the date the claim is filed. 26 CFR 31.6402(a)–2, 31.6404(a)–1 (retention: 31.6001–1)

4.55 Repayment by employer of tax erroneously collected from employee under the Federal Insurance Contributions Act or the Railroad Retirement Tax Act and of income tax withheld from wages.

(a) *Before employer files return.* To obtain and keep as part of his records the written receipt of the employee showing the date and amount of the repayment.

(b) *After employer files return.* If the amount of an overcollection is repaid to an employee, the employer shall obtain and keep as part of his records the written receipt of the employee, showing the date and amount of the repayment. If in any calendar year, an employer repays or reimburses an employee in the amount of an overcollection of employee tax under section 3101 of the Internal Revenue Code, or a corresponding provision of prior law, which was collected from the employee in a prior calendar year, the employer shall obtain from the employee and keep as part of his records a written statement (a) that the employee has not claimed refund or credit of the amount of the overcollection, or if so, such claim has been rejected, and (b) that the employee will not claim refund or credit of such amount.

Retention period: 4 years after the due date of such tax for the return period to which the records relate, or the date such tax is paid, whichever is the later. The records of claimants shall be maintained for a period of at least 4 years after the date the claim is filed. 26 CFR 31.6413(a)-1 (retention: 31.6001-1)

EXCISE TAXES

4.56 Persons subject to tax on certain highway motor vehicles.

To maintain records relating to each vehicle registered, as specified in sections cited; records or documents substantiating any claim for exemption from tax; and records and documents relating to any claim for credit or refund.

Retention period: At least 3 years after date tax becomes due or date tax is paid, whichever is later, or after date claim is filed. 26 CFR 41.4481-2, 41.6001-1

4.57 Persons required to pay excise tax on wagering.

To maintain daily records of operations, as required in sections cited, and records of overpayment and of each laid-off wager for which credit or refund is claimed, including copy of required certificate.

Retention period: At least 3 years from date tax becomes due or date wager received or date any credit or refund is claimed. 26 CFR 44.4403-1, 44.6001-1

4.58 Persons claiming credit for State imposed tax on coin-operated gaming devices.

To maintain documentary evidence of payment of State tax upon which claim is based.

Retention period: At least 3 years after due date of tax or date tax imposed is paid, whichever is later. 26 CFR 45.4464-1

4.59 Manufacturers of white phosphorous matches.

To maintain daily records showing material used, number of matches produced, and number of stamped packages and original packages in which packed; also the total number of stamped and original packages, together with total number of matches disposed of each day.

Retention period: 3 years after due date of tax or date tax is paid, whichever is later, or after date claim is filed. 26 CFR 45.4804-10 (retention: 45.6001-1)

4.60 Manufacturers of adulterated butter exported to a foreign country.

To maintain records of all removals and sufficient written proof of such removals and deliveries to substantiate actual delivery of such butter to the foreign trade zone.

Retention period: At least 3 years. 26 CFR 45.4816-1 (retention: 45.6001-1)

4.61 Persons making contracts of sale of cotton for future delivery and cotton clearing associations.

To maintain all books, records, papers, and statements as specified in sections cited.

Retention period: Not less than 3 years. 26 CFR 45.4872-1, 45.4872-2 (retention: 45.4872-4)

4.62 Persons subject to certain miscellaneous stamp taxes.

To maintain returns, schedules, statements or other documents, and any other records relating to claim for credit or refund.

Retention period: At least 3 years after due date of tax or date tax is paid, whichever is later, or after date claim is filed. 26 CFR 45.6001-1

4.63 Manufacturers of adulterated butter, process or renovated butter, or filled cheese.

To maintain daily records relating to content, production, disposition, and tax stamps purchased, and any other records relating to transactions in adulterated butter, process or renovated butter, and filled cheese.

Retention period: At least 3 years after due date of tax or date tax is paid, whichever is later, or after date claim is filed. 26 CFR 45.6001-2 (retention: 45.6001-1)

4.64 Wholesale dealers in adulterated butter and filled cheese.

To maintain daily records of number of pounds in each consignment received, name and address of consignor, date of receipt, and any other records of transaction as specified in sections cited.

Retention period: At least 3 years after due date of tax or date tax is paid, whichever is later, or after date claim is filed. 26 CFR 45.6001-3, 45.6001-4 (retention: 45.6001-1)

4.65 Persons subject to miscellaneous excise taxes payable by return.

To maintain copies of any return, schedule, statement, or other document as part of records, in addition to any record relating to claim of credit or refund.

Retention period: At least 3 years after due date of tax or date tax is paid, whichever is later, or after date claim is filed. 26 CFR 46.6001-1

4.66 Manufacturers of sugar.

To maintain monthly record relating to quantity on hand, received, produced, sold, and other records relating to manufactured sugar.

Retention period: At least 3 years after due date of tax or date tax is paid, whichever is later, or after date claim is filed. 26 CFR 46.6001-2 (retention: 46.6001-1)

4.67 Persons required to keep records with respect to tax on foreign insurance policies.

To maintain records relating to such policies, including identifying information, gross premium, insurer, and any other records as specified in sections cited.

Retention period: At least 3 years from date any part of tax is due or date tax is paid, whichever is later. 26 CFR 47.6001-2, 46.6001-4

4.68 Persons required to file returns and pay tax on the sale or use of gasoline, lubricating oil, or matches.

To keep accurate and complete records, including accounts with respect to sales or use of gasoline, lubricating oil, or matches. Duplicates of returns, supporting information with respect to exempt or tax-free sales must also be kept.

Retention period: 4 years from date tax became due, or, in the case of exempt or tax-free sales, 4 years from the last day of the month immediately following that in which the sale occurs. 26 CFR 314.62 (see 26 CFR 48.0-4)

4.69 Persons required to file a return and pay tax on the sale or use of diesel fuel and special motor fuel.

To keep accurate records and accounts of all taxable transactions.

Retention period: 4 years from the date the tax became due. 26 CFR 324.42 (see 26 CFR 48.0-4)

4.70 Persons claiming exemption from tax on sale or use of diesel fuel or special motor fuel.

To maintain records of all fuel used for each purpose, including statements, exemption certificates, or other documents to verify claim.

Retention period: Not specified. 26 CFR 48.4041-5, 48.4041-6, 48.4041-9, 148.1-4

4.71 Manufacturers, producers, or importers selling automobile tires and tread rubber.

To maintain records of tires sold with metal rims or rim bases attached to establish portion of finished product that represents weight of tire, of tax-free sales of tread rubber, and of exemption certificates with invoices and orders relating to such exemption.

Retention period: Not specified. 26 CFR 48.4071-2, 48.4073-3, 144.1-2

4.72 Manufacturers of lubricating oil.

To maintain exemption certificates for oil seldom used as a lubricant and records of invoices, orders, statements, and documents substantiating claim for exemption or for credit or refund.

Retention period: Not specified. 26 CFR 48.4091–6

4.73 Manufacturers, producers, or importers selling pistols, revolvers, other firearms, and shells and cartridges.

To maintain records to substantiate claim for exemption from tax imposed.

Retention period: Not specified. 26 CFR 48.4182–1

4.74 Persons claiming credit or refund of tax on gasoline, diesel fuel, or special motor fuels.

To maintain records to substantiate claim, in addition to copy of claim and any statement or document submitted with such claim.

Retention period: At least 3 years after last date prescribed for filing claim. 26 CFR 48.6416(b)–2, 48.6420(f)–1, 48.6421 (g)–1

4.75 Persons providing certain communication and transportation services to persons entitled to receive the services exempt from tax.

To maintain exemption certificate and any other documents substantiating the tax exemption for services rendered.

Retention period: Not specified. 26 CFR 49.4253–11, 49.4261–6

4.76 Private foundations subject to tax on taxable expenditures.

(a) *Grants to individuals for travel, study, or other similar purposes.* To maintain records reflecting information evaluating qualification of potential grantees; identification of grantees; amount and purpose of each grant; and grantee progress reports.

Retention period: Not specified. 26 CFR 53.4945–4(c)(6)

(b) *Grants to organizations.* To maintain copy of expenditure responsibility agreement signed by grantee organization; records of receipts and expenditures; and copies of reports required to be part of records.

Retention period: 4 years after completion of use of grant funds. 26 CFR 53.4945–5(b)(3), 53.4945–5(c)(3), 53.4945–5(d)(3)

(c) *Program-related investments.* To maintain books and records adequate to provide information required.

Retention period: Not specified. 26 CFR 53.4945–5(b)(4)

4.76a Persons subject to tax as private foundations.

To maintain complete and detailed records sufficient to enable the district director to determine accurately the amount of tax liability.

Retention period: So long as the contents thereof may become material in the administration of any Internal Revenue law. 26 CFR 53.6001–1(a), 53.6001–1(b), 53.6001–1(c) (retention: 53.6001–1)

4.77 Persons claiming credit or refund due to repeal of manufacturer's excise tax on passenger automobiles, light duty trucks, etc. (Revenue Act of 1971)

To maintain records sufficient to support claim, including inventories, written statement, and other information specified in section cited.

Retention period: Not specified. 26 CFR 142.1–1(d)(3), 142.1–1(g)(3), 142.1–1(i)(2), 142.2–1(a)(4), 142.2–1(e), 142.2–2(a)(4), 142.2–2(c)(4), 142.2–3(i)

4.78 Manufacturers claiming exemption, credit or refund, or tax-free sales under regulations of the Excise Tax Reduction Act of 1965.

To maintain all records, statements, exemption certificates, and inventories to substantiate tax-free sales or claims, as specified in sections cited.

Retention period: Not specified. 26 CFR 145.2–1(e), 145.2–2(a)(2), 145.2–2(c)(4), 145.2–4(b), 145.2–5(f), 145.4–1(b)

4.79 Persons involved in acquisitions of foreign stock or debt obligations; interest equalization tax.

To maintain certificates of American ownership, copies of confirmations of prior American ownership, records of withholding, financial records, and such other documents or records as specified in section cited.

Retention period: So long as contents thereof may become material in the administration of any Internal Revenue law. 26 CFR 147.2(a)(3), 147.4–1(d)(8), 147.5–1(b)(2), 147.5–2(g), 147.3(b)(4), 147.7–6(b)(1), 147.7–7(g), 147.7–9(f), 147.8–4 (retention: 147.8–4(d))

4.80 Retailers, manufacturers, or communications facilities claiming tax-free sales or services to nonprofit educational organizations.

To maintain exemption certificate, together with records of goods sold, services rendered, or facilities furnished.

Retention period: At least 3 years from date tax would have become due, if payable. 26 CFR 148.1–4

4.81 Sellers and purchasers claiming tax-free sales of aircraft fuel for nontaxable purposes.

To maintain exemption certificates and proper supporting records, including receipts, invoices, and orders relating to tax-free sales.

Retention period: Not specified. 26 CFR 154.1–1

4.82 Persons transporting property by air.

To maintain exemption certificates, statements, documentary evidence of exportation and any other records as specified in section cited.

Retention period: At least 3 years. 26 CFR 154.2–1

4.83 Persons acquiring secondhand civil aircraft.

To maintain evidence showing whether or not there was taxable use prior to acquisition, or evidence of reasons why unable to obtain such evidence.

Retention period: Not specified. 26 CFR 154.3–1(d)(4)

Persons needing further information about listed record retention requirements should contact the following:

Mr. Jack L. Oleson, Chief, Bulletin Section, Technical Publications Branch (T:FP:P), Internal Revenue Service, 1111 Constitution Avenue NW., Room 2571, Washington, D.C. 20224. Telephone: 202–566–3129.

5. Office of Foreign Assets Control

5.1 Persons engaged in transactions subject to Foreign Assets Control Regulations, Transaction Control Regulations, Cuban Assets Control Regulations, Foreign Funds Control Regulations, and Rhodesian Sanctions Regulations.

To keep a full record of each transaction subject to the provisions of 31 CFR Ch. V, whether effected pursuant to license or not.

Retention period: At least 2 years after date of transaction. 31 CFR 500.601, 500.804, 505.40, 505.60, 515.601, 515.804, 520.601, 520.804, 530.601, 530.804

Persons needing further information about listed record retention requirements should contact the following:

Mr. Dennis O'Connell, Department of the Treasury, Office of Foreign Assets Control, 15th and Pennsylvania Avenue NW., Washington, D.C. 20220. Telephone: 202–376–0236.

6. [Reserved]

7. Office of Law Enforcement

7.1 Corporations, partnerships, individuals, and associations having interests in foreign financial accounts.

To maintain records of all foreign financial accounts which are indicated on Federal income tax form.

Retention period: 5 years. 31 CFR 103.32

7.2 Financial institutions.

To maintain either the original or a copy of records of (a) extensions of credit exceeding $5,000, except those secured by real property; and (b) advice, request, or instruction, received or given to another financial institution or person, regarding a transaction resulting in the transfer of more than $10,000 to a person, account, or place outside the United States.

Retention period: 5 years. 31 CFR 103.33 (retention: 103.36)

7.3 Banks.

To maintain a record of the taxpayer identification number or social security number of persons who open deposit or share accounts after June 30, 1972; and to maintain such other records as indicated in section cited.

Retention period: 2 years for records needed to reconstruct a demand deposit account, or trace a check through the domestic processing system or to supply a description of a deposited check over $100; 5 years for all other records. 31 CFR 103.34 (retention: 103.36)

7.4 Brokers and dealers in securities.

To maintain a record of the taxpayer identification number or social security number for persons who open brokerage accounts after June 30, 1972; and to maintain such other records as indicated in section cited.

Retention period: 5 years. 31 CFR 103.35 (retention: 103.36)

Persons needing further information about listed record retention requirements should contact the following:

Mr. Robert J. Stankey, Jr., Department of the Treasury, Office of Law Enforcement, 15th and Pennsylvania Avenue, NW., Washington, D.C. 20220. Telephone: 202–566–5630.

8. Bureau of Alcohol, Tobacco and Firearms

Liquors

8.1 Manufacturers recovering taxpaid alcohol.

To keep records of distilled spirits recovered from dregs or marc of percolation or extraction, or from medicines, medicinal preparations, food products, flavors, or flavoring extracts and the subsequent use to which such recovered spirits are put.

Retention period: Not less than 2 years. 27 CFR 170.617

8.2 Persons disposing of substances or articles of the character used in manufacturing distilled spirits, or disposing of containers of the character used for packaging distilled spirits.

To keep records pertaining to the disposition of such substances or articles or containers.

Retention period: 3 years. 27 CFR 173.15

8.3 Persons manufacturing liquor bottles.

To keep records of the receipt, manufacture, and disposition of liquor bottles.

Retention period: 3 years. 27 CFR 173.39 (retention: 173.15)

8.4 Wholesale dealers in distilled spirits (except proprietors of distilled spirits plants, who are subject to the record keeping provisions of 27 CFR Part 201).

To keep (a) daily records of the physical receipt and disposition of distilled spirits (including any spirits transferred between wholesale and retail departments of the dealer's own premises), copies of all invoices or memorandum shipping records, and a daily (or less frequent, interval if authorized) recapitulation record showing total quantities of bottled and packaged spirits received and disposed of during the day; and (b) file copies of reports on Forms 52A and 52B (unless the requirement to prepare and submit such forms is waived) and 338.

Retention period: Not less than 2 years. (a) 27 CFR 194.221, 194.223, 194.225–194.230, 194.238; (b) 194.231, 194.234–194.238 (retention: 194.242)

8.5 Wholesale dealers in wine and/or beer.

To keep a complete record of all wines and beer received, showing the quantities thereof, from whom received, and the receiving dates.

Retention period: Not less than 2 years. 27 CFR 194.222, 194.223 (retention: 194.222, 194.242)

8.6 Retail liquor dealers.

To keep a complete record of all distilled spirits, wines, and beer received showing the quantities thereof, from whom received, and the receiving dates; a record of each sale of distilled spirits, wines, or beer in quantities of 20 wine gallons or more to the same person at the same time, showing the date of sale, the name and address of the purchaser, the kind and quantity of each kind of liquors sold, the serial numbers of all full cases of distilled spirits included in the sale; and the delivery receipt supporting each entry in the sales record.

Retention period: Not less than 2 years. 27 CFR 194.223, 194.238, 194.239 (retention: 194.242)

8.7 Liquor dealers packaging alcohol for industrial uses.

To keep records, daily, showing bulk alcohol received, dumped for packaging, packaged, strip stamped, and disposed of, including the name and address of each consignor and consignee. To keep copies of quarterly reports of strip stamp transactions (Form 2260) and monthly reports of bulk alcohol transactions (Form 2733).

Retention period: Not less than 2 years. 27 CFR 194.271 (retention: 194.242)

8.8 Proprietors of vinegar factories.

To keep daily records of operations, showing the kind and quantity of fermenting and distilling material received, produced, used and removed from the premises, the quantity of mash set, the quantity of low wines produced and used, the quantity of vinegar produced and removed, and the identity of each consignor and consignee; and copies of monthly reports (Form 1623).

Retention period: Not less than 2 years. 27 CFR 195.152, 195.153, 195.155, 195.159—195.161, 195.175, 195.176 (retention: 195.177)

8.9 Manufacturers and vendors of distilling apparatus.

(1) In the case of any distilling apparatus removed for exportation without payment of tax, to keep a copy of each bill of lading covering exportation or consignment to a foreign-trade zone;

(2) In the case of distilling apparatus for domestic use for purposes other than distilling (as defined in 26 CFR 196.10), to keep a record showing the apparatus manufactured, received, and removed or otherwise disposed of, the name and address of each purchaser, and the purpose for which each still is to be used.

Retention period: Not less than 2 years. 27 CFR 196.62, 196.80, 196.82.

8.10 Manufacturers of nonbeverage products claiming drawback.

(a) To keep a copy of each approved quantitative formula (Form 1678).

Retention period: Not less than 2 years from the date of filing last claim for drawback under such formula. 26 CFR 197.95 (retention: 197.133)

(b) To keep records showing the distilled spirits received and used, the products produced, and the disposition of such products; and all Forms 179 and bills of lading relating to the spirits shipped to him.

Retention period: Not less than 2 years. 27 CFR 197.95, 197.99, 197.130–197.132 (retention: 197.133)

8.11 Proprietors of volatile fruit-flavor concentrate plants.

(a) To keep daily records showing processing material used; processing material removed and the reason for such removal; concentrate produced, used, and removed, and returned concentrates received; substances received for use in rendering concentrate unfit for use as a beverage, and the use or other disposition of such substances; and the name and address of each person to whom processing material or concentrate is shipped and, in the case of concentrates shipped to or returned by a bonded wine cellar, the registry number of such bonded wine cellar and the identity of such concentrate.

(b) To keep file copies of Form 3874, Notice of Transfer of Fruit-Flavor Concentrate.

(c) To keep file copies of monthly reports (Form 1695).

Retention period: Not less than 2 years. 27 CFR 198.111, 198.112, 198.116, 198.117, 198.121—198.125 (retention: 198.121)

8.12 Scientific institutions and colleges of learning authorized to conduct experimental or research operations.

To keep records, daily, of quantities of spirits produced, received, and used.

Retention period: Not less than 4 years. 27 CFR 201.72 (retention: 201.612)

8.13 Persons receiving distilling material from the bonded premises of a distilled spirits plant.

To keep records of the receipt, use, and disposition of such material.

Retention period: Not less than 4 years. 27 CFR 201.74 (retention: 201.612)

8.14 Proprietors of distilled spirits plants.

(a) *Production.* To keep, as prescribed by regulations, records and copies of the applications, schedules, notices, and reports of transactions and operations relating to production facilities, including the receipt, use, and disposition of fermenting and distilling materials; the production of spirits and denatured spirits; the production and disposition of

distillates and chemical byproducts; losses in production processes; inventories; and the taking of samples.

Retention period: Not less than 4 years. 27 CFR 201.261, 201.262, 201.264, 201.265, 201.268, 201.269, 201.271, 201.274, 201.275, 201.278, 201.279, 201.562, 201.582, 201.587, 201.603, 201.611, 201.612, 201.616–201.620, 201.626, 201.627, 201.630, 201.630b, 201.631a, 201.633 (retention: 201.612)

(b) *Storage in bond.* To keep, as prescribed by regulations, records and copies of the applications, schedules, notices, and reports of transactions and operations relating to the receipt and storage of spirits and denatured spirits; quick-aging; addition of oak chips or caramel; repairing, filling, and changing packages; mingling and consolidation of spirits; blending of beverage rums or brandies; losses and voluntary destruction; inventories; and the taking of samples.

Retention period: Not less than 4 years from the date thereof, the date transferred to an inactive file, or the date the spirits covered thereby are removed from the proprietor's bonded premises, as applicable. 27 CFR 170.125, 170.131, 201.291, 201.292, 201.294, 201.295, 201.298, 201.302–201.308, 201.311, 201.312, 201.312c, 201.312e, 201.313, 201.562, 201.582, 201.583, 201.587, 201.603, 201.611, 201.612, 201.616–201.618, 201.622, 201.626–201.630b, 201.631a, 201.633–201.634 (retention: 201.612)

(c) *Bottling on bonded premises.* To keep, as prescribed by regulations, records and copies of applications and reports relating to bottling operations on bonded premises, including bottling in bond, bottling of alcohol before taxpayment, bottling losses and gains, strip stamp transactions, and rebottling, relabeling, and restamping operations.

Retention period: Not less than 4 years from the date the bottled spirits are removed from the proprietor's bonded premises. 27 CFR 201.322, 201.327, 201.336–201.338, 201.341–201.343, 201.346–201.348, 201.352, 201.543, 201.546, 201.611, 201.612, 201.616–201.618, 201.622, 201.624, 201.633, 201.633a (retention: 201.612)

(d) *Transfers and withdrawals.* To keep, as prescribed by regulations, records and copies of applications, notices, and withdrawal and taxpayment forms relating to transfer and withdrawal of spirits and denatured spirits, including transfers between bonded premises, removals from storage to production facilities, determination and payment of tax and removal of spirits after taxpayment, withdrawals without payment of tax, and withdrawals free of tax.

Retention period: Not less than 4 years from the date thereon, the date transferred to an inactive file, or the date the spirits covered thereby are removed from the proprietor's bonded premises, as applicable. 27 CFR 201.363, 201.364, 201.366–201.380, 201.381–201.385, 201.387, 201.388, 201.390, 201.393, 201.394, 201.602, 201.603, 201.606, 201.611, 201.612, 201.614, 201.616–201.618, 201.622, 201.624, 201.628, 201.629, 201.633 (retention: 201.612)

(e) *Denaturation.* To keep, as prescribed by regulations, records and copies of statements, certifications, applications, notices, and reports relating to denaturing transactions and operations, including receipt, test, use, and disposition of denaturants and the denaturation of spirits (including redenaturation and restoration of recovered denatured spirits and articles).

Retention period: Not less than 4 years. 27 CFR 201.404, 201.406–201.408, 201.410, 201.602, 201.603, 201.611, 201.612, 201.614, 201.616–201.618, 201.621, 201.626, 201.630, 201.633 (retention: 201.612)

(f) *Rectification and bottling on bottling premises.* To keep, as prescribed by regulations, records and copies of applications, affidavits, statements, reports, and taxpayment forms relating to transactions and operations on bottling premises, including the receipt, use, and disposition of flavoring materials and of taxpaid spirits and wines; rectification of spirits and wines; production of vodka and gin by redistillation; packaging, bottling, and removal of rectified and unrectified spirits and wines; tax liability accounts; tax payment; stamping; operational losses; disaster losses; voluntary destruction of spirits; inventories; and rebottling, relabeling, and restamping operations.

Retention period: Not less than 4 years. 27 CFR 170.60, 170.61, 170.62, 201.426, 201.427, 201.430, 201.432, 201.435, 201.444, 201.446, 201.448, 201.450, 201.451, 201.452, 201.454, 201.455, 201.460, 201.463–201.466, 201.470, 201.470f, 201.482–201.484, 201.487, 201.490, 201.492, 201.543, 201.551, 201.562, 201.563, 201.611, 201.612, 201.614, 201.616–201.618, 201.623, 201.624, 201.627, 201.630, 201.633, 201.633a (retention: 201.612)

(g) *Wholesale liquor dealer and taxpaid storeroom operations.* To keep daily records of the receipt and disposition of distilled spirits and wines at such premises, and of restamping operations, and to keep copies of periodic reports of spirits received at and removed from such premises.

Retention period: Not less than 4 years. 27 CFR 194.224, 201.611, 201.612, 201.614, 201.616, 201.618, 201.625, 201.634 (retention: 201.612)

(h) *Receipt, use, and disposition of liquor bottles.* To keep, as prescribed by regulations, records covering the receipt, use, and disposition of liquor bottles in such manner as to enable any internal revenue officer to verify and trace the receipt and disposition of such bottles.

Retention period: Not less than 4 years. 27 CFR 201.630a (retention: 201.612)

8.15 Users of rubbing alcohol base.

To keep such records as will enable an internal revenue officer to verify and trace the receipt of rubbing alcohol base; records of production, bottling, and distribution of such alcohol.

Retention period: 3 to 6 years. 27 CFR 211.190e (retention: 211.273)

8.16 Dealers in and users of completely denatured alcohol.

To keep such records as will enable an internal revenue officer to verify and trace the receipt, storage, and disposal of such alcohol.

Retention period: 3 to 6 years. 27 CFR 211.118, 211.125, 211.261, 211.273, 211.274 (retention: 211.273)

8.17 Manufacturers of and dealers in proprietary anti-freeze made with completely denatured alcohol.

To keep such records as will enable an internal revenue officer to verify and trace the production, receipts, storage, and disposal of such products.

Retention period: 3 to 6 years. 27 CFR 211.125, 211.262, 211.273, 211.274 (retention: 211.273)

8.18 Persons recovering completely denatured alcohol and articles.

To keep such records as will enable an internal revenue officer to verify and trace recovery, redenaturation (if any) and reuse; to keep copies of monthly reports.

Retention period: 3 to 6 years. 27 CFR 211.212, 211.214, 211.215, 211.218, 211.263, 211.269, 211.273, 211.274 (retention: 211.273)

8.19 Dealers in specially denatured spirits.

To keep records and copies of all applications, notices, and reports reflecting details of procurement, packaging, losses, and disposition of specially denatured spirits.

Retention period: 3 to 6 years. 27 CFR 211.139, 211.145, 211.148, 211.234, 211.241, 211.243, 211.251–211.253, 211.255, 211.264, 211.270, 211.272–211.274, 211.285 (retention: 211.273)

8.20 Users of specially denatured spirits.

To keep records and copies of all applications, notices, and reports reflecting details of (a) specially denatured spirits received, used, recovered (including redenaturation), lost, and otherwise disposed of, and (b) products and articles manufactured and the disposition of such products and articles.

Retention period: 3 to 6 years. 27 CFR 211.139, 211.168, 211.212, 211.214, 211.215, 211.218, 211.241–211.243, 211.251–211.253, 211.255, 211.265–211.267, 211.271–211.274 (retention: 211.273)

8.21 Reprocessors, repackagers, and bottlers of bay rum, skin and hair lotions, and similar products and purchasers of such products in containers larger than 1 gallon for resale.

To keep records of receipt, manufacture, packaging, bottling, and sales.

Retention period: 3 to 6 years. 27 CFR 211.265–211.267, 211.272–211.274 (retention: 211.273)

8.22 Dealers in and users of proprietary solvents and special industrial solvents.

To keep records of receipt, use, and disposition.

Retention period: 3 to 6 years. 27 CFR 211.268, 211.272–211.274 (retention: 211.273)

8.23 Users of tax-free alcohol.

To keep records and copies of all applications, notices, and reports relating to receipt, use, recovery (including res-

toration), losses, and inventories of tax-free alcohol.

Retention period: 3 to 6 years. 27 CFR 213.116, 213.134, 213.151–213.153, 213.161–213.163, 213.165, 213.171–213.176 (retention: 213.175)

8.24 Proprietors of taxpaid wine bottling houses.

To keep records of wine received, bottled, packaged, and removed, and of semiannual and special inventories.

Retention period: 3 years. 27 CFR 231.110–231.114 (retention: 231.114)

8.25 Persons (other than proprietors of bonded wine cellars) producing wine for family use.

To keep the copy of the registration (Form 1541) at the place of manufacture.

Retention period: While the wine produced pursuant thereto remains on hand. 27 CFR 240.542

8.26 Universities, colleges of learning, and institutions of scientific research authorized to conduct wine experimental or research operations.

To keep copies of approved applications and appropriate records of experiments and research.

Retention period: 3 to 6 years. 27 CFR 240.546–240.549, 240.731, 240.732, 240.924 (retention: 240.924)

8.27 Proprietors of vinegar plants receiving wine free of tax for use in manufacturing vinegar.

To keep records showing receipt and use of wine, and vinegar produced and disposed of.

Retention period: Not specified. 27 CFR 240.656, 240.657

8.28 Proprietors of bonded wine cellars.

(a) Production of wine, nonbeverage wine, distilling material, vinegar stock, and commercial fruit products. To keep, as prescribed by regulations, records and copies of all applications, notices, statements, and reports of transactions and operations relating to the receipt and use or other disposition of basic winemaking materials such as fruit, or juice, or concentrated juice, and of sugar, acids, chemicals, preservatives, distillates, wine spirits, volatile fruit-flavor concentrates, and other materials used in production of wine, nonbeverage wine, and allied products and in cellar and finishing operations; fermentation; amelioration and sweetening; baking; use of carbon dioxide in still wines; removal of excess color in white wine; reduction of acid content; and other cellar and finishing treatment of wines.

Retention period: 3 to 6 years. 27 CFR 170.683, 170.686, 170.690, 240.359a, 240.362, 240.363, 240.366, 240.367, 240.368, 240.375–240.379, 240.382–240.385, 240.402, 240.406, 240.407, 240.408, 240.409, 240.443, 240.484–240.487, 240.491, 240.525–240.527a, 240.532, 240.537, 240.771, 240.773, 240.822, 240.826, 240.832–240.834, 240.836, 240.837, 240.890, 240.892, 240.900, 240.904, 240.908–240.911, 240.913–240.919, 240.922–240.925 (retention: 240.924)

(b) Storage in bond, filling bottles and containers, voluntary destruction, reconditioning of foreign wine, losses, and inventories. To keep, as prescribed by regulations, records and copies of all applications, notices, and reports relating to the receipt and storage of wine, wine spirits, nonbeverage wine, and volatile fruit-flavor concentrates on bonded premises; bottling, casing, and the filling of containers; losses and voluntary destruction; and semiannual and special inventories.

Retention period: 3 to 6 years. 27 CFR 170.691, 240.359a, 240.534, 240.561, 240.751, 240.753, 240.783, 240.786–240.789, 240.804, 240.854–240.858, 240.871, 240.900, 240.903, 240.912, 240.913, 240.916, 240.922–240.925 (retention: 240.924)

(c) Transfers and removals. To keep, as required by regulations, records and copies of all applications, notices, transfer and withdrawal forms, and returns relating to wine, wine spirits, and nonbeverage wine, including transfers between bonded premises, return of wine to bonded storage, return of concentrates to volatile fruit-flavor concentrate plants, tax payment and removal, withdrawal free of tax and without payment of tax, disposition of lees and other residues, and the disposition of commercial fruit products and other allied products.

Retention period: 3 to 6 years. 27 CFR 170.687, 240.359b, 240.590–240.592, 240.600, 240.613–240.615, 240.618–240.620, 240.630, 240.633, 240.652, 240.660, 240.662, 240.672, 240.722, 240.726, 240.730, 240.732, 240.741, 240.743, 240.746, 240.761–240.763, 240.802, 240.804, 240.839, 240.871, 240.892, 240.900–240.902, 240.904, 240.920, 240.922–240.925 (retention: 240.924)

(d) Taxpaid storeroom operations. To keep records of receipt and disposition.

Retention period: 3 to 6 years. 27 CFR 170.690, 240.801, 240.921–240.925 (retention: 240.924)

8.29 Brewers.

To keep, as required by regulations, records and copies of all applications, statements, notices, tax returns, and reports of brewery operations and transactions relating to receipt and use or disposition of brewing materials; production of beer and cereal beverages; production of wort, wort concentrate, malt sirup, and malt extract for sale or removal; beer entered into concentration process; concentrate produced, received, and used in reconstituting beer; beer reconstituted; transfers of beer and beer concentrate between breweries of same ownership; removals of yeast and malt; removal of beer unfit for beverage use; racking and bottling operations; losses; voluntary destruction; beer returned to the brewery; beer procured from another brewer; removal of cereal beverage; removal of beer for sale or consumption; removal of beer free of tax; removal of beer and beer concentrate without payment of tax; removal of wort, wort concentrate, malt sirup, and malt extract; beer consumed at the brewery and inventories of brewing materials, beer and cereal beverage in process, concentrate, and finished beer and cereal beverage on hand.

Retention period: Not less than 4 years. 27 CFR 245.135, 245.136, 245.145–245.148, 245.152, 245.153, 245.155, 245.157, 245.158, 245.161, 245.205–245.208, 245.210, 245.215, 245.225–245.227, 245.230, 245.232, 245.233, 245.243, 245.245 (retention: 245.232)

8.30 Proprietors of pilot brewing plants.

To keep, as required by regulations, records including information sufficient to account for the receipt, production, and disposition of all beer received or produced on the premises and the receipt (and disposition, if removed) of all brewing materials.

Retention period: Not less than 4 years. 27 CFR 245.256 (retention: 245.232)

8.31 Proprietors of bonded warehouses or bonded processing rooms in Puerto Rico withdrawing spirits of Puerto Rican manufacture for shipment to the United States.

To keep file copies of Forms 2899, 2901, 2925, and 2630.

Retention period: Not less than 2 years. 27 CFR 250.78–250.81, 250.112 (retention: 250.276)

8.32 Proprietors of rectifying plants in Puerto Rico withdrawing spirits of Puerto Rican manufacture for shipment to the United States.

To keep file copies of Forms 2925 and 2926.

Retention period: Not less than 2 years. 27 CFR 250.85 (retention: 250.276)

8.33 Proprietors of bonded premises in Puerto Rico withdrawing wine of Puerto Rican manufacture for shipment to the United States.

To keep file copies of Forms 2900, 2927, and 2928.

Retention period: Not less than 2 years. 27 CFR 250.93–250.96, 250.112 (retention: 250.276)

8.34 Proprietors of bonded premises in Puerto Rico withdrawing beer of Puerto Rican manufacture for shipment to the United States.

To keep file copies of Forms 2900, 2929, and 2930.

Retention period: Not less than 2 years. 27 CFR 250.102–250.105, 250.112 (retention: 250.276)

8.35 Shippers of liquors and articles of Puerto Rican manufacture to the United States.

To keep file copies of Forms 487-B and 3039.

Retention period: Not less than 2 years. 27 CFR 250.88, 250.89, 250.116 (retention: 250.276)

8.36 Persons, other than tourists, bringing liquors into the United States from Puerto Rico or the Virgin Islands (except proprietors of distilled spirits plants).

To keep records and copies of reports pertaining to receipt and disposition of such liquors (except while in customs custody) in accordance with 27 CFR Part 194 (Liquor Dealer).

Retention period: At least 2 years. 27 CFR 250.163, 250.272 (retention: 194.242)

8.37 Proprietors of distilled spirits plants bringing liquors into the United States from Puerto Rico or the Virgin Islands.

To keep records and copies of reports of transactions pertaining to such liquors in accordance with 27 CFR Part 201 (Distilled Spirits Plants).

Retention period: Not less than 4 years. 27 CFR 250.164, 250.273 (retention: 201.612)

8.38 Importers bringing bottled distilled spirits into the United States from the Virgin Islands.

To keep daily records and copies of strip stamp reports.

Retention period: Not less than 2 years. 27 CFR 250.270, 250.271 (retention: 250.276)

8.39 Importers of distilled spirits receiving and storing used liquor bottles pending return to Puerto Rico or the Virgin Islands or exportation.

To keep records of the receipt and disposition of used liquor bottles.

Retention period: Not less than 2 years. 27 CFR 250.319, 251.209 (retention: 250.276, 251.137)

8.40 Importers of distilled spirits.

To keep daily records and copies of strip stamp reports.

Retention period: Not less than 2 years. 27 CFR 251.130, 251.131 (retention: 251.137)

8.41 Importers of distilled spirits, wines, or beer (except proprietors of premises qualified under the provisions of Chapter 51, I.R.C.).

To keep records and copies of reports of the receipt and disposition of such liquors (except while in customs custody) in accordance with 27 CFR Part 194 (Liquor Dealers).

Retention period: At least 2 years. 27 CFR 251.133 (retention: 251.137)

8.42 Proprietors of premises qualified under the provisions of Chapter 51, Internal Revenue Code, importing liquors.

To keep records and copies of reports of transactions in accordance with the regulations governing the operations of such premises.

Retention period: Not less than 2 years. 27 CFR 251.134 (retention: 251.137)

8.43 Importers of liquors. [Amended]

To keep records, documents or copies of documents supporting such records, and copies of reports required to be submitted to the regional regulatory administrator or to the district director of customs.

Retention period: Not less than 2 years. 27 CFR 251.136, 251.137 (retention: 251.137)

8.44 Proprietors of distilled spirits plants who transfer distilled spirits from customs custody to their bonded premises.

To keep file copies of Form 2609.

Retention period: Not less than 2 years. 27 CFR 251.172 (retention: 251.137)

8.45 Proprietors or claimants exporting liquors under the provisions of 27 CFR Part 252.

To keep file copies of all export forms involved, and the records, documents, or copies of the records and documents supporting such forms.

Retention period: Not less than 2 years. 27 CFR 252.45

8.46 Proprietors of distilled spirits plants.

(1) To keep a copy of each Form 206 (with attached Form 2630, if any) covering distilled spirits withdrawn without payment of tax for exportation, use on vessels and aircraft, transfer to a foreign-trade zone, or transfer to a manufacturing bonded warehouse, and any return of the spirits so withdrawn to the distilled spirits plant.

Retention period: Not less than 2 years. 27 CFR 252.107, 252.118 (retention: 252.45)

(2) To keep a copy of each Form 206 (with attachments, if any) covering the withdrawal of specially denatured spirits, free of tax, for exportation or transfer to a foreign-trade zone, and any return of the spirits so withdrawn to the distilled spirits plant.

Retention period: Not less than 2 years. 27 CFR 252.153 (retention: 252.45)

8.47 Proprietors of bonded wine cellars.

To keep a copy of each Form 206 covering the withdrawal of wine without payment of tax for exportation, use on vessels and aircraft, or transfer to a manufacturing bonded warehouse, and any return of the wine so withdrawn to the bonded wine cellar.

Retention period: Not less than 2 years. 27 CFR 252.125, 252.133 (retention: 252.45)

8.48 Brewers.

To keep a copy of each Form 1689 covering beer removed without payment of tax for use as supplies on vessels and aircraft; and a copy of each Form 1689 covering beer, and Form 3021 covering beer concentrate, removed without payment of tax for exportation or transfer to a foreign-trade zone, and any return to the brewery of the beer or beer concentrate so removed.

Retention period: Not less than 2 years. 27 CFR 252.145, 252.146, 252.150f—252.150h (retention: 252.45)

8.49 Bottlers or packagers of distilled spirits stamped or restamped and marked, especially for export with benefit of drawback.

To keep a copy of each Form 1582 (with attachments, if any) on which claim for drawback is filed.

Retention period: Not less than 2 years. 27 CFR 252.195, 252.195a (retention: 252.45)

8.50 Exporters of wine.

To keep a copy of each Form 1582-A on which claim for drawback is filed and the supporting tax certification Form 2605.

Retention period: Not less than 2 years. 27 CFR 252.215, 252.218 (retention: 252.45)

8.51 Brewers.

To keep a copy of each Form 1582-B on which a claim for drawback is filed.

Retention period: Not less than 2 years. 27 CFR 252.225-252.227 (retention: 252.45)

8.52 Airlines withdrawing distilled spirits or wines from its stock held in customs custody.

To keep a copy of each requisition.

Retention period: Not less than 2 years. 27 CFR 252.280 (retention: 252.45)

TOBACCO

8.53 Manufacturers of tobacco products.

To keep authorizations to employ alternate methods or procedures, to employ emergency variations from requirements, to engage in another business within the factory, to use alternate means for marking packages of cigars or cigarettes, to repackage cigars or cigarettes, to remove cigars or cigarettes in bond for experimental purposes, to temporarily store cigars or cigarettes outside of factory, and to destroy cigars or cigarettes without supervision.

Retention period: 3 years following close of calendar year in which operations under authorizations granted under Parts 270 and 295 are concluded. Not specified for authorizations granted under Part 290. 27 CFR 270.45-270.47, 270.212, 270.217, 270.232, 270.251, 270.253, 290.72, 290.73, 290.184, 295.21, 295.22 (retention under Part 270: 270.185)

8.54 Manufacturers of tobacco products.

To keep receipted copy of each semimonthly tax return, Form 3071, and of each prepayment tax return, Form 2617.

Retention period: 3 years following close of calendar year in which filed. 27 CFR 270.162, 270.167 (retention: 270.185)

8.55 Manufacturers of tobacco products.

To keep daily records of his operations, either commercial records or internal revenue Form 3065 or Form 3066, together with auxiliary and supplemental records from which such records are compiled, supporting records of cigars and cigarettes removed subject to tax and transferred in bond, and separate records with respect to Puerto Rican cigars and cigarettes released from customs custody, without payment of tax. To keep daily records of his operations in tobacco.

Retention period: 3 years following close of calendar year in which made.

27 CFR 270.181, 270.182, 270.183, 270.184, 270.186, 275.139 (retention: 270.185, 275.22)

8.56 Manufacturers of tobacco products.

To keep a copy of each inventory, Form 3067.

Retention period: 3 years following the close of calendar year in which made. 27 CFR 270.201 (retention: 270.185)

8.57 Manufacturers of tobacco products.

To keep a copy of each monthly report, Form 3068, together with copy of any supplemental report covering cigars and cigarettes of Puerto Rican manufacture.

Retention period: 3 years following close of calendar year in which filed. 27 CFR 270.202, 275.141 (retention: 270.185, 275.22)

8.58 Manufacturers of tobacco products.

To keep a copy of each claim for abatement or refund, Form 843, and of each claim for allowance, credit, or remission, Form 2635, together with any verified supporting schedules, Form 3069.

Retention period: 3 years following close of calendar year in which filed. 27 CFR 270.281–270.284, 270.286, 270.287 (retention: 270.185)

8.59 Manufacturers of tobacco products.

To keep a copy of each notice of release, Form 2145 or Form 3072, covering the release from customs custody without payment of tax or certain duty of imported, returned, or Puerto Rican cigars, cigarettes, or cigarette papers or tubes.

Retention period: 3 years following close of calendar year in which release is made. 27 CFR 275.86, 275.138 (retention: 275.22)

8.60 Manufacturers of tobacco products.

To keep a copy of each notice of removal, Form 2149, covering shipment of cigars and cigarettes removed, without payment of tax, for export, and notice of removal, Form 2150, covering the return of such products to the factory.

Retention period: 2 years following close of calendar year in which shipment was removed or received. 27 CFR 290.199, 290.201

8.61 Manufacturers of tobacco products.

To keep a supporting record showing appropriate entries with respect to removals of cigars and cigarettes, without payment of tax, for use of the United States.

Retention period: 3 years following close of year in which removal was made. 27 CFR 295.51

8.62 Manufacturers of cigarette papers and tubes.

To keep a copy of each notice of release, Form 2145 or Form 3072, covering the release from customs custody without payment of tax or certain duty of imported, returned, or Puerto Rican cigarette papers or tubes.

Retention period: 3 years following close of calendar year in which release is made. 27 CFR 275.86, 275.138 (retention: 275.22)

8.63 Manufacturers of cigarette papers and tubes.

To keep a receipted copy of each monthly tax return, Form 2137.

Retention period: 3 years following close of calendar year in which made. 27 CFR 285.25 (retention: 285.31)

8.64 Manufacturers of cigarette papers and tubes.

To keep authorizations to employ alternate methods or procedures and to employ emergency variations from requirements.

Retention period: 3 years following close of calendar year in which operations under authorizations granted under Parts 285 and 295 are concluded. Not specified for authorizations under Part 290. 27 CFR 285.34a, 285.35, 290.73, 295.21, 295.22 (retention under Part 285: 285.31)

8.65 Manufacturers of cigarette papers and tubes.

To keep a copy of each inventory, Form 2132.

Retention period: 3 years following close of calendar year in which made. 27 CFR 285.91 (retention: 285.31)

8.66 Manufacturers of cigarette papers and tubes.

To keep daily records of his operations and transactions, and also separate records with respect to Puerto Rican cigarette papers and tubes released from customs custody, without payment of tax.

Retention period: 3 years following close of calendar year in which made. 27 CFR 275.139, 285.101 (retention: 275.22, 285.31)

8.67 Manufacturers of cigarette papers and tubes.

To keep a copy of each report, Form 2138, together with copy of any supplemental report covering cigarette papers and tubes of Puerto Rican manufacture.

Retention period: 3 years following close of calendar year in which filed. 27 CFR 275.141, 285.111 (retention: 275.22, 285.31)

8.68 Manufacturers of cigarette papers and tubes.

To keep a copy of each claim for abatement or refund, Form 843, and of each claim for allowance, credit, or remission, Form 2635, together with any verified supporting schedules, Form 3069.

Retention period: 3 years following close of calendar year in which filed. 27 CFR 285.171–285.174 (retention: 285.175)

8.69 Manufacturers of cigarette papers and tubes.

To keep a copy of each notice of removal, Form 2149, covering shipment of cigarette papers and tubes removed, without payment of tax, for export, and notice of removal, Form 2150, covering the return of such articles to the factory.

Retention period: 2 years following close of calendar year in which shipment was removed or received. 27 CFR 290.199, 290.201

8.70 Manufacturers of cigarette papers and tubes.

To keep a supporting record showing appropriate entries with respect to removals of cigarette papers and tubes, without payment of tax, for use of the United States.

Retention period: 3 years following close of year in which removal was made. 27 CFR 295.51

8.71 Persons shipping Puerto Rican cigars, cigarettes, or cigarette papers or tubes to the United States.

To keep receipted copy of each prepayment return, Form 3073.

Retention period: 3 years following close of calendar year in which filed. 27 CFR 275.105 (retention: 275.22)

8.72 Persons shipping Puerto Rican cigars, cigarettes, or cigarette papers or tubes to the United States.

To keep certified copy of notice of release, Form 3072.

Retention period: 3 years following close of calendar year in which filed. 27 CFR 275.137 (retention: 275.22)

8.73 Puerto Rican manufacturer shipping cigars, cigarettes, or cigarette papers or tubes to the United States.

To keep receipted copy of semimonthly tax return, Form 2988.

Retention period: 3 years following close of calendar year in which filed. 27 CFR 275.112 (retention: 275.22)

8.74 Importers of cigars, cigarettes, or cigarette papers or tubes.

To keep receipted copy of each return made on customs form.

Retention period: 3 years following close of calendar year in which filed. 27 CFR 275.81 (retention: 275.22)

8.75 Importers of cigars, cigarettes, and cigarette papers and tubes.

To keep authorizations to employ alternate methods or procedures and to employ emergency variations from requirements.

Retention period: 3 years following close of calendar year in which operation under the authorization is concluded. 27 CFR 275.26, 275.27 (retention: 275.22)

8.76 Persons filing claims for tax assessed or paid on imported cigars, cigarettes, and cigarette papers and tubes.

To keep a copy of each claim for abatement or refund, Form 843, together with verified supporting schedules, Form 3069.

Retention period: 3 years following close of calendar year in which filed. 27 CFR 275.161, 275.163 (retention: 275.22)

8.77 Proprietors of bonded internal revenue tobacco export warehouses.

To keep authorizations to employ alternate methods or procedures and to employ emergency variations from requirements.

Retention period: Not specified. 27 CFR 290.72, 290.73

8.78 Proprietors of bonded internal revenue tobacco export warehouses.

To keep complete and adequate daily records of operations of his warehouse, with a copy of each notice of removal, Form 2149 or 2150, covering receipt of cigars, cigarettes, and cigarette papers and tubes from a manufacturer, another export warehouse proprietor, or customs warehouse proprietor, and of each Form 2150 covering such articles removed from his warehouse.

Retention period: 2 years following close of calendar year in which shipment was removed or received. 27 CFR 290.142, 290.199–290.201

8.79 Proprietors of bonded internal revenue tobacco export warehouses.

To keep a copy of each inventory made.

Retention period: 2 years following close of calendar year in which made. 27 CFR 290.143

8.80 Proprietors of bonded internal revenue tobacco export warehouses.

To keep a copy of each monthly report, Form 2140.

Retention period: 2 years following close of calendar year in which filed. 27 CFR 290.147

8.81 Proprietors of bonded internal revenue tobacco export warehouses.

To keep a copy of each claim for remission, Form 2635, and of each claim for refund, Form 843.

Retention period: 2 years following close of calendar year in which filed. 27 CFR 290.152, 290.154

8.82 Proprietors of customs bonded manufacturing warehouse, class 6.

To keep a copy of each notice of removal of cigars, Form 2149, withdrawn from the customs warehouse, without payment of tax for export, and of each notice of removal, Forms 2149 and 2150, relating to the return of cigars to the customs warehouse.

Retention period: 2 years following close of calendar year in which shipment was withdrawn or received. 27 CFR 290.201, 290.257, 290.266, 290.267

FIREARMS AND EXPLOSIVES

8.83–8.84 [Reserved]

8.85 Licensed firearms manufacturers, importers, dealers, and collectors. [Amended]

To maintain complete and adequate records and supporting documents reflecting the production, importation, receipt, and disposition of all firearms and ammunition produced, imported, received or disposed of in the course of licensed operations, except that no record need be kept of retail sales of shotgun ammunition, ammunition suitable for use only in rifles, or components for such shotgun and rifle ammunition.

Retention period: For ammunition 2 years from date transaction occurs. For firearms—permanent. Upon discontinuance of business, firearms and ammunition records must be delivered to successor, or, if discontinuance of the business is absolute, to the regional regulatory administrator. 27 CFR 178.122–178.127, Public Law 91–128 (83 Stat. 269)

8.86 Transferees of firearms. [Amended]

To maintain the application (filed by the transferor and approved by the Director, Bureau of Alcohol, Tobacco and Firearms, for the transfer of a firearm. This includes transfers exempt from, as well as subject to, the transfer tax.

Retention period: Transferee retains approved application for duration of his ownership of the related firearm. 27 CFR 179.84–179.93

8.87 Manufacturers, importers, or dealers in firearms (including pawnbrokers).

To keep records showing (a) the manufacture, receipt, transfer or other disposition of all firearms taxable under the Internal Revenue Code, (b) date of such manufacture, receipt, transfer or disposition, (c) the number, model, and trade name or other mark identifying each firearm, (d) the name and address of the person to whom any firearm is transferred.

Retention period: At least 4 years from date of disposition of the firearm. 27 CFR 179.131

8.88 Licensed explosives manufacturers, importers limited-manufacturers, dealers and permittees.

To take true and accurate inventory of explosives material on hand as of February 12, 1971, or at time of commencing business. To maintain complete and adequate records and supporting documents reflecting the production, importation, receipt, and disposition of all explosives material.

Retention period: 5 years from date transaction occurs. Upon discontinuance of business, explosives records must be delivered to successor, or if discontinuance of business is absolute, to the regional regulatory administrator. 27 CFR 181.121–181.129

8.89 Registered importers of arms, ammunition, or implements of war, shown on the Import List.

Importers who are required to registser under 27 CFR Part 47 shall maintain records of articles on the U.S. Munitions Import List that are imported, their acquisition and disposition.

Retention period: 6 years, The Director, Bureau of Alcohol, Tobacco and Firearms may prescribe a longer or shorter period in individual cases as he deems necessary. 27 CFR 47.34

Persons needing further information about listed record retention requirements should contact the following:

Mr. Jon S. Baker, Chief, Records and Reports Management Branch, Bureau of Alcohol, Tobacco, and Firearms, 1200 Pennsylvania Avenue NW., Washington, D.C. 20226. Telephone: 202–566–7928.

9. Office of Revenue Sharing

9.1 Audits of State auditors and independent public accountants.

To maintain audit workpapers and related audit reports.

Retention period: 3 years after the issuance of the audit report. 31 CFR 51.71(c) (3)

9.2 Recipient State and local governments, programs funded with entitlement funds.

To maintain such records as to show compliance with non-discrimination requirements of this subpart.

Retention period: Not specified. 31 CFR 51.56(b)

Persons needing further information about listed record retention requirements should contact the following:

Mrs. Doris E. Griffin, Office of Revenue Sharing, Department of the Treasury, 2401 E Street NW., Washington, D.C. 20226. Telephone: 202–634–5180.

10. Office of Secretary

10.1 [Deleted]

10.2 Firms subject to Cost of Living Council (Economic Stabilization Program) Phase IV price regulations.

To maintain such records as are sufficient to demonstrate that the prices charged by the firm are in compliance with 6 CFR Part 150.

Retention period: 4 years after the last day of the calendar year in which the transactions or other events occurred or the property was acquired, whichever is later. 6 CFR 150.164

10.3 [Superseded by XXIIb 1.1]

Persons needing further information about listed record retention requirements should contact the following:

Chief, Document Management Branch, Office of Administrative Programs, OS, Department of the Treasury, 15th and Pennsylvania Avenue NW., Room 1022, Washington, D.C. 20220. Telephone: 202–566–5091.

XII. DEPARTMENT OF TRANSPORTATION [TRANSFERRED TO X]

XIII. ACTION

1.1–1.2 [Reserved]

1.3 Sponsors or grantees participating in volunteer programs.

To maintain accounting records for specific volunteer programs authorized under Pub. Law 93–113 as determined by Director.

Retention period: 3 years after end of budget period or until resolution of any audit questions raised during such 3-year period. 42 U.S.C. 5062

1.4 [Superseded by 1.3]

Persons needing further information about listed record retention requirements should contact the following:

Joseph Mann, Chief, Paperwork and Printing Branch, ACTION, 806 Connecticut Avenue NW., Washington, D.C. 20525. Telephone: 202–254–8103.

XIV. APPALACHIAN REGIONAL COMMISSION

1.1 Recipients of grants.

To maintain accurate and complete records of transactions and activities financed with Federal funds under section 302 of the Appalachian Regional Development Act of 1965, as amended.

Retention period: Not specified. 40 App., U.S.C. 302(c)(2)

The Commission requires, as a condition in all grants and contracts under this section, that records be retained, usually for 3 years following last disbursement.

Persons needing further information about listed record retention requirements should contact the following:

Vivian M. Thompson, Appalachian Regional Commission, 1666 Connecticut Avenue NW., Washington, D.C. 20235. Telephone: 202-673-7869.

XV. [Reserved]

XVI. CIVIL AERONAUTICS BOARD

1.1 Air carriers and foreign air carriers generally. [Amended]

(a) To maintain records which evidence deposits made by and refunds made to each charter participant, plus all statements, invoices, bills, and receipts from suppliers or furnishers of goods or services in connection with the charter or series of charters.

Retention period: 2 years after completion of charter or series of charters. 14 CFR 372.28, 372a.31, 373.8 (retention: 249.9)

(b) To maintain evidence of compliance with regulations imposed under Regulation Z of the Board of Governors of the Federal Reserve System, implementing the provisions of the Truth in Lending Act and the Consumer Credit Protection Act.

Retention period: 2 years. 14 CFR 249.31

(c) To retain all documents which evidence or reflect the furnishing of transportation and all statements, invoices, bills, and receipts relating to transportation provided to a political candidate or a person acting on his behalf on a credit basis (except foreign air carriers).

Retention period: 2 years. 14 CFR 374a.7

1.2 Certificated route air carriers. [Amended]

(a) To keep general books of account and supporting books, records, and memoranda, including organization tables and charts, internal accounting manuals, minute books, stock books, reports, work sheets, etc.

Retention period: Various. 14 CFR 241.1-5 (retention: 249.13)

(b) To maintain a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs.

Retention period: 3 years after expiration or cancellation. 14 CFR 221.170 (retention: 249.13)

(c) To maintain records of all passes issued (and of regular tickets or bills of lading used in lieu of trip passes) and related correspondence or memoranda.

Retention period: 3 years. 14 CFR 223.5 (retention: 249.13)

(d) To retain a record of the names, addresses, and telephone numbers of all passengers transported on each pro rata charter trip.

Retention period: 2 years. 14 CFR 207.9 (retention: 249.13)

(e) To retain copy of every charter contract (exclusive of interline agreements with other air carriers or foreign air carriers).

Retention period: 2 years. 14 CFR 207.9 (retention: 249.13)

(f) To retain every statement of supporting information and records of proof of commission paid to travel agent for each pro rata charter trip.

Retention period: 2 years. 14 CFR 207.9 (retention: 249.13)

(g) To retain written confirmation and accompanying passenger list received from another carrier and a copy of a request and passenger list to such other carrier for confirmation.

Retention period: 2 years. 14 CFR 207.9 (retention: 249.13)

(h) To maintain complete file of papers and correspondence relating to each freight loss or damage claim.

Retention period: 3 years after settlement or rejection. 14 CFR 239.10 (retention: 249.13)

(i) To maintain a record pertaining to each trade agreement entered into, including all correspondence and records concerning advertising and transportation services provided. (Applicable only to local service carriers and certificated route air carriers furnishing transportation within Alaska or Hawaii and certificated route helicopter carriers.)

Retention period: Not specified. 14 CFR 225.10

(j) To retain copies of all passenger lists, statements of depository banks affirming receipt of passenger charter deposits, and statements from charter operators that contracts have been signed with all passengers in connection with advance booking, travel group, and one-stop inclusive tour charters.

Retention period: 2 years. 14 CFR 371.44, 372a.50, 378a.45

1.3 Certificated supplemental air carriers. [Amended]

(a) To keep general books of account and supporting books, records, and memoranda, including organization tables and charts, internal accounting manuals, minute books, stock books, reports, work sheets, etc.

Retention period: Various. 14 CFR 241.1-5 (retention: 249.8)

(b) To maintain at its principal or general office a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs.

Retention period: 3 years after expiration or cancellation. 14 CFR 221.170 (retention: 249.8)

(c) To maintain records of all passes issued (and of regular tickets or bills of lading used in lieu of trip passes) and related correspondence or memoranda.

Retention period: 3 years. 14 CFR 223.5 (retention: 249.8)

(d) To maintain a record of the names, addresses, and telephone numbers of all passengers transported on each pro rata charter trip.

Retention period: 2 years. 14 CFR 208.4 (retention: 249.8)

(e) To maintain a copy of every charter contract (exclusive of interline agreements with other air carriers or foreign air carriers).

Retention period: 2 years. 14 CFR 208.34 (retention: 249.8)

(f) To retain all passenger lists, including those filed by charterers.

Retention period: 6 months. 14 CFR 208.34 (retention: 249.8)

(g) To retain every statement of supporting information and records of proof of commission paid to travel agent for each pro rata, single entity, or mixed charter trip.

Retention period: 2 years. 14 CFR 208.202a, 208.303, 208.400 (retention: 249.8)

(h) To maintain written confirmation and accompanying passenger list received from another carrier and a copy of request and passenger list to such other carrier for confirmation.

Retention period: 2 years. 14 CFR 208.4 (retention: 249.8)

(i) To maintain complete file of papers and correspondence relating to each freight loss or damage claim.

Retention period: 3 years after settlement. 14 CFR 239.10 (retention: 249.8)

(j) To maintain all receipts and statements of travel agents and other documents which evidence or reflect commissions received by, paid to, or deducted by travel agents and all statements, invoices, bills and receipts from suppliers or furnishers of goods or services in connection with the tour or series of tours.

Retention period: 2 years after completion of the tour or series of tours. 14 CFR 378.7 (retention: 249.9)

1.4 Commuter air carriers.

(a) To maintain complete file of papers and correspondence relating to each freight loss or damage claim.

Retention period: 3 years after settlement or rejection. 14 CFR 239.10 (retention: 249.27)

1.5 Foreign route air carriers. [Amended]

(a) To maintain a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs.

Retention period: 3 years after expiration or cancellation. 14 CFR 221.170 (retention: 249.12)

(b) To maintain records of all passes issued (and of regular tickets or bills of lading used in lieu of trip passes) and related correspondence or memoranda.

Retention period: 3 years. 14 CFR 223.5 (retention: 249.12)

(c) To maintain complete file of papers and correspondence relating to each freight loss or damage claim.

Retention period: 3 years after settlement. 14 CFR 239.10 (retention: 249.12)

(d) To maintain all records and statements of travel agents and all other documents which evidence or reflect commissions received by, paid to, or deducted by travel agents and all statements, invoices, bills and receipts from suppliers or furnishers of goods and services in connection with the tour or series of tours.

Retention period: 2 years after completion of the tour or series of tours. 14 CFR 378.7 (retention: 249.9)

(e) To retain a copy of each contract covering on-route charter flights originating or terminating in the United States together with all traffic documents pertaining to such on-route charters.

Retention period: 2 years. 14 CFR 212.7 (retention: 249.12)

(f) To retain true copies of all passengers lists, air waybills, invoices, and other traffic documents covering off-route charter trips performed under a "Statement of Authorization".

Retention period: 2 years. 14 CFR 212.7 (retention: 249.12)

(g) To retain a record of the names, addresses, and telephone numbers of all passengers transported on each pro rata charter trip originating or terminating in the United States.

Retention period: 2 years. 14 CFR 212.7 (retention: 249.12)

(h) To retain every statement of supporting information and proof of the commission paid to any travel agent for each pro rata charter trip.

Retention period: 2 years. 14 CFR 212.7 (retention: 249.12)

(i) To retain written confirmation and accompanying passenger lists received from another carrier and a copy of a request and passenger list to such other carrier for confirmation.

Retention period: 2 years. 14 CFR 212.7 (retention: 249.12)

(j) To retain copies of all passenger lists, statements from depository banks affirming receipt of passenger charter deposits, and statements from charter operators that contracts have been signed with all passengers in connection with advance booking, travel group, and one-stop inclusive tour charters.

Retention period: 2 years. 14 CFR 371.44, 372a.50, 378a.45.

1.6 Foreign air carriers holding permits for charter transportation only.

(a) To maintain a complete file of all tariffs by it and its agents and those issued by other carriers in which it concurs.

Retention period: 3 years after expiration or cancellation. 14 CFR 221.170 (retention: 214.6)

(b) To retain records of all passes issued (and/or regular tickets or bills of lading used in lieu of trip passes) and related correspondence or memoranda.

Retention period: 3 years. 14 CFR 223.5 (retention: 214.6)

(c) To retain written confirmation and accompanying passenger lists received from another carrier and a copy of request and passenger list to such other carrier for confirmation.

Retention period: 2 years. 14 CFR 214.6

(d) To retain every charter contract, proof of commissions paid to any travel agent, and every statement of supporting information.

Retention period: 2 years. 14 CFR 214.6

(e) To retain all passenger lists including those filed by charters.

Retention period: 2 years. 14 CFR 214.6

(f) To retain copies of all passenger lists, statements from depository banks affirming receipt of passenger charter deposits, and statements from charter operators that contracts have been signed with all passengers in connection with advance booking, travel group, and one-stop inclusive tour charters.

Retention period: 2 years. 14 CFR 371.44, 372a.50 and 378a.45.

1.7 Holders of permits to operate foreign civil aircraft in the United States.

(a) To keep available for inspection at a place in the United States true copies of all manifests, air waybills, invoices, and other traffic documents covering flights originating or terminating in the United States.

Retention period: 1 year. 14 CFR 375.43 (retention: 249.11)

(b) To retain lists of names and addresses of all passengers on charter flights originating or terminating in the United States.

Retention period: 6 months. 14 CFR 375.43 (retention: 249.11)

1.8 Air freight forwarders and international air freight forwarders.

(a) To maintain a complete file of all tariffs issued by it and by its agents and those issued by other carriers in which it concurs.

Retention period: 3 years after expiration or cancellation. 14 CFR 221.170 (retention: 249.27)

(b) To maintain such additional records as indicated by 14 CFR 296.71.

Retention: Various. 14 CFR 249.27

(c) To maintain complete file of papers and correspondence relating to each freight loss or damage claim.

Retention period: 3 years after settlement. 14 CFR 239.10 (retention: 249.27)

1.9 Study group charterers, travel group organizers and overseas military personnel charter operators.

To retain documents which evidence or reflect deposits made by, or refunds made to each participant; and all statements, invoices, bills, and receipts from suppliers or furnishers of goods or services in connection with the group charter or series of charters, and, in the case of foreign originated travel group charters, true copies of all documents required by the applicable rules of the originating country to be filed with the regulatory authority of that country or to be retained in its own files for any specific period of time.

Retention period: 2 years after completion of group charter. 14 CFR 372.28, 372a.31, 373.8 (retention: 249.9)

1.10 Advance booking, inclusive tour, and one-stop inclusive tour charter operators. [Amended]

To retain documents which evidence or reflect deposits made by each charter participant and commissions received by, paid to, or deducted by travel agents and all statements, invoices, bills and receipts from suppliers or furnishers of goods or services in connection with the tour.

Retention period: 2 years after completion of the tour. 14 CFR 371.44, 378.7, 378a.33 (retention: 249.9)

1.11 Air taxi operators engaged in air transportation.

To maintain evidence of liability insurance coverage with attached standard endorsement at principal place of business.

Retention period: Not specified. 14 CFR 298.41

Persons needing further information about listed record retention requirements should contact the following:

Mr. Clifford Rand, Chief, Systems Development Sec., Accounting, Reporting System Division, Bureau of Accounts and Statistics, Civil Aeronautics Board, Room 603, Universal Building, 1825 Connecticut Avenue NW., Telephone: 675–5113.

XVII. COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

1.1 Central nonprofit agencies.

To maintain records for all qualifying agencies for the blind or other severely handicapped of the data necessary to permit them to (a) allocate equitably orders among such agencies, and (b) submit a comprehensive annual report to the Committee for each fiscal year concerning operations of its workshop including significant accomplishments and developments such as sales, fringe benefits, labor rates, and other details requested by the Committee.

Retention period: Not specified. 41 CFR 51–3.1(e)

1.2 Agencies for the blind or other severely handicapped (employing blind or other severely handicapped to extent of 75 percent of hours of personnel in direct labor) selling to Government agencies and participating in the program of the Committee.

To keep accounting records of percentage of direct labor performed by such workers.

To maintain files on (a) each blind individual which includes a written report by a licensed physician reflecting visual acuity and field of vision of each eye with and without glasses; (b) each other severely handicapped individual which includes a written report by a licensed physician, psychiatrist, and/or qualified psychologist, reflecting the nature and extent of disability or disabilities that cause such person to qualify as severely handicapped; and (c) each blind and other severely handicapped which in-

cludes reports on preadmission evaluation, and annual reevaluations of the individual's capability for normal competitive employment, prepared by qualified person to evaluate the work potential, interests, aptitudes, and abilities of such persons.

Retention period: Not specified. 41 CFR 51-4.3

Persons needing further information about listed record retention requirements should contact the following:

Mr. H. G. Fischer, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th St., North, Suite 610, Arlington, Va. 22201. Telephone: 703-557-1145.

XVIIa. COMMODITY FUTURES TRADING COMMISSION [REVISED]

1.1 Futures commission merchants and clearing organizations of contract markets depositing customers' money, securities, and property.

To maintain an acknowledgment from a bank, trust company, clearing organization of a contract market, or futures commission merchant that it was informed that the money, securities, and property deposited therein are those of commodity customers and are being held in accord with the provisions of the Commodity Exchange Act.

Retention period: 5 years after date of closing of such bank account.[1] 17 CFR 1.20 (retention: 1.31)

1.2 Futures commission merchants and clearing organizations of contract markets depositing obligations purchased with customers' funds.

To maintain an acknowledgment from a bank, trust company, clearing organization of a contract market, or futures commission merchant that it was informed that the obligations belong to commodity customers and are being held in accord with the provisions of the Commodity Exchange Act.

Retention period: 5 years from date of closing of account.[1] 17 CFR 1.26 (retention: 1.31)

1.3 Futures commission merchants and clearing organizations of contract markets. [Amended]

To keep records of obligations and investment securities purchased for customers from money belonging or accruing thereto, date investments made, name of person through whom investments made, amount of money invested, description of obligations in which investments made identity of depositories or other places where such obligations are segregated, date disposition made and amount received therefor, name of person to or through whom sold.

Clearing organizations receiving documents from members representing investment of customers' funds shall also keep a record showing separately for each member the date on which documents were received from member, description of documents, date on which documents were returned to member, or details of disposition by other means.

Retention period: 5 years after investment liquidated or loan paid.[1] 17 CFR 1.27 (retention: 1.31)

1.4 Futures commission merchants. [Amended]

To keep a record of the daily computation of money, securities and property which must be in segregated account.

Retention period: 5 years.[1] 17 CFR 1.32 (retention: 1.31)

1.5 Futures commission merchants.

To keep records furnished customers as of close of last business day of each calendar month, or as of any regular monthly date selected showing customer's position in each future brought to the market.

Retention period: 5 years.[1] 17 CFR 1.33 (retention: 1.31)

1.6 Futures commission merchants. [Amended]

To keep copy of confirmation of the execution of any trade originated by any person controlling account other than customer for whom such account is carried.

Retention period: 5 years.[1] 17 CFR 1.33a (retention: 1.31)

1.7 Futures commission merchants.

To keep a "point balance" record of all open trades or contracts of customers as of last day of business of each calendar month or any regular monthly date selected.

Retention period: 5 years.[1] 17 CFR 1.34 (retention: 1.31)

1.8 Futures commission merchants. [Amended]

To maintain ledgers or other similar records, including supporting documents, of transactions affecting assets, liability, income, and expense and capital accounts.

Retention period: 5 years.[1] 17 CFR 1.18 (a) (retention: 1.31)

1.9 Futures commission merchants and members of contract markets. [Amended]

To keep full and complete record of all futures and cash transactions including all orders, trading cards, signature cards, street books, journals, ledgers, canceled checks, copies of confirmations, statements of purchase and sale, together with all other data and memoranda and records of every sort pertaining to cash and future transactions.

Retention period: 5 years.[1] 17 CFR 1.35 (a) and (a-1) (retention: 1.31)

1.10 Futures commission merchants and clearing members of contract markets. [Amended]

To prepare and keep in permanent form the following: (a) a financial ledger record showing all charges against and credits to each customer's account; (b) a record of transactions showing for each account all commodity futures transactions executed for such account, including date, price, quantity, market, commodity, and future; (c) a record or journal showing for each day complete details of all commodity futures transactions executed, including date, price, quantity, market, commodity, future, and the person for whom such transaction was made (in the case of clearing members, the record or journal should also show the floor broker or floor trader executing each transaction, a symbol indicating the customer type, the opposite broker or floor trader, and the opposite clearing member with whom it was made).

Retention period: 5 years.[1] 17 CFR 1.35 (b) and (c) (retention: 1.31)

1.11 Contract Markets. [Added]

To keep or have its clearing organization keep a single record showing for each trade the date, the mechanically or electronically verified time of execution (to the nearest minute) or such other time and sequence of execution indicia as authorized by the Commission, as well as the commodity, future, quantity, and price, the floor broker or trader and clearing member buying, the floor broker or trader and clearing member selling, and a symbol indicating the buying and selling customer types, i.e., whether the person executing the transaction was trading for his own account, his clearing member's house account, another member present on the exchange floor or an account controlled by him, or another type of customer. In addition, the record is to show exchanges of futures for cash, transfer trades and trades cleared on other than execution dates.

Retention period: 5 years.[1,2] 17 CFR 1.35 (e) and (g) (retention: 1.31)

1.12 Contract Markets. [Added]

To keep a record of all changes in the price of transactions executed on the floor, including the time of all changes to the nearest ten seconds.

Retention period: 5 years.[1] 17 CFR 1.35 (h) (retention: 1.31)

1.13 Futures commission merchants and clearing organizations of contract markets.

To keep record of all securities and property (other than money) received from customers to margin, guarantee or secure trades and contracts including description of securities and property, name and address of customer, identity of depositories or other places where such securities or property are segregated, date received and returned or otherwise disposed of, including authorization therefor.

Retention period: 5 years from date of return of property.[1] 17 CFR 1.36 (retention: 1.31)

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[1] After 3 years the person required to keep such books and records may at his option substitute photographic reproductions thereof on film, together with facilities for the projection of such film in a manner which will permit it to be readily inspected or examined. Under certain conditions, microfilm reproductions may immediately be substituted for hard copy. 17 CFR 1.31, 1.35

[2] The record required must be kept for 60 days in computer-readable form on compatible magnetic tapes or discs. 17 CFR 1.35

1.14 **Futures commission merchants and members of contract markets.**

To keep record showing for each futures account name, address and principal occupation or business of person for whom account is carried and names of persons guaranteeing account or exercising trading control over account.

Retention period: 5 years from date account closed.[11] 17 CFR 1.37 (retention: 1.31)

1.15 **Contract markets.**

To keep record of each transaction wherein a member acts for both a buyer and a seller, including the date, price, quantity, kind of commodity, delivery month, by whom executed, and the exact time of execution.

Retention period: 5 years.[11] 17 CFR 1.39 (retention: 1.31)

1.16 **Contract markets.**

Must require warehouse operators whose receipts are deliverable in satisfaction of futures contracts made on or subject to the rules of the contract market to keep records showing stocks traded for future delivery on such contract markets, in store by kind, class, and grade, including lots and parcels stored specially or separately.

Retention period: 5 years.[11] 17 CFR 1.44 (retention: 1.31)

1.17 **Persons having or controlling a reportable position in commodity futures.**

To keep books and records showing all details of all positions and transactions for future delivery in the commodity on all contract markets and all positions and transactions in the cash commodity, its products, and byproducts.

Retention period: 5 years.[11] 17 CFR 18.05 (retention: 1.31)

1.18 **Contract markets.**

To keep record of rule enforcement activities.

Retention period: 5 years.[11] 17 CFR 1.51 (retention: 1:31)

1.19 **Persons accepting money, securities, or property from an option customer as payment in connection with a commodity option transaction. [Added]**

To keep full, complete, and systematic records together with all pertinent data and memoranda of or relating to the commodity option transactions. The records must include all orders (filled, unfilled, or cancelled), signature cards, books of record, journals, ledgers, cancelled checks, copies of all statements of purchase, exercise or lapse, and reports, letters, disclosure statements, confirmation statements, solicitation or advertising material, circulars, memoranda, publications, writings, and all other literature or written advice distributed to option customers or prospective customers. In addition, they must include the true name and address of each maker, underwriter, issuer, or other person who assumes or purports to assume financial responsibility for the fulfillment of any option transaction solicited or accepted, to the extent such information is known or may reasonably be obtained.

Retention period: 5 years[11] 17 CFR 32.7 (a), (b) (retention: 1.31)

1.20 **Persons accepting orders for commodity options. [Added]**

To keep full, complete, and systematic records of all pertinent data and memoranda of or relating to all commodity option transactions in which an order is accepted from a person other than an option customer. The records must include the true name and address of each maker, underwriter, issuer, or other person who assumes or purports to assume financial responsibility for the fulfillment of any option transaction solicited or accepted, to the extent such information is known or may reasonably be obtained. To the extent necessary to reflect the person's participation in the transaction, it must further include all other items set forth in paragraph 1.19. above.

Retention period: 5 years.[11] 17 CFR 32.7(c) (retention 1.31)

1.21 **Persons accepting orders for commodity options. [Added]**

To keep record of order, including account identification and order number, the date, and the time to the nearest minute that order is (a) accepted, (b) transmitted for execution, (c) executed.

Retention period: 5 years.[11] 17 CFR 32.7(d) (retention: 1.31)

Persons needing further information about listed record retention requirements should contact the following:

Edwin L. Lyon, Chief Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Telephone: 202–254–8212.

XVIIb. COMMUNITY SERVICES ADMINISTRATION

1.1 **Community action agencies receiving financial assistance under title II of the Community Services Act.**

To keep a copy of each Administrative Cost Report, its supporting worksheets and a writen explanation to explain the basis for classifying and allocating personnel costs, as part of their financial records.

Retention period: 3 years, except: (a) records shall be retained beyond the 3 year period if any audit findings, litigations or claims involving the records have not been resolved; (b) records for nonexpendable property which was acquired with Federal funds shall be retained for 3 years after its final disposition; and (c) when records are transferred to or maintained by CSA, the 3 year retention requirement is not applicable to the grantee. 34 CFR 258 App. C, 45 CFR 1068.3–8

1.2 **Community Services Administration grantees receiving financial assistance under titles II and VII of the Community Services Act.**

To maintain records of all volunteered services as non-Federal share, including time cards of actual hours and specific duties performed by each volunteer and such other records as specified in section cited.

Retention period: 3 years, except: (a) records shall be retained beyond the 3 year period if any audit findings, litigations or claims involving the records have not been resolved; (b) records for nonexpendable property which was acquired with Federal funds shall be retained for 3 years after its final disposition; and (c) when records are transferred to or maintained by CSA, the 3 year retention requirement is not applicable to the grantee. 34 CFR 258 App. C, 45 CFR 1068.3–8

1.3 **Community Services Administration grantees receiving financial assistance under titles II, III–B and VII of the Economic Opportunity Act.**

To maintain property, personnel, financial, and other records and accounts necessary to account for all program funds.

Retention period: 3 years, except: (a) records shall be retained beyond the 3 year period if any audit findings, litigations or claims involving the records have not been resolved; (b) records for nonexpendable property which was acquired with Federal funds shall be retained for 3 years after its final disposition; and (c) when records are transferred to or maintained by CSA, the 3 year retention requirement is not applicable to the grantee. 34 CFR 258 App. C, 45 CFR 1068.3–8

Persons needing further information about listed record retention requirements should contact the following:

Ms. Bertha Carpenter, Paperwork and Printing Branch, Community Services Administration, 1200 19th Street NW. 20506. Telephone: 202–254–6320.

XVIIc. CONSUMER PRODUCT SAFETY COMMISSION

1.1 **Persons marketing or handling certain fabrics intended or sold for interlinings or other covered or unexposed parts of wearing apparel and persons manufacturing wearing apparel containing such fabrics.**

To maintain records which show the acquisition, disposition, and end use or intended end use of such fabrics.

Retention period: Not specified. 16 CFR 1610.36(a), 1611.36(a)

1.2 **Persons marketing or handling certain fabrics intended or sold for use in hats, gloves, and footwear and persons manufacturing hats, gloves, and footwear containing such fabrics.**

To maintain records which show the acquisition, disposition, and end use or intended end use of such fabrics.

Retention period: Not specified. 16 CFR 1610.36(b), 1611.36(b)

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[11] See footnote 11, page 29246.

1.3 Persons guarantying as to flammable quality of fabrics in wearing apparel on basis of guaranties received by them.

To keep the guaranty received and identification of the fabric or fabrics contained in articles of wearing apparel guaranteed in turn by them.

Retention period: 3 years after guaranty furnished. 16 CFR 1610.38(c) and (d), 1611.38(c) and (d)

1.4 Persons guarantying as to flammable quality of fabrics in wearing apparel on basis of class tests.

To maintain records showing identification of the class test; fiber composition, construction, and finish type of fabrics, or fabrics used or contained in articles of wearing apparel so guaranteed; and a swatch of each class of fabrics guaranteed.

Retention period: 3 years after test. 16 CFR 1610.38(b) and (d), 1611.38(b) and (d)

1.5 Persons guarantying as to flammable quality of fabrics in wearing apparel who have made tests thereof. [Amended]

To keep records showing (a) style or range number, fiber composition, construction, and finish type of each fabric (including those with a nitro cellulose fiber, finish, or coating) used or contained in the article of wearing apparel, including a swatch of the fabric tested; (b) stock or formula number, color, thickness and general description of each film or film used in the article including a sample of the film; and (c) results of actual tests.

Retention period: 3 years after test. 16 CFR 1610.38(a) and (d), 1611.38(a) and (d)

1.6 Persons shipping or delivering for shipment fabrics or articles of wearing apparel for processing.

To maintain records which establish that the textile fabrics or articles of wearing apparel have been shipped for appropriate flammability treatment and that such treatment has been completed, and records showing disposition of such fabrics or articles of wearing apparel subsequent to the completion of such treatment.

Retention period: Not specified. 16 CFR 1610.39(b), 1611.39(b)

1.7 Importers of textile fabrics or articles of wearing apparel.

To maintain records which establish that the imported textile fabrics or articles or wearing apparel have been shipped for appropriate flammability treatment and that such treatment has been completed, and records showing disposition of such fabrics or articles of wearing apparel subsequent to the completion of such treatment.

Retention period: Not specified. 16 CFR 1610.39(c), 1611.39(c)

1.8 Manufacturers of carpets and rugs subject to flammability standard FF 1–70 and small carpets and rugs subject to flammability standard FF 2–70.

To maintain records of (a) tests made to guarantee flammable quality including all identifying numbers, symbols, and manufacturing specifications, a sample of carpet or rug covered by guaranty, a copy of each test performed for purposes of the guaranty which shall disclose the date of test, results, and sufficient information to clearly identify carpet or rug tested, and a record showing the yardage at which test was performed; and (b) the guaranty received and identification of carpet or rug or quality of carpet or rug guaranteed in turn by them.

Retention period: 3 years (a) from date tests performed; (b) from date guaranty furnished where applicable. 16 CFR 1630.31, 1631.31, 1631.32

1.9 Manufacturers, importers, or other persons initially introducing mattresses into commerce. [Amended]

To maintain records showing details, description, and identification of sampling and other plans; production units of all mattresses marketed or handled; test results and details of all tests performed, disposition of all failing and rejected mattresses; certain manufacturing specifications; certain test data; photographic evidence of test results; disposition and such other records as required in section cited.

Retention period: 3 years or longer as required in prototype testing. 16 CFR 1632.31 (c) and (i)

1.10 Manufacturers, importers, or other persons initially introducing children's sleepwear; sizes 0–6X and 7–14, into commerce. [Transferred from 1.16 and amended]

To maintain records necessary to establish line of continuity through manufacturing process of each production unit of items of children's sleepwear or fabrics or related materials intended or promoted for use in children's sleepwear to sale and delivery of finished items, and from specific finished items back to manufacturing records.

Retention period: 3 years, except records of prototype testing to be maintained as long as they are relied upon and for 3 years thereafter. 16 CFR 1615.31 (e), 1616.31(d)

1.11 Persons shipping or delivering a hazardous substance in interstate commerce that is to be labeled in substantial quantity at an establishment other than that where originally manufactured or packed. [Renumbered]

To keep written agreements signed by and containing the post office address of the person and the operator, and containing whatever specifications for labeling of the hazardous substance that are necessary to insure that the hazardous substance will not be misbranded upon completion of such labeling.

Retention period: 2 years after final shipment or delivery of such hazardous substance from such establishment. 16 CFR 1500.84

1.12 Manufacturers and importers of clacker balls, baby bouncers and walkers, or similar articles. [Renumbered]

To maintain records of sale, distribution, and results of inspections and tests conducted.

Retention period: 3 years. 16 CFR 1500.86(a) (4)(vii) and (5)(v)

1.13 Manufacturers and importers of electrically operated toys and other articles intended for use by children. [Renumbered]

To maintain material and production specifications, description of quality assurance program, results of all inspections and tests conducted, and records of sales and distribution.

Retention period: 3 years after production or importation of each lot. 16 CFR 1505.4(a)(3)

1.14 Manufacturers or importers of baby cribs. [Renumbered]

To maintain records of sale, distribution, and results of all inspections and tests conducted.

Retention period: 3 years after production or importation of each lot. 16 CFR 1508.10

1.15 Manufacturers or importers of non-full size baby cribs. [Added]

To maintain records of sale and distribution and results of all inspections and tests conducted.

Retention period: 3 years after production or importation of each lot (effective 8–10–76). 16 CFR 1509.12

1.16 Manufacturers of poison prevention packaging. [Renumbered]

To maintain records of tests and results of both children and adults required under the Poison Prevention Packaging Act of 1970.

Retention period: Not specified. 16 CFR 1700.20(a) (3) and (5)

1.17 [Reserved]

Persons needing further information about listed record retention requirements should contact the following:

Edwin F. Tinsworth, Deputy Director, Bureau of Compliance, Consumer Product Safety Commission, Washington, D.C. 20207. Telephone: 301–492–6621.

XVIId. ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION

1.1 Cost-type contractors.

To keep justifications in support of subcontracts and purchase orders adequate to reflect the procurement practices and procedures used and the circumstances supporting particular transactions.

Retention period: Not specified. 41 CFR 9–55.204

1.2 [Deleted]

1.3 Holder of restricted data access permits.

To keep written agreements from all individuals who will have access to Restricted Data under the access permit to give effect to waivers of claims (a) for damages under 35 U.S.C. 183; (b) for compensation under section 173 of the Atomic Energy Act of 1954, as amended; and (c) against the United States and the Administration arising in connection with use of information supplied. To establish a document accountability procedure for documents containing Secret Restricted Data and maintain records to show disposition of all such documents which have been in his custody at any time.

Retention period: Not specified. 10 CFR 725.23, 795.34

1.4 [Deleted]

1.5 [Deleted]

1.6 [Deleted]

1.7 [Deleted]

1.8 Lessees of uranium deposits on land controlled by the Energy Research and Development Administration. [Amended]

To keep, and make available to the Administration, such records as required by the provisions of the lease.

Retention period: At least 3 years after termination or expiration of the lease. 10 CFR 760.1 (o)

1.9 [Deleted]

1.10 [Deleted]

1.11 Persons subject to financial protection requirements and indemnity agreements. [Amended]

To maintain records as deemed necessary by the Administration for the administration of the regulations concerning financial protection requirements and indemnity agreements.

Retention period: Not specified. 10 CFR 840.6

1.12 Contractors or lessors having negotiated contracts with the Energy Research and Development Administration (except foreign governments, agencies thereof, and foreign producers) and their subcontractors.

To keep directly pertinent books, documents, papers, and records.

Retention period: 3 years after final payment. 41 CFR 1-7.103-3, 9-7.5004-10

1.13 [Deleted]

1.14 Contractors whose contract contains the safety, health, and fire protection clause prescribed in 41 CFR 9-7.5004-12. [Amended]

To maintain individual occupational radiation exposure records generated in performance of contract work.

Retention period: Until disposal is specifically authorized by the Administration; or at the option of the contractor delivered to the Administration upon completion or termination of the contract. 41 CFR 9-7.5006-60

1.15 [Deleted]

1.16 [Deleted]

1.17 Recipients of cost sharing contracts.

To maintain records of cost contributions and costs charged to ERDA.

Retention period: Not specified. 41 CFR 9-4.5604

1.18 Cost-type contractors and subcontractors.

To maintain records in accordance with the provisions of their contract or subcontract.

Retention period: Various. 41 CFR 9-7.5006-1 (ERDA Manual Chapter Appendix 0230 contains established retention periods for more than 900 record items of cost-type contractors and subcontractors.)

1.19 [Deleted]

1.20 [Deleted]

1.21 [Deleted]

1.22 [Deleted]

1.23 [Deleted]

1.24 [Deleted]

Persons needing further information about listed record retention requirements should contact the following:

Loren L. Rademacher, Chief Records Management Branch, Office of the Controller, Energy Research and Development Administration, Washington, D.C. 20545. Telephone: 301-353-5055.

XVIII. ENVIRONMENTAL PROTECTION AGENCY

1.1 Persons awarded EPA grants, and contractors for all subagreements in excess of $10,000.

Grantee shall maintain books, records, documents, and other evidence and accounting procedures necessary to show (1) amount, receipt, and disposition of all assistance received for project, including non-Federal share, and (2) total costs of the project. Contractors of grantees shall maintain books, documents, papers, and records which are pertinent to specific EPA grants.

Retention period: 3 years after date of final settlement, or after submission of annual financial report for grants which are awarded annually, or until appeal, litigation, claim, or exception is resolved. 40 CFR 30.805, App. A

Retention period: 3 years. 40 CFR 52.1161

1.2 Persons obtaining an experimental permit for use of a pesticide chemical for which a temporary tolerance is established.

To maintain temporary tolerance records of production, distribution, and performance.

Retention period: 2 years. 40 CFR 180.31(e)(4)

1.3 [Deleted]

1.4 State agencies participating in relocation assistance programs.

To maintain relocation records in accordance with the requirements of appendix A to Part 4.

Retention period: 3 years after completion of a project. 40 CFR 4.105

1.5 Owners or operators of any building, structure, facility, or installation emitting air pollutants.

To maintain records of the occurrence and duration of any startup, shutdown, or malfunction in operation of any affected facility, any malfunction of the air pollution control equipment, or any periods during which a continuous monitoring system or device is inoperative; a file of all measurements, including monitoring and performance testing measurements; and any other records which may be required by applicable subparts.

Retention period: 2 years. 40 CFR 60.7

1.6 Owners and operators of stationary sources emitting air pollutants for which a national standard is in effect.

To maintain records of nature and amount of emission, air sampling data, and other information deemed necessary to determine compliance with applicable emission limitations or other control measures. (State Implementation Plans)

Retention period: 2 years. 40 CFR 51.19 and Part 52 (see specific State plan)

1.7 Manufacturers of products subject to noise emission standards and labeling requirements of the Noise Control Act of 1972.

To maintain records relating to such products to determine compliance to the act.

Retention period: Not specified. Public Law 92-574 (86 Stat. 1244)

1.8 State or interstate agency participating in the national pollutant discharge elimination program.

To maintain records of all information resulting from monitoring activities as indicated in section cited.

Retention period: 3 years, or longer during period of unresolved litigation or when requested by Director or Regional Administrator. 40 CFR 124.62, 125.27

1.9 Contractors of nonpersonal service contracts.

To maintain payroll records as specified in 29 CFR 516.2(a).

Retention period: 3 years after completion of contract. 41 CFR 15-16.553-3, para. 26(e)

1.10 Persons holding permits to allow dumping of material into the ocean waters.

To maintain complete records of materials dumped, time and locations of dumping, and such other records as required in section cited.

Retention period: Not specified. 40 CFR 224.1

1.11 Owners and operators of onshore or offshore facilities engaged in oil activities.

To maintain written procedures developed for prevention of oil pollution and record of inspection required in 40 CFR Part 112.

Retention period: 3 years. 40 CFR 112.7

1.12 Owners and operators of thermal processing facilities and land disposal sites.

To maintain records and monitoring data as required by regulations.

Retention period: Not specified. 40 CFR 240.211—240.211–3, 241.212—241.212–3

1.13 Recipients receiving Federal assistance under the Federal Water Pollution Control Act Amendments of 1972.

To maintain such records as are necessary to ascertain compliance to the equal employment opportunity requirements of the act.

Retention period: Not specified. 40 CFR 12.7

1.14 Producers of pesticides and devices, and producers of pesticides pursuant to an experimental use permit.

To maintain records of production, brand names, receipt, shipment, inventories, advertising, guarantees, disposal, tests, research, and such other records as specified in the section cited.

Retention period: Various. 40 CFR 169.2, 172.5

1.15 State agencies using or applying pesticides pursuant to a quarantine-public health exemption.

To maintain records of all such treatments specifying records as contained in cited section.

Retention period: Not specified. 40 CFR 166.6

1.16 Persons using or receiving pesticides and pesticide containers.

To maintain records to locate pesticides and pesticide containers within a designated landfill.

Retention period: Not specified. 40 CFR 165.8, 165.9, 165.10

1.17 Educational institutions or employers receiving incentives for reduction of single-passenger commuter vehicle use.

To maintain all supporting documents and data required by section cited.

1.18 Refiners, distributors, and retailers of gasoline.

To maintain information on bulk shipments and annual gallonage sales of unleaded gasoline as specified in section cited.

Retention period: 6 months. 40 CFR 80.7

1.19 Owners or operators of public water systems.

To maintain records of (a) bacteriological analyses; (b) chemical analyses; (c) actions taken to correct violations of primary drinking water regulations; (d) copies of written reports, summaries or communications relating to sanitary surveys of the system; and (e) records concerning variances or exemptions granted to the system.

Retention period: (a) 5 years; (b) 10 years; (c) 3 years after last action taken for each violation; (d) 10 years; and (e) 5 years after expiration of variance or exemption. 40 CFR 141.33

1.20 Persons who manufacture, process, or distribute in commerce any chemical substance or mixture subject to the Toxic Substances Control Act. [Added]

To maintain records of significant adverse reactions to health or the environment alleged to have been caused by the substance or mixture. Records required to be maintained include records of consumer allegations of personal injury or harm to health, reports of occupational disease or injury, and reports or complaints of injury to the environment.

Retention Period: For records related to adverse reactions to the health of employees, 30 years after such reactions are first reported to manufacturer. Five (5) years after first reporting for all other records of adverse reactions. Public Law 94–469 (15 U.S.C. 2601)

1.21 Owners or operators of any stationary sources emitting hazardous pollutants for which a national standard is in effect. [Added]

To maintain records of emission test results from air, stack, sludge, or other sampling, needed to determine total emissions, as specified in the sections cited.

Retention Period: 2 years. 40 CFR 61.33, 61.43, 61.44, 61.53, 61.54, 61.71

1.22 Manufacturers of new motor vehicles or new motor vehicle engines subject to air pollution control regulations. [Added]

To maintain general and specific records relating to such vehicles as specified in the sections cited.

Retention Period: 6 years after issuance of all related certificates of conformity. 40 CFR 85.006, 85.106, 85.206, 85.306, 85.706, 85.806, 85.906, 86.077–7

1.23 Manufacturers of new motor vehicles or new motor vehicle engines who have been notified that such vehicles or engines are not in conformity with applicable emission standards and regulations. [Added]

To maintain records to permit the analysis of recall campaigns as specified in the section cited.

Retention Period: 5 years. 40 CFR 85.1806

1.24 Manufacturers of portable air compressors and medium and heavy duty trucks subject to the noise emission standards and controls for construction and transportation equipment. [Added]

To maintain general and individual records for test compressors and vehicles as specified in the sections cited.

Retention Period: 3 years from the date of production verification. 40 CFR 204.53, 205.53.

1.25 Manufacturers of new gasoline-fueled and diesel light-duty vehicles and new gasoline-fueled and diesel light-duty trucks subject to selective enforcement auditing procedures required by air pollution control regulations. [Added]

To maintain general and individual records relating to vehicle emission tests performed pursuant to test orders as specified in the section cited.

Retention Period: 1 year after completion of tests. 40 CFR 86.605

Persons needing further information about listed record retention requirements should contact the following:

Harold R. Masters, Chief, Administrative Management Branch, Management and Organization (PM–213), U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Telephone: 202–755–0840.

XIX. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

1.1 Employers subject to title VII of the Civil Rights Act.

To maintain personnel and employment and other records having to do with hiring, promotion, demotion, transfer, lay-off or termination, rates of pay, and selection for training or apprenticeship.

Retention period: 6 months from date of making record or personnel action involved, whichever is later. Whenever a charge of discrimination has been filed, or an action brought by the Commission or the Attorney General—until final disposition of the charge or action. 29 CFR 1602.14

1.2 Employers, labor organizations, and joint labor-management committees controlling apprenticeship programs.

(a) To maintain a list in chronological order of names and addresses, sex, and minority group identification of all applicants in the apprenticeship program, and any other records relating to applicants for apprenticeship, such as completed test papers, and records of interviews.

(b) To maintain any other records made solely for completing Report EEO–2, or similar reports.

Retention period: (a) 2 years or period of successful applicant's apprenticeship, whichever is later; (b) 1 year from the due date of the report. Whenever a charge of discrimination has been filed, or an action brought by the Attorney General—until final disposition of the charge or action. 29 CFR 1602.20, 1602.21

1.3 Local unions.

To maintain prescribed records concerning local union practices; and "referral unions" to maintain membership, referral, and applicant records by sex and minority group identification.

Retention period: 1 year except for other membership or referral records required of "referral unions" which are to be retained for a period of 6 months. Whenever a charge of discrimination has been filed, or an action brought by the Commission or the Attorney General—until final disposition of the charge or action. 29 CFR 1602.22, 1602.28

1.4 State and local governments (non-educational institutions).

(a) To maintain personnel and employment records having to do with hiring, promotion, demotion, transfer, termination, rates of pay or other terms of compensation of civil service and other state employees, except those working in educational institutions.

(b) To maintain information on employees in order to complete and file form EEO–4 as required.

Retention period: (a) 2 years, 29 CFR 1602.31; (b) 3 years, 29 CFR 1602.30

1.5 Public school systems, districts, and individual schools with 15 or more employees.

(a) To maintain personnel and employment records having to do with hiring, promotion, demotion, transfer, termination, rates of pay or other terms of compensation of all public school employees.

(b) To maintain information on employees in order to complete and file form EEO–5 as required.

Retention period: (a) 2 years, 29 CFR 1602.40; (b) 3 years, 29 CFR 1602.39

1.6 Institutions of higher education with 15 or more employees.

(a) To maintain personnel and employment records having to do with hiring, promotion, demotion, transfer, termination, rates of pay or other terms of compensation of all school employees.

(b) To maintain information on employees in order to complete and file form EEO–6 as required.

Retention period: (a) 2 years, 29 CFR 1602.49; (b) 3 years, 29 CFR 1602.48

Persons needing further information about listed record retention requirements should contact the following:

Mr. Joachim Neckere, Chief, Employment Surveys Branch, Equal Employment Opportunity Commission, Room 2000, 2401 E Street, NW., Washington, D.C. 20506. Telephone: 202–634–6474

XX. FARM CREDIT ADMINISTRATION

1.1 Farm credit banks and associations. [Amended]

To maintain original corporate records, payroll records, basic personnel records, records required by Federal or State laws, Federal records, financial reports as of June 30 and December 31 each year, applications, notes, security instruments, financial statements, and individual records pertaining to loans charged off where the borrower has a significant enforceable and residual liability, and listing of obsolete records destroyed.

Retention period: Not specified. 12 CFR 618.8360

Persons needing further information about listed record retention requirements should contact the following:

Paul C. Redmer, Director, Administrative Division, Farm Credit Administration, 490 L'Enfant Plaza East, S.W., Washington, D.C. 20578. Telephone: 202–755–4394.

XXI. FEDERAL COMMUNICATIONS COMMISSION

1.1 Licensees of standard, FM and noncommercial educational FM broadcast (radio) stations. [Amended]

To keep at each transmitter or remote control point records of equipment performance measurement data including diagrams and appropriate graphs, together with descriptions of instruments and procedures, signed and dated by qualified person making the measurements.

Retention period: 2 years. 47 CFR 73.47, 73.254

1.2 [Deleted]

1.3 Licensees or permittees of standard, FM, noncommercial educational FM, international radio, and television broadcast stations.

To keep program, operating, and maintenance logs except for licensees of international radio stations who keep program and operating logs, including rough logs and transcribed portions thereof.

Retention period: 2 years and for such additional periods as required as follows: (a) logs involving communications incident to a distress or disaster and those involved in an investigation by the Commission—until written authorization by the Commission to destroy; (b) logs incident to or involved in any claims or complaint—until satisfaction of such claim or complaint or until barred by the statute limiting the time for filing of such suits upon such claims. 47 CFR 73.111—73.115, 73.281—73.285, 73.581—73.585, 73.669—73.673, 73.781—73.786

1.4 Licensees of standard, FM, noncommercial educational FM radio, and television broadcast stations.

To keep complete records of all requests for broadcast time made by or on behalf of candidates for public office, together with appropriate notations showing disposition made and charge, if any, if request is granted.

Retention period: 2 years. 47 CFR 73.120, 73.290, 73.590, 73.657

1.5 Licensees of radio stations in the experimental, auxiliary, and special broadcast services, and of cable television relay stations.

To keep log of station operations including hours of operation, programs transmitted, frequency checks, pertinent remarks concerning transmission, research and experimentation conducted, tower light inspections, and such other records as indicated in sections cited.

Retention period: 2 years, except licensees of instructional television fixed stations and cable television relay stations keep records for such longer period as the Commission may direct or in case of claim or complaint, until satisfaction of such claim or complaint or until barred by statute limiting the time for filing of suits upon such claims. 47 CFR 74.181, 74.281, 74.381, 74.481, 74.581, 74.681, 74.781, 74.881, 74.981, 74.1291, 78.69

1.6 Licensees of low power broadcast auxiliary stations. [Deleted]

1.7 Licensees of radio stations in the experimental services (other than broadcast).

To keep adequate station records of operation; of service or maintenance duties which may affect proper station operation; and of the illumination of antennas or antenna supporting structures.

Retention period: 1 year. 47 CFR 5.163, 17.49 (retention: 5.165)

1.8 Licensees of radio stations holding student authorizations for experimental services.

To maintain record of date, time, and frequency of operation and brief description of experimentation being conducted.

Retention period: 1 month after termination of authorization. 47 CFR 5.410

1.9 Licensees of radio stations in the international fixed public radio communication services.

To keep station logs.

Retention period: 1 year and such additional periods as required as follows: (a) logs involving communications incident to a distress or disaster or those involved in an investigation by the Commission—until written authorization by the Commission to destroy; (b) logs incident to any claim or complaint—until satisfaction of such claim or complaint or until barred by statute limiting time for filing of suits upon such claims. 47 CFR 23.47

1.10 Licensees of radio stations on land in the maritime services and Alaska-public fixed stations.

To maintain station records and logs as indicated in sections cited.

Retention period: 1 year from date of entry and for such additional periods as required as follows: (a) Logs involving communications incident to a distress or disaster—3 years from date of entry; (b) logs including communications incident to an investigation by the Commission—until written authorization by the Commission to destroy; (c) logs incident to or involved in any claim or complaint—until satisfaction of such claim or complaint or until barred by statute limiting the time for the filing of suits upon such claims. 47 CFR 81.194, 81.214, 81.314, 81.370, 81.458, 81.477, 81.504, 81.536, 81.704 (retention: 81.115)

1.11 Licensees of limited coast stations or marine-utility stations used on shore.

To keep a copy of agreements with vessel owners, verifying that licensee has sole right of control of the ship radio station involved and that the vessel operators shall use the ship stations subject to the orders of the licensee of the coast station or marine utility station on shore.

Retention period: Not specified. 47 CFR 81.352

1.12 Licensees of limited coast stations, marine-utility stations, and marine-fixed stations.

To keep records which reflect the cost of the service and its nonprofit, cost-sharing, cooperative arrangement or basis on which radio communication service is rendered.

Retention period: Not specified. 47 CFR 81.352, 81.451

1.13 Licensees of radio stations on shipboard in the maritime services.

To maintain station logs and such other records as indicated in sections cited.

Retention period: 1 year from date of entry and such additional periods as required as follows: (a) logs involving communications incident to a distress or disaster—3 years from date of entry; (b) logs including communications incident to or involved in an investigation by the Commission—until written notification by the Commission to destroy; (c) logs incident to or involved in any claim or complaint—until satisfaction of such claim or complaint or until barred by statute limiting the time for the filing of suits upon such claims (47 CFR Part 42 prescribes the requirement concerning record retention by communications common carriers); (d) ship-radar station licensees retain a permanent installation and maintenance record. 47 CFR 83.39, 83.111, 83.115, 83.184, 83.330, 83.331, 83.368, 83.405, 83.456, 83.457, 83.459, 83.462, 83.463, 83.473, 83.548, 83.819

1.14 Licensees of radio stations in the aviation services.

All stations at fixed locations, except radionavigation land test stations (MTF), to keep adequate records of operation; and stations whose antenna structure is required to be illuminated—a record of illumination; Aeronautical Public Service Stations—to keep a file of all record communications handled and all ground stations so licensed to keep a record of radiotelephone contacts either in the form of telephone traffic tickets or as a separate list.

Retention period: 30 days; except those logs involving communications incident to a distress or disaster or involved in an investigation by the Commission—until written notification by the Commission to destroy; or logs incident to or involved in a claim or complaint—until satisfaction of such claim or complaint or until barred by statute limiting time for filing suit upon such claim. 47 CFR 87.99–87.109

1.15 Public service aircraft.

To keep adequate records to permit ready identification of individual aircraft if in lieu of radio station call letter, the official aircraft registration number, or company flight identification is used and make them available for inspection upon request of an authorized representative of the Commission.

Retention period: Not specified. 47 CFR 87.115

1.16 Licensees of public safety, industrial, and land transportation radio services stations.

To keep records as follows: By all stations—transmitter measurements, service and maintenance records, the name, address, and license information of person or persons responsible for the foregoing and stations whose antenna or antenna supporting structure is required to be illuminated—a record of illumination.

Retention period: 1 year. 47 CFR 89.175, 89.179, 91.160, 93.160

1.17 Licensees of public safety, industrial, land transportation, and personal radio service stations sharing costs and facilities with other licensees. [Amended]

To keep a copy of cooperative agreements and contracts as well as records which reflect the nonprofit, cost-sharing nature of that sharing.

Retention period: 1 year. 47 CFR 89.13, 89.14, 91.6, 91.9, 93.3, 93.4, 95.87 (retention: 89.179, 91.160, 93.160, 95.103)

1.18 Nonprofit corporations or associations organized to operate radio stations in the power, petroleum, forest product, motion picture, relay press, and base and mobile stations.

To keep records which reflect the cost-sharing nonprofit basis under which they operate.

Retention period: 1 year. 47 CFR 91.251, 91.301, 91.351, 91.401, 91.451, 93.3, 93.4 (retention: 91.160, 93.160)

1.19 Licensees of amateur radio stations. [Amended]

To maintain station licenses, logs, and system network diagrams, including information indicated in sections cited.

Retention period: Varied. 47 CFR 97.13, 97.47, 97.83, 97.88, 97.103, 97.105, 97.111

1.20 Licensees of private operational-fixed microwave service.

To maintain records as specified in section cited.

Retention period: 1 year. 47 CFR 94.113

1.21 [Reserved]

1.22 Grantees of FCC equipment authorizations, including registration. [Amended]

To maintain records of original design drawings and specifications and of the procedures used for production, inspection, and testing.

Retention period: 1 year after manufacture of item is permanently discontinued or until notified of conclusion of any investigation or proceeding. 47 CFR 2.938

1.23 Licensees of citizens radio service stations. [Revised]

To keep records as follows: For licensees whose name and/or address has changed, a copy of the notification to the Commission; for licensees of certain General Mobile stations, signal strength ratio measurements; for stations required to conduct tests in connection with a notice of violation, the reports of the test results; for stations transmitting abbreviations, a list of all such abbreviations and their meanings; for stations in which the licensee installs a unit of his station on the premises of a telephone answering service, the required written agreement; for each station, the current authorization and a current copy of Part 95; for stations whose antenna structure is required to be illuminated, a record of inspection and maintenance.

Retention period: 1 year, unless otherwise stated. 47 CFR 17.49, 95.35, 95.41, 95.53, 95.83, 95.89, 95.101, 95.105, 95.111

1.24 Licensees of repeater stations (operated under automatic control).

To retain all radiocommunications transmitted by station.

Retention period: 30 days. 47 CFR 97.111

1.25 Licensees of disaster communications service radio stations.

To keep an accurate log of all operations including information indicated in sections cited.

Retention period: 1 year or if a portion of log related to an actual disaster, until approval by the Commission to destroy. 47 CFR 99.25, 99.27

1.26 Licensees of radio stations in the domestic public radio services.

To maintain a technical log of station operations and an operation logbook as indicated in section cited.

Retention period: 1 year, or if records involving communications incident to a disaster or involved in an investigation by the Commission—until written authorization by the Commission to destroy; or if involved in a claim or complaint—until satisfaction of claim or complaint or until barred by statute limiting time for filing a suit upon such claim. 47 CFR 21.208

1.27 Communication common carriers, including Communications Satellite Corporation and certain contractors.

To keep accounts, records, memoranda, documents, microfilm, correspondence and related indexes prepared by or on behalf of the carrier as well as records of property or services acquired by a carrier through purchase, consolidation, merger, etc.

Retention period: Various. 47 CFR 25.177 (retention: 42.9)

1.28 Owners or operators of industrial heating equipment.

To keep a log of inspections of industrial heating equipment.

Retention period: Not specified. 47 CFR 18.105

1.29 Licensees or permittees of standard, FM, television, or international broadcast stations.

To maintain resale contracts to "time brokers," subchannel leasing agreements, time sales contracts with same sponsor.

1.30 Applicants, permittees, and licensees of standard, FM, noncommercial educational FM radio, and television broadcast stations.

To maintain applications for construction permits, employment records, and such other records as may be required by section cited.

Retention period: Various. 47 CFR 1.526

1.31 Licensees of standard, FM, and international radio, and television broadcast stations.

To keep a list of the chief executive officers or members of the executive committee or of the board of directors of any corporation, committee, association, or other unincorporated group which sponsors, pays for or furnishes, in whole or in part, or provides material or services for any program, other than a program advertising commercial products or services, which is broadcast by the station. Where sponsorship announcements have been waived pursuant to 47 CFR 73.1212 (g) records of names, addresses, and telephone numbers of the advertisers must be maintained.

Retention period: 2 years. 47 CFR 73.119, 73.289, 73.654, 73.789, 73.1212

1.32 Licensees of standard, FM, and television broadcast stations.

To retain copies of confirmed orders for undelivered antenna (phase) monitors, and copies of agreements and Commission approval for antenna structure marking and lighting and for simultaneous use of common antennas

Retention period: Not specified. 47 CFR 73.69, 73.1213, 74.22

1.33 Licensees of operational stations in the aviation services sharing costs and facilities with other licensees.

To keep a copy of cooperative agreements and contracts as well as records which reflect the nonprofit, cost sharing nature of that sharing and make them available for inspection upon request of an authorized representative of the Commission.

Retention period: Not specified. 47 CFR 87.467

1.34 Operators of cable television systems. [Amended]

(a) To maintain records of signal carriage commenced after March 31, 1972 (required of systems in major television markets only).

Retention period: 1 year after any such record is amended. 47 CFR 76.305 (a)(5)

(b) To keep lists of requests for origination cablecasting time made by or on behalf of candidates for public office; sponsors of origination cablecasts of a political or controversial nature; names and addresses of non-business advertisers whose ads are origination cablecast; titles and dates of feature films cablecast; names and addresses of all persons or groups requesting access time for public, educational, or leased access programming; and to keep a copy of FCC Form 325 (annual report) and each of the above records in a file for public inspection.

Retention period: 2 years. 47 CFR 76.205(c), 76.221 (d) and (f), 76.225(a)(3), 76.256(d), 76.305(a) (4), (7) and (c)

(c) To maintain records of subscribers served.

Retention period: 3 years. 47 CFR 76.306

(d) To maintain records of equal opportunity programs and related documents and technical performance test data for each cable television channel.

Retention period: 5 years. 47 CFR 76.305 (a)(7) and (c), 76.311(f)(2), 76.601 (c)

(e) To keep in public inspection file a copy each of franchise and certificate of compliance applications, petitions to the Federal Communications Commission, decisions of the Commission pertaining to the system, and all other related documents.

Retention period: 15 years or until system receives certificates of compliance occasioned by local franchise review, whichever occurs later. 47 CFR 76.305(a)(1), (2), (3), and (8)

(f) To keep in public inspection file a copy of application for transfer of control of a cable television relay station serving the system.

Retention period: As long as authorization is outstanding. 47 CFR 76.305(a)(6)

(g) To keep in public inspection file a copy of network program nonduplication private agreements entered into after August 22, 1975.

Retention period: Life of contract. 47 CFR 76.95(d)

(h) To keep a current list of cable television channels delivered to subscribers and a list of signals delivered on each Class I cable television channel.

Retention period: Indefinite. 47 CFR 76.601(b)

1.35 Licensees of FM broadcast translator stations and FM broadcast booster stations.

To maintain station records of current instrument of authorization, official correspondence, maintenance records, contracts, permissions for rebroadcast, and other pertinent documents.

Retention period: 2 years. 47 CFR 74.1281

1.36 Licensees of plurality ship stations.

To keep a current list, available for inspection, of all vessel names and registration numbers authorized by the plurality ship station license.

Retention period: Not specified. 47 CFR 83.39

1.37 Licensees of ship stations authorized to transmit on frequencies in the band 400–535.

To maintain and post a written record of adjustments of transmitting and receiving equipment for operation on frequencies 410 and 500 kc/s and two working frequencies.

Retention period: Not specified. 47 CFR 83.331

1.38 Licensees of ship radiotelegraph stations provided for compliance with part II, title III of the Communications Act or the radio provisions of the Safety Convention.

To keep a record on board the ship of the direction finder calibrations, and check bearings made of their accuracy.

Retention period: 1 year. 47 CFR 83.459, 83.462

1.39 Common carrier licensees or permittees employment records. [Amended]

Each licensee or permittee required to file annual employment reports, equal opportunity programs and reports on complaints of Federal, State, or local equal opportunity laws must maintain for public inspection a copy of all employment reports, exhibits, letters, documents and correspondence between Commission and licensee or permittee pertaining to reports after they are filed and all documents incorporated therein by reference.

Retention period: 2 years. 47 CFR 21.307, 23.55

1.40 [Reserved]

1.41 Licensees of television broadcast stations.

To keep at each station a statement that transmitter and station performance measurements for any substitute transmitter have been made and that the data confirm that the station and transmitter performance are as certified by the licensee.

Retention period: During utilization of the substitute transmitter. 47 CFR 73.640

1.42 Licensees and permittees of television broadcast translator stations.

To keep a current copy of Volumes I and III of the loose-leaf service containing the Commission's rules.

Retention period: Indefinite. 47 CFR 74.769

1.43 Licensees of standard (AM) noncommercial educational FM, and television broadcast stations which receive assistance under Part IV, Title III of the Communications Act.

To keep audio recordings of each broadcast of any public affairs program in which an issue of public importance is discussed, and requests for copies of such recordings.

Retention periods: 60 days for recordings; 3 years for requests for copies. 47 CFR 73.127, 73.600, and 73.622.

1.44 Licensees of Standard, FM and noncommercial educational FM broadcast stations. [Added]

To keep signed contracts with part-time first-class radiotelephone operators in the files of the station and make available upon request by an authorized representative of the Commission.

Retention period: Not specified. 47 CFR 73.93, 73.265, 73.565

1.45 Licensees of Standard broadcast stations. [Added]

To keep a copy of the most recent antenna resistance or common-point impedance measurements submitted to the Commission and a copy of the most recent field intensity measurements to establish performance of directional antennas required by 73.151.

Retention period: Indefinite. 47 CFR 73.116

Persons needing further information about listed record retention requirements should contact the following:

Upton K. Guthery, Federal Communications Commission, Washington, D.C. 20554. Telephone: 202–632–7024.

XXII. FEDERAL DEPOSIT INSURANCE CORPORATION

1.1 Insured banks.

Each insured bank, as a condition to the right to make any deduction, allowed under section 7(b) of the Federal Deposit Insurance Act (12 U.S.C. 1817), in determining its assessment base, shall maintain such records as will readily permit verification of the correctness of its assessment base.

Retention period: 5 years from the date of the filing of any certified statement, except that when there is a dispute between the insured bank and the Corporation over the amount of any assessment the bank shall retain such records until final determination of the issue. 12 U.S.C. 1817(b); 12 CFR 304.3

1.2 Insured banks.

To keep certified statement forms.

Retention period: Same as for item 1.1. 12 CFR 304.3

1.3 Insured State nonmember banks.

To maintain, in connection with all loans secured by improved real estate or a mobile home, sufficient records to determine whether or not such loans fall within the provisions of 12 CFR Part 339 relating to special flood hazard areas.

Retention period: Not specified. 12 CFR 339.4

1.4 Insured State nonmember banks.

To maintain control and subsidiary records of its standby letters of credit.

Retention period: Not specified. 12 CFR 337.2

1.5 Insured State nonmember banks. [Added]

To maintain records showing the name(s) and title(s) of law enforcement officer(s) who advises bank on installation, maintenance, and operation of appropriate security devices.

Retention period: Not specified. 12 CFR 326.4(a)

1.6 Insured State nonmember banks. [Added]

To maintain in its records a statement of reasons the bank's board of directors has decided not to install, maintain, and operate security devices at least equivalent to the standards prescribed in Appendix A of 12 CFR Part 326.

Retention period: Not specified. 12 CFR 326.3(c)

Persons needing further information about listed record retention requirements should contact the following:

Roger A. Hood, Assistant General Counsel, Federal Deposit Insurance Corporation, Room 4006, Washington, D.C. 20429. Telephone: 202–389–4628.

XXIIa. FEDERAL ELECTION COMMISSION

1.1 Presidential candidates seeking primary matching funds. [Amended]

To maintain records of contributions and other receipts and transfers and other such records as are required to qualify for primary matching payments.

Retention period: Not specified. 26 U.S.C. 9031 *et seq.* (11 CFR Part 131, 41 FR 35969)

1.2 National committee of any political party entitled to convention financing. [Amended]

To make available signature cards of officials authorized to sign requests for payment, and name and address of bank depository; to maintain records of expenditures and accounts payable and other records required to be reported.

Retention period: Not specified. 26 U.S.C. 9008 *et seq.* (11 CFR 123.3, 41 FR 35966)

1.3 Candidates, political committees and other persons required to file reports or statements with the Commission. [Amended]

To maintain records with respect to the matter required to be reported and to retain copies of the reports and statements.

Retention period: 3 years. 2 U.S.C. 432 (11 CFR 104.12, 41 FR 35943)

1.4 [Deleted]

1.5 [Deleted]

1.6 Presidential candidates seeking general election public financing. [Added]

To maintain records of expenditures.

Retention period: not specified. 26 U.S.C. 9003. (11 CFR 141.1, 41 FR 35973)

Persons needing further information about listed record retention requirements should contact the following:

Mr. Christopher M. Thomas, Chief of Public Information, Federal Election Commission, Washington, D.C. 20463. Telephone: 202–382–4733.

XXIIb. FEDERAL ENERGY ADMINISTRATION

1.1 Firms subject to mandatory petroleum allocation and price regulations.

To maintain records sufficient to demonstrate that prices charged or the amounts sold are in compliance with requirements of 10 CFR Part 210.

Retention period: At least 4 years after the last day of the calendar year in which transactions or other events occurred or the property was acquired, whichever is later. 10 CFR 210.92

1.2 Operators of propane and butane merchant storage facilities.

To maintain required reports from owners of product stored in their facilities for possible audit by FEA.

Retention period: Not specified. 10 CFR 211.87, 211.97

1.3 Suppliers of surplus allocated products.

To maintain adequate records to allow FEA, upon request, to ascertain the disposition of the surplus product.

Retention period: Not specified. 10 CFR 211.10

1.4 Suppliers of petroleum products.

To maintain records which demonstrate the basis for distribution of allocable supplies among their various purchasers.

Retention period: Not specified. 10 CFR 211.223

1.5 Sellers of covered petroleum products.

To maintain records of its base production control levels and selling prices.

Retention period: Not specified. 10 CFR 212.29

1.6 Gas plant operators and owners.

To maintain records of prices to reflect increased product costs and increased nonproduct costs.

Retention period: Not specified. 10 CFR 212.150

1.7 Coal suppliers under Defense Department contracts.

To maintain records of deliveries and such other records as FEA may require.

Retention period: 2 years. Microfilm or photographic copies of records may be kept in lieu of originals. 10 CFR 317.8

1.8 Petroleum suppliers in Puerto Rico.

To keep all records relating to petroleum product transactions and such other records as required by 10 CFR Part 660.

Retention period: 4 years after last day of calendar year in which transaction occurred or property was acquired by that firm, whichever is later. 10 CFR 660.154

1.9 Suppliers or producers of imported propane and butane (other than from Canada).

To maintain inventory records for such propane and butane separate from its inventory records for propane or butane allocated under the provisions of 10 CFR 211.10.

Retention period: Not specified. 10 CFR 211.12

1.10 Refiners subject to profit margin limitation who remit revenues.

To maintain records of the names and addresses of ultimate consumers and records of refunds to such ultimate consumers.

Retention period: Not specified. 10 CFR 205.243

XXIII. FEDERAL HOME LOAN BANK BOARD

1. Federal Savings and Loan System

1.1 Federal savings and loan associations. [Amended]

To maintain a complete record of all business transactions, and to maintain at either its home office or at a branch or service office located within 100 miles of the home office, all general accounting records, including all control records, of all business transactions at each office and agency.

Retention period: Not specified. 12 CFR 545.20(b)

1.2 Federal savings and loan associations. [Amended]

To maintain a detailed record of the business transactions made at each mobile facility operated by the association.

Retention period: Not specified. 12 CFR 545.14-4(c)(3)

1.3 Federal savings and loan associations. [Amended]

To establish and maintain such books, records, and accounting practices as will clearly and fully disclose the operations of a data processing service center in which two or more institutions participate.

Retention period: Not specified. 12 CFR 545.14-3(c)

1.4 Federal savings and loan associations. [Amended]

To keep a record for each loan secured by one or more dwelling units. Such record shall contain documentation showing the number of dwelling units covered by the loan, the number of bedrooms in each dwelling unit, and whether such dwelling units are in an elevator-type structure.

Retention period: Not specified. 12 CFR 545.6-1(d)

1.5 Federal savings and loan associations. [Amended]

To keep a record of the status of taxes, assessments, insurance premiums, and other charges on all real estate on which the association has loans or which is owned by it.

Retention period: Not specified. 12 CFR 545.6-11(a)

1.6 Federal savings and loan associations.

To keep a signed copy of the report of the appraisal of each parcel of real estate owned made at the time of its acquisition.

Retention period: Not specified. 12 CFR 545.19

1.7 Federal savings and loan associations. [Amended]

To keep signed statements of intention to make regular monthly payments of a specified amount to bonus savings accounts.

Retention period: Not specified. 12 CFR 545.2-2(b)(1)

1.8 Federal savings and loan associations. [Amended]

To earmark all real estate loan investments subject to percentage limitations so that the association will be able to determine the total investments allocable to any percentage-limitation category.

Retention period: Not specified. 12 CFR 545.6-7(e)

1.9 Federal savings and loan associations. [Amended]

To keep at agencies an original record of all business transacted at such agencies.

Retention period: Not specified. 12 CFR 545.15

1.10 Federal savings and loan associations. [Amended]

To keep in its records a card containing the signature of the owner of a savings account obtained in connection with the issuance of such amount.

Retention period: Not specified. 12 CFR 545.2(a)

1.11 [Deleted]

1.12 Federal savings and loan associations, Charter S associations. [Amended]

To maintain books and records of account minutes of stockholder and director meetings and a record of stockholders.

Retention period: Not specified. 12 CFR 552.11(a)

1.13 Federal savings and loan associations. [Added]

For associations engaging in mortgage-futures transactions, to maintain: (1) A register of all outstanding futures contracts, including brokers' confirmations as received; (2) a record of specific futures contracts, the present or anticipated cash market transaction or transactions against which they are matched, and in the case of an anticipated transaction a statement of facts adequately justifying such anticipated transaction; (3) a record of all transactions in due bills; and (4) a list of all association personnel authorized to engage in mortgage-futures transactions and their duties, responsibilities and limits of authority.

Retention period: Not specified. 12 CFR 545.29(d)

2. Federal Savings and Loan Insurance Corporation

2.1 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Amended]

Each insured institution, affiliate and service corporation thereof shall establish and maintain such accounting and other records as will provide an accurate and complete record of all business transacted by it and, without any limitation on the generality of the foregoing, each insured institution shall establish and maintain records with respect to: (1) loans on the security of real estate, including—(i) a loan application, (ii) purchase price (if applicable) of the real estate, (iii) appraisal, (iv) borrower credit report, (v) documentation showing the institution's approval of, and terms of the loan, (vi) a record of disbursements, (vii) validity of the lien, (viii) documentation showing that a loan settlement statement was furnished the borrower, (ix) status of taxes and other assessments on the loan security, (x) loan modifications and (xi) releases of collateral; (2) property purchased subject to, or with assumption by a third party of, an institution's loan, (3) loans sold, (4) the acquisition of mortgaged security, (5) insured accounts, and (6) such other records as are required by statute or by any other regulation to which such institution is subject.

Retention period: Not specified. 12 CFR 563.17-1(c)

2.2 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Amended]

To keep a dated, signed copy of each report of appraisal of each parcel of real estate owned which is a scheduled item

Retention period: Not specified. 12 CFR 563.17-2(a)

2.3 Institutions insured by the Federal Savings and Loan Insurance Corporation.

Each insured institution shall keep a signed appraisal of the property securing every whole loan which such institution makes or purchases under section 563.9 or in which such institution participates under section 563.9-1 unless such loan is insured or guaranteed in accordance with section 563.10(f). Each insured institution shall also keep copies of the certification by its board of directors or loan committee of such appraisal.

Retention period: Not specified. 12 CFR 563.10

2.4 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Amended]

Each insured institution, affiliate and service corporation thereof shall keep records showing compliance with the limitations on real estate loans to one borrower if the total balances of all outstanding loans on the security of real estate owed to an institution each insured institution shall by any one borrower exceeds $250,000 or 2% of the institution's net worth, whichever is greater, but in all cases where such outstanding loans exceed $1,000,000.

Retention period: Not specified. 12 CFR 563.9-3(c)

2.5 [Deleted]

2.6 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Amended]

(a) To establish and maintain by a separate ledger control or otherwise records showing the aggregate of outstanding balances of all accounts opened or increased as the result of the services of a broker and to make and retain an itemized record of each payment of sales commission to any broker, identifying

each account and stating the amount thereof in respect to which such sales commission is paid.

(b) To retain original or signed duplicate of each agreement by which a broker is employed, engaged, or retained.

(c) To maintain such other records as will establish compliance with the provisions of section cited.

For sales commissions paid in the soliciting of retirement savings accounts:

(a) To establish and maintain a record showing the aggregate balance of such account.

(b) To make and retain an itemized record of such payments.

(c) To retain written sales commission agreements.

Retention period: Not specified. 12 CFR 563.25 (c)(3) and (f)(2)

2.7 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Amended]

(a) The account records shall be conclusive as to the existence of any relationship pursuant to which the funds in the account are invested and on which a claim for insurance coverage is founded.

(b) In connection with a trust account, to include in its account records the name of both the settlor (grantor) and the trustee of the trust and to keep an account signature card executed by the trustee.

Retention period: Not specified. 12 CFR 564.2(b)

2.8 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Amended]

In connection with the sale of real estate owned by an insured institution, to maintain records of the book value of such real estate at the time of sale and the price at which it was sold.

Retention period: Not specified. 12 CFR 563.23–1(f)

2.9 [Reserved]

2.10 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Amended]

An insured institution which elects to defer and amortize gains and losses on security transactions shall maintain such records as the Corporation may deem necessary.

Retention period: Not specified. 12 CFR 563.23–2(d)

2.11 Institutions insured by the Federal Savings and Loan Insurance Corporation. [Amended]

Insured institutions and service corporations shall maintain such books and records as will support its financial statements and reports to the Corporation.

Retention period: Not specified. 12 CFR 563.23–3(b)

3. Federal Home Loan Bank System

3.1 Federal Home Loan Bank members [Amended]

To maintain such records as may be required to verify compliance with liquidity requirements.

Retention period: Not specified. 12 CFR 523.13(b)

3.2 Federal Home Loan Bank members participating in the housing opportunity allowance program. [Amended]

To keep a copy of borrowers application and the originals of all other closing documents.

Retention period: Not specified. 12 CFR 527.6(c), 527.16(c)

3.3 Federal Home Loan Bank members other than FDIC savings banks. [Amended]

To maintain, in connection with all loans secured by improved real estate or a mobile home, sufficient records to indicate the method used to determine whether or not such loans fall within the requirements relating to special flood hazard areas.

Retention period: Not specified. 12 CFR 523.29(d)

4. Savings and Loan Holding Companies

4.1 Savings and loan holding companies. [Amended]

To maintain such books and records as may be prescribed by the Federal Savings and Loan Insurance Corporation.

Retention period: Not specified. 12 CFR 584.1(g)

Persons needing further information about listed record retention requirements should contact the following:

Mr. John W. Staley, Federal Home Loan Bank Board, Room 228, 320 First Street NW., Washington D.C. 20552. Telephone 376–3314.

XXIV. FEDERAL MARITIME COMMISSION

1.1 Independent ocean freight forwarders.

(a) To keep books of account and records, including each document prepared, processed, or obtained by the licensee, in connection with carrying on the business of forwarding.

Retention period: 5 years. 46 CFR 510.23

(b) To keep in its files a true copy, or if oral, a true and complete memorandum of every special arrangement or contract with its principal, or modification or cancellation.

Retention period: Not specified. 46 CFR 510.25

1.2 Carriers and conferences of carriers.

To keep records of votes on each question voted on.

Retention period: At least 2 years. 46 CFR 537.4

1.3 Resident representative of a conference or other rate-making group domiciled outside the United States.

To keep a complete record of requests and complaints filed by shippers and consignees situated in the United States and its territories.

Retention period: 2 years. 46 CFR 527.5

1.4 [Deleted]

1.5 Common carriers in the domestic offshore trades required to file financial data and reports pursuant to General Orders 5 and 11. [Added]

To maintain for audit purposes documents, accounts, records, rates, charges, or correspondence used in the preparation of reports filed with the Commission and working papers in support of all exhibits and schedules submitted.

Retention period: Not specified. 46 CFR 512.5, 512.24, 513.2

1.6 Terminal operators and common carriers by water in the foreign commerce granting free time and demurrage charges on export cargo at the Ports of New York and Philadelphia. [Added]

To maintain records of all grants of extended free time and consolidation time to export shippers or their agents at the Ports of New York and Philadelphia.

Retention period: 2 years. 46 CFR 541.1(k)

1.7 Common carriers in the foreign commerce receiving awards from the Military Sealift Command (MSC) for the transportation of U.S. Department of Defense cargoes. [Added]

To maintain detailed actual cost data supporting adjustments or changes to reported cost data.

Retention period: Not specified. 46 CFR 549.5(a)(2)

Persons needing further information about listed record retention requirements should contact the following:

Ronald D. Murphy, Management Analyst, Federal Maritime Commission, Office of the Managing Director, 1100 L Street NW., Washington, D.C. 20573. Telephone: 523–5326.

XXV. FEDERAL POWER COMMISSION

1.1 Public utilities and licensees.

To maintain records as indicated in Part 125 of 18 CFR.[13]

Retention period: Various. 18 CFR 125.3

1.2 Natural gas companies.

To maintain records as indicated in Part 225 of 18 CFR.[14]

Retention period: Various. 18 CFR 225.3

Persons needing further information about listed record retention requirements should contact the following:

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[13] See also Regulations to Govern the Preservation of Records of Public Utilities and Licensees (FPC A–116), effective January 1, 1972, available from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

[14] See also Regulations to Govern the Preservation of Records of Natural Gas Companies (FPC A–115), effective January 1, 1972, available from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Ms. Elaine M. Dawson, Federal Power Commission, Office of Accounting and Finance, Division of Systems, 825 North Capitol Street NE., Washington, D.C. 20426. Telephone 202–275–4074.

XXVI. FEDERAL RESERVE SYSTEM

1.1 Persons other than banks, brokers, or dealers, extending credit for purpose of purchasing or carrying margin securities. [Amended]

To maintain such records as shall be prescribed by the Board of Governors of the Federal Reserve System to enable it to perform the functions conferred upon it by the Securities Exchange Act of 1934.

Retention period: Not specified. 12 CFR 207.3

1.2 Persons other than banks, brokers, or dealers, extending credit for purpose of purchasing or carrying margin securities. [Amended]

To maintain statements obtained in conformity with requirements of Federal Reserve Form G–3 in connection with any extension of credit secured directly or indirectly, in whole or in part, by collateral that includes any margin security.

Retention period: 3 years after the credit is extinguished. 12 CFR 207.1

1.3 Banks extending credit for purpose of purchasing or carrying margin stocks.

To maintain statements obtained in conformity with requirements of Federal Reserve Forms: U–1 in connection with any credit secured directly or indirectly, in whole or in part, by any stock (unless specifically not required); U–2 in connection with credit extended to an OTC market maker; U–3 in connection with credit extended to a third market maker; U–5 and U–6 in connection with credit extended to block positioners.

Retention period: 3 years after the credits are extinguished. 12 CFR 221.3

1.4 Brokers and dealers extending credit.

To maintain statements obtained in conformity with requirement of Federal Reserve Form T–4 for every extension of credit on a margin security (other than an exempted security) not for the purpose of purchasing or carrying or trading in securities.

Retention period: 3 years after the credit is extinguished. 12 CFR 220.7

1.5 Persons obtaining credit that is collateralized by securities.

To maintain such records as shall be prescribed by the Board of Governors of the Federal Reserve System to enable it to perform the functions conferred upon it by the Securities Exchange Act of 1934.

Retention period: Not specified. 12 CFR 224.4

1.6 Persons obtaining credit from outside the United States that is collateralized by securities.

To maintain records substantially in conformity with requirements of Federal Reserve Form X–1 in connection with credit obtained from sources outside the United States, with certain exceptions, if the credit is secured in any way by collateral that includes any United States security or security registered on a national securities exchange.

Retention period: 6 years after credit is extinguished. 12 CFR 224.2

1.7 Creditors making disclosures under the Truth in Lending Act.

To maintain evidence of compliance with Federal Reserve Regulation Z.

Retention period: 2 years after date of each disclosure. 12 CFR 226.6

1.8 Preservation of records by creditors under Equal Credit Opportunity Act and Federal Reserve Regulation B. [Revised]

To maintain any application form, written or recorded information used in evaluating an application and not returned to the applicant at the applicant's request, written or recorded information regarding any action taken concerning an extension of credit, information obtained for governmental credit discrimination monitoring purposes, and statement of alleged discrimination submitted by an applicant.

Retention period: 25 months after the date that a creditor notifies an applicant of any action regarding an application or existing extension of credit or until final disposition of any administrative investigation or enforcement proceeding or court suit if the creditor receives actual notice of such investigation, proceeding, or suit prior to the end of 25 months. 12 CFR 202.12, effective March 23, 1977

1.9 Preservation of disclosure statements by depository institutions under the Home Mortgage Disclosure Act and Federal Reserve Regulation C. [Added]

To maintain fiscal year mortgage loan disclosure statement for public inspection and copying.

Retention period: 5 years after the date on which each statement is made publicly available. 12 CFR 203.5(a)(3)

XXVII. FEDERAL TRADE COMMISSION

1.1 Wool products manufacturers.

To keep records of the various fibers used in wool products. The records should show not only the fiber content of wool, reprocessed wool, and reused wool, but also any other fibers used. Such records should contain sufficient information whereby each of the wool products manufactured can be identified with its respective record of fiber content including the source of the material used therein.

Retention period: 3 years. 16 CFR 300.31

1.2 Fur products manufacturers and dealers in furs and fur products.

To keep records showing all the information required under the Fur Products Labeling Act and under rules and regulations relating to such products or furs in a manner that will permit proper identification of each fur product or fur manufactured or handled. The item number required to be assigned to a fur product and to appear on the label and on the invoice relating to such product must appear in the records in such a manner as to identify the product through the various processes of manufacture, from whom purchased and the date of purchase; if exemption on basis of cost claimed, records of cost required.

Retention period: 3 years. 16 CFR 301.39, 301.41

1.3 Dealers advertising prices of furs and fur products.

To keep records to support pricing representations where comparative prices and percentage savings claims are used in advertising.

Retention period: Not specified. 16 CFR 301.44

1.4 Creditors extending consumer credit.

To keep records of compliance with the Truth in Lending Act and its implementing Regulation Z, other than advertising requirements.

Retention period: Not less than 2 years after date each disclosure. 12 CFR 226.6

1.5 All individuals and businesses which regularly extend credit.

To keep records of compliance with the Equal Credit Opportunity Act and its implementing regulation (Regulation B), including: (a) application forms, all written information used in evaluating applications and any written statement from applicant alleging discrimination; and (b) all written information concerning adverse actions taken on an account and any written statement from applicant alleging discrimination.

Retention period: (a) 15 months after action is taken on the application; (b) 15 months after adverse action is taken. Where creditor is under investigation by enforcement agency or has been served with a notice of a civil action, retention of the above information shall continue until disposition of the matter or as ordered by the agency or court. 12 CFR 202.9

1.6 Consumer credit reporting agencies disclosing reports for employment or other purposes.

To keep records of recipients of any consumer report on a consumer which it furnished for employment or other purpose.

Retention period: 2 years when revealed for employment purposes and 6 months for other purposes. 15 U.S.C. 1681(g), 1681(i)

1.7 Textile fiber products manufacturers and distributors substituting labels.

To keep records of the various fibers used in the manufacture of textile fiber products. Such records should contain sufficient information whereby each of the textile fiber products manufactured can be identified with its respective record of fiber content including the source of the material used therein.

Those substituting labels shall keep such records as will show the information set forth on the label removed and the name of the person from whom such textile fiber product was received.

Retention period: 3 years. 16 CFR 303.39

1.8 Informal dispute settlement mechanisms for warrantors of consumer products.

To keep records of the handling of warranty disputes by informal dispute settlement mechanisms, to compile and keep certain indices regarding the operation of such mechanisms and to compile and keep semi-annual statistical reports summarizing the records.

Retention period: 4 years. 16 CFR 703.6(f)

1.9–1.11 [Reserved]

1.12 Packagers or labelers engaged in retail sale price representations.

To maintain invoices or other records in compliance with sections cited for those sponsoring (a) cents-off representations; (b) introductory offers; and (c) economy size representations.

Retention period: (a) 1 year beyond year in which representation is made; (b) 1 year subsequent to offer; and (c) 1 year. 16 CFR 502.100(d), 502.101(e), 502.102(d)

XXVIII. GENERAL ACCOUNTING OFFICE [REVISED]

1.1 Contractors having Government contracts negotiated without advertising.

To keep records pertaining to the contracted project. This requirement does not apply to contracts with foreign contractors or subcontractors, including foreign governments or agencies thereof, excepted from the requirement pursuant to 10 U.S.C. § 2313(c), 41 U.S.C. § 254(c), 22 U.S.C. § 2686, or 42 U.S.C. § 5876(a) applying 42 U.S.C. § 2206. Nor does this requirement apply to certain contracts entered into with foreign governments or their agencies for service rendered to the United States or its agencies within the continental limits of the United States or to purchases made outside the continental limits of the United States under section 633(a) of the Foreign Assistance Act of 1961; 22 U.S.C. § 2393(a), as implemented by Executive Order 11223, May 12, 1965, or under section 10(d) of the Peace Corps Act, 22 U.S.C. § 2509(d), as implemented by Executive Order 11603, June 30, 1971.

Retention period: 3 years after final payment under the contract. 41 U.S.C. § 254; 10 U.S.C. § 2313; 22 U.S.C. § 2586; 42 U.S.C. § 5876 applying 42 U.S.C. § 2206. However, subcontracts may contain clauses specifying that records pertaining to such subcontract need be retained only 3 years after final payment under the subcontract. 32 C.F.R. §§ 7–104.15, 7–203.7, 7–302.6, 7–402.7, 7–504.10, 7–603.7, 7–605.15, 7–607.8, 7–702.13, 7–703.11, 7–704.5, 7–706.6, 7–901.17, 7–1903.12, and 7–1910.25 and 41 C.F.R. §§ 1–7.103–3, 1–7.202–7, 1–7.302–6, 1–7.402–7, 1–7.603–7 and 1–7.703–7

1.2 Contractors and subcontractors having Government contracts or subcontracts under Pub. L. 85–804, relating to national defense.

To keep pertinent books, documents, papers, and records related to contracts and subcontracts, and amendments or modifications thereof, entered into without regard to other provisions of law governing contracts in order to facilitate the national defense under Pub. L. 85–804, August 28, 1958, as amended (50 U.S.C. § 1431–1436) as implemented by Executive Order 10789, November 14, 1958, as amended (50 U.S.C. § 1431 note). This requirement does not apply to contracts with foreign contractors or subcontractors, including foreign governments or agencies thereof, excepted from the requirement pursuant to 50 U.S.C. § 1433(b).

Retention period: 3 years after final payment under contract. 50 U.S.C. § 1433(b). However, subcontracts may contain clauses specifying that records pertaining to such subcontract need be retained only 3 years after final payment under the subcontract. 32 C.F.R. 17–206(v).

1.3 Contracting parties under negotiated contracts for the construction, reconstruction, or improvement of facilities and equipment entered into in furtherance of any grant or loan made to a State or local public body under authority of the Urban Mass Transportation Act of 1964, as amended, 49 U.S.C. §§ 1601 et seq.

To keep any books, documents, papers, and records pertinent to operations and activities under the contract.

Retention period: Unspecified. 49 U.S.C. § 1608(b)

1.4 Parties to negotiated contracts or agreements for research and development and demonstration of high speed or door-to-door ground transportation entered into under authority of Pub. L. 89–220, as amended, 49 U.S.C. §§ 1631 et seq.

To keep any books, documents, papers, and records pertinent to operations or activities under the agreement or contract.

Retention period: Unspecified. 49 U.S.C. § 1638(a)(4)

1.5 Shipyards or their subcontractors which are parties to contracts or subcontracts negotiated pursuant to section 502(a) of the Merchant Marine Act, 1936, 49 U.S.C. § 1152(a) (relating to construction—differential subsidy).

To keep pertinent books, documents, papers, and records related to the negotiation or performance of such contract or subcontract.

Retention period: 3 years after final payment under the contract. 46 U.S.C. § 1152(a)

Persons needing further information about listed record retention requirements should contact the following:

Richard T. Cambosos, United States General Accounting Office, 441 G Street NW., Room 7072A, Washington, D.C. 20548. Telephone: 275–5544.

XXIX. GENERAL SERVICES ADMINISTRATION

1.1 War contractors and subcontractors, World War II, having contract of $25,000 or more or having termination inventory worth $5,000 or more.

To keep records essential to determining performance under the contract or subcontract and to justify the settlement thereof as required by the Contract Settlement Act of 1944 (41 U.S.C. 101–125) and 18 U.S.C. 443 (excluded from this provision are contractor or subcontractor records title to which is transferred to a Federal agency; war contractor or subcontractor records that are included by Federal agencies on records disposition schedules approved by the Congress in the manner provided in the Records Disposal Act (44 U.S.C. ch. 33), and war contractor or subcontractor records disposal of which is approved in writing by the Administrator of General Services and the Comptroller General of the United States).

Retention period: (a) 5 years after such disposition of termination inventory by such war contractor or subcontractor or Government agency, or (b) 5 years after the final payment or settlement of such war contract or subcontract, whichever applicable period is longer. 41 CFR 101–13.3

1.2 Recipients of Federal grants or allocations for collecting and publishing historical documents.

To keep such records as the Administrator of General Services shall prescribe, including records which fully disclose the amount and disposition of such funds, the total cost of the undertaking, the portion of the cost supplied by other sources, and such other records as will facilitate an effective audit.

Retention period: Not specified. 44 U.S.C. 2506

1.3 Contractors and subcontractors under negotiated contracts pursuant to 41 U.S.C. 254(c). [Amended]

To maintain books, documents, papers, and records involving transactions relating to the contract or subcontract.

Retention period: 3 years after final payment under the contract or subcontract or until expiration of the time periods for certain records specified in 41 CFR Part 1–20, whichever expires earlier. 41 CFR 1–3.814–2, 1–7.103.3, 1–7.103–27

1.4 Contractors with contracts containing the Small Business Subcontracting Program clause, and subcontractors with contracts containing provisions which conform substantially to the language of that clause.

Maintain records showing information required by the clause.

Retention period: 1 year after award of the contract or subcontract or for such longer period as may be required by any other clause of the contract, sub-

contract, or applicable law or regulation. 41 CFR 1-1.710-3(b)

1.5 Contractors with contracts containing the Labor Surplus Area Subcontracting Program clause, and subcontractors with contracts containing provisions which conform substantially to the language of that clause.

Maintain records showing procedures which have been adopted to comply with the policies set forth in the clause.

Retention period: 1 year after award of the contract or subcontract or for such longer period as may be required by any other clause of the contract, subcontract, or applicable law or regulations. 41 CFR 1-1.805-3(b)

1.6 Contractors with fixed-price supply contracts containing the standard inspection clause.

Keep complete records of all inspection work by the contractor and make such records available to the Government.

Retention period: During performance of the contract and for such longer period as may be specified elsewhere in the contract. 41 CFR 1-7.102-5

1.7 Contractors with fixed-price contracts in excess of $10,000 for (a) supplies, or (b) experimental, developmental, or research work where a profit is contemplated, when such contracts contain the standard long-form Termination for Convenience of the Government clause.

Unless otherwise provided for in the contract, or by applicable statute, preserve and make available to the Government at all reasonable times at the office of the contractor but without direct charge to the Government, all his books, records, documents, and other evidence bearing on the costs and expenses of the contractor under the contract and relating to the work terminated thereunder, or, to the extent approved by the contracting officer, photographs, microphotographs, or other authentic reproductions thereof.

Retention period: 3 years after final settlement under the contract. 41 CFR 1-8.701

1.8 Contractors with fixed-price construction contracts estimated to exceed $10,000, when such contracts contain the standard Termination for Convenience of the Government clause.

Unless otherwise provided for in the contract, or by applicable statute, preserve and make available to the Government at all reasonable times at the office of the contractor but without direct charge to the Government, all his books, records, documents, and other evidence bearing on the costs and expenses of the contractor under the contract and relating to the work terminated thereunder, or, to the extent approved by the contracting officer, photographs, microphotographs, or other authentic reproductions thereof.

Retention period: 3 years after final settlement under the contract. 41 CFR 1-8.703

1.9 Sellers with fixed-price subcontracts which contain the termination clause suggested for use in such contracts.

Unless otherwise provided for in the subcontract, or by applicable statute, make available to the buyer and the Government at all reasonable times at the office of the seller all his books, records, documents, or other evidence bearing on the costs and expenses of the seller under the subcontract and in respect of the termination of work thereunder, or, to the extent approved by the Government, photographs, microphotographs, or other authentic reproductions thereof.

Retention period: 3 years after final settlement under the contract. 41 CFR 1-8.706

1.10 Contractors and subcontractors under contracts entered into, amended, or modified under the extraordinary, emergency authority granted by the act of August 28, 1958 (72 Stat. 972; 50 U.S.C. 1431-1435).

To maintain books, documents, papers, and records involving transactions relating to the contracts.

Retention period: 3 years after final payment or until expiration of the time periods for the particular records specified in Part 1-20 of the Federal Procurement Regulations (41 CFR 1-20), whichever expires earlier. 41 CFR 1-17.206(e)

1.11 State and local governments receiving Federal grants.

To maintain all financial records, supporting documents, statistical records, records of nonexpendable property acquired with grant funds, and any other record pertinent to the grant program.

Retention period: 3 years—from date of submission of annual or final expenditure report or from date of final disposition of nonexpendable property; or longer if audit findings not resolved at end of 3 years. 34 CFR Part 256, App. C

1.12 Participants in the lead and zinc stabilization program pursuant to act of October 3, 1961 (75 Stat. 766; 30 U.S.C. 681-689).

To keep any pertinent books, documents, papers, and records of any participant involving transactions related to the program established under the regulations of 41 CFR 101-15 and authorized representatives of the United States Government shall have access to and the right to examine such records.

Retention period: 3 years after termination of the program. 41 CFR 101-15.109

1.13 Contractors and subcontractors required to submit cost and pricing data in conjunction with certain firm fixed-price or fixed-price with escalation negotiated contracts in excess of $100,000 or in conjunction with certain contract modifications in excess of $100,000 or with fixed-price research and development contracts.

To maintain books, records, documents, and other supporting data which will permit adequate evaluation by the contracting officer or his authorized representatives of the cost or pricing data submitted, along with the computations used therein, which were available to the contractor or subcontractor as of the date of execution of his Contractor's Certificate of Current Cost or Pricing Data.

Retention period: 3 years after final payment under the contract or subcontract or until expiration of the time periods for certain records specified in 41 CFR Part 1-20, whichever expires earlier. 41 CFR 1-3.814-2, 1-7.103-18, 1-7.302-6, 1-7.303-28, 1-7.602-5

1.14 Contractors and subcontractors having certain cost-reimbursement type, time and material, labor-hour, incentive, research and development, or price redeterminable contracts in excess of $100,000.

To maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred for the performance of the contract or subcontract.

Retention period: 3 years after final payment under the contract or subcontract or until expiration of the time periods for certain records specified in 41 CFR Part 1-20, whichever expires earlier; (2) if contract or subcontract is completely or partially terminated, the records relating to the work terminated shall be preserved for 3 years from the date of any resulting settlement; or (4) records which relate to appeals under the "Disputes" clause of the contract, litigation or the settlement of claims arising out of performance of the contract or subcontract, or costs and expenses of the contract or subcontract as to which exception has been taken by the contracting officer, shall be retained until disposition has been made of such appeals, litigation, claims, or exceptions. 41 CFR 1-3.814-2, 1-7.103-18, 1-7.402-7, 1-7.402-30, 1-7.602-5

1.15 Contractors with fixed-price or cost-reimbursement type research and development contracts containing the standard inspection clause.

Keep complete records of all inspection work by the contractor and make such records available to the Government.

Retention period: During performance of the contract and for such longer period as may be required by any other clause of the contract, subcontract, or applicable law or regulations. 41 CFR 1-7.302-4, 1-7.402-5

1.16 Contractor, educational or nonprofit institution having fixed-price or cost-reimbursement type research and development contracts without profit or fee.

To maintain records as are required to control, protect, preserve, and maintain all Government property delivered for use in connection with contract.

Retention period: Until relieved of responsibility therefor in accordance with written instructions of the contracting officer. 41 CFR 1-7.303-7, 1-7.402-25

1.17 Contractors and subcontractors assigning depreciation of tangible capital assets for contracts in excess of $100,000.

To maintain records adequate to show age at retirement for a sample of assets for each significant category.

Retention period: Not specified. 41 CFR 1-3.1220-9

Persons needing further information about listed record retention requirements should contact the following:

Mr. Michael G. Barbour, Chief, Records Management Branch (BRAR), General Services Administration, Washington, D.C. 20405. Telephone: 202-566-0673.

XXX. INTERSTATE COMMERCE COMMISSION [REVISED]

1.1 Railroad companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1220

1.2 Electric railway companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1220

1.3 Express companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1220

1.4 [Reserved]

1.5 Pipeline companies.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1220.

1.6 Persons furnishing cars to railroads.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1220.

1.7 Motor carriers and brokers.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1220

1.8 Water carriers.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1220

1.9 Freight forwarders.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1220

1.10 Rate-making organizations.

To keep records as listed in the part cited.

Retention period: Various. 49 CFR Part 1220

1.11 Motor carriers.

To maintain records of all underlying data used in preparation of freight and passenger rate increases.

Retention period: Not specified. 49 CFR 1104.9

Persons needing further information about listed record retention requirements should contact the following:

John Grady, Director, Bureau of Accounts, Room 6133, Interstate Commerce Commission, Washington, D.C. 20423. Telephone: 275-7565.

XXXI. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

1.1 Contractors with negotiated fixed-price supply contracts and purchase orders or fixed-price research and development contracts, in excess of $10,000.

To maintain books, documents, papers, and records involving transactions related to the contract.

Retention period: 3 years after final payment under the prime contract, or as specified in Appendix M of NASA Procurement Regulation. 41 CFR 18-7.104-15; 18-7.302-6; 1975 Edition of NASA Procurement Regulation (NHB 5100.2A) July 1975 Pub. L. 93-356

1.2 Subcontractors with contracts or purchase orders in excess of $10,000 (excluding subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public) under negotiated fixed-price supply contracts and purchase orders or fixed-price prime research and development contracts, in excess of $10,000.

To maintain books, documents, papers, and records involving transactions related to the subcontract.

Retention period: 3 years after final payment under the subcontract, or as specified in Appendix M of NASA Procurement Regulation. 41 CFR 18-7.104-15; 18-7.302-6; 1975 Edition of NASA Procurement Regulation (NHB 5100.2A) July 1975 Pub. L. 93-356

1.3 Contractors with cost-reimbursement type contract, including facilities contracts.

To maintain books, records, documents, and other evidence pertaining to the expenses for which reimbursement is claimed.

Retention period: 3 years after date of final payment, until settlement of litigation, or as specified by Appendix M of NASA Procurement Regulation. 41 CFR 18-7.203-7; 18-7.402-7; 18-7.451-7; 18-7.460-6; 18-7.702-13; 18-7.703-11; 18-7.704-5

1.4 Subcontractors with subcontracts at a cost, cost-plus-fixed-fee, time-and-material, or labor-hour type under cost-reimbursement type prime contracts, including facilities contracts.

To maintain books, records, documents, and other evidence pertaining to all direct and indirect costs of whatever nature for which reimbursement is claimed under the subcontract.

Retention period: 3 years after date of final payment, until settlement of litigation, or as specified by Appendix M of NASA Procurement Regulation. 41 CFR 18-7.203-7; 18-7.402-7; 18-7.451-7; 18-7.460-6; 18-7.702-13; 18-7.703-11; 18-7.704-5

1.5 Subcontractors with subcontracts in excess of $10,000 on other than cost, cost-plus-fixed-fee, time-and-material or labor-hour basis (excluding subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public) under cost-reimbursement type prime contracts, including facilities contracts.

To maintain books, documents, papers, and records involving transactions related to the subcontract.

Retention period: 3 years after final payment under the subcontract, or as specified by Appendix M of NASA Procurement Regulation. 41 CFR 18-7.203-7; 18-7.402-7; 18-7.451-7; 18-7.460-6; 18-7.702-13; 18-7.703-11; 18-7.704-5; 1975 Edition of NASA Procurement Regulation (NHB 5100.2A) July 1975 Pub. L. 93-356

1.6 Contractors with fixed-price contracts in excess of $10,000 or supplies or experimental, developmental or research work other than (a) construction, alterations or repair of buildings, bridges, roads, or other kinds of real property or (b) experimental, developmental or research work with educational or nonprofit institutions when no profit is contemplated.

To maintain books, records, documents and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 41 CFR 18-8.701; 1975 Edition of NASA Procurement Regulation (NHB) 5100.2A) July 1975 Pub. L. 93-356

1.7 Contractors with fixed-price construction contracts amounting to more than $10,000.

To maintain books, records, documents and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 41 CFR 18-8.701

1.8 Subcontractors with fixed-price subcontracts.

To maintain books, records, documents, and other evidence bearing on the cost and expenses of the contractor under the contract and relating to work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 41 CFR 18–8.706

1.9 Contractors with construction and facilities contracts in excess of $2,000 (for work within the United States).

To keep payroll records showing name and address of each employee, classification, rate of pay, daily and weekly number of hours worked, deductions from pay and actual pay received.

Retention period: 3 years after contract work completed. 41 CFR 18–12.403–1(d); 18–7.705–5

1.10 Industrial contractors having Government furnished property.

To maintain adequate records of all Government property, whether furnished to or acquired by them for the account of the Government, in accordance with the provisions of "Control of Government Property in Possession of Contractors" (Appendix B, Subpart 3, NASA Procurement Regulation).

Retention period: Not specified. 41 CFR 18–13.702; 18–13.703

1.11 Contractors furnishing special tooling under fixed-price contracts.

To maintain property control records on all special tooling which they furnish.

Retention period: Not specified. 41 CFR 18–13.704

1.12 Nonprofit contractors having Government furnished property under research and development contracts.

To maintain records of Government property, whether furnished to or acquired by them for the account of the Government, in accordance with the provisions of "Control of Government Property in Possession of Nonprofit Research and Development Contractors" (Appendix C, Subpart 3, NASA Procurement Regulation).

Retention period: Not specified. 41 CFR 18–13.706, 18–13.707

1.13 All contractors and subcontractors other than those having firm fixed-price contracts.

To maintain books, records, documents, and other evidence and accounting procedures and practices sufficient to reflect all direct and indirect costs claimed to have been incurred and anticipated to be incurred for the performance of the contract or subcontract.

Retention period: 3 years after date of final payment or until final settlement of litigation, whichever is longer. 41 CFR 18–7.104–42; 18–7.203–29; 18–7.303–29; 18–7.350–18; 18–7.402–30; 18–7.451–30; 18–7.702–48; 18–7.703–41; 18–7.704–33

1.14 Contractors with facilities contracts providing for the use of facilities.

To maintain adequate property control procedures and records and a system of identification of the facilities.

Retention period: Not specified. 41 CFR 18–7.702–17; 18–7.704–11

1.15 Contractors with contracts containing the Small Business Subcontracting Program clause, and subcontractors with contracts containing provisions which conform substantially to the language of that clause.

To maintain records showing (a) whether each prospective subcontractor is a small business concern, (b) procedures which have been adopted to comply with the policies set forth in the contract clause entitled "Small Business Subcontracting Program", and (c) such other information required by the clause.

Retention period: Not specified. 41 CFR 18–1.707–3(b)

1.16 Contractors with contracts containing an inspection clause.

To keep complete records of all inspection work by the contractor and make such records available to the Government.

Retention period: During performance of the contract and for such longer period as may be specified elsewhere in the contract. 41 CFR 18–7.103–5; 18–7.203–5; 18–7.302–4; 18–7.402–5; 18–7.451–5; 18–7.702–6; 18–7.703–6; 18–7.704–8

1.17 Contractors with contracts containing the "Data Requirements" clause.

To maintain the following:

(a) A set of engineering drawings sufficient to enable manufacture of any equipment or items furnished under the contract, or a set of flow sheets and engineering drawings sufficient to enable any performance of any process developed under the contract.

(b) Any subject data which is necessary to explain or to help the Government technical personnel understand any equipment, items, or process developed under the contract and furnished to the Government.

Retention period: 1 year after final payment under the contract. 41 CFR 18–9.202–1(e)

1.18 Contractors with contracts providing for progress payments.

To maintain control of progress payments and make available to the Government the books, records, and accounts thereof.

Retention period: During performance of the contract. 41 CFR 18–7.104–35

1.19 Contractors and subcontractors required to furnish cost and pricing data certificates.

To maintain books, records, documents, and other evidence which will permit adequate evaluation of the cost or pricing data submitted along with the computations and projections used therein.

Retention period: 3 years after final payment or as specified in Appendix M of the NASA Procurement Regulation. 41 CFR 18–3.807–4

1.20 Contractors with fixed-price type letter contracts.

To maintain books, records, documents, and other evidence bearing on the cost and expenses of the contractor under the contract and relating to the work terminated (may be kept in microfilm or other photographic form to the extent approved by the contracting officer).

Retention period: 3 years after final settlement. 41 CFR 18–8.701–1

1.21 Contractors subject to the Work Hours Act of 1962.

To keep payroll records containing name, address, classification, rate of pay, hours worked, etc., for each employee.

Retention period: 3 years. 41 CFR 18–12.303–1, 18–12.403–1

1.22 Contractors and subcontractors subject to the Service Contract Act of 1965.

To keep records of each employee name and address, basic employment, earning record, and work time schedules.

Retention period: 3 years after completion of the work. 41 CFR 18–12.1004

1.23 Educational institutions or nonprofit agencies participating in the NASA grant program.

To maintain (a) original or signed copy of each document, with supporting data, and (b) all accounting records relating to the cost under such grants.

Retention period: (a) Not specified; (b) 3 years. 14 CFR 1260.308, 1260.406

Persons needing further information about listed record retention requirements should contact the following:

Written inquiries:
Mr. Stuart J. Evans, Assistant Administrator for Procurement, NASA Headquarters, Washington, D.C. 20546

Telephone inquiries:
Mr. William T. Brown, Office of Procurement, 202–755–2262.

XXXII. NATIONAL CREDIT UNION ADMINISTRATION

1.1 Federal credit union trustees and custodians of Pension Plans.

To maintain individual records for each participant showing all transactions relating to funds of each participant or beneficiary.

Retention period: Not specified. 12 CFR 721.4

1.2 Federal credit union participating in the establishment or maintenance of an accounting service center.

To maintain records of names of participants, proportion and amount of

ownership of each in the accounting service center, proportion of facilities and services used by each, current total operating costs, and proportion and amount of total operating costs charged to each of the participating credit unions.

Retention period: Not specified. 12 CFR 701.27–2

1.3 Federal credit unions may lease safe deposit boxes to its members.

To maintain records indicating the lease in writing, the signature of tenants and their deputies, a written record will be maintained to show the time and date of entry and the signature of the authorized person each time access is made to the safe deposit.

Retention period: Not specified. 12 CFR 701.30

1.4 Federal credit unions participating in the establishment and maintenance of a records preservation program.

To maintain vital records in offsite locations which are for reconstruction purposes in the event of a catastrophe. Maintain a preservation log of vital records in the centers. Vital records to be stored, listing of members' share and/or deposit and loan balances, a financial and statistical report as of the record date.

If a credit union maintains its members' share and/or deposit and loan ledgers on a data processing system, and the system is sufficiently removed from the credit union, it is deemed to have met the requirements of this regulation.

Retention period: Not specified. 12 CFR 749

1.5 Federal credit unions and each federally insured State credit union participating in the national flood insurance program.

To maintain records of names of participants, of loans secured by improved real estate or a mobile home located or to be located in an area that has been identified as having special flood hazards.

Retention period: Not specified. 12 CFR 760.2

1.6 Custodians of records of Federal credit unions voluntarily liquidated.

To keep all records of the liquidated credit union necessary to establish that creditors were paid and that members' shareholdings were equitably distributed.

Retention period: Five years following date of cancellation of charter of the credit unions. 12 CFR 710.13

Persons needing further information about listed record retention requirements should contact the following:

Mr. Homer Lewis, Office of Management and Planning, National Credit Union Administration, 2025 M Street, N.W., Washington, D.C. 20456. Telephone: 202–254–9814.

XXXIII. NATIONAL TRANSPORTATION SAFETY BOARD

1.1 Operators of aircraft involved in an accident or incident.

To preserve to the extent possible all records, including tapes of flight recorders and voice recorders, pertaining to the operation and maintenance of the aircraft and to the airmen involved in an accident or incident for which notification must be given to the Board.

Retention period: Until the Board takes custody thereof or a release is granted by an authorized representative of the Board. 49 CFR 830.10

1.2 Operators of aircraft involved in an accident or incident.

To retain all records and reports, including all internal documents and memoranda dealing with the accident or incident.

Retention period: Until authorized by the Board to the contrary. 49 CFR 830.10

Persons needing further information about listed record retention requirements should contact the following:

Mr. Frederick King, Chief, Operations & Facilities Division, Bureau of Administration, National Transportation Safety Board, 800 Independence Avenue, S.W., Washington, D.C. 20594. Telephone: 202–426–3807.

XXXIV. NUCLEAR REGULATORY COMMISSION

1.1 Licensees receiving, possessing, using, or transferring byproduct material, source material, or special nuclear material. [Amended]

To maintain records (a) used in preparing Form NRC–4, "Occupational External Radiation Exposure History"; (b) showing individual exposure to radiation and to radioactive material, including all the information required by Form NRC–5, and records of bio-assays, including results of whole body counting examinations; (c) showing the results of surveys made to evaluate the radiation hazards incident to the production, use, release, disposal or presence of radioactive materials or other sources of radiation; (d) showing the results of monitoring the external surfaces of packages received for radioactive contamination caused by leakage of the radioactive contents; (e) showing the results of monitoring the radiation level external to packages received containing quantities of radioactive material in excess of allowable Type A quantities, other than those transportated by exclusive use vehicle; (f) relating to the disposal of licensed material by licensee or applicant; (g) relating to disposal of licensed material into a sanitary sewage system; and (h) relating to disposal of licensed material by burial in soil.

Retention period: (a) Until disposal is authorized by the Commission, 10 CFR 20.102; (b) until disposal is authorized by the Commission, 10 CFR 20.401; (c)–(e) for two years after completion of survey except that the following records shall be maintained until disposal is authorized by the Commission: (1) records of the results of surveys to determine compliance with 10 CFR 20.103(a); (2) in the absence of personnel monitoring data, records of the results of surveys to determine external radiation dose; (3) records of results of surveys used to evaluate release of radioactive effluents to environment, 10 CFR 20.401; (f)–(h) until disposal is authorized by the Commission, 10 CFR 20.401

1.2 Nonexempt licensees manufacturing, producing, transferring, receiving, acquiring, owning, possessing, using, importing, or exporting byproduct material. [Amended]

To maintain (a) such records as may be determined by the Commission to be necessary or appropriate to effectuate the purposes of the Atomic Energy Act of 1954, as amended, and the regulations issued thereunder; (b) records of receipt of byproduct material; (c) records of export of byproduct material; (d) records of transfer of byproduct materials; and (e) records of disposal of byproduct material.

Retention period: (a) Unless otherwise specified by an appropriate regulation or license condition, until disposal is authorized by the Commission, 10 CFR 30.34 and 30.51(b); (b) as long as licensee retains possession of byproduct material and for two years following transfer, export or disposal of byproduct material, 10 CFR 30.51(c); (c) for two years after export of byproduct material, 10 CFR 30.51(c); (d) by licensee transferring byproduct material for five years after transfer, 10 CFR 30.51(c); (e) until disposal of records is authorized by the Commission, 10 CFR 30.51(c) and 20.401 (c).

1.3 Licensees utilizing sealed sources of byproduct material for radiography. [Amended]

To maintain (a) records of the results and dates of calibration for each radiation survey instrument possessed by the licensee; (b) records of results of leak tests of sealed sources; (c) records of quarterly physical inventories of all sealed sources received and possessed under the license; (d) current utilization logs showing for each sealed source a description of the radiographic exposure device or storage container, the identity of the radiographer to whom assigned, and the plant or site where used and dates of use; (e) film badge and thermoluminescence dosimeter reports and records of pocket dosimeter readings; (f) records of physical radiation surveys.

Retention period: (a) For two years after the date of each calibration, 10 CFR 34.24; (b) for six months after performance of the next required leak test or

until transfer or disposal of the sealed source, 10 CFR 34.25; (c) for two years after the date of each inventory, 10 CFR 34.26; (d) for two years after the date of each recorded event, 10 CFR 34.27; (e) until disposal is authorized by the Commission, 10 CFR 34.33; (f) for two years after completion of the survey, or for any survey used to determine an individual's exposure until disposal is authorized by the Commission, 10 CFR 34.43.

1.4 Licensees receiving, possessing, using, transferring, delivering, importing, or exporting source material. [Amended]

To maintain (a) such records as may be determined by the Commission to be necessary or appropriate to effectuate the purposes of the Atomic Energy Act of 1954, as amended, and the regulations issued thereunder; (b) records of receipt of source material; (c) records of export of source material; (d) records of transfer of source material; and (e) records of disposal of source material.

Retention period: (a) Unless otherwise specified by an appropriate regulation or license condition, until disposal is authorized by the Commission, 10 CFR 40.41 and 40.61(b); (b) as long as the licensee retains possession of the source material and for five years following transfer, export or disposition of the source material, 10 CFR 40.61(c)(1); (c) for five years after export of the source material, 10 CFR 40.61(c)(2); (d) until disposal is authorized by the Commission, 10 CFR 40.61(c)(3); (e) until disposal of records is authorized by the Commission, 10 CFR 40.61(c)(4) and 20.401(c)(3).

1.5 Licensees and holders of construction permits. [Amended]

To maintain (a) such records as may be required by conditions of the license or permit or by rules, regulations, and orders of the Commission (b) records of design, fabrication, erection, and testing of structures, systems, and components important to safety of a production or utilization facility; and (c) quality assurance records sufficient to furnish evidence of activities affecting quality, including operating logs, records showing results of reviews, inspections, tests, audits, work performance monitoring and materials analyses, and records containing closely related data such as qualifications of personnel, procedures and equipment.

Retention period: (a) If not otherwise specified by regulation, license condition or technical specification, until disposal is authorized by the Commission, 10 CFR 50.71(c); (b) throughout life of facility, 10 CFR Part 50, App. A, Criterion 1; (c) not specified—to be established by applicant consistent with applicable regulatory requirements, 10 CFR Part 50, App. B, sec. XVII

1.6 Licensees receiving title to own, acquire, deliver, receive, possess, use, transfer, import, or export special nuclear material. [Amended]

To keep (a) such records of ownership, receipt, possession, use, transfer, import, and export of special nuclear material as may be incorporated as a condition or requirement in any license; (b) records of changes to the material control and accounting program made without prior Commission approval; (c) records of changes to the physical security plan made without prior Commission approval; (d) records of receipt, acquisition, physical inventory or import of special nuclear material; (e) records of export of special nuclear material; (f) records of transfer of special nuclear material to other persons; (g) records of disposal of special nuclear material; (h) material balance records for each material balance showing the quantity of element and fissile isotope in each component of the material balance; (i) a record summarizing the quantities of element and fissile isotope for ending inventory of material in process and additions and removals of material in process during material balance interval; (j) a record summarizing the quantities of element and fissile isotope in unopened receipts and ultimate products maintained under tamper-safing or in the form of sealed sources; (k) records of results of review and audit of the nuclear material control system; (l) records of shipper-receiver difference evaluations, investigations, and corrective actions concerning special nuclear material received and shipped; (m) all data, information, reports, and documents generated by the measurement control program, including summary of error data utilized in limit of error calculations performed for each material balance period; and (n) records pertaining to training and qualification of personnel who perform measurement activities pursuant to 10 CFR 70.57(b)(7).

Retention period: (a) If not otherwise specified by regulation or license condition, until disposal is authorized by the Commission, 10 CFR 70.32(b)(5) and 70.51(b)(2); (b) five years from date of change 10 CFR 70.32(c); (c) two years from date of change, 10 CFR 70.32(e); (d) as long as licensee retains possession of special nuclear material and for five years following transfer or export of special nuclear material, 10 CFR 70.51(b)(3); six months for records of inventory of special nuclear material maintained to demonstrate compliance with requirements of 10 CFR 70.58(h) relating to establishment and maintenance of system of storage and internal handling controls, 10 CFR 70.51(b)(3); (e) five years after export of special nuclear material, 10 CFR 70.51(b)(4); (f) until disposal is authorized by the Commission, or for five years for records required by 10 CFR 70.51(e)(1)(v) to document transfers of special nuclear material between material balance areas, 10 CFR 70.51(b)(5); (g) until disposal is authorized by the Commission, 10 CFR 70.51(b)(6) and 20.401(c); (h) five years, 10 CFR 70.51(e)(4)(iii); (i) five years, 10 CFR 70.51(e)(4)(iv); (j) five years, 10 CFR 70.51(e)(4)(v); (k) five years, 10 CFR 70.58(c)(2); (l) five years, 10 CFR 70.58(g)(4); (m) five years, 10 CFR 70.57(b)(12); (n) two years, 10 CFR 70.57(b)(12).

1.7 Licensees and other persons subject to financial protection requirements and indemnity agreements.

To maintain records as deemed necessary by the Commission for the administration of the regulations concerning financial protection requirements and indemnity agreements.

Retention period: Not specified, 10 CFR 140.6

1.8 Licensees packaging radioactive material for transport. [Amended]

To keep records of each shipment of fissile material or of more than a type A quantity of radioactive material as defined in 10 CFR 71.4(q), in a single package.

Retention period: 2 years after generation of record, 10 CFR 71.62(a).

1.9 Licensees required to provide physical protection for special nuclear material in transit and at fixed sites. [Amended]

To maintain records of names and addresses of all authorized personnel, results of tests and inspections of protected areas and security-related equipment shipments of special nuclear material, information to comply with requirements of this part, procedures for controlling access to protected areas, and such other records as indicated in 10 CFR 73.70.

Retention period: Not specified, 10 CFR 73.70

1.10 Licensees manufacturing, distributing, or importing certain items containing byproduct material. [Amended]

To maintain (a) records of name and address of each person to who material is transferred, and kinds and quantity of byproduct material transferred; and (b) records showing the name, address, and point of contact for each general licensee to whom he transfers byproduct material in devices, the date of each transfer, the isotope and quantity of radioactivity in each device transferred, the identity of any intermediate person through whom the transfer was made, and compliance with the report requirements of 10 CFR 32.52.

Retention period: (a) for two years after each transfer, 10 CFR 32.20; (b) for five years from the date of each recorded event, 10 CFR 32.52(c).

1.11 Licensees authorized to possess at any one time and location more than 10,000 curies of tritium. [Amended]

To maintain records sufficient to enable the licensee to account for the tritium in his possession under specific license.

Retention period: As long as licensee retains possession of tritium and for two years following transfer or export of tritium, 10 CFR 30.54(a), 150.18.

1.12 General licensees receiving, acquiring, possessing, using or transferring certain detecting, measuring, gauging, or controlling devices containing by product material. [Amended]

To maintain (a) records of tests performed on such devices for leakage of

radioactive material; (b) records of tests performed on such devices for proper operation of the on-off mechanism and indicator; (c) records showing compliance with requirements of 10 CFR 31.5 (c)(3) relating to the performance on such devices of other testing, installation, servicing, and removal from installation involving the radioactive materials, shielding or containment.

Retention period: (a) For one year after the next required leak test is performed or until the sealed source is transferred or disposed of, 10 CFR 31.5 (c)(4); (b) for one year after the next required test of the on-off mechanism and indicator is performed or until the sealed source is transferred or disposed of, 10 CFR 31.5(c)(4); (c) for a period of two years from the date of the recorded event or until the device is transferred or disposed of, 10 CFR 31.5 (c)(4).

1.13 Licensees authorized to operate nuclear production and utilization facilities. [Amended]

To maintain (a) records of changes to physical security plan made without prior Commission approval; (b) records of changes in the production or utilization facility as described in the safety analysis report made without prior Commission approval; (c) records of changes in facility procedures as described in the safety analysis report made without prior Commission approval; and (d) records of tests or experiments not described in the safety analysis report and made without prior Commission approval. The records described in paragraphs (b), (c) and (d) of this section shall include written safety evaluations which provide the bases for the determination that the change, test or experiment does not involve an unreviewed safety question.

Retention period: (a) For two years after date of change, 10 CFR 50.54(p); (b) until date of termination of license, 10 CFR 50.59(b); (c) for five years after each change in facility procedures, 10 CFR 50.59(b); (d) for five years after each test or experiment, 10 CFR 50.59 (b).

1.14 Licensees authorized to operate nuclear production and utilization facilities. [Amended]

To maintain records to document each licensed operator's and senior operator's participation in the requalification program. The records shall contain copies of written examinations administered, answers given by the licensee, results of evaluations, and documentation of any additional training administered in areas in which an operator or senior operator has exhibited deficiencies.

Retention period: For two years after date of recorded event, 10 CFR Part 55, App. A, par. 5a.

1.15 Licensees for certain groups of medical uses of byproduct material.

To maintain records of (a) tests for contamination and/or leakage on certain sources or devices containing byproduct material; (b) quarterly physical inventories taken to account for all sources and devices received and possessed.

Retention period: Not specified. 10 CFR 35.14

Persons needing further information about listed record retention requirements should contact the following:

G. L. Hutton, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Telephone: 301–492–7211.

XXXV. PANAMA CANAL COMPANY AND CANAL ZONE GOVERNMENT

1.1 Masters of vessels at sea, destined for ports of the Canal Zone.

To keep sanitary log or other official record of sanitary conditions and corrective measures taken.

Retention period: Discard at expiration of voyage. 35 CFR 61.151, 61.153

1.2 Masters of vessels transferring hazardous liquid cargoes at a port of the Canal Zone.

To keep original of the "Declaration of Inspection Prior to Bulk Cargo Transfer."

Retention period: Discard at expiration of voyage. 35 CFR 113.112

1.3 Vessels transiting or partially transiting Panama Canal.

To keep a full set of plans and a copy of the measurements made at the time of issue of the national tonnage certificate of the vessel, as well as the national tonnage certificate.

Retention period: Various. 49 CFR Part 1224

Persons needing further information about listed record retention requirements should contact the following:

Chief, Administrative Services Division, The Panama Canal Company, 312 Pennsylvania Building, Washington, D.C. 20004. Telephone: 202–393–3111.

XXXVI. [Reserved]

XXXVII. RAILROAD RETIREMENT BOARD

1.1 Employers subject to contributions under the Railroad Unemployment Insurance Act for any calendar quarter.

To keep such permanent records as are necessary to establish the total amount of compensation paid to employees, during each such quarter for services performed after June 30, 1939.

Retention period: At least 5 years. 20 CFR 345.24

1.2 States (employment agencies).

To make records available to Railroad Retirement Board.

Retention period: Not specified. 42 U.S.C. 503(c)(1)

1.3 Employers subject to the Railroad Retirement Act.

To keep original records necessary to establish service and compensation for a number of years prior to 1937 which, when added to the years elapsed after 1936, total at least 50.

Retention period: Not specified. 20 CFR 220.4

Persons needing further information about listed record retention requirements should contact the following:

Mr. W. V. Radesk, Director of Management Control, U.S. Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611. Telephone: 312–751–4690.

XXXVIII. SECURITIES AND EXCHANGE COMMISSION

1.1 Exchange members, brokers, and dealers.

To keep books and records relating to their business including blotters; ledgers; other records of orders, purchases, and sales; records of the proof of money balances of all ledger accounts in the form of trial balances and records of the computation of aggregate indebtedness and net capital; questionnaires or applications for employment executed by associated persons of such member, broker, or dealer; arrest and indictment records; financial and operational records in support of the annual audit report; and other records and accounts as specified in the sections cited.

Retention period: 6 years and 3 years as specified in the sections cited. Records may be microfilmed immediately. 17 CFR 240.17a–3, 240.17a–4, 240.15c3–3

1.2 Exchange members, brokers, and dealers.

To keep all partnership articles, articles of incorporation, charters, minute books, and stock certificate books.

Retention period: Life of business and its successors. Records may be microfilmed immediately. 17 CFR 240.17a–4

1.3 National securities exchanges and associations.

To maintain one copy of all documents, including all correspondence, memoranda, papers, books, notices, accounts, and other such records as may be made or received in the course of its business.

Retention period: 5 years except that an earlier destruction or conversion to microfilm is permitted if specified in a plan filed with, and declared effective by, the Commission pursuant to Rule 17a–6. 17 CFR 240.17a–1, 240.17a–6

1.4 Mutual and subsidiary service companies in registered public utility holding company systems.

To keep uniform accounts and other records to show fully facts pertaining to all entries and supported by sufficient detail to permit ready identification and analysis. These accounts and other records include not only accounting records in a limited technical sense, but all pertinent records such as minute books, contracts, billing computations, reports, memoranda, correspondence, other papers, and documents which may be useful in developing history of or facts regarding any transaction recorded in accounts.

Retention period: Various. 17 CFR 256.01–8 and Part 256a

1.5 Registered public utility holding companies and subsidiaries. [Revised]

To keep current accounts, books and other records of all of its transactions in sufficient detail to permit examination, audit and verification of the financial statements, schedules and reports it is required to file with the Commission, or which it issues to stockholders. These accounts, books and other records include not only accounting records in a limited technical sense, but all records such as microfilm, minute books, stock books, stockholder records, reports, memorandum, contracts, correspondence, and other papers and documents which shall be maintained in appropriate form and in sufficient detail to provide all of the information with respect to the business of the company specified by such Commission filing requirements as are in effect when the transactions recorded occur.

Retention period: Various. 17 CFR 257 Appendix

1.6 Registered investment companies and underwriters, brokers, dealers or investment advisers which are majority-owned subsidiaries of such companies.

To keep such accounts, books, and other documents relating to its business as indicated in sections cited.

Retention period: Various. Microfilming may be used for initial maintenance of records. 17 CFR 270.31a–1 (retention: 270.31a–2)

1.7 Depositor of and principal underwriter for any registered investment company other than a closed-end investment company.

To keep such accounts, books, and other documents as are required of brokers and dealers by rule adopted under Section 17 of the Securities Exchange Act of 1934, to the extent such records are necessary or appropriate to record such person's transactions with such registered investment company.

Retention period: Not less than 6 years. Microfilming may be used for initial maintenance of records. 17 CFR 270.31a–1 (retention: 270.31a–2)

1.8 Investment adviser not a majority-owned subsidiary of a registered investment company.

To keep such accounts, books, and other documents as are required of registered investment advisers by rule adopted under Section 204 of the Investment Advisers Act of 1940, to the extent such records are necessary or appropriate to record such person's transactions with such registered investment company.

Retention period: Not less than 6 years. Microfilming may be used for maintenance of records after 2 years pursuant to 17 CFR 275.204–2(g). 17 CFR 270.31a–1 (retention: 270.31a–2)

1.9 Records prepared or maintained by others than person required to maintain and preserve them.

Permits records to be maintained or prepared by others on behalf of the person required to maintain and preserve such records, subject to certain agreements required to be reduced to writing. See Rule 31a–3 for requirements as to such written agreements.

Retention period: Not less than 6 years. Microfilming may be used for initial maintenance of records. 17 CFR 270.31a–3 (retention: 270.31a–2)

1.10 Investment advisers making use of mails or of any means or instrumentality of interstate commerce in connection with business as investment adviser (other than an adviser specifically exempted from registration pursuant to Section 203(b) of the Investment Advisers Act of 1940).

To make, keep, and retain the books and records specified in section cited.

Retention period: Various. Microfilming may be used for maintenance of records after 2 years pursuant to 17 CFR 275.204–2(g). 17 CFR 275.204–2

1.11 Non-resident investment advisors record keeping requirements.

Copies of books and records to be maintained and preserved within the United States and non-resident advisers required to file a written notice with the Commission specifying the address of such place. Non-resident advisors may, optionally, file an undertaking to furnish copies of such books and records on demand, which undertaking would be in lieu of maintaining such books and records within the United States.

Retention period: Various. Microfilming may be used for maintenance of records after 2 years pursuant to 17 CFR 275.204–2(g).

1.12 Brokers and dealers submitting quotations.

To maintain records as specified in section cited.

Retention period: 6 years and 3 years. Records may be microfilmed immediately. 17 CFR 240.15c2–11 (retention: 240.17a–4)

1.13 Registered national securities exchanges and associations.

To maintain a record of each extension granted to a broker or dealer pursuant to section cited including a summary of justification for granting such extension.

Retention period: 3 years. 17 CFR 240.15c3–3

1.14 [Deleted]

Persons needing further information about listed record retention requirements should contact the following:

Margaret Glorious, Securities and Exchange Commission, 500 N. Capitol Street, NW., Washington, D.C. 20549. Telephone: 202–755–1219.

XXXIX. SMALL BUSINESS ADMINISTRATION

1.1 Corporations licensed under the Small Business Investment Act.

(a) To maintain general and subsidiary ledgers (or other records) reflecting assets and valuation, liability, capital stock and surplus, income, and expense accounts; all general and special journals (or other records forming the basis for entries in such ledgers); and corporate charter, bylaws, license application, and all minute books, capital stock certificates or stubs, stock ledgers, and stock transfer registers.

(b) To maintain applications for financing; size status declarations; lending, participation, and escrow agreements; financing instruments; capital stock certificates and warrants of small concerns not surrendered or exercised; and all other documents and supporting materials relating to such loan or investment.

(c) To maintain accounting records, including vouchers, checkbooks, bank statements, memoranda, correspondence, etc.

Retention period: (a) Permanent; (b) 6 years following final disposition of related loan or investment; and (c) 6 years. Microfilm reproduction may be substituted for originals pursuant to section cited. 13 CFR 107.1102

1.2 Subsection (b) lenders.

(a) To maintain all general and subsidiary ledgers, general and special journals, corporate charters, bylaws, applications with Small Business Administration, all minute books, capital stock certificates or stubs, stock ledgers, and stock transfer registers.

(b) To maintain all applications for financing; lending, participation, and escrow agreements; financing instruments; all other material relating to such loans, including correspondence.

Retention period: (a) Permanent; (b) 6 years after final disposition of the related loan. Microfilm reproduction may be substituted for originals pursuant to section cited. 13 CFR 120.5

Persons needing further information about listed record retention requirements should contact the following:

Mr. George E. Elliott, Chief, Records Management Branch, 1441 L Street, N.W., Washington, D.C. 20416. Telephone: 202–653–6446.

XXXIXa. SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

1.1 Federally funded drug treatment services and drug treatment central intake units.

To maintain system of patient records adequate to comply with all Federal and State reporting requirements.

Retention period: Not specified. 21 CFR 1402.12, 1403.12

Persons needing further information about listed record retention requirements should contact the following:

Mr. Robert A. Dormer, Special Action Office for Drug Abuse Prevention, Rockwell Building, Room 652, 11400 Rockville Pike, Rockville, Md. 20852. Telephone: 301–443–6697.

XL. UNITED STATES POSTAL SERVICE

1.1 Postage meter licensees.

To maintain record of register readings of metered mail on each day of operation of the meter.

Retention period: At least 1 year from date of final entry. 39 CFR 111 (incorporation by reference); PSM 144.222, 144.-351e

1.2 Manufacturers of postage meters. [Amended]

To maintain record of (a) serial numbers of all meters manufactured, showing movement of each from time it is produced until it is scrapped and reading of ascending register each time it is checked into or out of service through a post office; and (b) serial numbers of all meter keys issued.

Retention period: (a) 3 years after meter is scrapped; (b) permanent. 39 CFR 111 (incorporation by reference); PSM 144.952 (h) and (j)

1.3 Apartment house managers.

To maintain, pursuant to Publication 17, "Apartment House Mail Receptacles, Regulations and Instructions," records of keys supplied by manufacturers and jobbers, relating the key number to the receptable number, so that, when necessary, new keys may be ordered and of the combinations of keyless locks so that new tenants may be given the combination.

Retention period: Key numbers—until the lock has been changed, when it may be destroyed; combinations to the keyless locks—until the combination is changed, when it may be destroyed. 39 CFR 111 (incorporation by reference); PSM 155.64

1.4 Commercial mail receiving agencies. [Amended]

To maintain a copy of Form 1583, Application for Delivery of Mail Through Agent.

Retention period: During period of agency. 39 CFR 111 (incorporation by reference); PSM 154.212

1.5 Contractors with the Postal Service.

To maintain and make available to the Postal Service books and records respecting (a) negotiated fixed-price supply contracts in excess of $5,000 (PCM, 7–104.1); (b) cost-reimbursement supply contracts (PCM, 7–203.7); (c) cost or pricing data submitted by bidders or offerors (PCM, 3–814.2); and (d) time and material and labor hour contracts (PCM, 7–901.17).

Retention period: At least 3 years after final payment under the contract pursuant to PCM. 39 CFR Part 601 (References given above are to the Postal Contracting Manual, incorporated by reference into the Code of Federal Regulations.)

Persons needing further information about listed record retention requirements should contact the following:

John Finlay, U.S. Postal Service, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260. Telephone: 202–245–4142.

XLI. VETERANS ADMINISTRATION

1.1 State owned or controlled hospitals and institutions distributing tax-free tobacco products to members or former members of the Armed Forces of the United States.

To keep copies of orders and other pertinent documents involved in the purchase, storage, and distribution of tax-free tobacco products to eligible patients.

Retention period: At least 3 years and available to the Veterans Administration and the Internal Revenue Service for inspection purposes. 41 CFR 8–11.250–2

1.2 Medical schools, hospitals, and research centers receiving grants for the exchange of information.

To maintain records of amount and disposition of grant funds, total cost of project, amount of cost of project received from other sources, and payroll records and kickback statements of all laborers and mechanics working at the project.

Retention period: 3 years after final payment. 38 CFR 17.266, 17.267

1.3 Holders of loans for mobile homes and lots.

To keep records of payments received, disbursements chargeable thereto, and dates thereof.

Retention period: Until Administrator ceases to be liable for loan. 38 CFR 36.4215

1.4 Colleges and universities, medical schools, and other educational facilities receiving grants for the improvement of medical and allied health education.

To maintain records of amount and disposition of grant funds, total cost of project, costs supplied from other sources, and such other records as requested by the Administrator.

Retention period: Not specified. 38 CFR 17.411

1.5–1.6 [Reserved]

1.7 Educational institutions furnishing education or special restorative training under chapter 34 or 35, title 38, U.S. Code.

To keep appropriate records and accounts, including but not limited to, (a) records and accounts which are evidence of tuition and fees charged to and received from or on behalf of all students and trainees; (b) records of previous education or training of veterans and eligible persons enrolled under the law at time of admission and records of advance credit granted by institution; and (c) records of the veteran's and eligible person's grades and progress.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.4209

1.8 Educational institutions having veterans and eligible persons under chapter 34 or 35, title 38, U.S. Code, supra, enrolled in courses which do not lead to standard college degree.

To keep, in addition to the records and accounts described in item 1.7, above, records of leave, absences, class cuts, makeup work, and tardiness.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.4209

1.9 Educational institutions having veterans and eligible persons under chapter 34 or 35, title 38, U.S. Code, supra, enrolled in nonaccredited courses approved under section 1776, chapter 36, title 38, U.S. Code.

To keep, in addition to records and accounts described in items 1.7 and 1.8, above, (a) records of interruptions for unsatisfactory conduct or attendance; and (b) records of refunds of tuition, fees, and other charges made to a veteran or an eligible person who fails to enter the course or withdraws or is discontinued prior to completion of the course.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to end of 3-year period. 38 CFR 21.4209

1.10 Holders of loans guaranteed or insured by the Veterans Administration under chapter 37, title 38, U.S. Code.

To keep a record of each loan showing the amounts of payments received on the obligation and disbursements chargeable thereto, and the dates thereof.

Retention period: Until the Administrator ceases to be liable as guarantor or insurer of the loan. 38 CFR 36.4330

1.11 Holders of loans insured by the Veterans Administration under chapter 37, title 38, U.S. Code.

To keep an insurance account showing the amounts credited as available for the payment of losses on insured loans made or purchased by the holder and the amounts debited on account of transfers of insured loans, purchases by the Veterans Administration under 38 CFR 36.-4318, or payment of losses.

Retention period: Until effective date of closing of insurance account by the Veterans Administration. 38 CFR 36.-4370

1.12 State approving agencies, institutions, and training establishments participating in the vocational rehabilitation and education program.

To maintain contracts, agreements, or arrangements providing for number and frequency of reports, adequate financial

records to support payment for each trainee, and attendance and progress records and number of inspection, approval and supervisory visits and itemized vouchers for payment, including salary and travel.

Retention period: 4 years following the date of the last payment or a longer period if requested by the General Accounting Office or the Veterans Administration. 41 CFR 8–95.209

1.13 **Training establishments furnishing training-on-the-job courses (other than a program of apprenticeship) approved under section 1777, chapter 36, title 38, U.S. Code.**

To keep in addition to records and accounts described in item 1.7 above appropriate records pertaining to such training including, but not limited to (a) payroll records, (b) records of leave, absences, class cuts, makeup work, and tardiness.

Retention period: 3 years following termination of enrollment period, unless further retention requested by General Accounting Office or Veterans Administration not later than 30 days prior to and of 3-year period. 38 CFR 21.4209

Persons needing further information about listed record retention requirements should contact the following:

Mr. William F. Harrison, Management Services Staff (075D), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. Telephone: 202–389–3632.

XLII. WATER RESOURCES COUNCIL

1.1 **State agencies receiving funds under the Water Resources Planning Act.** [Amended]

To maintain records relating to each allotment and grant and their allocability to the State comprehensive water and related land resources planning effort.

A proposed rule change would require record retention until audited; if the audit reveals questioned costs, until resolved.

Retention period: 3 years after last disbursement of funds. 18 CFR 703.10

Persons needing further information about listed record retention requirements should contact the following:

D. A. Hitselberger, Water Resources Council, 2120 L Street NW., Washington, D.C. 20037. Telephone: 202–254–6442.

SUPPLEMENTS

Supplement I—Requirements Under the Second War Powers Act of 1942

The Second War Powers Act of March 27, 1942 (56 Stat. 185), provided that contractors with defense contracts placed after September 8, 1939, could be required to produce any books or records deemed relevant for audit and inspection by any agency or officer designated by the President or the Chairman of the War Production Board. The effectiveness of this Act was continued by the Act of June 30, 1953 (67 Stat. 120), for the duration of the national emergency proclaimed December 16, 1950, and for 6 months thereafter.

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TUESDAY, JUNE 7, 1977
PART III



FEDERAL ELECTION COMMISSION

■

ADVISORY OPINION REQUESTS

FEDERAL ELECTION COMMISSION

[Notice 1977-32, AOR 1977-23]

ADVISORY OPINION REQUESTS

Pursuant to 2 U.S.C. 437f(c) and the procedures reflected in Part 112 of the Commission's regulations, published on August 25, 1976 (41 FR 35954), Advisory Opinion Request 1977-23 has been made public at the Commission. Copies of AOR 1977-23 were made available on June 2, 1977. These copies of the advisory opinion request were made available for public inspection and purchase at the Federal Election Commission, Public Records Division, at 1325 K Street NW., Washington, D.C. 20463.

Interested persons may submit written comments on any advisory opinion request within ten days after the date the request was made public at the Commission. These comments should be directed to the Office of the General Counsel, Advisory Opinion Section, at the Commission. Persons requiring additional time in which to respond to any advisory opinion requests will normally be granted such time upon written request to the Commission. All timely comments received by the Commission will be considered before the Commission issues an advisory opinion. Comments on pending requests should refer to the specific AOR number of the requests and statutory references should be to the United States Code citations rather than to the Public Law citations.

A description of the request recently made public as well as the identification of the requesting party follows hereafter:

AOR 1977-23: May the Friends of Newt Steers participate in a joint fundraising effort with other Members of the "Freshman Republican Class of the 95th Congress" if the Friends Committee reports Representative Steers' pro rata share of all contributions and expenditures related to the joint fundraising project? May a direct mail fundraising firm act as a depository agent for Mr. Steers if all contributions and expenditures are prorated equally among Mr. Steers and other participating Members?

Requested by Representative Newton I. Steers, Jr., House of Representatives, Washington, D.C. 20515.

Dated: June 1, 1977.

THOMAS E. HARRIS,
Chairman for the
Federal Election Commission.

[FR Doc.77-16004 Filed 6-6-77;8:45 am]

federal register

TUESDAY, JUNE 7, 1977

PART IV



EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

■

PRIVACY ACT OF 1974

Systems of Records: Addition

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

PRIVACY ACT OF 1974

Systems of Records; Addition

Agency: Equal Employment Opportunity Commission.

Action: Proposed establishment of a new Privacy Act system of records.

Summary: Notice is hereby given that, pursuant to 5 U.S.C. Secs. 301 and 552a and 42 U.S.C. Sec. 2000e-4(g)(5) and 12(a), the Equal Employment Opportunity Commission proposes to establish a new system of records subject to the Privacy Act of 1974 (Pub. L. 93-579, 88 Stat. 1896). This system of records, entitled EEOC—14, Day-Care Center Study Records, adds a system to those previously published by the Commission, most recently at 41 FR 42170 (September 24, 1976).

The purpose of this system of records is to maintain information required for the operation of the Commission's day-care center study program. This program will provide day-care services for Commission employees stationed in Washington, D.C., as well as for employees of other federal agencies who are stationed within the Commission's Headquarters office building, 2401 E Street, N.W., Washington, D.C. In addition to providing day-care services, the Commission will use information maintained in this system to perform a study of the effects, if any, on employee productivity and job satisfaction of providing day-care services.

Effective date: Comments on this proposed system of records may be submitted to Constance L. Dupre, Associate General Counsel, Legal Counsel Division, EEOC, 2401 E Street, N.W., Washington, D.C. 20506. Comments received on or before July 7, 1977, will be considered.

For further information contact: Garland Pinkston, Jr., Esquire, Legal Counsel Division, Equal Employment Opportunity Commission, (202) 634-6464(5).

Supplementary information: A report on this proposed new system of records has been submitted to the Office of Management and Budget.

Copies of that report may be obtained from the Commission by writing to Constance Dupre, Associate General Counsel, Legal Counsel Division, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506. The Commission has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

Signed at Washington, D.C. this 27th day of May, 1977.

Ethel Bent Walsh,
Vice Chairman.

EEOC—14

System name: Day Care Center Study Records

System location: Educational Systems Corporation, 1710 N Street, N.W., Washington, D.C. 20036

Categories of individuals covered by the system: In this system will be maintained information on those persons and their children who participate in the EEOC's day-care center study program. An opportunity to participate in this program will be offered to current EEOC employees stationed at the EEOC's Headquarters Office and the Washington District Office. In addition, employees of other federal agencies who are stationed within the EEOC's Headquarters Office building, 2401 E Street, N.W., Washington, D.C., will also be offered an opportunity to enroll their children in the day-care program.

Categories of records in the system: Records will be maintained on three categories of individuals as described below. (1) Only EEOC Headquarters employees are participating in the study aspect of the day-care program. As to them, the following information will be maintained: Employee name, age, sex, ethnic category, education, business and residential address and telephone number, grade level, years in grade, records of interviews with them regarding their impressions of job satisfaction and productivity, records on interviews with them regarding their impressions of the day-care program, and their time and attendance records. (2) EEOC employees at the Washington District Office and employees of other federal agencies stationed within the EEOC Headquarters Office building, 2401 E Street, N.W., Washington, D.C., will be allowed to enroll their children in the day-care program, however, they will not participate in the job productivity and satisfaction study aspect of the program. As to these persons, the following information will be maintained: Employee name, age, sex, ethnic category, and business and residential address and telephone number. (3) With regard to the children enrolled in the day-care center study program, the following information will be maintained: Name, age, sex, ethnic category, health certificate, and records of the educational development of participating children.

Authority for maintenance of the system: 42 U.S.C. 2000e-4(g)(5).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The information collected for and maintained in this system will be used for two purposes: (1) the identifying information on all children enrolled in the program, and their parents, will be used for general record keeping purposes, (2) the information obtained from EEOC Headquarters personnel who are participating in the study aspect of the program will be used for research purposes only, to study the effects of providing day-care services on the job productivity and worker satisfaction of the participants. The information will be disclosed, as necessary, to employees of Educational Systems Corporation, which is conducting the study. Commission employees will have access to the information obtained only in aggregate form.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Stored on computer tape, computer print-outs and letter sized paper.

Retrievability: Indexed numerically by assigned employee code and alphabetically by employee name.

Safeguards: Stored in standard file cabinets and on computer tapes and print-outs. Access is limited per routine use described above.

Retention and disposal: Retained for one year and then manually destroyed. Individual identifiers will be obliterated by the Educational Systems Corporation prior to the transfer of the study records to the EEOC.

System manager(s) and address: Director, Office of Planning, Research and Systems, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506.

Notification procedure: Individuals wishing to know whether information about them is maintained in this system of records should address inquiries to the system manager. All inquiries should furnish the full name of the individual and mailing address to which the reply should be sent. (See EEOC Privacy Act Regulations, 29 CFR Part 1611.)

Record access procedures: Same as above.

Contesting record procedures: Same as above.

Record source categories: Information maintained in this system will be obtained from the individual's time and attendance records and from the individuals themselves.

[FR Doc.77-16026 Filed 6-6-77;8:45 am]

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