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Presidential Documents

Title 3—

The President

Proclamation 4900 of February 22, 1982

The 250th Anniversary of the Birth of George Washington

By the President of the United States of America

A Proclamation

This month we commemorate the two hundred and fiftieth anniversary of the birth of George Washington, victorious commander of the American Revolution, chief advocate and President of the Constitutional Convention, and first President of the United States, unquestionably one of our greatest leaders.

His considerable wisdom, unflagging energy, dogged perseverance, profound faith in God, clear vision, and unswerving dedication to democratic principles contributed indispensably to the success of the American Revolution, the formulation and ratification of the United States Constitution and the establishment of the United States as a democratic federal republic.

As a soldier, he provided determined leadership, inspiring his men and sharing their lot in times of adversity. He took a group of farmers, tinkers, and store clerks and forged them into the Continental Army, a fighting instrument able to meet and best the finest professional troops in the world. Trusting in the rightness of his cause and, as he put it, in "the miraculous care of Providence," he proved his valor by leading his men into battle time after time during the long years of war.

As a citizen, he exemplified the ideal of the soldier in a democratic society, resigning his commission at war's end and retiring to the private pursuits of his beloved home, Mount Vernon. Yet, in his great vision, he saw the need for a better form of government, which would bind the sovereign States into an indissoluble Federal Union, while at the same time preserving and enhancing their unique role. To this end, he sponsored the Mount Vernon Conference, which led ultimately to the Philadelphia Convention in 1787.

As a statesman, he made his greatest and most lasting contribution to our American Nation. He presided with both tact and firmness over the Philadelphia Convention, guiding its members in drafting our charter of government so aptly described as the most important document ever composed by the hand of man at one time. Finally, heeding the call of his fellow citizens, he served as first President of the United States, setting precedents and establishing a standard to which all his successors can honorably aspire.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim February 22, 1982, as a Day of National Celebration of the two hundred and fiftieth Anniversary of the Birth of George Washington. I urge the people of the United States, in their homes, schools, and places of work, to join me in commemorating the birth of George Washington by reflecting on the character and accomplishments of this great man and his incalculable contributions to the establishment of this Nation. Let us rededicate ourselves to the fulfillment of his ideals and his faith in the people and resources of the United States.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of February, in the year of our Lord nineteen hundred and eighty-two, and of the Independence of the United States of America the two hundred and sixth.

Ronald Reagan

Rules and Regulations

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

7 CFR Part 1701

Public Information; REA Bulletins PE-28, Specification for Figure 8 Multipair Distribution Wire and PE-27, Specification for One-Pair Distribution Wire

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: REA hereby withdraws REA Bulletin 345-20, REA Specification for Figure 8 Multipair Distribution Wire, PE-28, and REA Bulletin 345-19, REA Specification for Figure 8 One-Pair Distribution Wire, PE-27. The products covered by these specifications are no longer used on the systems of REA borrowers, therefore, the specifications are no longer required.

EFFECTIVE DATE: February 12, 1982.

FOR FURTHER INFORMATION CONTACT: Harry M. Hutson, Chief, Outside Plant Branch, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1342, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447-3827. The Final Regulatory Impact Analysis describing the options considered in developing this rule and the impact of implementing each option is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA hereby amends Appendix A by withdrawing Bulletins 345-20 and 345-19. This action has been reviewed under USDA procedures established to implement Executive Order 12291 and has been classified as not major. A Regulatory Flexibility Analysis is not required and an OMB Circular A-95 review is not applicable to this action.

The products covered by these specifications are no longer used on the systems of REA borrowers, therefore, the documents are being withdrawn. While it would have been possible to continue the documents in their present form, this would have been senseless, as it would have added to government paperwork and costs at no benefit to the borrowers, or their subscribers.

This program is listed in the Catalog of Federal Domestic Assistance as 10.851—Rural Telephone Loans and Loan Guarantees.

A Notice of Proposed Rule Making was published in the **Federal Register** on November 20, 1981 (46 FR 57056). No public comments were received in response to this notice.

Dated: February 12, 1982.

Harold V. Hunter,

Administrator.

[FR Doc. 82-4868 Filed 2-22-82; 8:45 am]
BILLING CODE 3410-15-M

Animal and Plant Health Inspection Service

9 CFR Part 71

[Docket No. 81-090]

General Provisions; Interstate Movement of Diseased Animals and Poultry

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the regulation restricting the interstate movement of diseased animals and poultry by deleting the words "in sheep" from the phrase "bluetongue in sheep" as a communicable disease endemic to the United States. This action is necessary because the regulation, as written, could be interpreted to exclude bluetongue in other species. With this revision, the regulation more accurately reflects the disease status in the United States and clarifies the Department's authority and determination to restrict the movement of other animals affected with bluetongue.

EFFECTIVE DATE: March 25, 1982.

FOR FURTHER INFORMATION CONTACT: Dr. Jack R. Pitcher, Sheep, Goat, Equine and Ectoparasites Staff, Room 738, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8231.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This final rule has been reviewed in conformance with Executive Order 12291, and has been determined to be not a "major rule."

The Department has determined that this final rule will not have a significant effect on the economy and will not result in any increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises, in domestic or export markets.

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because this amendment would only clarify the regulations presently imposed on livestock. There would be no new or additional requirements or costs imposed on small entities.

This amendment merely clarifies the language of the present regulations. The only alternative considered was making no change to the present regulations. This alternative was rejected because no new or additional costs will be imposed by amending the regulations and the final rule will clarify the intent of the regulations to prohibit the interstate movement of other animals as well as sheep affected with bluetongue.

Background

Bluetongue (BT) is a disease of sheep, cattle, goats, and wild ruminants. Acute BT causes a severe inflammation of the mucous membrane of the mouth, nasopharynx, esophagus, rumen, and lower digestive tract; lesions may appear on the teats, udder and coronary band; congenital deformities and neonatal losses may occur. Transmission in nature is accomplished by the bites of gnats, so the disease is seasonal in occurrence.

There are four types of bluetongue virus found in the United States. The virus was first isolated in the United States from California sheep in 1952, but the disease had been recognized in Texas as early as 1948, where it was known as "sore muzzle." Recent research has revealed that the effects of BT in cattle are more serious than had been suspected in the past.

Australia, New Zealand, the European Economic Community and Canada either refuse entry or impose restrictions on the importation of cattle with bluetongue. The Department must be able to control the movement of BT affected cattle in order to assure countries receiving cattle from the United States of their BT-free status as well as to control the spread of the disease within this country.

The current regulation in 9 CFR 71.3(a) reads in part: "Animals or poultry affected with any of the following diseases, which are endemic to the United States: * * * bluetongue in sheep * * * or any other communicable disease which is endemic to the United States, * * * shall not be moved interstate." The listing of "bluetongue in sheep" was not intended to exclude bluetongue in other animals from the category of "any other communicable disease which is endemic to the United States." However, since the same sentence specifies "bluetongue in sheep," it could be interpreted to exclude bluetongue in any other animals, even though it has always been the Department's policy to prohibit all animals affected with bluetongue from moving interstate.

On August 27, 1981, there was published in the **Federal Register** (46 FR 43175–43176), a document proposing to amend the regulations (9 CFR Part 73) by removing the words "in sheep" from the phrase "bluetongue in sheep."

A 60-day comment period was provided for receipt of comments. Three comments were received. One commentor was in agreement with the change proposed by the Department. The other two commentors were concerned that the Department might prohibit the interstate movement of cattle affected with BT based on a positive serological test only. They noted that clinical manifestations of BT in cattle are not necessarily the same as those observed in sheep and the difficulty of determining when cattle are affected with BT.

The purpose of this amendment is merely to clarify the intent of the Department to prohibit the interstate movement of livestock when such livestock are found to be affected with BT. The Department recognizes, however, that it is more difficult to determine when certain animals are affected with BT than with other animals. For this reason, it is not the intent of the Department to base a determination that animals are affected with BT solely on the basis of a positive serological test for BT. Rather, such a determination will be made on the basis of a positive serological test plus clinical signs of BT observed by an accredited veterinarian; or the actual isolation of the virus from the animal. However, since it is possible to determine when an animal is affected with BT, when such a determination is made, such animals will be prohibited from interstate movement.

Therefore, it has been determined that the words "in sheep" will be deleted from the phrase "bluetongue in sheep" to clarify the Department's determination that the prohibition extends to the disease in any animal.

PART 71—GENERAL PROVISIONS

Accordingly, Part 71, Title 9, Code of Federal Regulations, is amended in the following respects:

Section 71.3(a) is revised to read:

§ 71.3 Interstate movement of diseased animals and poultry generally prohibited.

(a) Animals or poultry affected with any of the following diseases, which are endemic to the United States: Equine piroplasmosis, bovine piroplasmosis or splenetic fever, scabies, hog cholera, acute swine erysipelas, tuberculosis, paratuberculosis, brucellosis, scrapie, bluetongue, anthrax, screwworms, psittacosis or ornithosis, and Newcastle disease, or any other communicable disease which is endemic to the United States, or which are cattle fever tick infested, shall not be moved interstate.

* * * * *

(Sec. 2, 32 Stat. 792; secs. 3 and 11, 23 Stat. 32; as amended; sec. 1, 32 Stat. 791 (21 U.S.C. 111, 114, 114a, 120))

Done at Washington, D.C., this 18th day of February 1982.

John W. Walker,

Acting Deputy Administrator Veterinary Services.

[FR Doc. 82-4885 Filed 2-22-82; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL TRADE COMMISSION

16 CFR Part 4

Requirements for Numbers and Signatures of Documents Filed Before the Commission.

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission, pursuant to Section 6 of the Federal Trade Commission Act, is revising its rule relating to the numbers and signatures required for documents filed before the Commission. The purpose of the amendment is to eliminate confusion concerning these requirements.

EFFECTIVE DATE: This rule is effective on or before March 25, 1982.

FOR FURTHER INFORMATION CONTACT: Benjamin I. Berman, Attorney Advisor to the Secretary, Federal Trade Commission, Washington, D.C. 20580, (202) 523–3815.

SUPPLEMENTARY INFORMATION: Section 4.2 of the Commission's rules of practice and procedure gives instructions for the filing of documents before the Commission. In their current form, subsections (c) and (e)(1) of that rule have caused some confusion. The purpose of this amendment is to eliminate the confusion.

Subsection (c) now states that 20 copies of certain documents must be filed. Some persons preparing filings have assumed that the 20 copies included the original document itself. The intention of the rule, however, is that 20 copies be submitted in addition to the original document. The change adopted by this notice makes the latter interpretation explicit.

Subsection (e)(1) contains a similar ambiguity. It requires a signature on the original of each document filed. In the absence of a signature, the document may be stricken from the record of the proceeding for which it was filed. The signature must be a hand-signed original signature, not a reproduced or facsimile signature. This subsection is being amended to clarify that requirement.

In consideration of the foregoing, the Commission hereby amends its rules of practice as follows:

PART 4—MISCELLANEOUS RULES

1. Section 4.2 (c) and (e) are revised to read as follows:

§ 4.2 Requirements as to form, and filing of documents other than correspondence.

* * * * *

(c) *Copies.* An original and twenty (20) copies of all documents before the Commission and motions for an Administrative Law Judge's certification of an interlocutory appeal pursuant to § 3.23(b) shall be filed; an original and ten (10) copies of all other documents before the Administrative Law Judge shall be filed; and an original and one (1) copy of compliance reports shall be filed. Only one (1) copy of admissions

and answers thereto must be filed with the Secretary, the originals to be served on the opposing party as specified by § 3.32.

* * * * *

(e) *Signature.* (1) The original of each document filed shall have a hand signed signature by an attorney of record for the party, or in the case of parties not represented by counsel, by the party itself, or by a partner if a partnership, or by an officer of the party if it is a corporation or an unincorporated association.

* * * * *

By direction of the Commission, dated February 10, 1982.

Carol M. Thomas,

Secretary.

[FR Doc. 82-4844 Filed 2-22-82; 8:45 am]

BILLING CODE 6750-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 200

[Release Nos. 33-6382, 34-18487, 35-22387, 39-696, IC-12226, IA-793]

Delegation of Authority To Grant Waivers of Imputed Disqualification

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission is adopting a rule delegating to the Commission's General Counsel the authority to grant waivers of imputed disqualification pursuant to Rule 8(d) of the Commission's Conduct Regulation.

EFFECTIVE DATE: February 23, 1982.

FOR FURTHER INFORMATION CONTACT: Myrna Siegel, Ethics Counsel, Office of the General Counsel, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272-2430.

SUPPLEMENTARY INFORMATION: The Commission is amending its regulations governing delegation of authority to delegate authority to the General Counsel to grant waivers of imputed disqualification to law firms requesting such waivers pursuant to Rule 8(d) of the Commission's Conduct Regulation, 17 CFR 200.735-8(d).

PART 200—ORGANIZATION; CONDUCT AND ETHICS; AND INFORMATION AND REQUESTS

Accordingly, 17 CFR 200 is amended by adding a new section as follows:

§ 200.30-14 Delegation of authority to the General Counsel.

Pursuant to the provisions of Pub. L. 94-29, 89 Stat. 163, Pub. L. 87-592, 76 Stat. 395, 15 U.S.C. 78d-1, 78d-2, the Securities and Exchange Commission hereby delegates, until the Commission orders otherwise, the following function to the General Counsel of the Commission, to be performed by him or under his direction by such person or persons as may be designated from time to time by the Chairman of the Commission: Grant waivers of imputed disqualification requested pursuant to 17 CFR 200.735-8(d).

The Commission finds that this amendment relates solely to rules of agency procedure or practice and accordingly, that notice and prior publication for comments under the Administrative Procedure Act, 5 U.S.C. 551 et seq., are unnecessary. See 5 U.S.C. 553(b).

Dated: February 12, 1982.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-4867 Filed 2-22-82; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 444

[Docket No. 81N-0406]

Oligosaccharide Antibiotic Drugs; Tobramycin Ophthalmic Ointment

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the antibiotic drug regulations to provide for the certification of a new dosage form of tobramycin, tobramycin ophthalmic ointment. The manufacturer has supplied sufficient data and information to establish its safety and efficacy.

DATES: Effective February 23, 1982; comments, notice of participation, and request for hearing by March 25, 1982; data, information, and analyses to justify a hearing by April 26, 1982.

ADDRESS: Written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: FDA has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357), as amended, with respect to providing for the certification of a new dosage form of tobramycin, tobramycin ophthalmic ointment. The agency has concluded that the data supplied by the manufacturer concerning this antibiotic drug are adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended in Part 444 (21 CFR Part 444) to provide for its certification.

The agency has determined pursuant to 21 CFR 25.24(b)(22) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

PART 444—OLIGOSACCHARIDE ANTIBIOTIC DRUGS

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 701 (f) and (g), 52 Stat. 1055-1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371 (f) and (g))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 444 is amended by redesignating existing § 444.380 as § 444.380a and adding new §§ 444.380 and 444.380b, to read as follows:

§ 444.380 Tobramycin ophthalmic ointment.

§ 444.380b Tobramycin ophthalmic ointment.

(a) *Requirements for certification.*—(1) *Standards of identity, strength, quality, and purity.* Tobramycin ophthalmic ointment contains, in each gram, 3.0 milligrams of tobramycin with a suitable preservative in a suitable and harmless ointment base. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of tobramycin that it is represented to contain. It is sterile. Its moisture content is not more than 1.0 percent. It passes the test for metal particles. The tobramycin used conforms to the standards prescribed by § 444.80(a)(1), except heavy metals.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The tobramycin used in making the batch for potency, safety, moisture, pH identity, and residue on ignition.

(*b*) The batch for potency, sterility, moisture, and metal particles.

(ii) Samples required:

(*a*) The tobramycin used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 20 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay.*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place an accurately weighted representative portion of the sample into a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of distilled water, and shake well. Allow the layers to separate. Remove the distilled water layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of distilled water. Combine the extractives in a suitable volumetric flask and dilute to volume with distilled water. Further dilute an aliquot with distilled water to the reference concentration of 2.5 micrograms of tobramycin per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(3) of that section.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *Metal particles.* Proceed as directed in § 436.206 of this chapter.

This regulation announces standards that FDA has accepted in a request for approval of an antibiotic drug. In accordance with the conditions for certification in section 507 of the act, FDA permits the manufacturer to market this drug on a "release" status pending the regulation's becoming effective. Because this regulation is not controversial and because when effective it provides notice of accepted standards and permits earlier certification of regulated products, notice and comment procedure and delayed effective date are found to be unnecessary and not in the public interest. The amendment, therefore, is effective February 23, 1982. However, interested persons may, on or before March 25, 1982, submit written comments on this rule to the Dockets Management Branch (address above). Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Any person who will be adversely affected by this regulation may file objections to it, request a hearing, and show reasonable grounds for the hearing. Any person who decides to seek a hearing must file (1) on or before March 25, 1982, a written notice of participation and request for hearing, and (2) on or before April 26, 1982, the data, information, and analyses on which the person relies to justify a hearing, as specified in 21 CFR 430.20. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for hearing that no genuine and substantial issue of fact precludes the action taken by this order, or if a request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the person(s) who request(s) the hearing, making findings and conclusions and denying a hearing. All submissions must be filed in three copies, identified with the docket number appearing in the heading of this order and filed with the Dockets Management Branch.

The procedures and requirements governing this order, a notice of participation and request for hearing, a submission of data, information, and analyses to justify a hearing, other comments, and grant or denial of a hearing are contained in 21 CFR 430.20.

All submissions under this order, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall be effective February 23, 1982.

(Secs. 507, 701(f), and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended (21 U.S.C. 357, 371(f) and (g)))

Dated: February 11, 1982.

Paul O. Fehnel, Jr.,

Acting Assistant Director for Regulatory Affairs.

[FR Doc. 82-4742 Filed 2-22-82; 8:45 am]

BILLING CODE 4160-01-M

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21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed for Carl S. Akey, Inc., providing for safe and effective use of a 10-gram-per-pound tylosin premix for making complete swine, beef cattle, and chicken feeds.

EFFECTIVE DATE: February 23, 1982.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV–136), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5247.

SUPPLEMENTARY INFORMATION: Carl S. Akey, Inc., P.O. Box 607, Lewisburg, OH 45338, is sponsor of supplemental NADA 103–089 submitted on its behalf by Elanco Products Co. The supplemental NADA provides for use of a premix containing 10 grams of tylosin (as tylosin phosphate) per pound for making complete feeds for swine, beef cattle, and chickens. The swine feed is used for increased rate of weight gain and improved feed efficiency, for prevention, treatment, and control of swine dysentery, and to maintain weight gains and feed efficiency in the presence of atrophic rhinitis; the beef cattle feed for reduction of incidence of certain liver abscesses; the chicken feed for increased rate of weight gain and improved feed efficiency; and the layer feed for improved feed efficiency.

Approval of this NADA relies upon safety and effectiveness data contained in Elanco's approved NADA 12–491. Use of the data in NADA 12–491 to support this supplemental NADA has been authorized by Elanco. This approval does not change the approved use of the drug. Consequently, approval of this supplemental NADA poses no increased human risk from exposure to residues of the animal drug, nor does it change the conditions of the drug's safe use in the target animal species. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977),

this is a Category II supplemental approval which does not require reevaluation of the safety and effectiveness data in NADA 12–491.

The supplement is approved and the regulations are amended accordingly. This approval adds to the firm's existing approval for use of a 10-gram-per-pound tylosin premix for making swine feeds.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has determined pursuant to 21 CFR 25.24(d)(1)(i) (proposed December 11, 1979; 44 FR 71742) that this action is of a type that does not individually or cumulatively have a significant impact on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This action is governed by the provisions of 5 U.S.C. 556 and 557 and is therefore excluded from Executive Order 12291 by section 1(a)(1) of the Order.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 558.625 is amended by revising paragraph (b)(48) to read as follows:

§ 558.625 Tylosin.

* * * * *

(b) * * *

(48) To 017790: 10 grams per pound; paragraph (f)(1)(i), (iii), (iv), and (vi) of this section.

* * * * *

Effective date. This amendment is effective February 23, 1982.

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

Dated: February 16, 1982.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 82–4741 Filed 2–22–82; 8:45 am]

BILLING CODE 4160–01–M

21 CFR Part 740

[Docket No. 77P–0353]

Cosmetic Product Warning Statements; Coal Tar Hair Dyes Containing 4-Methoxy-M-Phenylenediamine (2,4-Diaminoanisole) or 4-Methoxy-M-Phenylenediamine Sulfate (2,4-Diaminoanisole Sulfate); Judicial Stay of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Final rule; judicial stay of effective date.

SUMMARY: The Food and Drug Administration (FDA) is publishing notice of the judicial stay of the effective date of a regulation requiring a warning statement on the labels of coal tar hair dyes containing 4-methoxy-*m*-phenylenediamine (also known as 2,4-diaminoanisole) or 4-methoxy-*m*-phenylenediamine sulfate (also known as 2,4-diaminoanisole sulfate). This regulation had been scheduled to be effective on April 16, 1980. The stay is the result of a consent order entered by the United States District Court for the Southern District of Georgia. This document is being published now to ensure that a note is added to 21 CFR 740.18, stating that the effectiveness of the regulation has been stayed, before the next reprinting of Title 21 of the Code of Federal Regulations.

EFFECTIVE DATE: The stay was effective September 18, 1980.

FOR FURTHER INFORMATION CONTACT: John A. Wenninger, Bureau of Foods (HFF–441), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1061.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 16, 1979 (44 FR 59509), FDA published a final rule (21 CFR 740.18) requiring that labels of coal tar hair dyes containing 4-methoxy-*m*-phenylenediamine (also known as 2,4-diaminoanisole) or 4-methoxy-*m*-phenylenediamine sulfate (also known as 2,4-diaminoanisole sulfate) bear a prescribed warning statement. The statement warns that the dye contains an ingredient that can penetrate the skin and has been determined to cause cancer in laboratory animals.

On September 18, 1980, a consent order was entered by the United States District Court for the Southern District of Georgia (Civil Action No. CV 480–71). In that order, the plaintiffs, Carson Products, et al., and the defendants, Department of Health and Human Services, et al., agreed, among other things, that the effectiveness of § 740.18 would be stayed, and that FDA would add an appropriate note to that effect to § 740.18 when Title 21 of the Code of Federal Regulations (CFR) was next reprinted. This note was inadvertently omitted from the 1981 reprinting of the CFR.

Although the scheduled effective date of the October 16, 1979 final rule was April 16, 1980, and the consent order was entered approximately 5 months later, FDA has never taken any enforcement action based on § 740.18. FDA believes that hair dye manufacturers are aware of the consent order requiring the stay. Many of the firms that currently manufacture hair dyes were plaintiffs in the *Carson Products* suit. Moreover, the terms of the consent order have been extensively discussed in the trade press and by speakers at the annual meeting of the Food and Drug Law Institute. See, e.g., Eiermann, H. J., Cosmetic Regulation Update—1980; 36 Food, Drug, Cosmetic Law Journal, 90 (1981).

The consent order also remanded the regulation to FDA for reconsideration and further rulemaking. Specifically, the court directed FDA to include in the record of any further rulemaking a scientifically accepted procedure of risk assessment, and to raise the issue as to whether, in view of those procedures, hair dyes containing 4-Methoxy-*m*-phenylenediamine or 4-methoxy-*m*-phenylenediamine sulfate present a generally recognized level of insignificant risk to human health. FDA is currently assessing such risk assessment procedures and other relevant matters.

To comply with the consent order, and to assure that there is no future misinterpretation, the effective date of § 740.18 is stayed until further notice.

Effective date. The stay was effective September 18, 1980.

Dated: February 16, 1982.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 82–4770 Filed 2–18–82; 3:04 pm]

BILLING CODE 4160–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 915

Permanent State Regulatory Program of Iowa

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule.

SUMMARY: The Secretary of the Interior is modifying the deadline for Iowa to meet one of the conditions of approval on the State permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act), 30 U.S.C. 1201 *et seq.* The Secretary is extending the deadline for the State to resolve the condition until September 1, 1982.

EFFECTIVE DATE: February 23, 1982.

FOR FURTHER INFORMATION CONTACT: Arthur W. Abbs, Chief, Division of State Program Assistance, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20240. Telephone: (202) 343–5351.

SUPPLEMENTARY INFORMATION: On November 17, 1981, the Secretary published a proposed rule to extend the schedule for Iowa to meet one of the conditions of approval on its approved permanent regulatory program under the Act (46 FR 56433–56434). Public comments were invited for 30 days ending December 17, 1981. One comment was received.

On March 13, 1979 (44 FR 15311–15463), the Secretary promulgated final rules for the permanent regulatory program under the Act.

Certain provisions of the rules (Parts 730–732) established the procedures for the submission, review, and decision on State permanent regulatory programs whereby the State assumes primary jurisdiction to regulate surface coal mining under the Act. Under § 732.13(i), the Secretary may conditionally approve a State program which contains minor deficiencies if the State agrees to correct the deficiencies according to a schedule set in the notice of conditional approval. The schedule is established in consultation with the State, based on the regulatory and administrative needs of the State's permanent program and the Act, and the time required for changes to be adopted under State rulemaking or legislative procedures.

The Iowa program was conditionally approved on January 21, 1981 (46 FR 5886–5892). In the notice of approval, the Secretary published the schedule for Iowa to resolve each of three conditions on the approval of that State's regulatory program. In a letter to the Director, OSM, dated September 28, 1981, the Iowa Department of Soil Conservation indicated that it would like an extension for meeting condition "b", as listed at 46 FR 5892, January 2, 1981.

Condition "b" stipulates that the Secretary's approval of the Iowa program will terminate on January 1, 1982, unless Iowa submits to the Secretary by that date copies of fully enacted statutes resolving the conflicting provisions of the Iowa Surface Mining Coal Mining Act and section 17A.181(3) of the Iowa Administrative Procedures Act so as to provide that cessation orders for failure to abate notices of violation shall be issued immediately, to be consistent with section 521(a)(3) of SMCRA or otherwise amends its program to accomplish the same result. Inasmuch as the State Senate bill proposed to resolve this condition did not come out of committee for floor debate during the 1981 session of the Iowa General Assembly, the Secretary is allowing the State until September 1, 1982, to meet the condition. This should allow sufficient time for the State legislature to act during its 1982 session.

Public Comment

In response to the notice proposing an extension of time for Iowa to meet condition "b", OSM received one comment. The Environmental Policy Institute (EPI) asserted that Iowa's ability to enforce the law would be seriously undermined by further delays in its authority to issue failure to abate cessation orders.

The commenter contended that delays in Iowa's obtaining compliance with the law at even one mine could result in serious environmental damage. EPA acknowledged that Iowa might not be able to correct the defect before the original deadline and conceded that withdrawal of Iowa's program approval was not necessarily the best way to address the problem. The commenter urged, therefore, that OSM assume authority to issue failure to abate cessation orders until the State corrected the defect in its program.

While OSM is sensitive to the commenter's concern that the extension might hamper Iowa's enforcement efforts, OSM does not believe that the Agency should assume authority to issue failure to abate cessation orders at this time. OSM is confident that it has ample authority under Section 521(b) of SMCRA and 30 CFR 842 and 843 to issue cessation orders should situations occur in Iowa which call for such action. OSM will carefully monitor operations in Iowa until the State has corrected the defect in its program to insure that the environmental protections standards of the Act are upheld.

Other Information

On August 28, 1981, the Office of Management and Budget granted OSM an exemption from Sections 3, 4, 7 and 8 of Executive Order 12291 for all actions to approve or conditionally approve State regulatory programs, actions or amendments. Therefore, a Regulatory Impact Analysis and regulatory review by OMB is not needed for this extension.

This rule is deemed not to be a major Federal action within the meaning of section 102(2)(c) of NEPA under sections 501(a) or 702(d) of SMCRA. It is hereby designated as a categorical exclusion from the NEPA process. Therefore, this rule is exempt from the requirements of an Environmental Assessment, EIS or FONSI.

Pursuant to the Regulatory Flexibility Act, Pub. L. 96–354, I have certified that this rule will not have a significant economic effect on a substantial number of small entities as the rule is essentially a timing change with no direct or indirect impact on small entities.

The primary author of this rule is Mary Tisdale, State Program Specialist, Division of State Program Assistance, Program Operations and Inspection, Office of Surface Mining, Telephone: (202) 343–5361.

Dated: February 12, 1982.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

PART 915—IOWA

30 CFR 915 is amended by revising § 915.11(b) to read as follows:

§ 915.11 Conditions of State regulatory program approval.

* * * * *

(b) The approval found in § 915.10 will terminate on September 1, 1982, unless Iowa submits to the Secretary by that date copies of fully enacted statutes resolving the conflicting provisions of section 14(2) of the Iowa Surface Coal Mining Act and section 17A.18(3) of the Iowa Administrative Procedures Act so as to provide that cessation orders for failure to abate notices of violation shall be issued immediately, to be consistent with section 521(a)(3) of SMCRA or otherwise amends its program to accomplish the same result.

* * * * *

[FR Doc. 82–4847 Filed 2–22–82; 8:45 am]

BILLING CODE 4310–05–M

POSTAL SERVICE

39 CFR Part 10

Establishment of the International Mail Manual To Replace Postal Service Publication 42, International Mail

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This rule replaces Postal Service Publication 42, International Mail, with the completely revised, renamed, and partially renumbered International Mail Manual. The purpose of this revision is to set forth in the International Mail Manual the postal regulations concerning international mail services offered to the public by the Postal Service in a more convenient and understandable style and format than that used in Publication 42, International Mail. All of the changes involve the reorganization and renumbering of present regulations, and the rewriting of regulations in a less technical, more readable form. No substantive changes have been made in these regulations through this revision.

EFFECTIVE DATE: November 13, 1981.

FOR FURTHER INFORMATION CONTACT: Connie Parker, (202) 245–4518.

SUPPLEMENTARY INFORMATION: Issue 1 of the International Mail Manual incorporates all the changes to postal regulations on international mail services from the issuance of Publication 42's Transmittal Letter 86 on December 15, 1979 (45 FR 41138) to October 6, 1981. Items appearing in the Postal Bulletin after October 6, 1981, remain in effect as written and will be incorporated in the International Mail Manual in a later issue. New rates for certain categories of international mail that were published in the **Federal Register** after October 6, 1981 at 46 FR 51518 and new air rates to Canada that were published at 46 FR 58077 and therefore do not appear in issue 1, remain in effect as published and will be incorporated in the International Mail Manual in a subsequent issue.

Additional features of the International Mail Manual are described in the following Explanation, which is excerpted from the first page of issue 1.

Explanation

The International Mail Manual is a complete revision of Publication 42, *International Mail*. The revision represents major changes in organization, format, and location of information. Several new features have been added, including:

1. A new section which lists the postage rates, fees, and mail preparation information for Postal Union Mail, Parcel Post, and International Express Mail, as applicable for each individual country.

2. New formats for the Postage Rate, Fee, and Summary Tables (formerly Appendix A) for each class of international mail.

3. A world map with an alphabetical list of countries providing geographic locators.

4. An appendix listing Postal Service directives related to the International Mail Manual.

In view of the considerations discussed above, the Postal Service hereby adopts the International Mail Manual in replacement of Publication 42, International Mail, which is incorporated by reference in the **Federal Register** (39 CFR 10.1). The International Mail Manual is to be incorporated in the **Federal Register** in Part 10 by a document published elsewhere in this issue.

(39 U.S.C. 401, 404, 407, 408)

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

[FR Doc. 82–4850 Filed 2–22–82; 8:45 am]

BILLING CODE 7710–12–M

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39 CFR Part 10

Replacement of Postal Service Publication 42, International Mail, With the International Mail Manual

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: By virtue of a document published elsewhere in this issue the Postal Service is replacing Postal Service Publication 42, International Mail, with a completely revised, renamed, and partially renumbered International Mail Manual. Postal Service Publication 42 is presently Incorporated by reference in the **Federal Register.** See 39 CFR 10.1. Since the International Mail Manual takes the place of Postal Service Publication 42, the Code of Federal Regulations must be revised to reflect the changed name, numbering, subscription price, and table of contents.

EFFECTIVE DATE: November 13, 1981.

FOR FURTHER INFORMATION CONTACT: Paul J. Kemp, (202) 245–4638.

W. Allen Sanders,

Associate General Counsel, Office of General Law and Administration.

In consideration of the foregoing, Subchapter B, Part 10 of Title 39, Code of Federal Regulations, is revised to read as follows:

SUBCHAPTER B—INTERNATIONAL MAIL

PART 10—INTERNATIONAL POSTAL SERVICE

Sec.

10.1 The International Mail Manual; incorporation by reference of international mail regulations.
10.2 Availability of the International Mail Manual.
10.3 Amendments to the International Mail Manual.
10.4 Approval of the Director of the Federal Register.
10.5 Contents of the International Mail Manual.

Authority: 5 U.S.C. 552(a), 39 U.S.C. 401, 404, 407, 408.

§ 10.1 The International Mail Manual; incorporation by reference of international mail regulations.

Section 552(a) of title 5, United States Code, relating to the public information requirements of the Administrative Procedure Act, provides in pertinent part that "* * * matter reasonably available to the class of persons affected thereby is deemed published in the **Federal Register** when incorporated by reference therein with the approval of the Director of the Federal Register." In conformity with that provision, and with 39 U.S.C. 410(b)(1), and as provided in this part, the United States Postal Service hereby incorporates by reference in this part, the International Mail Manual, a looseleaf publication published and maintained by the U.S. Postal Service, Washington, D.C. 20260.

§ 10.2 Availability of the International Mail Manual.

(a) Copies of the International Mail Manual are available for reference and inspection upon request at the National Headquarters and regional offices of the U.S. Postal Service and at all United States Post Offices and classified stations and branches during normal business hours. Regional offices are located in New York, Philadelphia, Memphis, Chicago, and San Francisco.

(b) A copy of the International Mail Manual, together with each amendment of it, is on file with the Director, Office of the Federal Register, National Archives and Records Service, General Services Administration, at 1100 "L" Street, NW., Room 8401, Washington, D.C.

(c) Copies of the International Mail Manual may be purchased from the Superintendent of Documents, Washington, D.C. 20402 for $34.00. This price covers the basic Manual, plus three transmittal letters amending it. Information about international mail also appears in condensed form in Publication 51, which the Postal Service publishes and distributes to all post offices and area supply centers. This publication is available to the public free of charge at all post offices and classified stations and branches.

§ 10.3 Amendments to the International Mail Manual.

(a) Except for final regulations published as provided in paragraph (b) of this section, notices of changes made in the International Mail Manual will periodically be published in the **Federal Register.** The text of all published changes will be filed with the Director, Office of the Federal Register. Subscribers to the International Mail Manual will automatically receive amendments from the Government Printing Office.

(b) When the Postal Service invites comment from the general public on a proposed change to the International Mail Manual, the proposed change and, if adopted, the final regulation will be published in the **Federal Register.**

(c) Final regulations published as provided in paragraph (b) of this section, and other changes to the International Mail Manual, adopted subsequent to the notices published under paragraph (a) of this section (except for corrections of minor errors or other nonsubstantive changes), are published in the Postal Bulletin, a weekly postal publication that may be purchased from the Superintendent of Documents, Washington, D.C. 20402.

(d) For references to amendments to the International Mail Manual adopted under paragraph (b) of this section subsequent to issuance of the most recent transmittal letter listed below, see § 10.3 in the List of CFR Sections Affected at the end of this volume.

Transmittal letter for issue	Dated	FR publication
1	Nov. 13, 1981	47 FR.

§ 10.4 Approval of the Director of the Federal Register.

(a) Incorporation by reference of the publication now titled the International Mail Manual was approved by the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR Part 51.

(b) This approval was granted on June 24, 1981, effective for the period of one year at the conclusion of which it will expire without further action unless renewed and extended by the Director upon application by the U.S. Postal Service.

§ 10.5 Contents of the International Mail Manual.

The International Mail Manual contains the following parts:

(a) Chapter 1—General Information

(1) Subchapter 110—What This Chapter Covers

(2) Subchapter 120—Purpose

(3) Subchapter 130—Categories of International Mail

(i) Part 131—General.
(ii) Part 132—Postal Union Mail, Parcel Post, and International Express Mail.
(iii) Part 133—Differences Among Countries.

(4) Subchapter 140—Use

(i) Part 141—Organization and Format.
(ii) Part 142—Location of Information.

(5) Subchapter 150—Official Correspondence

(i) Part 151—Correspondence with Headquarters.
(ii) Part 152—Correspondence with Foreign Postal Authorities.
(iii) Part 153—Correspondence with Individuals in Foreign Countries.

(b) Chapter 2—Outgoing Postal Union Mail

(1) Subchapter 210—What This Chapter Covers

(2) Subchapter 220—Conditions for Mailing

(i) Part 221—Conditions for All Mail.
(ii) Part 222—Conditions for Letters and Letter Packages.
(iii) Part 223—Conditions for Post Cards.
(iv) Part 224—Conditions for Printed Matter.
(v) Part 225—Conditions for Matter for the Blind.
(vi) Part 226—Conditions for Small Packets.

(3) Subchapter 230—Treatment of Outgoing Mail

(i) Part 231—Postmarking.
(ii) Part 232—Postage.
(iii) Part 233—Improperly Prepared Mail.
(iv) Part 234—Forwarding Mail of Domestic Origin.
(v) Part 235—Items Mailed Aboard Ships (Paquebot).

(c) Chapter 3—Outgoing Parcel Post

(1) Subchapter 310—What This Chapter Covers

(2) Subchapter 320—Conditions for Mailing

(i) Part 321—Parcel Post Described.
(ii) Part 322—Availability of Service.
(iii) Part 323—Prohibitions and Restrictions.
(iv) Part 324—Postage.
(v) Part 325—Weight and Size Limits.
(vi) Part 326—Preparation for Mailing.
(vii) Part 327—Forms Required.
(viii) Part 328—Marking and Endorsing.
(ix) Part 329—Mailing Location.

(3) Subchapter 330—Treatment of Outgoing Parcels

(i) Part 331—Postmarking.
(ii) Part 332—Shortpaid Parcels.
(iii) Part 333—Forwarding Parcels of Domestic Origin.

(d) Chapter 4—Special Services

(1) Subchapter 410—What This Chapter Covers

(2) Subchapter 420—Air Service

(i) Part 421—Service Description.
(ii) Part 422—Availability.
(iii) Part 423—Postage.
(iv) Part 424—Marking and Endorsing.
(v) Part 425—Aerogrammes.

(3) Subchapter 430—Insurance

(i) Part 431—Insurance Described.
(ii) Part 432—Availability and Limits of Insurance.
(iii) Part 433—Insurance Fees.
(iv) Part 434—Preparation of Insured Parcels.
(v) Part 435—Processing Requests for Insurance.
(vi) Part 436—Treatment of Incoming Insured Parcels.
(vii) Part 437—Indemnity Claims and Payments.

(4) Subchapter 440—Registry Service

(i) Part 441—Service Description.
(ii) Part 442—Availability and Indemnity Limits.
(iii) Part 443—Fees.
(iv) Part 444—Preparation of Registered Mail by Sender.
(v) Part 445—Processing Requests for Registry at Office of Mailing.
(vi) Part 446—Treatment of Outgoing Registered Mail at all Offices.
(vii) Part 447—Treatment of Incoming Registered Mail.
(viii) Part 448—Indemnity Claims and Payments.

(5) Subchapter 450—Return Receipts

(i) Part 451—Description.
(ii) Part 452—Availability.
(iii) Part 453—Fees or Charges.
(iv) Part 454—Processing Requests for Return Receipts for Outgoing Mail.
(v) Part 455—Treatment of Return Receipts for Incoming Mail.

(6) Subchapter 460—Restricted Delivery

(i) Part 461—Description.
(ii) Part 462—Availability of Restricted Delivery.
(iii) Part 463—Fee.
(iv) Part 464—Processing Requests for Restricted Delivery of Outgoing Mail.
(v) Part 465—Treatment of Requests for Restricted Delivery of Incoming Mail.

(7) Subchapter 470—Special Delivery

(i) Part 471—Description.
(ii) Part 472—Availability.
(iii) Part 473—Fees and Payment.
(iv) Part 474—Processing Requests for Special Delivery of Outgoing Mail.
(v) Part 475—Treatment of Incoming Special Delivery Mail.

(8) Subchapter 480—Special Handling

(i) Part 481—Description.
(ii) Part 482—Availability.
(iii) Part 483—Fees and Payment for Special Handling.
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[FR Doc. 82-4849 Filed 2-22-82; 8:45 am]
BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-3-FRL-2049-8]

Approval and Promulgation of Implementation Plans; Approval of Revision of the Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's approval of a revision to the Maryland State Implementation Plan (SIP) which consists of a plan for the Prevention of Significant Air Quality Deterioration (PSD).

DATE: This action is effective March 25, 1982.

ADDRESSES: Copies of the revision, as well as accompanying support documentation submitted by Maryland, are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, 10th Floor, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, Attn: Harold A. Frankford

State of Maryland, Air Management Administration, Department of Health and Mental Hygiene, 201 West Preston Street, Baltimore, Maryland 21201, Attn: Mr. George Ferreri

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W. (Waterside Mall), Washington, D.C. 20460

Office of the Federal Register, 1100 L Street NW., Room 8401, Washington, D.C. 20408

FOR FURTHER INFORMATION CONTACT: Mr. Harold A. Frankford at the address shown above or telephone 215/597-8392.

SUPPLEMENTARY INFORMATION:

Background

On December 8, 1981, 46 FR 60015, EPA proposed approval of a revision to the Maryland SIP. The revision consisted of amended regulations adopted by the State to meet the specific prevention of significant air quality deterioration (PSD) requirements in 40 CFR 51.24. A detailed description of the revision and EPA's review of the revision can be found in the December 8, 1981 proposed rulemaking. EPA received no comments on the proposed revision.

Additional Information From State

On September 17, 1981 and November 25, 1981, the State of Maryland submitted additional information which serves to clarify the procedures followed by the State of Maryland when issuing PSD permits. The September 17, 1981 letter explains that the State has the authority to issue or deny PSD permits although such authority is divided among several State agencies. The Department of Health and Mental Hygiene (Department) has authority to process all PSD permit applications except for those pertaining to electric power generating station facilities. Authority for processing PSD permit applications for this category vests with the State Public Service Commission. However, the State has assured EPA that the Department still has the authority under COMAR 10.18.06.14, to enforce against PSD permits issued by the Public Service Commission. The State also believes that the Department has the authority to prohibit the construction of generating stations which do not comply with COMAR 10.18.06.14. The November 25, 1981 letter explains that the State intends to hold public hearings prior to the issuance of any PSD permit.

EPA Evaluation/Actions

EPA is satisfied with Maryland's explanation of its PSD permitting procedures and therefore, finds them to be acceptable.

However, when EPA regulations are adopted by reference, 40 CFR 52.21 requires that the EPA Administrator retain authority under certain provisions of these regulations. These provisions are either not applicable for State implementation or EPA must retain authority for their implementation. Therefore, for the following sections of 40 CFR 52.21, the term "Administrator" means Administrator of EPA:

1. Definition of Federally Enforceable (40 CFR 52.21(b)(17)),
2. Exclusions from increment consumption (40 CFR 52.21(f)(1)(v), (3)(4)(i)),
3. Redesignation of areas (40 CFR 52.21(g)(1), (2), (3), (4), (5), and (6)),
4. Approval of alternate models (40 CFR 52.21(1)(2)),
5. Disputed permits or redesignation (40 CFR 52.21(t)), and
6. Delegation of Authority (40 CFR 52.21(u)(1)(2)(ii), (3), and (4)).

The term "Administrator" in the definition of "Net Emissions Increase" (40 CFR 52.21(b)(3)(iii)) means either the Administrator of EPA for PSD permits issued by EPA, or the Secretary of the Maryland Department of Health and Mental Hygiene for PSD permits issued by the State; that is, an increase or decrease in actual emissions is not creditable if the Administrator of EPA or the Secretary of the Maryland Department of Health and Mental Hygiene has relied on these emission changes in issuing a permit under this section. Under 40 CFR 52.21(r)(2) (PSD permit extension), the term "Administrator" means the Secretary of the Maryland Department of Health and Mental Hygiene. This definition change which is included as part of this SIP revision gives the Secretary the authority to extend PSD permits regardless of which agency issued the original PSD permit.

Based on the foregoing, it is the decision of the Administrator to approve these regulatory changes as satisfying the requirements for a revision of the Maryland SIP. Accordingly, 40 CFR 52.1070 (Identification of plan) is amended to incorporate by reference the Federal PSD regulation into the Maryland SIP, and 40 CFR 52.1116 (Prevention of Significant Deterioration) is revised to retain those PSD provisions for which the EPA Administrator must retain authority.

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. See 46 FR 8709 (January 27, 1981). This action constitutes a SIP approval under sections 110 and 172 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(42 U.S.C. 7401-642)

Dated: February 16, 1982.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the Implementation Plan for the State of Maryland was approved by the Director of the Office of the **Federal Register** on July 1, 1981.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart V of Part 52, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart V—Maryland

1. In § 52.1070, paragraph (c)(59) is added to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(59) Addition of Maryland Regulation 10.18.06.14 (Control of PSD sources) which incorporates by reference the federal prevention of significant deterioration (PSD) requirements set forth in 40 CFR 52.21; submitted on June 24, 1981 by the Governor.

2. In § 52.1116, paragraph (b) is revised to read as follows:

§ 52.1116 Prevention of significant deterioration.

* * * * *

(b) The following provisions of 40 CFR 52.21 are hereby incorporated and made a part of the applicable State plan for the State of Maryland.

(1) Definition of Federally Enforceable (40 CFR 52.21(b)(17)),

(2) Exclusions from increment consumption (40 CFR 52.21(f)(1)(v), (3), (4)(i)),

(3) Redesignation of areas (40 CFR 52.21(g) (1), (2), (3), (4), (5), and (6)),

(4) Approval of alternate models (40 CFR 52.21(1)(2)),

(5) Disputed permits or redesignation (40 CFR 52.21(t), and

(6) Delegation of Authority (40 CFR 52.21(u)(1), (2)(ii), (3), and (4)).

[FR Doc. 82-4769 Filed 2-22-82; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-3-FRL-2050-4]

Approval and Promulgation of Implementation Plans; Approval of the Maryland State Implementation Plan for Lead

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA approves Maryland's State Implementation Plan (SIP) for the control of lead (Pb) emissions. Maryland's lead SIP meets all of the applicable requirements under section 110 of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans. The intended effect is to ensure that the national ambient air quality standard (NAAQS) for lead will be met Statewide by December 31, 1982.

EFFECTIVE DATE: April 26, 1982.

ADDRESSES: Copies of these SIP revisions and accompanying support documents are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, 10th Floor, 6th & Walnut Streets, Philadelphia, Pennsylvania 19106, ATTN: Harold A. Frankford.

State of Maryland, Air Management Administration, Department of Health and Mental Hygiene, 201 West Preston Street, Baltimore, Maryland 21201, ATTN: Mr. George Ferreri.

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street, S.W. (Waterside Mall), Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Harold A. Frankford at the above-mentioned address (phone 215/597-8392) ATTN: AH400MD.

SUPPLEMENTARY INFORMATION:

Final Rule

Background

On October 23, 1980 the State of Maryland submitted to the Environmental Protection Agency a State Implementation Plan (SIP) for the control of lead (Pb) emissions. The plan submitted by the State delineates the air quality problem areas with respect to lead (Metropolitan Baltimore Intrastate and National Capital Interstate Air Quality Control Regions (AQCR's)). The November 17, 1981 notice of proposed rulemaking, 46 FR 56463, discusses the violations of the national ambient air quality standards (NAAQS) for lead in these two AQCR's, the SIP control strategy that would demonstrate attainment of the lead standard by 1982, the provisions for review of new sources, and the test methods.

The State of Maryland has included in its control strategy a regulation controlling the use of waste oil as fuel (Code of Maryland Air Regulations (COMAR) Section 10.18.11.05). The State of Maryland has informed EPA that it will submit as future revisions of the lead SIP, any Secretarial Order issued by the State of Maryland under the provisions of Section 10.18.11.05C, referring to the conditions under which the State will approve the use of waste oil.

Public Hearings

The State provided proof that public hearings with respect to the lead SIP were held on June 2, 1980 in Towson, Maryland and June 3, 1980 in Riverdale, Maryland in accordance with the requirements of 40 CFR 51.4.

Solicitation of Public Comments

In its proposed rulemaking action, 46 FR 56463 (1981), EPA solicited public comments on its proposed approval action. However, no comments were received.

EPA Actions

EPA has reviewed Maryland's lead SIP and has determined that it meets the scope and intent of 40 CFR 51.80 through 51.88 (Control Strategy—Lead). Therefore, EPA approves Maryland's lead SIP. In addition, EPA approves as part of the SIP, a letter dated July 27, 1981 submitted by the State of Maryland to EPA. This letter clarifies the correlation between the receptor points in the Maryland Source Dispersion Model (MSDM) modeling analysis and the TSP/lead monitor locations in Baltimore.

In conjunction with the Administrator's approval action, 40 CFR 52.1070(c)(60) and (c)(61) (Identification of Plan) of Subpart V (Maryland) is revised to incorporate Maryland's lead SIP and the associated July 27, 1981 letter into the approved Maryland SIP.

Direct Final Rulemaking

Background

Maryland's lead SIP concludes that the point of highest concentration for lead is near a frit manufacturing plant in Baltimore. This plant is currently under a Secretarial Order for the control of total suspended particulate (TSP) emissions. The State believes that lead emissions will be reduced with the reduction in TSP emissions and thus considers the Secretarial Order as a control strategy to attain the lead standard in Baltimore. On December 16, 1981, the State formally submitted a Secretarial Order that by its terms supersedes that version described by the State in the control strategy portion of its October 23, 1980 SIP submittal.

Public Hearings

The State documented that public hearings with respect to their Secretarial Order were held in Baltimore on December 15, 1981, thus satisfying the requirements of 40 CFR 51.4

EPA Evaluation/Actions

Although the State formally submitted the Secretarial Order for the frit manufacturing plant after it had formally submitted its lead SIP, EPA considers this Order to be an integral part of the control strategy contained in the Maryland lead SIP. Therefore, EPA has good cause to approve this Order concurrent with its approval action of the basic Maryland lead SIP. Accordingly, 40 CFR 52.1070 (Identification of Plan) of Subpart V (Maryland) is revised to add paragraph (c)(62) describing the State's Secretarial Order and incorporating it into the approved Maryland lead SIP.

Because this approval action represents a direct final rulemaking action, the public is advised that this action will be effective 60 days from the publication date of this notice. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments on this Secretarial Order submitted by the State, the appropriate action will be withdrawn and subsequent notices will be published before the effective date. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because this action only approves State actions and imposes no new requirements.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities. See 46 FR 8709 (January 27, 1981). This action constitutes a SIP approval under sections 110 and 172 within the terms of the January 27 certification. This action only approves State actions. It imposes no new requirements.

Under section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(42 U.S.C. 7401–642)

Dated: February 16, 1982.

Anne M. Gorsuch,

Administrator.

Note.—Incorporation by reference of the Implementation Plan for the State of Maryland was approved by the Director of the Office of the Federal Register on July 1, 1981.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart V—Maryland

1. In § 52.1070, paragraphs (c)(60), (c)(61) and (c)(62) are added to read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

(60) A State Implementation Plan for the control of lead (Pb) emissions submitted on October 23, 1980 by the Governor.

(61) A letter containing supplemental clarifying information with respect to the State's control strategy demonstration; submitted on July 27, 1981 by the Maryland Air Management Administration.

(62) A revised Secretarial Order controlling lead emissions from the Mobay Chemical Corporation's frit manufacturing plant in Baltimore, Maryland; submitted December 16, 1981 by the Maryland Air Management Administration.

[FR Doc. 82-4796 Filed 2-22-82; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[A-4-FRL-2047-4]

Approval and Promulgation of Implementation Plans; North Carolina: Approval of PSD Regulation

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA announces its approval of North Carolina's regulations for the prevention of significant deterioration of air quality (PSD). These regulations were submitted to EPA on April 16, 1981. EPA proposed approval in the **Federal Register** of November 24, 1981 (46 FR 57572); no comments were received in response to the proposal. EPA's approval of these regulations means that the State of North Carolina will now have authority to issue PSD permits to sources locating in the State.

DATE: This action is effective March 25, 1982.

ADDRESSES: Copies of the materials submitted by North Carolina may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

Library, Office of the Federal Register, 1100 L Street NW, Room 8401, Washington, D.C. 20005

Air Programs Branch, Environmental Protection Agency, Region IV, 345 Courtland Street, NE, Atlanta, Georgia 30365

Division of Environmental Management, North Carolina Department of Natural Resources & Community Development, 512 N. Salisbury Street, Raleigh, North Carolina 27611, Archdale Building

FOR FURTHER INFORMATION CONTACT: Walter Bishop of the Region IV Air Programs Branch at 404/881–3043 (FTS 257–3043).

SUPPLEMENTARY INFORMATION: Following notice and public hearing in conformity with 40 CFR 51.4, the North Carolina Environmental Management Commission adopted and on April 16, 1981, submitted for EPA's approval as an implementation plan revision a new regulation 2D.0530, Prevention of Significant Deterioration. This regulation incorporates by reference portions of 40 CFR 51.24 in effect as of December 16, 1980 (date of State's hearing), and has been determined by EPA to meet the requirements of that Federal regulation. In the **Federal Register** of November 24, 1981, EPA proposed to approve the North Carolina regulation and asked for public comment on it; no comments were received. The reader may refer to the proposal notice for a detailed description of it.

The Federal regulation provides that a final determination is to be made within one year following submittal of a complete application by a prospective source. However, North Carolina law requires issuance of a permit within 90 days of a complete application. To minimize possible conflict between Federal and State requirements, subdivision (p) of regulation 2D.0530 specifies that the statutory 90 days will be considered to begin at the end of the public comment period, at the end of any public hearing held on the application, or when the applicant supplies information requested by the agency in response to comments

received during the comment period or at any hearing, whichever is later. Even so, if it becomes apparent that the State's review of the application will not be complete within 90 days, responsibility for processing the application will be turned back to EPA at the end of 70 days of the 90-day period, and the source will not be allowed to construct until it receives a PSD permit from EPA.

Action. EPA approves North Carolina's PSD regulation. This action is effective on March 25, 1982. On that date, the State of North Carolina will have authority to issue and enforce PSD permits for sources locating in the State.

Under Section 307(b)(1) of the Clean Air Act, judicial review of EPA's approval of this revision is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit on or before April 26, 1982. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Pursuant to the provisions of 5 U.S.C. section 605(b), I hereby certify that the present rule will not have a significant economic impact on a substantial number of small entities. This action only approves state actions. It imposes no new requirements.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Note.—Incorporation by reference of the State Implementation Plan for the State of North Carolina was approved by the Director of the Federal Register on July 1, 1981.

(Secs. 110, 161, Clean Air Act (42 U.S.C. 7410 and 7471))

Dated: February 16, 1982.

Anne M. Gorsuch,

Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart II—North Carolina

1. In § 52.1770, paragraph (c) is amended by adding subparagraph (30) as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(30) Regulation 2D.0530, providing for prevention of significant deterioration, submitted on April 16, 1981, by the North Carolina Department of Natural Resources and Community Development.

§ 52.1778 [Amended]

2. In § 52.1778, Significant deterioration of air quality, paragraphs (a) and (b) are removed.

[FR Doc. 82-4816 Filed 2-22-82; 8:45 am]

BILLING CODE 6560-38-M

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40 CFR Part 52

[FRL 1929-1]

Approval and Promulgation of Implementation Plans; Revision to Washington Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice constitutes final approval of the portion of the Washington State Implementation Plan (SIP) dealing with the preconstruction review of energy facilities as required by section 110 of the Clean Air Act (hereafter referred to as the Act) as amended in 1977 (42 U.S.C. 1857 et seq.). This final approval will authorize the Energy Facility Site and Evaluation Council (EFSEC) to conduct basic preconstruction reviews for new and modified energy facilities in accordance with the provisions of section 110 of the Act. Authority to issue new energy source permits under Part C and Part D of the Act is not approved and is retained by EPA until EFSEC revises its SIP to properly include these provisions.

EFFECTIVE DATE: February 23, 1982.

ADDRESSES: Copies of material submitted may be examined during normal business hours at:

Central Docket Section, (10A-79-9), West Tower Lobby, Gallery I, Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460

Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101

State of Washington, Department of Ecology, 4224-Sixth Ave. SE, Lacey, Washington 98503

The Office of Federal Register, 1100 L Street, NW, Room 8401, Washington, D.C. 20460

FOR FURTHER INFORMATION CONTACT: Clark Gaulding, Chief, Air Programs Branch, Environmental Protection Agency, 1200 Sixth Avenue M/S 629, Seattle, Washington 98101, Telephone: (206) 442-1230, FTS: 399-1230.

SUPPLEMENTARY INFORMATION:

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II. Background
III. Plan Review
A. Legal Authority: Chapter 80.50 RCW
B. Regulations: Chapter 463-39 WAC
C. Memorandum of Agreement between EFSEC and the Washington Department of Ecology (DOE)

I. Format

The information in this notice is divided into two sections entitled "Background" and "Plan Review." The "Plan Review" section is divided into three sub-sections which discuss: (1) The adequacy of the EFSEC legal authority with respect to Section 110 of the Act, (2) the EFSEC regulations in terms of their consistency with similar regulations previously approved by EPA and currently implemented by the DOE for all sources except those under the jurisdiction of EFSEC, and (3) the "Memorandum of Agreement" between EFSEC and DOE as a means of implementing the EFSEC regulations. Any deficienices which would affect approval of the SIP are summarized at the end of each topical discussion.

II. Background

On August 17, 1979 the Governor submitted general air pollution control regulations for sources falling under the jurisdiction of EFSEC, but no plan or program describing how the regulations would be implemented. On May 28, 1980 DOE submitted drafts of additional constituents of the EFSEC SIP—the legal authority and a Memorandum of Agreement between DOE and EFSEC. A package containing these three elements of the EFSEC SIP was officially submitted by the Governor on July 30, 1980. On April 10, 1981 (46 FR 21391) EPA published proposed approval of the EFSEC SIP.

III. Plan Review

The following discussion describes the provisions of the EFSEC SIP for energy sources.

A. Legal Authority—Chapter 80.50 RCW

The State Attorney General's opinion of May 28, 1981 states that EFSEC's enabling legislation (RCW 80.50) is adequate to satisfy the requirements of Section 110 of the Act and evidences an intent that energy facilities be controlled so that compliance with the Federal Clean Air Act is achieved. EPA agrees and is, therefore, approving the legal authority for EFSEC as adequate.

B. Regulations—WAC 463-39

The air pollution control regulations for sources under the jurisdiction of

EFSEC (WAC 463–39) are patterned after the DOE General Regulations for Air Pollution Sources (WAC 173–400). The provisions governing implementation of Section 110 of the Act are similar to and consistent with comparable provisions contained in WAC 173–400 (formerly WAC 18–04). In fact, the EFSEC regulations were purposely developed to parallel the DOE regulations so that the Statewide air pollution control effort would be carried out in a consistent manner.

EPA is today approving only those portions of WAC 463–39 dealing with the basic preconstruction review requirements of Section 110 of the Act. This will allow EFSEC to conduct the required preconstruction review for new and modified energy sources. EPA will retain the authority to issue permits under Part C and Part D of the Act until a revised EFSEC SIP, containing these provisions, is approved. (A new source review program for major sources in nonattainment areas and a PSD program for major sources locating in attainment areas must be developed in accordance with EPA requirements resulting from a court ruling in "Alabama Power v. Costle," 13 ERC 1973 (D.C. Air., Dec. 14, 1979). Today's action does not consider the requirements imposed by that ruling.

The following discussion will identify each section of WAC 463–39 and describe EPA's final action with regard to the preconstruction review requirements of Section 110 of the Act. EPA will further identify those sections dealing with Part C (Prevention of Significant Deterioration) or Part D (nonattainment area plans) of the Act and indicate that no action will be taken.

WAC 463–39—
a. 010—Purpose: Approval
b. 020—Applicability: Approval
c. 030—Definitions.
i. The following definitions are approved:
(1) Abnormal Operation.
(2) Air Contaminant.
(3) Air Pollution.
(5) Ambient Air.
(6) Ambient Air Quality Standard.
(8) Capacity Factor.
(9) Combustion and Incineration Sources.
(11) Compliance Schedule.
(12) Concealment.
(13) Council.
(14) Chairman.
(15) Emission.
(16) Emission Standard.
(17) Excess Emissions.
(18) Facility.
(19) Fossil Fuel—Fired Steam Generator.
(20) Fugitive Dust.
(21) Fugitive Emissions.
(22) General Process Source.
(23) Incinerator.
(26) Masking.
(27) Materials Handling.
(28) New Source.
(29) New Source Performance Standards (NSPS).
(31) Opacity.
(32) Open Burning.
(33) Particulate Matter.
(34) Person.
(37) Source.
(38) Source Category.
(39) Standard conditions.
(40) Upset.

ii. No action is being taken on the following definitions:

(4) Allowable Emissions: Part D Provision.
(7) Best Available Control Technology: Part C Provision.
(10) Commenced Construction: Part D Provision.
(24) Lowest Achievable Emission Rate (LAER): Part D Provision.
(25) Major Source: Part D/C Provision.
(30) Nonattainment Area: Part D Provision.
(35) Potential Emissions: Part D Provision.
(36) Reasonably Available Control Technology (RACT): Part D Provision.
d. 040—General Standards for Maximum Permissible Emissions: Approval, except for introductory portion dealing with RACT, which is a Part D provision.
e. 050—Minimum Emission Standards for Combustion and Incineration Sources: Approval
f. 060—Minimum Emission Standards for General Process Sources: Approval
g. 080—Compliance Schedules: Approval.
h. 100—Registration: Approval
i. 110—New Source Review
(1)—110(1)(a) Variance—related exemption: Disapproval. This section improperly exempts from pre-construction review certain source modifications which occur in conjunction with a previously approved variance.
(2)—110 (Introduction), 110(1)(b) and (1)(c): No Action. These provisions describe Part D and Part C requirements.
(3)—110(2)—Submittal of Review Material: Approval
(4)—110(3)(a) and 110(6)—Adoption of DOE rules by reference: Approval. The reference in WAC 463–39 to 70.94 RCW and the applicable rules and regulations in force pursuant to that statute results in an adoption by EFSEC of the provisions referenced. EPA finds that this is an acceptable method for incorporation of rules and regulations.
(5)—110(3)(b)—Portion referring to Federal NSPS and National Emission Standards For Hazardous Air Pollutants (NESHAPS) Requirements: Approval
(6)—Remainder of 110(3)(b), (c), (d) and (e)—PSD, LAER and Reasonable Further Progress requirements: No Action, Parts C and D Provisions.
(7)—110(4) thru (8)—New Source Review administrative procedure: Approval
j. 115—Standards of Performance for New Stationary Sources: No Action. This section outlines DOE's program for administering the provisions of Section 111 of the Act and must be separately delegated by EPA.
k. 120—Monitoring and Special Report: Approval with the following clarification:
120(3) Source Testing: EPA is approving this Section with the understanding that source testing will be done in accordance with methods described in the DOE Source Test Manual and contained in Part III of the Washington SIP.
l. 130—Regulatory Actions: Approval
m. 135—Criminal Penalties: Approval
n. 150—Variances, Approval with the following clarification: No variances from new source review are allowed. All variances from emission limitations for existing sources are to be adopted in accordance with Section 150(8) and submitted as SIP revisions.
0. 170—Requirements for Boards and Director: Approval

C. Memorandum of Agreement Between EFSEC and DOE To Describe Program Implementation and Resources

EPA is approving the Memorandum of Agreement between EFSEC and DOE as a means of conducting an effective air pollution control program for energy sources in the State of Washington. Pursuant to RCW 80.50, EFSEC is given full authority to establish construction requirements and conditions of operation for energy facilities, but lacks the staff for in-depth technical air quality control analysis and for field work to evaluate operational performance. Therefore, DOE has entered into an agreement with EFSEC to undertake these functions, while leaving the statutory authority of EFSEC intact. This agreement provides for a division of functions of the two agencies so that both the establishment of emission limitations and their enforcement can be effectively implemented in conformity with the requirements of the Federal Clean Air Act.

EFSEC, through its rulemaking and permit writing functions, intends to impose substantive standards on energy facilities which are consistent with the limitations imposed on other air contaminant sources and which meet the relevant level of technical control dictated by Federal and State law. DOE will assist in developing these limitations and will perform the data gathering function necessary for their enforcement. The general air pollution regulation dealing with EFSEC sources (Chapter 463–39 WAC) is in most major respects, the same as DOE's General Regulation for Air Pollution Sources (Chapter 173–400 WAC).

Comments

One commenter pointed out that EPA proposed "no action" on certain definitions which are included in WAC 463–39–110 (3)(b), which was proposed for approval as part of the new source review administrative procedure.

EPA agrees that this is inconsistent and has corrected the final rulemaking

to indicate that no action will be taken on Section 110(3)(b), except for the last sentence which requires sources to meet Federal standards for new sources and sources emitting hazardous air pollutants. The portions of 110(3)(b) on which no action will be taken deal with Part C and Part D of the Act. In addition, because of this clarification the definition for NSPS (Section 030(29)) will be approved.

The same commenter pointed out that EPA's proposed disapproval of Section 150—Variances was inconsistent with the earlier approval of the same provision in the DOE regulation WAC 173–400–150. EPA agrees that the provisions are the same and can be approved in relation to existing sources. Therefore, instead of a general disapproval of Section 150, EPA will approve it with the understanding that variances from new source review cannot be issued. Variances to existing sources may be issued only in accordance with Section 150(8) which reads "No variance or renewal shall be construed to set aside or delay any requirement of the Federal Clean Air Act except with the approval and written concurrence of the federal Environmental Protection Agency."

Another commenter representing the Colville Confederated Tribes and the Makah Indian Tribe raised several points as follows:

1. EPA has not provided the Tribes with a meaningful opportunity for involvement in this proposed rulemaking process.

EPA has provided an adequate opportunity for involvement to all concerned including the Tribes. EPA published advance notice of the receipt of regulations on September 26, 1979 (44 FR 55396), requesting comments and pointing out that further rulemaking would be forthcoming. On April 10, 1981 the Notice proposing approval of the EFSEC SIP was published (46 FR 21391). In the meantime, both Tribes were notified of public hearings held by DOE on July 15, 1980 to consider inclusion of the EFSEC SIP as part of the state-wide SIP. The Tribes did not provide testimony. Neither the statutory authority nor the regulations have been changed since the original notification in 1979.

2. The Memorandum of Understanding (MOU) between EFSEC and DOE is not consistent with requirements of Section 110 of the Act in that DOE is preempted by State law from participation in EFSEC air permit and enforcement matters.

EPA considers the MOU as merely a mechanism by which DOE provides information to EFSEC, which EFSEC will then use in carrying out its permitting and enforcement process. The preemptive language in the EFSEC statute does not apply to data gathering activities, only to the actual permitting and enforcement powers granted to EFSEC.

3. APA should not have proposed approval without first receiving an Attorney General's opinion describing the adequacy of the legal authority to meet the requirements of Section 110 of the Act.

EPA proposed approval based on an internal legal review of the EFSEC enabling authority (RCW 80:50), which found that the Section 110 requirements appeared to be satisfied. However, EPA noted that final action to approve the SIP was contingent upon receiving a State Attorney General's opinion on this matter. That opinion was submitted to EPA on May 28, 1981 with the conclusion that RCW 80.50 satisfies the requirements for a SIP as described in Section 110 of the Act.

EPA recognizes that prior access to the Attorney General's opinion may have been helpful in reviewing the question of authority. However, since EPA's preliminary conclusion was that the authority was adequate, comment on any inadequacies could have been submitted absent review of a specific Attorney General's opinion. Since the Attorney General has concluded, along with EPA, that the EFSEC enabling authority is adequate, there is no need to delay the final action for further review of the legal opinion on the adequacy of RCW 80.50.

4. EPA should have waited for the State to submit revisions designed to conform the regulations (WAC 173–400 and 463–39) to EPA requirements resulting from "Alabama Power Co. v. Costle."

The State has not yet submitted a revised SIP to meet the EPA requirements. Once a SIP is submitted, EPA has six months to act on that submittal. Therefore, EPA sees no reason to delay this action until an unspecified future date.

5. EPA should have questioned EFSEC's ability to incorporate by reference the State Clean Air Act and regulations promulgated thereunder and had the Attorney General's opinion address the question.

EPA did review this aspect of the EFSEC regulation and concluded that referencing the State Clean Air Act and applicable rules and regulations promulgated thereunder was acceptable. This incorporation by reference is further evidence of EFSEC's intent, as set forth in the Memorandum of Agreement, to conduct an air program which parallels the DOE air program. This will ensure that the pre-emptive jurisdiction of EFSEC does not result in the application of a separate and less stringent set of air pollution control standards than would apply if EFSEC did not exist. EPA does not see the need to have the Attorney General's opinion specifically address this question in light of the conclusions that the statutory authority is adequate and the Memorandum of Agreement is an acceptable means of conducting the program.

6. EPA should require that each site certification agreement be submitted as a SIP revision.

EPA's approval of the EFSEC SIP will make the EFSEC emission standards federally enforceable. Any provision of a site certification that would result in a deviation from those standards would have to be submitted as a SIP revision in order to be federally enforceable. This also applies to future variances which may be granted to existing EFSEC sources under WAC 463–39–150.

7. EFSEC compliance with the substantive standards of the Washington SIP is discretionary.

EPA feels the commenter is misreading the language describing how the program will operate. As stated in the Notice, EFSEC intends to impose substantive standards on energy facilities which are consistent with limitations imposed on other air contaminant sources. In addition, sources will be required to meet the relevant level of technical control required by federal and state law. EPA fails to see a discretionary aspect to the program. The regulatory provisions are clear in their operation and effect; no deviation from the substantive provisions is intended.

8. EPA's thirty-day comment period was inadequate because (a) the information being acted upon by EPA now is different from that described in the original notification of receipt and advance notification of proposed rulemaking (44 FR 55396, September 26, 1979) and (b) impact of the regulation is clearly not limited to the State of Washington.

(a) The action being taken today is based upon the materials which were described in the April 10, 1981 Notice of Proposed Rulemaking (46 FR 21391). The 1979 Notice announced receipt of the regulations, described the intent to propose further rulemaking and requested comments. Thus, the only additional material is the statutory authority (which existed at the time of the original submittal) and the Memorandum of Agreement. All these

materials were the subject of the State hearing held on July 15, 1980, which the Tribes were notified of and given an opportunity to provide comment. In light of the time which has already passed and the fact that no new information is available, extending the comment period and/or publishing supplemental notices is unnecessary. (b) The impact which EPA refers to as limited to Washington is not environmental, but regulatory. Environmental impacts beyond the geographical boundaries of the state are considered during the review of specific projects. EPA's action only approves existing state actions without imposing new regulatory requirements. Again, EPA believes no additional comment period is necessary.

9. Because the construction and modification of energy sources within the State of Washington is currently prohibited under the SIP, EPA action to approve the EFSEC SIP is of major significance and should be the subject of a public hearing.

EPA believes this is a normal SIP approval action. The construction prohibition was in effect because EFSEC did not have EPA approval of its new source review regulations. It is true that EPA's action today will lift the construction prohibition for major energy sources in attainment areas and minor energy sources in any area. (As required by § 110(a)(2)(I) of the Clean Air Act the prohibition remains in effect for major energy sources proposing to locate in an area designated nonattainment for a pollutant which the source will emit.) However, the basic question of whether or not the prohibition should be lifted is not an issue for discussion. If EPA did not approve EFSEC's SIP, EPA itself would be required to promulgate a regulatory program to allow construction. Also, a public hearing has already been held at the state level. EPA's action is not of major significance and does not require a public hearing in addition to the one held previously by the State.

10. EPA should have conducted a review under the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because of significant impact of the rulemaking on the Tribes as small governmental jurisdictions.

SIP approvals do not create any requirements not already contained in state law and for this reason do not have a significant impact.

An additional comment, received after the close of the comment period, included a brief filed before EFSEC entitled "Brief of the Department of Transportation Preemption by EFSEC of Oversize Vehicle Permits." The comment and Brief merely emphasizes the preemption aspects of EFSEC which EPA is fully aware of in taking this action. EFSEC's permitting and enforcement authority remains intact, as discussed in the answer to comment 2. above.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of regulatory impact analysis. This regulation is not major because EPA is approving an action taken by the State and, therefore, not establishing new requirements.

Pursuant to the provisions of 5 U.S.C. 605(b) I hereby certify that the attached rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This action only approves State actions and imposes no new requirements.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceeding brought by EPA to enforce these requirements.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

This notice of final rulemaking is issued under the authority of Sections 110 and 172 of the Clean Air Act as amended (42 U.S.C. 7410(a) and 7502).

Note.—Incorporation by reference of the State Implementation Plan for the State of Washington was approved by the Director of the Office of the Federal Register on July 1, 1981.

Dated: February 12, 1982.

John W. Hernandez, Jr.,

Acting Administrator.

PART 52—APPROVAL AND PROMULGATON OF IMPLEMENTATION PLANS

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

Subpart WW—Washington

1. In § 52.2470 paragraph (c)(25) is added as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) * * *

(25) On July 30, 1980 the State submitted revisions to the SIP to cover energy sources (superseding the submission of August 17, 1979). The major elements of the "energy" SIP include:

1. Legal Authority—Chapter 80.50 RCW
2. Regulations—Chapter 463-39 WAC dated
3. A Memorandum of Agreement between the Energy Facility Site Evaluation Council (EFSEC) and the Washington Department of Ecology (DOE) describing program implementation.

On May 28, 1981, the State submitted an Attorney General's opinion certifying that the enabling authority (80.50 RCW) was sufficient to meet the requirements of Section 110 of the Clean Air Act. On February 23, 1982, EPA approved the EFSEC SIP as it pertains to non-Part C pre-construction review in attainment areas. Part C and Part D requirements will be considered at a later date. Portions of the SIP approved are as follows:

1. Legal Authority—Chapter 80.50 RCW
2. Memorandum of Agreement between DOE and EFSEC.
3. Regulations—WAC 463-39, except Sections 030(4), (7), (10), (24), (25), (30), (35) and (36); (040) (introduction); 110 (introduction), (1)(b), (1)(c); 110(3)(b) (except portion dealing with Federal NSPS and NESHAPS requirements), (3)(c), (3)(d) and (3)(e), 115; upon which no action was taken and Section 110(1)(a) which was disapproved.

2. Section 52.2470 is revised by adding the following information to Table 52.2470:

Citation: WAC 463-39
Title: General Regulations for Air Pollution Sources
Date of Regulation: August 6, 1979
Date of EPA Approval: February 23, 1982.
Federal Register Citation: (as published)
Applicable Sections: All Sections, *except* 030(4), (7), (10), (24), (25), (30), (35), and (36); 040 (introduction); 110 (introduction), (1)(a), (1)(b), (1)(c), 110(3)(b) (except portion dealing with Federal NSPS and NESHAPS requirements), (3)(c), (3)(d), (3)(e); and 115.

3. Section 52.2479 is revised to add paragraph (b) as follows:

§ 52.2479 Rules and Regulations.

* * * * *

(b) Preconstruction Review under Section 110 of the Clean Air Act—Approval. (1) (WAC 463-39 is approved as satisfying the provisions for preconstruction review under Section 110 of the Act except as follows:

(i) WAC 463-39-110(1)(a) is disapproved.

§ 52.2473 Approval status [Corrected].

4. Correct § 52.2473 as follows:

In the second sentence of this section the citation of the plan identification

should be corrected to read "§ 52.2470" instead of "§ 52.247."

[FR Doc. 82-4797 Filed 2-22-82; 8:45 am]
BILLING CODE 6560-38-M

40 CFR Parts 262, 264, and 265

[SW-FRL 2041-5]

Hazardous Waste Management System: Standards Applicable to Generators of Hazardous Waste and Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

AGENCY: Environmental Protection Agency.

ACTION: Delayed Compliance Dates.

SUMMARY: The Environmental Protection Agency (EPA) is today delaying the compliance dates for three requirements of its hazardous waste regulations under Subtitle C of the Resource Conservation and Recovery Act (RCRA) until August 1, 1982. The three requirements concern: (1) The submission of annual reports by hazardous waste generators and owners and operators of treatment, storage, and disposal facilities, under 40 CFR 262.41, 264.75, and 265.75; (2) the submission of initial-year quarterly groundwater monitoring parameter readings by treatment, storage, and disposal facilities, under 40 CFR 265.94(a)(2)(i); and, (3) the preparation of groundwater quality assessment program outlines by treatment, storage, and disposal facilities, under 40 CFR 265.93(a).

EPA is taking these actions because it is currently developing formal proposals to substantially streamline or eliminate these requirements, and the Agency wishes to prevent the regulated community from expending resources toward complying with them in their present form.

DATE: Effective February 23, 1982.

ADDRESSES: The Docket Clerk (Docket 3002/3004—Annual Survey/RCRA Burden Reduction), Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C., 20460.

FOR FURTHER INFORMATION CONTACT: Michael E. Burns, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C., 20460, (202) 755-9158.

SUPPLEMENTARY INFORMATION:

I. Introduction

Pursuant to Subtitle C of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, EPA promulgated regulations establishing a comprehensive regulatory program for the management and control of hazardous waste (40 CFR Parts 260–267 and 122–124). As part of the regulations, generators of hazardous waste and owners and operators of hazardous waste treatment, storage, and disposal (TSD) facilities are required to prepare annual reports on their hazardous waste management activities and submit them to the EPA Regional Administrator by March 1 of the following year (40 CFR 262.41, 264.75, and 265.75). Annual reports covering the 1981 calendar year are required to be submitted to EPA Regional Administrators by March 1, 1982.

In addition, the regulations require owners and operators of certain hazardous waste TSD facilities to implement a groundwater monitoring program by November 19, 1981, unless an appropriate waiver is prepared and maintained at the facility (40 CFR 265.90). Unless an alternate groundwater monitoring system is implemented at the facility, as provided under 40 CFR 265.90(d), owners and operators are required during the initial year of their monitoring programs to conduct quarterly analyses (40 CFR 265.92(c)), to, among other things, characterize the suitability of the groundwater in the uppermost aquifer as a drinking water supply (265.92(b)(1)). Within 15 days after the completion of each quarterly analysis, owners and operators are required to report to EPA Regional Administrators the concentrations or values of the observed parameters specified in the EPA Interim Primary Drinking Water Standards (see Appendix III to 40 CFR Part 265) for each groundwater monitoring well (40 CFR 265.94(a)(2)(i)). As part of these reports, owners and operators must separately identify for each monitoring well any parameter whose concentration or value has been found to exceed the maximum contaminant levels listed in the EPA Interim Primary Drinking Water Standards.

Finally, as part of the groundwater monitoring regulations, owners and operators of certain TSD facilities that have not implemented an alternate groundwater monitoring program are required to prepare an outline of a groundwater quality assessment program by November 19, 1981 (40 CFR 265.93(a)).

II. Description of Today's Actions and Rationales

A. Annual Reports

EPA is today delaying the compliance date for submission of 1981 generator and TSD facility annual reports from March 1, 1982, to August 1, 1982. The Agency is taking this action for two primary reasons. First, as announced on July 31, 1981 (46 FR 39426), EPA now believes that it can meet its annual data needs through surveying small samples of the generator and TSD facility populations instead of requiring annual reports from all generators and TSD facilities. Furthermore, EPA believes that this sampling approach is less costly and burdensome to both the Agency and the regulated community. EPA is therefore developing a **Federal Register** notice to propose replacing the annual reporting requirements with annual surveys. However, final promulgation of this proposed amendment is not expected until this summer, by which time the 1981 annual reports will have already been prepared and submitted. Extending the compliance deadline until August 1, 1982, will allow the Agency sufficient time to issue its proposal, review public comments, and come to a final determination regarding the ultimate status of the annual reporting requirements prior to preparation and submission of the 1981 reports by the regulated community.

EPA's second reason is that it will conduct an extensive survey of the regulated populations of hazardous waste generators and TSD facilities this Spring in support of its Regulatory Impact Analyses (RIAs) on several components of its RCRA regulations. Since this survey will obtain data substantially equivalent to that to be submitted in annual reports, EPA believes that requiring submission of annual reports at this time will be duplicative for those handlers surveyed and unwarranted because the Agency intends to meet its current information needs through the survey.

B. Quarterly Groundwater Reporting

EPA also is today delaying, until August 1, 1982, the compliance dates for submission of the first two quarterly groundwater monitoring parameter readings (now required to be submitted by or before March 6 and June 3, 1982, under 40 CFR 265.94(a)(2)(i)), except where parameters are observed whose concentration or value is found to exceed the maximum contaminant levels listed in the EPA Interim Primary Drinking Water Standards (see Appendix III to 40 CFR Part 265). Where concentrations or values exceed the maximum contaminant levels, owners and operators must report their quarterly parameter readings to EPA Regional Administrators within 15 days after completing each quarterly analysis.

EPA needs the quarterly reports in these cases in order to identify those aquifers where contamination may have occurred and where potential threats to human health and the environment may exist.

The Agency is taking this action because it is currently developing a formal proposal to institute an exception reporting system for all of the groundwater monitoring reporting requirements. The nature of this proposal is outlined in an analysis submitted to the Office of Management and Budget (OMB) by EPA as a follow-up to its July 31, 1981, **Federal Register** notice. Copies of EPA's analysis can be obtained by submitting written requests to the Docket Clerk (see Addresses).

Delaying the submission of quarterly parameter readings unless maximum contaminant levels are exceeded until August 1, 1982, will allow EPA sufficient time to complete the new rulemaking prior to the submissions of most parameter readings by the regulated community, and will avoid imposing reporting requirements that EPA may change. It should be noted that today's action does not relieve owners and operators from the requirement to conduct the quarterly analyses and to keep records of the analyses throughout the active life of their facilities, and, for disposal facilities, throughout the post-closure period as well. Therefore, EPA believes the environmental impact of the delay is minimal.

C. Assessment Program Outlines

Finally, EPA is today delaying, until August 1, 1982, the compliance date by which owners and operators of certain TSD facilities are required to have prepared an outline of a groundwater quality assessment program. The Agency is taking this action because it is currently developing a formal proposal to eliminate the outline requirement entirely. The nature of this proposal is outlined in an analysis submitted to OMB by EPA as a follow-up to its July 31, 1981, **Federal Register** notice. Copies of EPA's analysis can be obtained by submitting written requests to the Docket Clerk (see Addresses).

As above, delaying the preparation of the groundwater quality assessment program outlines until August 1, 1982, will allow EPA sufficient time to complete rulemaking on this matter and will avoid interim imposition of a requirement that it intends to eliminate. EPA sees minimal environmental consequences resulting from today's action because the groundwater quality assessment programs that are the subject of the outlines would not be implemented in most cases until after a one-year cycle of groundwater sampling analyses has been conducted and compared. Since the groundwater monitoring requirements did not take effect until November 19, 1981, comparisons with initial background levels will not take place until at least the Fall of 1982, well after the final disposition of the outline requirements has been determined.

III. Compliance Date Delays

To delay the compliance dates for the three RCRA requirements described in Section II, EPA is today taking the following actions:

(1) The compliance date for submission of generator and TSD facility 1981 annual reports, required under 40 CFR 262.41, 264.75, and 265.75, is extended five months, from March 1, 1982, to August 1, 1982.

(2) The compliance dates for submission of the first two quarterly groundwater readings by TSD facilities, required under 40 CFR 265.94(a)(2)(i), are extended from March 6 and June 3, 1982, to August 1, 1982, except where parameters are observed whose concentration or value is found to exceed the maximum contaminant levels listed in the EPA Interim Primary Drinking Water Standards (see Appendix III to 40 CFR Part 265). Where concentrations or values exceed the maximum contaminant levels, owners and operators must continue to report their quarterly parameter readings to EPA Regional Administrators within 15 days after completing each quarterly analysis.

(3) The compliance date for preparation of groundwater quality assessment outlines, required under 40 CFR 265.93(a), is extended from November 19, 1981, to August 1, 1982.

IV. Effective Date

Today's actions are final and immediately effective. The Agency has determined that there is good cause under 5 U.S.C. 553(b) to make these changes immediately effective without prior notice or public comment. Since the Agency will be proposing substantial changes that would render these requirements unnecessary, EPA believes it is essential to take these actions before the regulated community expends resources toward complying with them in their present form. Because today's changes are minor and will have little or no adverse impact on the environment; EPA has concluded that it would be contrary to the public interest to delay this action.

Section 3010(b) of RCRA requires that revisions to the hazardous waste regulations take effect six months after their promulgation. The purpose of this statutory requirement is to allow the regulated community sufficient lead time to prepare to comply with major new regulatory requirements. That purpose is irrelevant here since this action is not imposing new requirements but rather is affording temporary relief from existing regulatory requirements. Furthermore, an effective date six months after promulgation would defeat the very purpose of these actions. EPA is therefore making these delays effective on February 23, 1982.

Section 8(a)(1) of Executive Order 12291 provides for exemption from the procedures established by the Order in emergency situations. Because any delay in issuing this notice will increase the likelihood that the regulated community will expend resources to comply with the requirements in their present form, it is impractical to follow the procedures of Executive Order 12291.

Dated: February 12, 1982.

John W. Hernandez, Jr.,

Acting Administrator.

[FR Doc. 82-4817 Filed 2-22-82; 8:45 am]

BILLING CODE 6560-30-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6111

[OR-19062]

Oregon; Powersite Restoration No. 695; Partial Revocation of Powersite Reserve No. 294

Correction

In FR Doc. 82-3063 appearing on page 5419 in the issue of Friday, February 5, 1982, make the following corrections:

(1) On page 5419, in the fourth line from the bottom of the last column, there should have been a comma and a space between S½NW¼ and SW¼.

(2) On page 5420, in the fifth line from the top of the first column, there should have been a comma and a space between W½NE¼ and NW¼.

(3) Also on page 5420, first column, under T. 7 S., R. 11 E., in Sec. 9, ". . . W½SW¼, . . ." should have read ". . . W½SE¼, . . .".

(4) In the same column, under T. 8 S., R. 11 E., in Sec. 19, there should have been a comma and a space between SE¼NW¼ and E½SW¼.

(5) In the second column of page 5420, under T. 9 S., R. 12 E., in Sec. 18, ". . . S½NW¼, . . ." should have read ". . . S½NE¼ . . .".

(6) Also in T. 9 S., R. 12 E., in Sec. 25, ". . . N½SE¼, . . ." should read ". . . N½SW¼, . . .".

BILLING CODE: 1505-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

Car Service Order; Various Railroads Authorized To Use Tracks and/or Facilities of Chicago, Rock Island & Pacific Railroad Co.

AGENCY: Interstate Commerce Commission.

ACTION: Thirty-third Revised Service Order No. 1473.

SUMMARY: Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Public Law 96–254, this order authorizes various railroads to provide interim service over the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE: 12:01 a.m., February 20, 1982, and continuing in effect until 11:59 p.m., May 31, 1982, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275–7840 or 275–1559.

SUPPLEMENTARY INFORMATION:

Decided February 17, 1982.

Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. 96–254 (RITEA), the Commission is authorizing various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for those operations.

In view of the urgent need for continued rail service over RI's lines pending the implementation of long-range solutions, this order permits carriers to provide service to shippers which may otherwise be deprived of essential rail transportation.

Pursuant to paragraph (d) of Sixth Revised Order No. 1495, Burlington Northern Railroad Company (BN) notified the Railroad Service Board (Board) of the intended termination of its interim operations over the Rock Island (RI) line between Phillipsburg and Caruso, Kansas, effective 11:59 p.m., February 14, 1982. Pursuant to that notification separate applications were received from Cadillac and Lake City Railway Company (CLK) and Kyle Railroad Company (KYLE) to operate this line segment.

In considering these separate applications in Thirty-second Revised Service Order No. 1473, served February 5, 1982, the Board decided that CLK's ongoing operations in the immediate area, its proposal to serve the line served by BN and to assume the authority granted to Kyle should Kyle fail to do so, and the resulting extent to which shippers would receive service, placed CLK in the position of immediately providing a substantially greater service to the public. Additionally, the determination was based on the provision of a greater service to the public and conforms with existing Commission policy, with respect to resolving competing applications.

On February 9, 1982, Kyle filed supplemental information and a request for reconsideration by the Board, asserting that the board had incorrectly concluded that CLK offered to provide the greatest service to the public. Kyle also asserted that, as the designated carrier of the Mid-States Port Authority which is negotiating with the RI Trustee to purchase the line, it is in a position of permanency and thus in the better position to serve the public interest. Further, that Kyle has entered into a short term agreement with the Trustee to lease the Bellevile to Caruso, Kansas, segment, which lease was noticed to the Board as approved by the court in a filing by Kyle on February 16, 1982.

Inasmuch as Kyle's lease is for only three months and is cancellable on 30 days' notice, we believe that every effort should be made to protect shippers in Colorado and Kansas with the maximum possible shipping flexibility. In this regard, we will recognize the wishes of the Trustee and the Court with respect to Kyle's ability to operate to Caruso, Kansas. In so doing, we rescind the authority for CLK to operate beyond Colby, Kansas, and its original interchange with the Union Pacific Railroad.

We will not, however, risk depriving shippers of service by limiting alternatives where additional competitive advantage is available. With that in mind, we will permit CLK to provide that advantage to shippers located between Caruso and Colby, Kansas. This is essential to the continued viability of this region and will benefit directly the ultimate purchaser. In addition, this will assure these areas of continued service while Kyle establishes its operating relationships with the line haul carriers, which CLK already has in place.

Appendix A, to the previous order, is revised by deleting at Item 12 C., the authority for CLK to extend its operations beyond Colby, Kansas. Appendix A, to the previous order, is revised further by adding at Item 22 A., the authority for Kyle to operate to Caruso, Kansas. In the interest of order, however, Kyle is designated the supervising carrier of the jointly used track, and is responsible for coordinating operations where necessary and for performing maintenance. CLK is responsible to share the costs of that maintenance on a mutually agreed upon basis.

Appendix B of Thirteenth Revised Service Order No. 1473 is unchanged, and becomes Appendix B of this Order.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the named appendices be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1473 Service Order 1473.

(a) *Various Railroads authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, trustee).* Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI; and as listed in Appendix B to this order, to provide for continuation of joint or common use facility agreements essential to the operations of these carriers as previously authorized in Service Order No. 1435.

(b) The Trustee shall permit the affected carriers to enter upon the property of the RI to conduct service as authorized in paragraph (a).

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Public Law 96–254.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date,

notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations. Termination of interim operations will require at least (30) thirty days notice to the Railroad Service Board and affected shippers.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of the operations over the RI lines authorized in paragraph (a), operators shall be responsible for preserving the value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

1. In those instances where more than one railroad is involved in the joint use of RI tracks and/or facilities described in Appendix B, one of the affected carriers will perform the maintenance and have supervision over the operations in behalf of all the carriers as may be agreed to among themselves, or in the absence of such agreement, as may be decided by the Commission.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as the operations described in Appendix A by interim operators over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

1. The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(k) In transporting traffic over these lines, all interim operators described in Appendix A shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) To the maximum extent practicable, carriers providing service under this order shall use the employees who normally would have performed the work in connection with traffic moving over the lines subject to this Order.

*(m) *Effective date.* This order shall become effective at 12:01 a.m., February 20, 1982.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., May 31, 1982, unless otherwise modified, amended, or vacated by order of this Commission.

(49 U.S.C. 10304, 10305, and Section 122, Pub. L. 96–254).

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

Appendix A—RI Lines Authorized To Be Operated by Interim Operators

1. *Louisiana and Arkansas Company (LA):*

A. Tracks one through six of the Chicago, Rock Island and Pacific Railroad Company's (RI) Cadiz yard in Dallas, Texas, commencing at the point of connection of RI track six with the tracks of The Atchison, Topeka and Santa Fe Railway Company (ATSF) in the southwest quadrant of the crossing of the ATSF and the Missouri-Kansas-Texas Railroad Company (MKT) at interlocking station No. 19.

2. *Peoria and Pekin Union Railway Company (PPU):*

A. All Peoria Terminal Railroad property on the east side of the Illinois River, located within the city limits of Pekin, Illinois.

B. Mossville, Illinois (milepost 148.23) to Peoria, Illinois (milepost 161.0) including the Keller Branch (milepost 1.55 to 6.15).

3. *Union Pacific Railroad Company (UP):*

A. Beatrice, Nebraska.

B. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI Milepost 581.5 north of Hallam, Nebraska.

4. *Toledo, Peoria and Western Railroad Company (TPW):*

A. Peoria Terminal Company trackage from Hollis to Iowa Junction, Illinois.

5. *Chicago and North Western Transportation Company (CNW):*

A. from Minneapolis-St. Paul, Minnesota, to Kansas City, Missouri.

B. from Rock Junction (milepost 5.2) to Inver Grove, Minnesota (milepost 0).

C. from Inver Grove (milepost 344.7) to Northwood, Minnesota.

D. from Clear Lake Junction (milepost 191.1) to Short Line Junction, Iowa (milepost 73.6).

E. from Short Line Junction Yard (milepost 354) to West Des Moines, Iowa (milepost 364).

F. from Short Line Junction (milepost 73.6) to Carlisle, Iowa (milepost 64.7).

G. from Carlisle (milepost 64.7) to Allerton, Iowa (milepost 0).

H. from Allerton, Iowa (milepost 363) to Trenton, Missouri (milepost 415.9).

I. from Trenton (milepost 415.9) to Air Line Junction, Missouri (milepost 502.2).

J. from Iowa Falls (milepost 97.4) to Estherville, Iowa (milepost 206.9).

K. from Bricelyn, Minnesota (milepost 57.7) to Ocheyedan, Iowa (milepost 246.7).

L. from Palmer (milepost 454.5) to Royal, Iowa (milepost 502).

M. from Dows (milepost 113.4) to Forest City, Iowa (milepost 158.2).

N. from Cedar Rapids (milepost 100.5) to Cedar River Bridge, Iowa (milepost 96.2) and to serve all industry formerly served by the RI at Cedar Rapids.

O. from Newton (milepost 320.5) to Earlham, Iowa (milepost 388.6).

P. Sibley, Iowa.

Q. Worthington, Minnesota.

R. Altoona to Pella, Iowa.

S. Carlisle to Indianola, Iowa.

T. Omaha, Nebraska, (between milepost 502 to milepost 504).

U. Earlham, (milepost 388.6) to Dexter, Iowa (milepost 393.5).

V. Peoria Terminal Company trackage from Iowa Junction (RI milepost 164.32/PTC milepost .91) through Hollis, Illinois to the Illinois River bridge (milepost 7.40).

6. *Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW):*

A. from West Davenport, through and including Muscatine, to Fruitland, Iowa, including the Iowa-Illinois Gas and Electric Company near Fruitland.

B. Washington, Iowa.

C. from Newport, to a point near the east bank of the Mississippi River, sufficient to serve Nortwest Oil Refinery, at St. Paul Park, Minnesota.

D. from Davenport to Iowa City, Iowa.

E. at Davenport, Iowa.

7. *Davenport, Rock Island and North Westerm Railway Company (DRI):*

A. Moline, Illinois.

B. Rock Island, Illinois, including 26th Street yard.

C. from Rock Island through Milan, Illinois, to a point west of Milan sufficient to include service to the Rock Island Industrial complex.

D. from Rock Island, Illinois, to Davenport, Iowa, sufficient to include service to Rock Island Arsenal.

8. *St. Louis Southwestern Railway Company (SSW):*

A. from Brinkley to Briark, Arkansas, and at Stuttgart, Arkansas.

B. at North Topeka and Topeka, Kansas.

9. *Little Rock & Western Railway Company (LRWN):*

A. from Little Rock, Arkansas (milepost 135.2) to Perry, Arkansas (milepost 184.2).

B. from Little Rock (milepost 136.4) to the Missouri Pacific/RI Interchange (milepost 130.6).

10. *Missouri Pacific Railroad Company (MP):*

A. from Little Rock, Arkansas (milepost 135.2) to Hazen, Arkansas (milepost 91.5).

B. from Little Rock, Arkansas (milepost 135.2) to Pulaski, Arkansas (milepost 141.0).

C. from Hot Springs Junction (milepost 0.0) to and including Rock Island milepost 4.7.

D. from Wichita, Kansas (miilepost 243.7) to Kechi, Kansas (milepost 235.9).

11. *Norfolk and Western Railway Company (NW):* is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calumet approximately four plus miles to the point, approximately 2,500 feet beyond the railroad bridge over the Calumet Expressway, at which point the RI track connects to Chicago Regional Port District track, for the purpose of serving industries located adjacent to such tracks. Any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers, and which extend to the Chicago Regional Port District Lake Calumet Harbor, West Side, will be continued so that shippers at the port can have NW rates and routes regardless of which carrier performs switching services.

12. *Cadillac and Lake City Railway Company (CLK):*

A. from Sandown Junction (milepost 0.1) to and including junction with DRGW Belt Line (milepost 2.7) all in the vicinity of Denver, Colorado, a distance of approximately 6.6 miles.

B. from Colorado Springs (milepost 609.1) to and including all rail facilities at Colorado Springs and Roswell, Colorado (milepost 602.8), all in the vicinity of Colorado Springs, Colorado, and Eastward from Colorado Springs to Falcon, Colorado (milepost 590.3), a total distance of approximately 25.1 miles.

*C. from Simla, Colorado (milepost 558.3) to Colby, Kansas (milepost 387.0), a distance of approximately 171.3 miles.

D. Rock Island trackage rights over Union Pacific Railroad Company between Limon and Denver, Colorado, a distance of approximately 83.8 miles.

13. *Baltimore and Ohio Railroad Company (BO):*

A. from Blue Island, Illinois (milepost 15.7) to Bureau, Illinois (milepost 114.2), a distance of 98.5 miles.

B. from Bureau, Illinois (milepost 114.12) to Henry, Illinois (milepost 126.94) a distance of approximately 12.8 miles.

14. *Keota Washington Transportation Company (KWTR):*

A. from Keota to Washington, Iowa; to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Washington, Iowa, and to serve any industries on the former RI which are not being served presently.

B. At Vinton, Iowa (milepost 120.0 to 123.0).

C. From Vinton Junction, Iowa (milepost 23.4) to Iowa Falls, Iowa (milepost 97.4).

15. *The La Salle and Bureau County Railroad Company (LSBC):*

A. from Chicago (milepost 0.60) to Blue Island, Illinois (milepost 16.61), and yard tracks 6, 9 and 10; and crossover 115 to effect interchange at Blue Island, Illinois. Street (Subdivision 1A, milepost 14.8), at Blue Island Illinois.

B. from Western Avenue (Subdivision 1A, milepost 16.6) to 119th Street (Subdivision 1A, milepost 14.8) at Blue Island, Illinois.

C. from Gresham (subdivision 1, milepost 10.0) to South Chicago (subdivision 1B, milepost 14.5) at Chicago, Illinois.

D. From Pullman Junction, Chicago, Illinois, (milepost 13.2) running southerly to the entrance of the Chicago International Port, a distance of approximately five miles, for the purpose of bridge rights only.

16. *The Atchison, Topeka and Santa Fe Railway Company (ATSF):*

A. At Alva, Oklahoma.

B. At St. Joseph, Missouri.

17. *The Brandon Corporation (BRAN):*

A. from Belleville, Kansas (milepost 226.1), to Manhattan, Kansas (milepost 143.0), a distance of approximately 83 miles.

18. *Iowa Northern Railroad Company (IANR):*

A. from Cedar Rapids, Iowa (milepost 100.5), to Waterloo, Iowa (milepost 150.76).

B. from Shell Rock, Iowa (milepost 172.1), to Manly, Iowa (milepost 225.1).

C. At Vinton, Iowa, and west on the Iowa Falls Line to milepost 24.3.

19. *Iowa Railroad Company (IRRC):*

A. from Council Bluffs (milepost 490.15) to Dexter, Iowa (milepost 393.0) a distance of approximately 97.15 miles.

B. from Audubon Junction (milepost 440.7) to Audubon, Iowa (milepost 465.1) a distance of approximately 24.4 miles.

C. from Hancock, Iowa (milepost 6.4) to Oakland, Iowa (milepost 12.3) a distance of approximately 5.9 miles.

20. *Missouri-Kansas-Texas Railroad Company (MKT):*

A. from Oklahoma City, Oklahoma (milepost 496.4) to McAlester, Oklahoma (milepost 365.0), a distance of approximately 131.4 miles.

21. *Chicago Short Line Railway Company (CSL):*

A. from Pullman Junction easterly for approximately 1000 feet to serve Clear-View Plastics, Inc., all in the vicinity of the Calumet switching district.

B. from Rock Island Junction westerly for approximately 3000 feet to Irondale Wye.

22. *Kyle Railroad Company (Kyle):*

*A. from Belleville (milepost 187.0) to Caruso, Kansas (milepost 430.0), a distance of approximately 243 miles. KYLE will be responsible for the maintenance of the jointly used track between Colby and Caruso as mutually agreed upon with CLK, and for coordinating operations.

23. *North Central Texas Railway, Inc. (NCTR):*

A. from Chico, Texas (milepost 562) to Dallas (North Junction), Texas (milepost 643.8).

B. Joint right-of-way district between Dallas (North Junction) and Endot, Texas (milepost 646.4).

24. *Enid Central Railway, Inc. (ENIC):*

A. from Enid, Oklahoma (milepost 345.27) to Kremlin, Oklahoma (milepost 330.03), including operations on the Ponca City Branch line from milepost 0.30 to milepost 0.02.

25. *North Central Oklahoma Railway, Inc. (NCOR):*

A. from Ponca City, Oklahoma (milepost 54.8) to North Enid, Oklahoma (milepost 0.30).

B. from Mangum, Oklahoma (milepost 97.2) to Chickasha, Oklahoma (milepost 0.0).

C. from Richards Spur, Oklahoma (milepost 486.45) to Anadarko, Oklahoma (milepost 463.39).

D. from Chickasha, Oklahoma (milepost 434.69) to El Reno, Oklahoma (milepost 400.31).

E. from El Reno, Oklahoma (milepost 513.31) to Yukon, Oklahoma (milepost 497.37).

*Changed.

[FR Doc. 82-4805 Filed 2-22-82; 8:45 am]

BILLING CODE 7035-01-M1

Proposed Rules

Federal Register
Vol. 47, No. 36
Tuesday, February 23, 1982

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.

CIVIL AERONAUTICS BOARD

14 CFR Part 389

[Docket Nos. 30586, 30816; ODR-25]

Fees and Charges for Special Service; Elimination of License Fees and Revision of Filing Fees

Dated: February 1, 1982.

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: The CAB proposes to revise its fee schedules for services benefiting individual recipients. This revision would bring the CAB's fee structure into line with the rising costs that the CAB has experienced and with the changes in services made by deregulation. The proposal would eliminate the CAB's license fees, which have been suspended since 1977.

DATES: Comments by: April 20, 1982. Reply comments by: May 10, 1982.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

Requests to be put on the Service List by: March 1, 1982

The Docket Section prepares the Service List and sends it to persons listed, who then serve their comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 30586, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Copies may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: Joseph A. Brooks, Office of the General Counsel; Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: The Independent Offices Appropriation Act of 1952 (IOAA) (31 U.S.C. 483a) authorizes agencies to set fair and equitable fees for services provided for the benefit of any one particular person. The Act states that those services are to be self-sustaining to the fullest possible extent.

In 1965, the Board established charges for "special services," such as copying, certifying and searching for records, and subscriptions to Board publications. The Board in 1968 adopted a set of filing and license fees for other services benefiting a single person (14 CFR Part 389). In 1973, the Board increased all of these fees to reflect current costs, and to include certain indirect costs. The basic fee structure and the amount of the fees have not been changed since that time. The Board has, however, from time to time added new documents to the fee schedule, and in 1977, in view of several court decision, suspended collection of the license fees.

In the 8 years since the Board's fee structure was last reviewed, two major changes have taken place that affect provision of these services and the amount of the fees. Since 1973, the Board's expenses have risen 107 percent, including an 84 percent increase in salary costs. The cost figures used to adjust the fee schedule in 1973 are thus well below the present costs of providing these services. More important in its effect on the services and the resulting fees, was passage of the Airline Deregulation Act in 1978 (Pub. L. 95-504), which changed the statutory policy basis for the Board's action, some basic programs, and the way many services are provided. Processing time for several types of applications has been sharply reduced. Some types of applications are no longer needed or have been replaced by a simple registration. Also, because of deregulation, more activities that were for the special benefit of a particular person or were giving valuable exclusive franchises now are independently benefiting the public as a whole by allowing opportunities to compete and by encouraging such competition.

We are proposing to eliminate license fees, and to change the present filing fees so that there would be a single processing fee based on the specific costs at each step in the process of providing the services. Only those services with a known beneficiary would be included. In developing the proposal, we looked at each office and bureau within the Board to find out what services it performs. Services for which the beneficiary is obscure or which confer an independent public benefit, such as analyses of the Office of Economic Analysis or the Office of General Counsel, or hearings (after a decision has been made whether to proceed by show-cause procedures or by oral evidentiary procedures) would be excluded from the fee schedule. Once the services for known beneficiaries were identified, the basic document for that service, usually an application, would be followed through each step in its processing. Costs would then be assessed for each step. Each document that began a separate, identifiable stage in the process, and that required a special service for a particular person, would be assessed a fee. For example, in a certificate proceeding, additional certificate applications or a request to supplement an application by an exemption would each be charged a separate fee. In this way, the fees would be fair and equitable for all, and evenly distributed. We believe that this proposal meets the criteria stated by the courts, and the intent of Congress in the Independent Office Appropriation Act.

Fee Development Guidelines

The Supreme Court, in two decisions, has interpreted the requirement of IOAA, and has stated general standards that agencies must meet to charge fees under this Act. *National Cable Television Association v. United States*, 415 U.S. 336 (1974) and *FPC v. New England Power Co.*, 415 U.S. 345 (1974). The Court stated that a fee may only be charged for a special benefit provided to identifiable beneficiaries measured by its value to the recipient. The Court further stated that the special benefit must have some connection between the agency and the recipient other than the mere fact of regulation or the adoption of some practice of general benefit to the industry as a whole. In this regard, the Court approved Budget Circular A-25, stating that there should be no charge when identification of the beneficiary is obscure and the service can be primarily considered as broadly benefiting the general public.

In December 1976, the U.S. Court of Appeals for the District of Columbia handed down a series of decisions that gave agencies more definite guidance in

implementing the IOAA. See *National Cable Television Association v. FCC*, 554 F.2d 1094 (D.C. Cir. 1976); *Electronic Industries Association v. FCC*, 554 F.2d 1109 (D.C. Cir. 1976); *National Association of Broadcasters v. FCC*, 345 F.2d 118 (D.C. Cir. 1976); *Capital Cities Communications v. FCC*, 554 F.2d 1135 (D.C. Cir. 1976). In these decisions, the court set out the following guidelines:

1. An agency may impose a reasonable charge on recipients for an amount of work from which they benefit. The fees must be for specific services to specific individuals. These services include the issuance of a license, and assistance in complying with a statutory duty, such as tariff filing. Also, once the threshold of private benefit has been crossed, the agency may still charge the individual the full cost of the service, even though the general public secondarily benefits from it.

2. Fees must reflect only the costs of the underlying service performed. The value conferred on the recipient is measured by costs, not by the value of the benefits bestowed on the recipient. All direct and indirect costs for the special service should be included. Any expenses incurred to serve an independent public interest or where the beneficiary is obscure must be excluded.

3. The cost of providing a particular service must be divided among the beneficiaries in a fair and equitable manner. Any computation, however, must necessarily be based on numerous approximations and can only be expected to be accurate within reasonable limits.

Within these guidelines, we have looked at the services provided by each of our offices and bureaus, and have calculated the cost of processing the basic document in each service. Only those services for which there is a request, or where assistance is needed to fulfill a statutory duty, are included.

Services Provided by the Board

The Civil Aeronautics Board is responsible, primarily under the Federal Aviation Act of 1958, for the economic regulation of interstate, overseas, and foreign air transportation. Its activities within this responsibility are carried out by its staff offices and bureaus, with final decisional authority residing in the Board.

The Bureau of Domestic Aviation (BDA) is the Board component that handles the licensing of U.S. air carriers in domestic air transportation and the maintenance of proper competitive conditions among those air carriers. It is the principal bureau providing services for which a fee is required. BDA also is responsible for domestic ratemaking and for the filing of tariffs by all U.S. and foreign air carriers. The Bureau handles domestic air transportation matters involving certificates of air carriers, and exemptions and mergers for scheduled, charter, helicopter, and all-cargo air carriers, air taxi operators and freight forwarders. BDA is the staff unit responsible for the Board's subsidy and essential air service programs.

BDA is divided into five parts. The Assistant Director for Fares, Rates and Tariffs is primarily a policy advisor to the Director and to the Board. The activities of this office that are not directly related to the providing of special services to individuals have been excluded from computation of the fees. The Domestic Fares and Rates Division, however, does provide certain services, such as requests for free and reduced-rate transportation and service mail rate petitions. These activities are included in the fee calculations. The Associate Director for Subsidy Policy and Programs administers the essential air service programs and the determination of subsidy for certain air carriers, and has been excluded from calculation of the fees. Like those of the Assistant Director for Fares, Rates and Tariffs, the activities of this office are an independent public benefit and not directly related to special services or benefits provided for individual carriers. This same description also applies to the activities of the Airport Access Coordinator within BDA. All of these types of activities have thus been excluded.

The Associate Director, Legal Affairs is responsible for, among other things, providing legal advice to the Director and for providing legal representation for BDA hearings before an Administrative Law Judge. The costs connected with a hearing before an Administrative Law Judge, however, have been excluded. When used by the Board, the hearing, whether show cause or oral evidentiary, plays an important public role in licensing and route proceedings under the responsibility of BDA and other bureaus. An oral evidentiary hearing is adjudicatory in nature, often lengthy and involving complex issues. Both types of hearings give the public a chance to participate in the decisions of the Board, and are also educational for the Board, the carriers, and the public. There is no way of estimating in advance the cost of a hearing. For these reasons, the cost of the hearing, and activities associated with it, have been excluded. The other activities of this office, such as giving legal advice to the Director and to other offices within BDA, have also been excluded. If, however, the office provides direct support for the processing of an item below the supervisory level, its costs are assessed for that type of item. For example, the Legal Processing Division processes dormant authority applications of the carriers.

The Associate Director, Licensing Programs and Policy, is the staff component most directly responsible for the licensing of air carriers. For example, air carriers must apply for a certificate of public convenience and necessity before beginning commercial air operations. They must also apply for an amendment to their certificate whenever they want to change their routes or types of operation. Some certificates are approved by the Board with restrictions. Air carriers may then apply to have these restrictions removed. Occasionally, an air carrier may wish to serve a particular city by using for a short time an airport different from the one listed on its certificate. In such a case, the carrier files an airport notice for the Board's approval, which is processed by the office of the Associate Director. Also, under 14 CFR Part 302, Subpart Q, the Board may use expedited procedures to process many licensing and route matters. These types of procedures have been taken into account in calculation of the fees when their use is the primary method by which an item is processed. The activities of this part of BDA are included in computations of the fees.

The Associate Director for Special Authorities and Administration handles a wide variety of activities for the Director, many of which result in special services or benefits to individual persons or carriers. The Associate Director handles such matters as air taxi operator registrations, certain agreement approvals, changes in a carrier's name, charter filings, all-cargo certificates, and certain waivers of Board regulations. The Associate Director is also responsible for all tariff filings at the Board. All of these activities provide a special service to individuals, either at their request or for assistance in fulfilling a statutory duty. The expenses to the Board of each of these activities have been taken into account in calculation of the fees.

The Bureau of International Aviation (BIA) is the Board staff unit primarily concerned with the licensing and maintenance of competitive conditions among air carriers and foreign air carriers with respect to foreign air transportation. The activities of this bureau in regard to U.S. air carriers in general parallel those of the Bureau of

Domestic Aviation. BIA also handles the granting of permits to foreign carriers to operate in and out of the United States, and is responsible for the processing of other applications and matters involving foreign carriers. BIA advises the Board on the formulation of positions to be taken by the United States concerning international air transportation, and provides representation in connection with international conferences and negotiations with foreign governments. This advisory function has been excluded from fee calculations. The part of its work, however, that concerns the U.S. air carriers in foreign air transportation and that is parallel to the functions of BDA, or that concerns special services for foreign carriers, has been included.

The Office of Congressional, Community, and Consumer Affairs (OCCCA) handles Congressional and community concerns about air transportation and Board activities. The Office represents the Board in dealing with representatives of State and local communities, and civic groups through the Washington staff and regional offices. It also informs, assists and protects, consumers in their dealings with the air transportation industry, and represents the consumer interest in matters that come before the Board. The office handles informal consumer complaints presented to the Board. OCCCA's work is for an independent public benefit, and is in response to consumer complaints or the Board's concern about various areas of air transportation. OCCCA performs no special services for any individual or carrier, or any that are directly related to fee activities. Its activities are not included in the fee calculations.

The Office of Administrative Support Operations (OASO) is responsible for the provision of facilities and central operating and support services for the Board. The services of OASO are provided to the Board's other offices on a per capita basis to support their operations. The Office of the Comptroller (OC) administers the Board's financial management system, including participation in the fundamental aspects of program development and evaluation. OC performs fiscal and administrative accounting activities, administers the Board's automatic data processing facilities, and reviews the Board's reporting requirements. For purposes of fee calculation, the OASO and OC services supporting those functions of other offices that benefit an individual recipient have been included in the fees on a pro rata basis.

The Office of the Secretary/Office of Documentary Services (OS/ODS) functions as a clearinghouse and repositiory for Board documents. It receives, records, files, distributes, and services copies of official docket material and records. OS/ODS has functions that support services in other offices that have been included in the fee calculations. To that extent, the services of OS/ODS have been included also. It also performs the functions involved in processing material from the staff requiring action by the Board. These functions for the Board have been excluded.

The Bureau of Carrier Accounts and Audits (BCAA) serves as the principal accounting policy and program advisor to the Board on all substantive and procedural matters related to air carrier audits, internal audits, and industry accounting transactions and systems. BCAA performs industry audits and examinations and investigations of air carrier accounts and records, and analyzes technical reports or documents. It also provides advice on accounting and auditing aspects concerning monitoring compliance with continuing fitness requirements. All BCAA activities are excluded.

The Office of the Managing Director directs and coordinates the activities of the staff, and develops plans to achieve the Board's program objectives. For these purposes, the Managing Director uses the service of the Public Affairs Office, the Office of Civil Rights, the Office of Human Resources, and the Management Systems Office. All of these offices, except part of the Management Systems Office, provide independent public benefits, and have been excluded from the fee calcuations. Part of the function of the Management Systems Office is to operate the Board's computerized Work Item Tracking System and other computer systems to help the offices and bureaus to carry out their programs. The expenses of this function have therefore been allocated to those fee-related services that are performed by the other bureaus.

The Office of General Counsel (OGC) iis responsible for advising the Board, its staff, industry representatives, and the public on legal and policy aspects of the Board's activities. It represents the Board in litigated matters, in enforcement and antitrust cases, in negotiations and conferences, and on Government committees. In certain instances, OGC directly processes applications for a service. For example, it acts on applications by a carrier for a name change that involve a reissuance of the certificate. Only costs such as these have been included. Other OGC costs are excluded. The Office of Economic Analysis is responsible for studying demands for air transportation under various conditions of price and service, and for forecasting future demand. OEA also advises the Board and the staff on the financial structure and conditions of air carriers and the industry, and develops economic recommendations. It furnishes information for regulatory economic analyses. to the extent that services of these two offices do not deal directly with fee-related activities, they have not been included in the fee calculations.

The Bureau of Administrative Law Judges provides judges for the conduct of all formal hearing proceedings at the Board. As explained previously, the cost of the hearings and associated activities have been excluded from the fee calculations.

Finally, expenses of the Board members themselves have been excluded. The Members are the governing body of the Board. They exercise overall responsibility for the Board's activities. Their activities provide independent public benefit and have been excluded from the calculation of the fees.

Development of Fees

The smallest practical unit for the services to be included is the basic document or application by which an identifiable recipient asks the Board to provide the service. In most cases the document is entitled "application" or "request for exemption" or "Waiver", although in the case of tariffs it is the filing of the tariff document or page.

The Board's Work Item Tracking System outlines the path, through a series of steps, that each of the basic documents must follow until final action. Each of the operating bureaus has measured the average time required for each step in document's path, broken down by employee-hours in the division reponsible for the item. The cost per employee-hour to support a professional employee has been calculated for each of these divisions. The rates were developed by dividing each division's direct costs for personnel compensation, benefits, and administrative support and travel by the number of professional employees who were identified as working on the applications or basic documents, excluding administrative, supervisory, and management employees. Indirect costs were calculated by prorating the costs for the Office of Administrative Support Operations, and the Office of the Comptroller, and for overhead to each of

the processing Divisions based on manpower distribution. The Office of the Secretary, the Management Systems Office, and the Bureau of Carrier Accounts and Audits were analyzed in terms of the amount of their operations that support the bureaus and offices responsible for processing fee items. The costs of these operations were then allocated on a percentage basis. The fee for processing a specific document was found by multiplying the average professional manpower needed to perform the processing by the man-hour rate. Appendix A describes how the fees were calculated, stating average time needed to process the item, the average hourly rate of the Division, and the fees. Except for tariff pages, the fees have been rounded off to the nearest 5 dollars for ease of payment and collection.

In developing the fee schedule, there have been changes both up and down in types of items listed, and in the amount of the fees. For example, filings for a change in service or flight patterns are no longer used. The fees for various types of motions have also been eliminated, but not the fees for the basic documents accompanying the motions. On the other hand, the fee schedule has been expanded to include fees for services found elsewhere in the Board's regulations, such as those for air taxi operator registration, and for all-cargo certificates under section 418 of the Act. The Board would like to have comment on whether any items have been overlooked or whether others should be deleted, in view of the methods used to calculate the fees, as explained in this Notice.

The effects of deregulation coupled with changes in costs over the last 7 years have caused some fees to increase, while others are reduced. For example, fees for filing of a domestic scheduled certificate would increase from $300 to $630. The previous substantial license fee involved in a certificate proceeding has been dropped. The fee for filing a tariff page would increase from $2 to $3.50 per page. Section 418 all-cargo certificate fees would decrease from $250 to $215. Air taxi operator registration fees would also decrease from $15 to $10. Public Charter prospectus fees drop from $50 to $45.

Foreign Air Carriers

In 1968, when the Board first implemented the IOAA by adopting filing fees in Part 389, it exempted foreign air carriers from payment of the prescribed fees. The exemption was based on "the public policy and the interest served" criterion of the IOAA. In 1974, however, the Supreme Court stated that "value to the recipient" is the measure of the authorized fee under the IOAA. According to the Court, the words "public policy or interest served and other pertinent facts" were not necessary to achieve Congress' intent to develop fees for special services. *National Cable Television Association, Inc. v. FCC,* supra. Under the guidelines of this decision and the decisions of the Courts of Appeals, it is the Board's tentative opinion that it no longer has the option of giving a blanket exemption to foreign air carriers for the payment of fees. Under this proposal, foreign carriers would be required to pay fees set forth in the fee schedule, except where reciprocally waived by an applicant's home government for U.S. carriers, as explained below.

Part 389 has been adopted by the Board under the authority of the IOAA and section 204 of the Federal Aviation Act. Section 204 of the Act authorizes the Board to issue such orders and rules and to make such procedures, consistent with the Act, as it considers necessary to perform its powers and duties under the Act. While the IOAA sets general guidelines for the development of fees, section 204 gives the Board the power to set up the procedures and organization by which the fees are collected. Under the guidelines of the IOAA, therefore, the Board is using its rulemaking authority under section 204 to establish the proposed fee schedule and implementing regulations. In exercising its power under the Act, the Board is required by section 1102 of the Act to act consistently with any treaty or agreement between the United States and any foreign country, and must take into consideration any applicable requirements of foreign countries.

The Board, therefore, is asking for comment on a proposed revision in Part 389 to waive the fees for carriers of foreign countries that have treaties or agreements with the United States, or internal laws, that provide for reciprocity in this area, or whose home goverments do not impose such fees upon U.S. carriers.

License Fees and Refunds

On March 7, 1977, the Department of Justice (DOJ) filed a petition in Docket 30586 asking that the Board begin a rulemaking to amend its license fee schedule, and to identify those particular activities associated with the licensing process. DOJ stated that the Board's calculation and imposition of license fees based on gross revenues violated the IOAA, as judicially interpreted. In calculating the license fees, DOJ argued, the Board did not rely exclusively on the standard "value conferred the recipient (as measured by the costs of services performed)," as required by the court decisions, but included other criteria. DOJ stated that this resulted in a fee system disproportionate to some applicants. By Order 77–4–42, dated April 8, 1977, the Board denied the Department's petition. The Board stated that it was beginning its periodic review of the licensing and filing fee regulations, and would ask for public comment in a rulemaking when the review was complete. However, in view of the decisions of the Supreme Court and the U.S. Court of Appeals for the District of Columbia, cited by the Justice Department, the Board suspended collection of its license fees, but stated that this was not a waiver and a fee could be collected for service provided when recalculated. On April 28, 1977, some supplemental carriers (Capitol International Airways, Evergreen International Airlines, McCulloch International Airways, Trans International Airlines and World Airways) petitioned for reconsideration of Order 77–4–42, asking that the Board also suspended its filing fees.

On the same day, those carriers filed a petition for refund of all the previously paid license and filing fees since 1968 (D. 30816). The petition claimed that the fees collected from charter carriers in particular were discriminatory. Scheduled air carriers filed an answer in support of the petition for refund (Air Midwest, Air New England, Alaska Airlines, Allegheny Airlines, Aloha Airlines, Frontier Airlines, Hawaiian Airlines, Hughes Airwest, Kodiak Western Alaska Airlines, North Central Airlines, Piedmont Airlines, Southern Airways, Texas International Airlines, and Wien Air Alaska).

The revenue from license fees was intended to cover the extensive costs of hearings, which most license applications required. The filing fee for an application for a certificate covered the nonhearing costs. The expanded use of expedited procedures and the Board's policy of multiple permissive entry (see *Oakland Service Investigation,* Orders 78–7–40, 78–8–203), have reduced the need under deregulation and have become an educational tool for the Board and the public rather than for the special interest of a single applicant. The Board is thus proposing not to charge carriers any certificate application fee other than that listed for filing an application. This fee would include all cost of services provided directly for the applicant. Air carriers would not be liable for any unbilled license fees calculated under the previous fee schedule after April 8, 1977,

the date the license fee schedule was suspended in light of the court decisions cited above.

The Board originally calculated its fee recovery (licensing and filing) at only 25 percent of the *direct* costs of its services, based on the public interest criterion in the IOAA. The courts, as cited above, have stated that this method is not proper. In addition, the IOAA requires the fullest possible recovery of identifiable direct and indirect costs so that agency services can become self-sustaining. In 1966 when first establishing its fee structure, to determine its direct costs, the Board allocated its budget expenses for personnel compensation and benefits, and overhead to each function on the basis of the man-years worked on it. The Board then divided the direct cost for each function by the average annual number of applications to obtain the unit cost. The fee for each application was set at about 25 percent of the unit cost.

For license applications under section 401, as for other services, the recovery goal of 25 percent included the filing fee and the license fee. The revenue from the license fees was intended to cover the extensive costs of hearings, which most license applications then required. The filing fee for an application for a certificate covered the docket processing costs. The Board calculated its license fees by determining the total cost of conducting an average number of section 401 license hearings in one year, and then subtracting the total filing fees previously set. The license fee schedule was designed to recover the remainder. The Board used the direct costs of each bureau involved in hearings that were specially allocated to the hearing function on the basis of man-years worked. Because the hearings for the more important routes, which resulted in greater revenue for the successful applicant, tended to involve more complicated proceedings or a greater number of parties, and consequently greater costs, the Board sought a reasonable and equitable method of collecting larger fees from successful applicant for those routes. It therefore designed a schedule that tiered the license fees to the successful applicant's estimated gross revenue increase resulting from the new authority during the first year of operations. The license fee, even though based on gross revenue from the new authority, was thus related to the approximate costs of that type of the proceeding, reasonably based on past experience.

This method of calculating both license and filing fees does not conform to the IOAA guidelines, as judicially interpreted, for three reasons: 1) it excludes recoverable indirect costs; 2) it recovers less than the full cost to the government, and 3) the reasonableness of the less than full recovery was based on a criterion prohibited for use in fee development by later court decisions.

Concerning refunds, in *National Association of Broadcasters* v. *FCC*, 345 F.2d 118 (D.C. Cir. 1976), the court found that the fee calculations of the FCC were improper and ordered that the fees be refunded to the extent that they exceed legally permissible amounts. The court further stated that under the IOAA, the FCC should retain the largest portion of the fees collected that would be permissible under the court's guidelines.

The Board has reviewed its entire fee schedule from 1968 using the method explained in this proposal. Since those past fees collected were based on less than the full direct costs, and did not include indirect costs, the portion of the costs collected through the fees does not appear to exceed the fee that would have been permissible. Further, the license fees were not illegal per se, since they were intended to relate to the costs of processing a case through hearing procedures. Only the method used to calculate them appears to be improper, as it was for other fees.

The Board is thus tentatively denying petitioners' request in Docket 30816 for a full refund of all fees collected since 1968 since the fees collected did not exceed the costs of the Board that could have been collected.

Filing Fees and Deregulation

The Airline Deregulation Act of 1978 (Pub. L. 95–504) set a new national policy for domestic air transportation. There are to be few, if any, restrictions on which airline may fly where. In implementing that Act, the Board adopted a multiple permissive entry policy. Any carrier that was fit and applied could fly to a point. In conjunction with such an open entry policy, restrictions on a career's authority to fly to a point were automatically removed in a phased program. There is an argument, that for programs such as these in domestic transportation, the Board is simply allowing any carrier to compete in an open market, which is a national policy objective. As such, carriers should not be charged a fee in those cases. The Board would like comment on this argument and whether under the IOAA and applicable court decisions, fees are required for such services, and if not, which specific services should be excluded.

Certain services for which fees are proposed in this rulemaking may sunset before the rulemaking is complete. If so, such fees will not be included in a final rule.

Initial Regulatory Flexibility Analysis

The Regulatory Flexibility Act, Pub. L. 96–354, which took effect on January 1, 1981, is designed to ensure that agencies consider flexible approaches to the regulation of small businesses and other small entities that take into account their special needs and problems. The Act requires the preparation of a regulatory flexibility analysis for any rule that, if adopted, will have a "significant economic impact on a substantial number of small entities." The analysis is required to describe the need, objectives, legal basis for, and flexible alternatives to the actions proposed here, as well as the small entities to which this proposal would apply, reporting, recordkeeping or other compliance requirements, and any other Federal rules that may duplicate, overlap or conflict with it.

The first three requirements are met by the discusion above. This notice does not propose any flexible alternatives for setting fees, because the IOAA sets explicit guidelines for calculating the fees and does not authorize any special relief for small businesses. However, the Board's costs and the resulting fees reflect the Board's regulatory scheme, which is already tiered to the size of air carriers. Air taxis, which include most small air carriers, are exempt from certain regulatory requirements of the Federal Aviation Act, such as section 401 certification for operating authority. Several of the filing fees that the Board proposes to increase relate to section 401 certificates. Thus, unless they choose to obtain certificates, a substantial number of small air carriers would not be affected by most of the fee increases proposed.

The aggregate proposed filing fee changes would result in a slight overall net increase. Their actual economic impact on any individual air carrier would depend upon the number and type of filings necessary to implement its operational decisions. The proposed elimination of the license fees would not have an economic impact. It would merely affirm the Board's previous suspension of these fees. There are no rules or reporting, recordkeeping or other compliance requirements that would conflict or overlap with this proposed rule.

The authority citation for Part 389 is being corrected to reflect accurately the statutes relating to collection of fees by

the Board. Technical and editorial changes in Subpart C are also proposed.

Proposed Rule

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

The Board proposes to amend 14 CFR Part 389, Fees and Charges for Special Services, as follows:

1. The authority citation is corrected to read as follows:

Authority: Secs. 204, 1102, Pub. L. 85–726, as amended, 72 Stat. 743, 797 (49 U.S.C. 1324, 1502. Act of August 31, 1951, ch. 376, 65 Stat. 268; 31 U.S.C. 483a)).

2. Subpart C would be re-titled to read:

Subpart C—Filing and Processing Fees

3. Section 389.20 would be revised to read:

§ 389.20 Applicability of subpart.

This subpart applies to the filing of certain documents at the Board by non-government parties, and prescribes fees for their processing.

4. Section 389.21 would be amended by removing and reserving paragraph (b) and revising paragraph (e) to read:

§ 389.21 Payment of fees.

* * * * *

(b) [Reserved]

* * * * *

(e) No fee shall be returned after the document has been filed with the Board, except as provided in §§ 389.23 and 389.27.

5. Section 389.23 would be revised to read:

§ 389.23 Application for waiver or modification of fees.

(a) Applications may be filed asking for waiver or modificaton of any fee required to be paid by this subpart. Each applicant shall set forth in a clear manner the reasons why a waiver or modification should be granted, and by what legal authority.

(b) Applications asking for a waiver or modification of fees shall be sent to the Managing Director of the Board, and shall accompany the document filed. Applicants may appeal the decision of the Managing Director to the Board under § 385.50 of this chapter. When no petition for review is filed with the Board, or when the Board reviews the Managing Director's decision, if the amount found due is not paid within 10 days after receipt of notification of the final determination, the document shall be returned to the filing party.

6. Section 389.24 would be re-titled and revised to read:

§ 389.24 Foreign air carriers.

Foreign air carriers, or if from the same country jointly, may apply for a waiver of the requirements of this part based on reciprocity for U.S. air carriers contained in the requirement of their home governments, or as provided in a treaty or agreement with the United States. To apply for a waiver under this section, foreign air carriers shall follow the procedures in § 389.23. A copy of the waiver request shall be sent to the Director, Bureau of International Aviation. The request should include applicable official government rules, decisions, statements of policy, or comparable evidence concerning filing fees for U.S. air cariers, or for all carriers serving that country. Once a waiver has been granted for a specific country, no further waiver applications need be filed for that country.

7. Section 389.25 would be re-titled and revised as indicated below:

§ 389.25 Schedule of processing fees.

Code	Document	Present Fee	Proposed Fee
	Interstate and Overseas Air Transportation		
	Certificate of Public Convenience and Necessity		
	—Application under sec. 401	300	
1	—Charter		555
2	—Scheduled Service		630
3	—Dormant Authority		240
4	—All Cargo under sec. 418	250	215
5	—Amendment	300	630
6	—Transfer	300	215
7	—Restriction Removal		435
8	Air Taxi Registration	15	10
9	Scheduled Passenger Commuter Registration	15	215
10	Airport Notice of Authorization	40	40
	Change of Name	300	
11	—Use of Trade Name		105
12	—Reissuance of certificate		45
13	Notice of Embargo	25	5
14	Exemption Request (General)	300	215
15	—Section 403	50	100
16	—Section 401 (domestic)		365
17	—Section 419		
	Carriage of Mail		
19	—Filing of schedules		3
20	—Service mail rate petition		400
	Foreign Air Transportation (U.S. and Foreign Air Carriers)		
	Certificate of Public Convenience and Necessity (Sec. 401)		
21	—Scheduled Service	300	800
22	—Charter Service	300	530
23	—Amendment/Restriction Removal	300	445
24	—Transfer	300	220
25	Airport Notice	40	40
	Change of Name	300	
26	—Use of Trade Name		110
27	—Reissuance of Certificate		90
	Foreign Air Carrier Permit (sec. 402)		
28	—Initial		710
29	—Amendment		445
	Exemption	300	
30	—Section 403	50	95
31	—Section 401		
32	—10 or less flights		65
33	—More than 10 flights		330
34	—Other (U.S. and foreign air carriers)		330
	—Section 402		
35	—10 or less flights		65
36	—More than 10 flights		330
37	—Emergency cabotage (sec. 416(b)(7))		330
	Foreign Air Transportation (U.S. and Foreign Air Carriers)		
38	Relief for U.S. (sec. 101) and foreign (sec. 416) indirect air carriers		330
39	Canadian Air Taxi Registration		10
40	Foreign Air Freight Forwarder Registration		10
41	Foreign Tour Operator Registration		10
42	Foreign Aircraft Permit (Part 375)		15
43	Special Authorization (Part 375)		15
44	Charter Statement of Authorization		10
45	Intermodal Statement of Authorization		10
46	Special Authority (Part 216)		40
47	IATA resolutions		55
	Other (U.S. and foreign air carriers)		
	Charters		
48	—Public Charter Prospectus	50	45
49	—OMPC Operation Authorization	400	170
50	—Waiver of Charter Regulations	[1] 300	105
	Tariffs		
51	—Pages	[2]	[2]
52	—Special Tariff Permission	10	10

Code	Document	Present Fee	Proposed Fee
53	—Waiver of Tariff Regulations	10	10
54	Waiver Request (General)		105
55	Approval of Interlocking Relationships	250	320
56	Merger or Acquisition of Control		320
	—Section 408	150	
	—Mergers	[4]	
57	Agreements filed under section 412 (General)	50	320
	—Prior Approval	200	
58	Application for free and reduced-rate transportation	10	10

[1] Maximum.
[2] Two per page.
[3] $3.50 per page.
[4] 3,000 per Carrier.

7. A new § 389.26 would be added to read:

§ 389.26 Special rules for tariff page filings.

(a) *Tariffs issued by carriers.* The filing fee for tariff pages filed by U.S. air carriers will be charged even if the tariff includes matters involving participating foreign air carriers. It will also be charged if the tariff is issued by a foreign air carrier and includes matters involving participating U.S. air carriers, unless the foreign carrier has obtained a waiver under § 389.24. The fee will not be charged for blank looseleaf page unless it cancels matter on the preceding issue of the page.

(b) *Tariffs issued by publishing agents.* (1) If the tariff is issued for one or more air carriers exclusively, the fee will be charged for each page.

(2) If the tariff is issued for one or more air carriers and one or more foreign air carriers, the fee will be charged for each page, except for those pages the issuing agent states contain only:

(i) Matters pertaining exclusively to foreign air carriers that have been granted a waiver, or

(ii) Changes in matters pertaining to foreign air carriers that have been granted a waiver and that are included on the same page with other matters that are reissued without change.

(3) The fee will not be charged for a blank looseleaf page unless it cancels matters on the preceding page.

(4) No fee will be charged when two pages are published back-to-back, one page is not subject to the fee under paragraph (b)(2), and the page on the reverse is issued without substantive change.

(5) The fee will be charged for two looseleaf pages containing a correction number check sheet unless all other pages of the tariff are exempt from the fee.

A new § 389.27 would be added to read:

§ 389.27 Refund of fees.

Any fee charged under this part may be refunded in full or in part upon request if the document for which it is charged is withdrawn before final action is taken. Such requests shall be filed in accordance with § 389.23.

(Secs. 204, 1102, Pub. L. 85-726, as amended, 72 Stat. 743, 797; (49 U.S.C. 1324, 1502. Act of August 31, 1951, ch. 376, 65 Stat. 268; 31 U.S.C. 483a))

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

APPENDIX A*

Document	Responsible B/O unit	Estimated hours	Fully funded hourly rate	Total cost
Interstate and Overseas Air Transportation				
Certificate of Public Conv. and Necessity:				
—Application (Sec. 401):				
—Charter	Special Authorities Div	26	$21.25	$552.50
—Scheduled Service	Routes Authority Div	26	24.22	629.72
—Dormant Authority	Legal Processing Div	26	24.22	242.20
—All-Cargo (Sec. 418)	Special Authorities Div	10	21.25	212.50
—Amendment	Routes Authority Div	26	24.22	629.72
—Transfer	Special Authorities Div	10	21.25	212.50
—Restriction Removal	Route Authority Div	18	24.22	435.96
Air Taxi Registration	Special Authorities Div	.5	21.25	10.62
Scheduled Passenger Commuter Registration	Special Authorities Div	10	21.25	212.50
Airport Notice of Authorization	Routes Authority Div	[1]	21.25	42.50
Change of Name:				
—Use of Trade Name	Special Authorities Div	5	21.25	106.25
—Reissuance of Certificate	Pricing & Entry Div	2	21.86	43.72
Notice of Embargo	Tariffs Div	.25	20.33	5.08
Exemption Request (General)	Special Authorities Div	10	21.25	212.50
—Section 403	Domestic Fare & Rates Div	4	24.64	98.56
—Section 401 (dom. transp.)	Route Authorities Div	15	24.22	363.30
—Section 419	Essential Air Service Div	.5	21.25	10.00
Carriage of Mail				
—Filing of schedule	Sched. & Route Information Unit	.2	17.10	3.42
—Service mail rate petition	Domestic Fares & Rate	16	24.64	394.24
Foreign Air Transportation (U.S. and Foreign Air Carriers)				
Certificate of Public Conven. and Necessity (Sec. (401)):				
—Scheduled Service	Reg. Affairs/Leg. Div	36	[2]22.16	797.76
—Charter Service	Reg. Affairs/Legal Div	24	[2]22.16	531.84
—Amendment/Restriction Removal	Reg. Affairs/Legal Div	20	[2]22.16	443.20
—Transfer	Reg. Affairs/Legal Div	10	[2]22.16	221.60
Airport Notice	Regulatory Affairs Div	2	[2]21.55	43.10
Change of Name:				
—Use of Trade Name	Reg. Affairs/Legal Div	5	[2]22.16	110.80
—Reissuance of Certif	Reg. Affairs/Legal Div	4	[2]22.16	88.64
Foreign Air Carrier Permit				
—Initial	Reg. Affairs/Legal Div	32	[2]22.16	709.12
—Amendment	Reg. Affairs/Legal Div	20	[2]22.16	443.20
Exemption:				
—Section 403	Domestic Fares & Rates Div	4	[2]24.64	98.56
—Section 401				

APPENDIX A*—Continued

Document	Responsible B/O unit	Estimated hours	Fully funded hourly rate	Total cost
—10 or less flights	Reg. Affairs/Legal Div	3	[2]22.16	66.48
—More than 10 flights	Reg. Affairs/Legal Div	15	[2]22.16	332.40
—Other (U.S. and foreign air carriers)	Reg. Affairs/Legal Div	15	[2]22.16	332.40
—Section 402:				
—10 or less flights	Reg. Affairs/Legal Div	3	[2]22.16	66.48
—More than 10 flights	Reg. Affairs/Legal Div	15	[2]22.16	332.40
—Emergency cabotage (sec. 416(b)(7))	Reg. Affairs/Legal Div	15	[2]22.16	332.40
Relief for U.S. (sec. 101) and foreign (sec. 416) indirect air carriers	Reg. Affairs/Legal Div	15	[2]22.16	332.40
Canadian Air Taxi Registration	Reg. Affairs/Legal Div	.5	[2]22.16	11.08
	Foreign Air Transportation (U.S. and Foreign Air Carriers)			
Foreign Air Freight Forwarder Registration	Reg. Affairs/Legal Div	.5	[2]22.16	11.08
Foreign Tour Operator Regis.	Reg. Affairs/Legal Div	.5	[2]22.16	11.08
Foreign Aircraft Permit (Part 375)	Reg. Affairs/Legal Div	.75	[2]22.16	17.62
Special Authorization (Part 375)	Reg. Affairs/Legal Div	.75	[2]22.16	17.62
Charter Statement of Author.	Reg. Affairs/Legal Div	.5	[2]22.16	11.08
Intermodal statement of Authorization	Reg. Affairs/Legal Div	.5	[2]22.16	11.08
Special Authority (Part 216)	Reg. Affairs/Legal Div	1.8	[2]22.16	39.89
IATA resolutions	Int'l Fares & Rates Div	2.5	22.06	55.15
	Other (U.S. and foreign air carriers)			
Charters:				
—Public Charter Prospectus	Special Authorities Div	2	21.25	42.50
—OMPC Operation Author	Special Authorities Div	8	21.25	178.00
—Waiver of Charter Reg	Special Authorities Div	5	21.25	106.25
Tariffs:				
—Pages	Tariffs Division	.17	20.33	[3]3.46
—Special Tariff Permission	Tariffs Division	.5	20.33	10.17
—Waiver of Tariff Reg	Tariffs Division	.5	20.33	10.17
Waiver Request (General)	Special Authorities Div	5	21.25	106.25
Approval of Interlocking Relationships	Special Authorities Div	15	21.25	318.75
Merger or Acquisition of Control				
Agreements filed under section 412 (General)	Special Authorities Div	15	21.25	318.75
Application for Fee & Reduced Rate	Domestic Fares and Rate	.5	24.64	12.32

[1] 2 average.
[2] Average.
[3] Per page.
*NOTE.—This appendix will not appear in the CFR.

[FR Doc. 82-4724 Filed 2-19-82; 8:45 am]
BILLING CODE 6320-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 761 0004]

Western General Dairies, Inc.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed Consent Agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a Utah dairy cooperative to cease engaging in price discrimination in the sale and distribution of raw milk and dairy products, or communicating in any manner disparaging or derogatory information or opinions concerning competing firms. Commencing one year from its effective date, the order would bar the cooperative from restricting, for more than six months, the sale or transfer of "base" by any of its members to any bona fide Grade A milk producer. ("Base" is a member's right to receive from the cooperative the going rate for raw milk.)

DATE: Comments must be received on or before April 26, 1982.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave. NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT Judith D. Ford, Director, 9R, San Francisco Regional Office, Federal Trade Commission, 450 Golden Gate Ave., San Francisco, CA 94102, (415) 556-1270; or, FTC/CR, John Sessel, Washington, D.C. 20580, (202) 523-3522.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's rule of practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's rules of practice (16 CFR 4.9(b)(14)).

United States of America Before Federal Trade Commission

File No. 761 0004; Agreement Containing Order To Cease and Desist

In the Matter of Western General Dairies, Inc., an incorporated cooperative association.

The Federal Trade Commission having initiated an investigation of certain acts and practices of Western General Dairies, Inc., an incorporated cooperative association, and it now appearing that Western General Dairies, Inc., hereinafter sometimes referred to as proposed respondent, is willing to enter into an agreement containing an order to cease and desist from the use of the acts and practices being investigated,

It is hereby agreed by and between proposed respondent, by its duly authorized officer, and its attorney, and counsel for the Federal Trade Commission that:

1. Proposed respondent Western General Dairies, Inc., is an incorporated cooperative association, organized, existing and doing business under and by virtue of the laws of the State of Utah, with its offices and principal place of business located at 195 West 7200 South, in the City of Salt Lake City, State of Utah.

2. Proposed respondent admits all the jursidictional facts set forth in the draft of complaint here attached.

3. Proposed respondent waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft of complaint contemplated hereby and related material pursuant to Rule 2.34, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify the proposed respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision, in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by proposed respondent that the law has been violated as alleged in the draft of complaint here attached.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may, without further notice to proposed respondent, (1) issue its complaint corresponding in form and substance with the draft of complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed-to order to proposed respondent's address as stated in this agreement shall constitute service. Proposed respondent waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.

7. Proposed respondent has read the proposed complaint and order contemplated hereby. it understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. Proposed respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

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

"Respondent" means Western General Dairies, Inc.

"Raw Milk" means raw, unprocessed cow's milk.

"Dairy products" means any products processed from raw milk and includes but is not limited to milk, skim milk, buttermilk, two percent milk, flavored milk, flavored milk drink, filled milk, whipping and table cream, half and half, sour cream, cottage chesse, concentrated milk, fortified milk, reconstituted milk or any mixture in fluid form of milk, skim milk or cream, ice milk, ice cream, powdered milk, butter, yogurt, cheese, or cheese products.

"Producer" means a person or firm which operates a farm which produces raw milk.

"Member" means a producer which belongs to or is affiliated with a cooperative association.

"Handler" means any person, firm, corporation or cooperative association which is considered a handler within any Federal or State Marketing Order.

"Processor" means a person, firm or corporation, other than a handler, which purchases raw milk.

"Base" means any right granted or sold by a cooperative association to its members allowing such members to receive from the cooperative the U.S.D.A. Uniform Blend Price or any other established price for any given amount of raw milk.

"Grade A" means the production of raw milk in compliance with the inspection requirements of a duly constituted health authority for fluid consumption.

I

It is ordered that respondent Western General Dairies, Inc., an incorporated cooperative association, its successors and assigns, and its officers, and respondent's agents, representatives, employees, and members, directly or indirectly or through any corporation, cooperative association, subsidiary, division or other device, in connection with the purchasing, offering for sale, sale or distribution of raw milk or dairy products in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

A. Discriminating directly or indirectly in the price of any such product by selling to any customer at a net price higher than the net price charged any other customer who competes in the resale and distribution of such product with the customer paying the higher price. "Net price," as used in this Order, shall mean the ultimate cost to the customer, and for purposes of determining such cost, shall take into account all rebates, allowances, commissions, discounts, credit arrangements, terms and conditions of sale, and other forms of direct and indirect price reductions, by which the ultimate cost to the customer is affected;

B. Furnishing, contracting to furnish or contributing to the furnishing of services or facilities in connection with the handling, sale or offering for sale of any such product to any customer of such product bought for resale, when such services or facilities are not accorded on proportionally equal terms to all other customers who resell such product in competition with any customer who receives such services or facilities;

C. Communicating in any way, whether orally or in writing, any disparaging or derogatory information or opinions concerning any person or firm which competes with respondent in the production or sale of raw milk or dairy products; provided, however, that respondent may provide truthful information about such person's or firm's credit relationship with respondent upon written request by (1) a credit reporting agency or (2) any prospective creditor of such person or firm.

II

It is further ordered that respondent shall cease and desist from executing or continuing in force any membership contract or agreement with any member which restricts in any way the right of such member to sell raw milk to any person, firm, or association after the expiration of such contract or agreement, except as provided in Section III of this Order.

III

It is further ordered that, commencing one year after the date of service of this Order, respondent shall cease and desist from restricting the sale or transfer of base by any member in any manner, including but not limited to (1) tying such sale or transfer to the concurrent sale or transfer of land, fixtures, or livestock, or (2) requiring that any member cease, for a period longer than six months, shipping or using raw milk for any Class I utilization, as Class I is defined by the Great Basin Milk Marketing Order;

Provided, however, that respondent may refuse to authorize a sale or transfer of base

(1) To any producer who is not a Grade A producer or who will not become a Grade A producer on or before the date on which such sale or transfer becomes effective;

(2) To any producer who is not a member of respondent or who will not become a member of respondent, on or before the date on which such sale or transfer becomes effective; provided, however, that respondent may not refuse to accept a producer as a member in order to bar such a sale or transfer;

(3) To any producer (a) whose location would necessitate a net increase in pickup routes of more than 20 miles; or (b) who would not be able to ship an average of 5000 pounds of milk or more per pickup;

(4) Where respondent has not received written notice of such sale or transfer more than 60 days prior to the date on which such sale or transfer becomes effective.

IV

It is further ordered that respondent shall, within sixty (60) days after service upon it of this Order, distribute a copy of this Order to each of its operating divisions and to all officers, employees, agents and members and shall distribute a copy of this Order to any person or firm that becomes a member within five (5) years after service of this Order.

V

It is further ordered that respondent herein shall, within sixty (60) days after service upon it of this Order, file with the Commmission a report, in writing, setting

forth in detail the manner and form in which it has complied with this Order.

VI

It is further ordered that, for a period of ten (10) years after service upon it of this Order, respondent notify the Commission at least thirty (30) days prior to any proposed change in the respondent such as dissolution, assignment or sale resulting in the emergence of a successsor corporation, the creation or dissolution of subsidiaries, the appointment of a marketing agent, the transfer of any facility designated as a pool plant under any Federal Milk Marketing Order, or any other change in the respondent which may affect compliance obligations arising out of the Order.

Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has accepted an agreement to a proposed consent order from Western General Dairies, Inc.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether to withdraw from the agreement or make final the agreement's proposed order.

The complaint in this matter alleges that Western General has monopolized the sale of raw milk and dairy products in Utah and Southeastern Idaho by price discrimination and other predatory practices and by restraints on the right of its members to leave the cooperative to produce for other processors.

The consent agreement provides as follows:

1. Western General cannot engage in price discrimination in the sale of milk or dairy products;

2. Western General cannot engage in trade disparagement of its competitors;

3. Commencing one year after the effective date of the Order, Western General cannot restrict for longer than six months the transfer of base by any of its members to any bona fide Grade A producer.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 82-4814 Filed 2-22-82; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 931

[SPA 29]

Permanent State Regulatory Program of New Mexico

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) is considering modifying the deadline for New Mexico to meet conditions of approval of the State permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Also being considered is the removal of conditions of approval on New Mexico's program if OSM determines any are moot as a result of revised Federal standards for State program approval.

DATES: Comments must be received by March 25,1982, at the address below, no later than 5:00 p.m.

ADDRESS: Written comments must be mailed to: Office of Surface Mining, Administrative Record Office (SPA–29), Room 5315L, 1951 Constitution Ave., NW., Washington, D.C. 20240.

Comments may be hand carried to:

Office of Surface Mining, Room 239, South Interior Building, 1951, Constitution Avenue, NW., Washington, D.C., or

Office of Surface Mining, Room 5315, 1100 "L" Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur W. Abbs, Chief, Division of State Program Assistance, Office of Surface Mining, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Telephone: (202) 343–5351.

SUPPLEMENTARY INFORMATION: Under 30 CFR 732.13(i), the Secretary may conditionally approve a State permanent regulatory program which contains minor deficiencies where the deficiencies are of such a size and nature as to render no part of the program incomplete, the State is actively proceeding with steps to correct the deficiencies, and the State agrees to correct the deficiencies according to a schedule set in the notice of conditional approval. The correction of each deficiency is a condition of the approval. The conditional approval terminates if the conditions are not met according to the schedule. The dates are established in consultation with the State based on the time required for changes to be adopted under State procedures or legislative schedules.

The New Mexico program was conditionally approved on December 31, 1980 (45 FR 86459–86490). In that document the Secretary published a schedule for the State to meet each of the 12 conditions on the State program. That schedule called for New Mexico to submit provisions to satisfy conditions "a"–"d" and "f"–"l" by July 1, 1981, and a provision to meet condition "e" by February 28, 1982.

Since the Secretary's conditional approval of the New Mexico program OSM has proposed several revisions to the Federal permanent program rules which served as the standard for approval of New Mexico's program. Because OSM was concerned that States with conditionally approved programs would be expending valuable time pursuing program amendments to meet Federal requirements that would be changed, OSM asked each State to identify those conditions for which it would like an extension of time to meet. New Mexico requested that the deadline for the State to meet conditions "a"–"d" and "f"–"l" be extended until February 28, 1982. On October 30, 1981 (46 FR 54070), OSM announced its decision to grant New Mexico's request. The State has now asked for a second extension that would established a new deadline for the State to meet conditions "a"–"c" and "e"–"l". The State offered as its reason for requesting a further extension the fact that OSM has not yet finalized amendments to the permanent program rules. Some of these amendments may directly affect New Mexico's satisfaction of its conditions. In accordance with the State's request, OSM is proposing that the deadline for the State to meet those eleven conditions be extended until March 15, 1983.

OSM is considering alternatives to a March 15, 1983, deadline for the State to meet all eleven conditions. Other options to be considered will be based on OSM's reexamination of the conditions in light of several factors.

1. The first is the promulgation of revisions of the Federal regulations at 30 CFR 730–732 which govern the standards for approval of State programs. The revised standards which were published October 28, 1981 (46 FR 53376–53384), allows States to adopt alternatives to the Federal regulations, provided they are "no less effective than" the Federal rules in meeting the purposes of the Act.

In a letter to OSM dated December 23, 1981, Mr. Ed Kelly, Chief, New Mexico

Bureau of Surface Mining requested that, in particular, OSM reevaluate conditions "a" and "l" in light of the revised standard for State program approval. In his letter, Mr. Kelly provided information to demonstrate that the provisions which are the subject of conditions "a" and "l" are no less effective than the Federal rules in meeting the purposes of the Act. When reevaluating the conditions in light of the revised standard, OSM will take into consideration the information submitted by Mr. Kelly and any other information that may be submitted in response to this notice. A copy of Mr. Kelly's letter and any other information received will be available for public review during regular business hours Room 5315, 1100 "L" St., N.W., Washington, D.C. OSM will review not only conditions "a" and "l" as requested by the State but all of the conditions of approval on New Mexico's program. If the Agency determines that an existing State provision which is the subject of a condition is approvable under the revised standard, it will remove the condition. This notice will be the only notice of proposed rulemaking if OSM decides to remove a condition. Therefore, the Secretary wishes to make clear that this notice invites comment not only on the State's request for an extension of the deadline to meet conditions but also on the Agency's proposal to remove conditions judged to be moot in light of the revised standard of State program approval.

2. In making a final decision on the State's request for an extension, OSM will also consider the revisions to the Federal permanent program regulations that have been or will be proposed, but have not yet been finalized. OSM will reexamine all the conditions to determine whether revisions to the Federal rules are likely to have a bearing on changes the State is required to make to satisfy conditions. One condition that may be affected by an OSM rule change is condition "e" relating to attorneys' fees. New Mexico, together with several other States, petitioned OSM to amend the Federal program to eliminate the requirement for State programs that attorneys' fees be permitted against the State. OSM is considering this petition as part of overall changes to 30 CFR 840, 842, 843 and 845 that were proposed on December 1, 1981 (46 FR 58464–58479). Additional information relating to the petition is provided in the December 1, 1981 notice. The State has indicated that in order to satisfy condition "e" the State legislation would need to act. The proposed March 15, 1983 deadline should allow sufficient time for OSM to complete its rulemaking and for the State Legislature to act, if necessary, during its 1983 session.

3. OSM is also contemplating the possibility of establishing two dates by which the State would be required to submit provisions. The two dates likely to be considered are June 1, 1982, and March 15, 1983. By the first date, New Mexico would submit provisions to meet conditions that would not be affected by OSM rule changes and would not require a statutory change. By the second date, the State would submit provisions to satisfy conditions that may be affected by OSM rule changes and would not require a statutdry change. By the second date, the State would submit provisions to satisfy conditions that may be affected by OSM rule changes or would require a statutory change.

The Secretary requests comments not only on the proposed March 15, 1983, deadline but on all the options which have been discussed in this notice including the proposal to remove conditions deemed unnecessary as a result of the modified standard for State program approval.

I have determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on these rules. I have further certified that the proposed rules will not have a significant economic effect on a substantial number of small entities as the rules are essentially a timing change with no direct or indirect impact on small entities.

On August 28, 1981, the Office of Management and Budget (OMB) granted the Office of Surface Mining (OSM) exemption from Sections 3, 4, 6 and 8 of Executive Order 12291 for all actions taken to approve, or conditionally approve, State regulatory programs, actions or amendments. Therefore, a Regulatory Impact Analysis and regulatory review by OMB is not needed for this proposed extension.

Dated: February 12, 1982.

Daniel N. Miller, Jr.,

Assistant Secretary, Energy and Minerals.

PART 931—NEW MEXICO

§ 931.11 [Amended]

30 CFR 931.11 (a), (b), (c), (e), (f), (g), (h), (i), (j), (k) and (l) are proposed to be amended by substituting March 15, 1983, for February 28, 1982, each time it appears.

[FR Doc. 82-4846 Filed 2-22-82; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AS-FRC 2012-1]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: This notice proposes to revise the sulfur dioxide (SO_2) emission limitations in the federally promulgated Ohio State implementation Plan (SIP) for the Ohio Power Company Gavin plant in Gallia County, Ohio. The purpose of this notice is to discuss EPA's evaluation of the emission limitations and to solicit public comments on EPA's proposed revision.

DATES: Comments on this proposed revision must be received on or before March 25, 1982. Requests for a public hearing must be received no later than March 10, 1982.

ADDRESSES: Written comments and requests for a hearing should be sent to: Gary Gulezian, Chief, Regulatory Analysis Section, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. The docket for this revision (#5A–81–1) is on file at the above address and at: Central Docket Section, U.S. Environmental Protection Agency, West Tower Lobby, Gallery 1, 401 M Street SW., Washington, D.C. 20460. The docket may be inspected and copied during normal business hours.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio at (312) 886–6088.

SUPPLEMENTARY INFORMATION: Section 110(a)(1) of the Clean Air Act (Act) requires each State to adopt and submit to EPA a plan which provides for attainment and maintenance of the primary and secondary national ambient air quality standards. The plan for achieving the secondary standard may be submitted as part of a State's plan for achieving the primary standard or as a separate plan. The primary standard plan must provide for attainment no later than three years from plan approval. Attainment of the secondary standard must be within a reasonable time

Under section 110(c) of the Act, EPA promulgated its substitute sulfur dioxide plan for the State of Ohio on August 27, 1976 which set emission limitations for Ohio sources in order that the State of Ohio might attain and maintain the national ambient air quality standards

for sulfur dioxide. See 41 FR 36324, 41 FR 52455 and 42 FR 27588. As explained in EPA's final Technical Support document, the federal plan was designed to insure attainment of both the primary and secondary sulfur dioxide standards within three years of plan approval.

On February 9, 1978, the U.S. Court of Appeals for the Sixth circuit remanded to EPA for its further consideration two aspects of the plan. *Northern Ohio Lung Association* v. *EPA*, 572 F. 2d 1182 (6th cir. 1978). The Court held that the plan did not comply with the requirements of section 110(a)(2)(F) of the Act and did not include specific provisions for meeting the secondary ambient air quality standards for SO_2. This notice addresses the secondary standard portion of the remand.

EPA has reviewed the secondary standard modeling analyses it had performed in developing the sulfur dioxide plan. This review established that EPA had set emission limits adequate to protect the secondary standard for all but three sources: the Portsmouth Gaseous Diffusion Plant in Pike County, and the Ohio Power Company Gavin plant and the Ohio Valley Electric Company Kyger Creek plant, both located in Gallia County.

Therefore, on October 6, 1981 (46 FR 49123) EPA published in the **Federal Register** a revised emission limitation for the Portsmouth Gaseous Diffusion Plant in Pike County. At that time, the reanalysis of the two sources in Gallia County was not yet completed. EPA has now completed the reanalysis of the two sources in Gallia County. The reanalysis demonstrates that to attain the secondary standard, it is possible to leave Kyger Creek at its existing SIP limit and to reduce only the Ohio Power Company's Gavin emission limit. This approach is reasonable since Gavin is the dominant contributor to the predicted violations. Therefore, EPA today is proposing to revise the emission limitation for the Ohio Power Gavin plant located in Gallia County from 9.50 lbs. SO_2/MMBTU to 7.41 lbs. SO_2/MMBTU. A detailed discussion of the modeling analysis is contained in the technical support document which is available at Region V. Ohio Power Gavin will have three years from the final promulgation of this action to comply with this revised emission limitation.

The measures which EPA is proposing today will be in addition to, and not in lieu of, existing SIP regulations. The present emission control regulations for the Ohio Power Company Gavin plant will remain applicable and enforceable to prevent the source from operating without controls, or under less stringent controls, while it is moving toward compliance with the new regulations or if it chooses, challenging the new regulations. Failure of the source to meet applicable pre-existing regulations will result in appropriate enforcement action, including assessment of noncompliance penalties. Furthermore, if there is any instance of delay or lapse in the applicability of the new regulation, because of a court order or for any other reason, the pre-existing regulation will be applicable and enforceable.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified on January 27, 1981 (46 FR 8709) that the attached rule if promulgated will not have a significant economic impact on a substantial number of small entities. This action only revises the emission limitations for one source in Gallia County in response in a remand from the U.S. Court of Appeals for the Sixth Circuit which is cited above.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis—This regulation is not major because it merely revises an emission limitation for one source. It is anticipated that the source can comply with the revised emission limitation using its existing pollution control methods.

This action was submitted to the Office of Management and Budget (OMB) for review as required by the Order.

(Sec. 110, Clean Air Act, as amended (42 U.S.C. 7410))

Dated: December 11, 1981.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 82-4822 Filed 2-22-82; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 83

[Gen. Docket No. 82-36; FCC 82-44]

Amendment of the Commission's Rules To Conform With the International Maritime Satellite (INMARSAT) Requirements

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In February 1982 the International Maritime Satellite Organization (INMARSAT) will begin to provide satellite communication services to maritime mobile users. In this Notice of Proposed Rule Making the Commission proposes to revise its regulations and policies for environmental requirements, witnessing of type approval tests, licensing and commissioning procedures, and dissemination of information regarding maritime mobile systems utilizing the INMARSAT satellites. The proposed revisions will enable United States users of maritime mobile-satellite communications to conform with the INMARSAT requirements.

DATES: Comments must be received by March 29, 1982. Reply comments must be received by April 13, 1982.

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

FOR FURTHER INFORMATION CONTACT: William P. Berges, Private Radio Bureau, (202) 623-7175.

SUPPLEMENTARY INFORMATION: In the matter of amendment of Part 83 of the Commission's rules to conform with the International Maritime Satellite (INMARSAT) requirements, Gen. Docket No. 82-36.

Adopted: January 25, 1982.

Released: February 19, 1982.

Introduction

1. In this Notice of Proposed Rule Making, we propose to terminate the Maritime Mobile-Satellite proceeding in Docket No. 20603,[1] and to amend Part 83 of the Commission's rules to conform with the maritime mobile-satellite requirements of the International Maritime Satellite Organization (INMARSAT).[2]

Background

2. On August 31, 1962, the United States Congress passed the Communications Satellite Act of 1962 (hereinafter called the Act of 1962). Sections 301 and 305(a)(2) of this Act, among other things, authorized the Communications Satellite Corporation (COMSAT), a private, profit making corporation, to own communications satellite systems, and to furnish for hire channels in its systems to United States common carriers and to other authorized entities, foreign and domestic.[3]

3. On August 1973 the Commission authorized COMSAT, in conjunction

[1] See "First Report and Order," Docket No. 20603, 59 FCC 2d 957, released June 18, 1976.

[2] INMARSAT is an international organization whose purpose is to make provision for the space segment necessary for improving maritime communications.

[3] See "Communications Satellite Act of 1962," 47 U.S.C. 701 *et seq.*

with ITT World Communications, Inc., RCA Global Communications, Inc., and Western Union International, Inc., to form the MARISAT Joint Venture and to furnish commercial satellite communication services to maritime mobile radio users.[4] Subsequently, on June 9, 1976, the Commission adopted the "First Report and Order" in Docket No. 20603. There the Commission established certain technical requirements and operator licensing rules for ship earth stations operating in the MARISAT system. The Commission intended to consider additional issues on this subject in a "Second Report and Order" in Docket No. 20603.[5]

4. In 1973, the Inter-Governmental Maritime Consultative Organization (IMCO), of which the United States is a member, decided to convene an International Conference to decide on the principle of setting up an international maritime satellite system. In 1976 the International Conference adopted a Convention and Operating Agreement which were attached to its Final Acts.[6] Article 3(1) of the "Convention Between the United States of America and Other Governments" states that:

> The purpose of the Organization is to make provision for the *space segment* necessary for improving maritime communications, thereby assisting in improving distress and safety of life at sea communications, efficiency and management of ships, maritime public correspondence services and radiodetermination capabilities (emphasis added).

Article 1(d) defines "space segment" as follows:

> "Space segment" means the satellites, and the tracking, telemetry, command, control, monitoring and related facilities and equipment required to support the operation of these satellites.

Article 15(c) states that in order to discharge its responsibilities, the INMARSAT Council shall have the power to perform all appropriate functions, including:

> Adoption of criteria and procedures for approval of earth stations on land, on ships and on structures in the marine environment for access to the INMARSAT space segment and for verification and monitoring of performance of earth stations having access to and utilization of the INMARSAT space segment. For earth stations on ships, the criteria should be in sufficient detail for use by national licensing authorities, at their discretion, for type-approval purposes.

Also, in paragraph (1), Article XIV of the INMARSAT "Operating Agreement" it is stated that:

> In order to utilize the INMARSAT space segment, all earth stations shall require approval by the Organization in accordance with criteria and procedures established by the Council pursuant to Article 15(c) of the Convention.[7]

5. On November 1, 1978, the United States Congress added Title V to the Act of 1962. Sections 502(b), 503(a)(1) and 503(a)(3) in Title V state, among other things, that the participation of the United States in the INMARSAT Organization shall be through COMSAT. COMSAT is also designated as the sole operating entity in the United States to provide international maritime satellite telecommunications services through INMARSAT. Furthermore, COMSAT is designated as the sole entity that is authorized to sign the INMARSAT operating agreement or other INMARSAT pertinent instruments. Stated simply, Congress has designated COMSAT as the "Signatory" through which the United States participates in the INMARSAT Organization.

6. On February 1, 1982, the INMARSAT Organization will begin to provide public correspondence services to maritime mobile radio users. On the same date the MARISAT system will be integrated into the INMARSAT system. As a result, beginning on February 1, 1982, all maritime mobile-satellite communications must conform to the INMARSAT requirements. Of great interest to present and potential manufacturers and users of ship earth stations in the maritime mobile-satellite service are four INMARSAT documents which are included in Appendixes B, C, D and E of this "Notice." These documents are titled:

(a) Technical Requirements for INMARSAT Standard-A Ship Earth Stations (See Appendix B). (b) Type Approval Procedures for an INMARSAT Standard-A Ship Earth Station Model (See Appendix C).[8] (c) List of Existing and Potential Supplies of Ship Earth Stations (See Appendix D). (d) Administrative Procedures for Commissioning of INMARSAT Standard-A Ship Earth Stations (See Appendix E).

7. The "Technical Requirements for INMARSAT Standard-A Ship Earth Stations" document describes the signal characteristics and operational requirements which ship earth station receivers, transmitters and antennas must satisfy before they are allowed to utilize the INMARSAT space segment. These requirements include operating frequencies, emission characteristics, signal strength values, modes of operation (e.g., telegraph, voice, facsimile), types of modulation, signal formats,operating procedures, environmental requirements, etc. It should be noted that the environmental requirements have been accepted as "mandatory" by some countries but are only "recommended" in the United States.[9]

8. In the document titled "Type Approval procedures for an INMARSAT Standard-A Ship Earth Station Model" it is required that a manufacturer of a particular ship earth station model must perform two types of tests, Phase I and Phase II, before its equipment is allowed to utilize the INMARSAT space segment. Briefly, this document states that the manufacturer of the ship earth station model must submit a type approval application to INMARSAT before it performs these tests. After INMARSAT approves the application the manufacturer can perform the Phase I tests "in plant" without using the INMARSAT space segment. The Phase I tests consist of component and system tests to verify that the ship earth station model complies with the INMARSAT requirements described in the "Technical Requirements for INMARSAT Standard-A Ship Earth Stations." In paragraph 2.4 of the "Type Approval Procedures for an INMARSAT Standard-A Ship Earth Station Model" document it is stated that "The Phase I tests shall be subject to witnessing by representatives of the INMARSAT Directorate, and/or an entity from the country of the manufacturer duly authorized by the Directorate, on a case by case basis for any or all of the tests." The Phase II tests are system compatibility tests which require the use of the INMARSAT satellite and satellite coast earth stations but are not subject to witnessing.

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[4] See "Memorandum Opinion and Order," 42 FCC 2d 533, released August 30, 1973.

[5] See "First Report and Order," Docket No. 20603, *supra*, at para. 3.

[6] See "Treaties and Other International Acts Series 9605." This document is titled "International Maritime Satellite Organization (INMARSAT)" and contains the Articles of the "Convention Between the United States of America and Other Governments" and the Articles of the "Operating Agreement."

[7] Article 9 of the "Convention Between the United States of America and other Governments" states that the organs of the INMARSAT Organization shall be the Assembly, the Council and the Directorate headed by a Director General.

[8] The "type approval" term which is used by the INMARSAT Organization for ship earth station equipment that utilizes the INMARSAT space segment should not be confused with the Commission's equipment authorization type approval program. The term "type approval" when used in this proceeding refers to the approval of equipment required by the INMARSAT Organization.

[9] As of July 1981 the environmental requirements had been accepted as mandatory by the Federal Republic of Germany, The Netherlands, Norway, Spain, United Kingdom, Belgium, Finland, Sweden and Argentina.

9. If both Phase I and Phase II tests are satisfactory, INMARSAT shall issue a written certificate to the manufacturer which shall indicate that its ship earth station model is type approved for use in the INMARSAT space segment. The certificate will also show the type(s) of operations for which the ship earth station model is approved (e.g., telegraph, voice, facsimile.) The manufacturer and/or supplier of the type approved ship earth station model will then be included in the INMARSAT "List of Existing and Potential Suppliers of Ship Earth Stations." Ship earth station models which are type approved in the MARISAT space segment prior to February 1, 1982, will be considered as type approved by INMARSAT until September 1, 1991. After that date, ship earth stations of these models will be permitted to operate in the INMARSAT space segment only if their design is modified to meet the INMARSAT requirements and are type approved by INMARSAT. Ship earth station models that are under development on August 1, 1981, and satisfy "Revision No. 1, Technical Requirements for MARISAT Mobile Terminals" rather than the INMARSAT Standard-A requirements may still be considered for type approval in the INMARSAT system, if the type approval application is submitted to the INMARSAT Organization.

10. Only ship earth stations whose models have been type approved by the INMARSAT Directorate will be considered for commissioning in its space segment. The document titled "Administrative Procedures for Commissioning of INMARSAT Standard-A Ship Earth Stations" requires that an application for commisioning must be submitted to the INMARSAT Organization for approval. After this application is approved and the ship earth station is installed on a vessel, compatibility tests must be performed with the INMARSAT satellite and satellite coast earth stations to verify that the ship earth station complies with the INMARSAT requirements. Upon satisfactory completion of these tests the INMARSAT Organization will issue a commissioning certificate authorizing the ship earth station to utilize the INMARSAT space segment. Ship earth stations which are approved to utilize the MARISAT space segment will be approved for access to the INMARSAT space segment until September 1, 1991. Approval for access to the INMARSAT system is given to a particular installation as it exists at the time of commissioning. A ship earth station of a MARISAT ship earth station model would be eligible for commissioning until September 1, 1991. The continued use of such equipment, however, will not be permitted after September 1, 1991, unless its model is type approved by the INMARSAT Organization.

Issues and Proposals

11. In most aspects the technical and operational requirements of MARISAT and INMARSAT are identical. Nevertheless, while MARISAT is a joint venture which was established by United States entities only, INMARSAT is an international organization. Consequently, we propose to terminate the MARISAT proceeding in Docket No. 20603 and to initiate a new proceeding to amend the Commission's rules and administative precedures to conform with the INMARSAT requirements. In proposing these amendments we invite all interested parties to file comments fully expressing their views.

Environmental Requirements

12. As was mentioned previously, the INMARSAT environmental requirements are accepted as mandatory by some administrations. In support, these administrations argue that these requirements are necessary because maritime vessels travel in geographic areas where prevailing climatic and weather conditions are very severe. The United States contends that in many cases the INMARSAT ship earth stations would be installed on vessels whose travels are limited to global areas where the prevailing climatic and weather conditions are not very severe. Thus, making these requirements mandatory would increase the design and manufacturing costs of many ship earth stations unnecessarily. For this reason, under joint consideration of NTIA, Department of State and the Federal Communications Commission, the United States took the position that the decision concerning INMARSAT environmental requirements should be made by the user. We cannot ignore, however, the fact that maritime mobile-satellite communications can play an important role in the alert, search and rescue operations during distress situations. This was exemplified in two incidents involving the M/V Prinsendam and the SS Lash Atlantico.[10] We believe that conformance with the INMARSAT environmental requirements would generally enhance the reliability of maritime mobile-satellite equipment for distress communications. We invite all interested parties therfore, to provide us information on this matter, especially estimated costs of environmentally and non-environmentally accepted ship earth station equipment. After comments are received the FCC will consult further with NTIA and the Department of State to determine whether the United States should maintain its present position on the environmental requirements issue.

Witnessing of Type Approval Tests

13. The witnessing of the INMARSAT Phase I tests which is described in the "Type Approval Procedures for an INMARSAT Standard-A Ship Earth Station Model" is of major concern to the Commission.[11] In connection with this issue, we want to point out that on June 9, 1976, when we adopted the MARISAT "First Report and Order", Docket No. 20603, we stated that the Commission would not impose type approval or type acceptance requirements on equipment authorized to operate in that system.[12] With respect to the "Type Acceptance Procedures for MARISAT Mobile Terminals" document which had been approved and issued by the MARISAT Joint Venture, we stated that "While the Commission does not object to participants establishing procedures to be followed in verifying that ship earth stations to be used with MARISAT meet technical requirements established by the Joint Venture, we request that the participants specifically avoid use of the terms 'type acceptance' and 'type approval' when referring to such procedures, and that any test procedures or other requirements are not to be construed as being mandatory or enforced by the Commission."[13] Subsequently, MARISAT proceeded to require manufacturers of ship earth stations to perform type approval tests on a model of their equipment. At the discretion of MARISAT these tests were subject to witnessing by its

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[10] The M/V Prinsendam and SS Lash Atlantico incidents are described in a written summary of an ex-parte oral presentation to the Notice of Proposed Rule Making, Docket No. 79-336, 45 FR 1924, released January 3, 1980, which was submitted by EXXON. In the M/V Prinsendam incident, this vessel caught fire and sank 350 miles east of Kodiak Island, Alaska on October 4, 1980. The MARISAT satellite communications system played an important role in the rescue of 519 passengers and crew that were on board this vessel. In the SS Lash Atlantico incident, this vessel collided with the SS Hellenic 25 miles off the Virginia Capes on May 6, 1981. The SS Atlantico's 500 kHz antenna gave way upon impact. This vessel used the MARISAT system as the primary means to alert and handle communications for the subsequent 48 minutes following the collision.

[11] See paragraph 8 of this Notice.

[12] See "First Report and Order," Docket No. 20603, *supra*, at para 4.

[13] See Footnote 1 in "First Report and Order," Docket No. 20603, *supra*.

representatives. Travel and other related expenses for the MARISAT representatives were reimbursed by the manufacturers whose type approval tests the MARISAT representatives were witnessing. As of December 18, 1980, MARISAT had type approved for use in its space segment ship earth station models manufactured by nine United States and foreign entities.[14]

14. Recognizing that in order to utilize the INMARSAT space segment the operating requirements of the United States manufactured ship earth station equipment must be compatible with the operating requirements of the INMARSAT space system, we have considered various options for the type approval of this equipment. First, we have considered whether, pursuant to paragraph 2.4 of the "Type Approval Procedures for an INMARSAT Standard-A Ship Earth Station Model" document (See Appendix C), a representative of the INMARSAT Directorate or an authorized United States entity would be best suited to witness the type approval tests of ship earth station equipment manufactured in the United States. Since the Phase I tests are "in plant tests", performed on the premises of United States manufacturers, we are of the view that it would be in the public interest (that is, more convenient, expeditious and economical) for a United States entity to witness the Phase I tests of ship earth station equipment in the plants of United States manufacturers.

15. We have also considered whether COMSAT should be authorized to witness these tests. However, in the INMARSAT document which is titled "List of Existing and Potential Suppliers of Ship Earth Stations" (See Appendix D) COMSAT is listed as a potential supplier of ship earth station equipment. It should also be noted that the question whether COMSAT should enter the ship earth station market is an issue in the Notice of Proposed Rule Making, Docket No. 80–634.[15] There the Commission is considering whether COMSAT's participation in the earth station equipment market is inconsistent with its statutory responsibilities, and, if not, whether conditions must be imposed to minimize COMSAT's ability to engage in anticompetitive conduct. We believe that the designation of COMSAT to witness type approval tests of its competitors may not be in the public interest because it may raise conflict of interest questions. It may also infringe on the intent of Section 201(c)(1) of the Act of 1962, which states, among other things, that the Commission shall insure that there is "effective competition" in the equipment required to establish satellite systems and terminal stations.

16. Finally, keeping in mind the Commission's deregulatory policy, we have questioned whether witnessing of these tests is necessary. In connection with this issue, we believe that the Commission's type acceptance rules are very efficient and should satisfy the United States agreement obligations to the INMARSAT Organization. We have considered, therefore, to authorize the use of ship earth station equipment that is manufactured in the United States and utilizes the INMARSAT space segment in the same manner as any other public correspondence communications equipment that operates in the maritime mobile radio service. Under these circumstances, authorization for the use of such equipment would be in accordance with the procedures shown in Appendix A, including type acceptance.

17. In view of the foregoing, we have tentatively concluded that the public interest would be served best if the Commission type accepts equipment that utilizes the INMARSAT space segment in the same manner as any other public correspondence communications equipment that operates in the maritime mobile radio service. We have proposed, therefore, changes in the Commission's rules to implement this option. See Appendix A. In our proposed rules we require that equipment used aboard ship earth stations be type accepted by the Commission. We also propose that in addition to the type acceptance requirements in Part 2, subpart J of the Commission's rules, type acceptance applications should include an affidavit attesting to compliance with the INMARSAT type approval requirements. The Commission's grant of type acceptance would satisfy the United States agreement obligations to INMARSAT that are stated in Article 15(c) of the "Convention Between the United States of America and Other Governments" and Article XIV of the "Operating Agreement." See paragraph 4. Also, it would not require witnessing for the Phase I tests. Considering that the equipment used aboard United States vessels may be manufactured either in the United States or in other countries, we propose that there should be no difference in our authorization procedures regarding the origin of this equipment. However, we request interested parties to provide us comments on our proposal and on the options we have considered here.

Licensing and Commissioning of INMARSAT Ship Earth Stations

18. Before an INMARSAT ship earth station that is installed on board a United States vessel is placed in operation it must be licensed in accordance with the provisions in Subpart B, Part 83 of the Commission's rules. It must also be commissioned in accordance with the requirements provided in the INMARSAT document which is titled "Administrative Procedures for Commissioning of INMARSAT Standard-A Ship Earth Stations" (See Appendix E). We propose that licensing and commissioning of ship earth stations should be implemented using the following steps:

(a) When the prospective licensee installs its ship earth station on board a vessel, it should submit to COMSAT, the United States Signatory in the INMARSAT Organization, a commissioning application requesting access to the INMARSAT space segment. COMSAT, in turn, would submit this application to the INMARSAT Directorate for approval.

(b) After receipt of its commissioning application approval from INMARSAT but before the commissioning tests are initiated, a license application should be prepared using FCC Forms 506/506–A. Form 506–A gives license applicants permission to operate their stations for 60 days under temporary authorization and should be retained by the prospective licensees. Form 506 should be submitted to the Commission accompanied with a letter which should state that the prospective licensee has negotiated an operating agreement with the INMARSAT Organization to utilize its space segment for the commissioning tests.

(c) Prior to the expiration of the 60 day temporary authorization period the Commission will issue the required license for the ship earth station. The license will authorize the operation of a ship earth station in the INMARSAT space segment, provided it is displayed in conjunction with the commissioning certificate issued by the INMARSAT Organization.

Dissemination of Information

19. In paragraph 7 of its Reply Comments to the Notice of Proposed Rule Making, Docket No. 80–634, *supra*,

[14] As of December 18, 1980, the following entities had type accepted terminal models for use with the MARISAT system: Scientific Atlanta Corp., Magnavox, Japan Radio Co., Harris Corp., United Marine Electronics, Tokyo Shibaura Electric Co., Siemens, Anritsu Electric Co. and a German entity commonly referred to as DFVLR.

[15] See Notice of Proposed Rule Making, Docket No. 80–634, 81 FCC 2d 287, released October 29, 1980.

Magnavox claims that the INMARSAT Signatories of other countries provide to their manufacturers important INMARSAT documents concerning ship earth station specifications. These documents, however, are not made available to the United States manufacturers by their Signatory. As a result, Magnavox argues, manufacturers or other countries have the opportunity to examine these documents while they are still in a draft form. This gives them the competitive advantage of early knowledge of INMARSAT thinking.

20. We believe that dissemination of the information contained in the INMARSAT documents would serve the interests of both manufacturers and owners of maritime mobile radio users in the United States. As procedures for public dissemination of INMARSAT documents will be proposed in the current rulemaking in Docket No. 80–634, *supra*, we decline to address the issue here. However, until such procedures are implemented, we propose the following interim measures. We intend to make available to the public all relevant ship earth station documents emanating from INMARSAT, except those which COMSAT has successfully raised a claim of exemption for specific documents under the applicable provisions of the Freedom of Information Act or made a convincing showing under Sections 0.457 and 0.459 of our rules that such documents should not be disclosed. All other documents would be made available for public review in the Commission's Public Reference Room, Room 239, 1919 M Street NW., Washington, D.C. 20554.

Conclusion

21. Accordingly, we propose to terminate the MARISAT proceeding in Docket No. 20603, and to amend Part 83 of the Commission's rules as shown in Appendix A below. The proposed amendments to the Rules are issued pursuant to authority contained in Sections 4(i), and 303 (e) and (r) of the Communications Act of 1934, as amended, and 201 (c)(4) and (c)(11) of the Communications Satellite Act of 1962.

22. Under procedures set out in § 1.4415 of the rules and regulations, 47 CFR 1.415, interested persons may file comments on or before March 29, 1982, and reply comments on or before April 13, 1982. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

23. In accordance with the provisions of § 1.419 of the rules and regulations, 47 CFR 1.419, formal participants shall file an original and 5 copies of their comments and other materials. Participants wishing each Commissioner to have a personal copy of their comments should file an original and 11 copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

24. For purposes of this non-restricted notice and comment rule making proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rule making until the time a public notice is issued stating that substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comment/pleadings and formal oral arguments) between a person outside the Commission and a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission Secretary for inclusion in the public files. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comment for the proceeding must prepare a written summary of that presentation; on the day of the oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy of the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231.

25. The Commission has determined that Sections 603 and 604 of the Regulatory Flexibility Act of 1980 [16] do not apply to this rulemaking proceeding because the rules if promulgated, will not have a significant economic impact on a substantial number of small entities. The proposed amendments are primarily procedural in nature and required by the INMARSAT Organization for participating entities.

26. For further information on matters covered in this document contact William P. Berges, (202) 632–7175.

Federal Communications Commission.

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

William J. Tricarico,

Secretary.

Note.—Due to the efforts to minimize publishing costs, Appendices B, C, D & E will not be printed herein. However, they are filed as part of the original document and available for inspection in the Commission's Docket Branch, Room 239, 1919 M St. NW., Washington, D.C. Also, information concerning availability of the entire document through distribution services may be obtained from the FCC Public Affairs Office, Room 202.

Appendix A

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

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

1. In § 83.28, paragraph (a) (1) is revised to read as follows and paragraph (a) (2) is removed and reserved.

§ 83.28 Standard forms to be used.

* * * * *

(a) * * *

(1) *FCC Forms 506/506–A, Application for License and Temporary Operating Authorization for Ship Radio Station.* FCC Forms 506 and 506–A are available as a single application form. Forms 506 and 506–A shall be completed concurrently when applying for a new or modified license to operate a ship station on terrestrial or satellite frequencies. Form 506 shall be submitted to the Commission. Form 506–A may be retained by the applicant for temporary authority to operate its station for 60 days.

(2) [Reserved]

* * * * *

2. In § 83.32 new paragraphs (f) and (g) are added to read as follows:

§ 83.32 Filing of applications.

* * * * *

(f) In cases where a ship earth station is required to be commissioned before it

[16] Pub. L. 96–354.

is certified to utilize a privately owned satellite system, Form 506 must be submitted to the Commission prior to the initiation of any commissioning tests that require the use of the satellite frequency bands allocated for marine satellite communications.

(g) A ship earth station authorized to utilize the INMARSAT space segment must display the Commission license in conjuction with the commissioning certificate issued by the INMARSAT Organization. Ship earth stations that are presently operating in the MARISAT system may continue to be used in the INMARSAT system without a commissioning certificate issued by the INMARSAT Organization. The continued use of such equipment, however, will not be permitted after September 1, 1991, unless a commissioning certificate is obtained from the INMARSAT Organization.

3. In § 83.134, paragraphs (j) (1) and (j) (2) are added to read as follows:

§ 83.134 Transmitter power.

* * * * *

(j)* * *

(1) INMARSAT requires the EIRP of a single carrier in the direction to the satellite to be 36 dBW within a tolerance of +1 and −2 dB.

(2) INMARSAT transmitters will be type accepted on the basis of a carrier power of not more than 100 watts with the transmitter terminated in a dummy load of matching impedance.

* * * * *

4. In § 83.139, paragraphs (a) and (g) are revised to read as follows:

§ 83.139 Acceptibility of transmitters for licensing.

(a) Except as provided by paragraphs (c), (d) and (f) of this section, each radiotelephone transmitter authorized in a ship station or marine-utility station (other than transmitters authorized solely for developmental stations) must be type accepted by the Commission.

* * * * *

(g) Type acceptance is required for ship earth station transmitters which are to be operated in the INMARSAT system. Transmitters that are presently operating in the MARISAT system may continue to be used when MARISAT is incorporated into the INMARSAT system. The continued use of such equipment, however, will not be permitted after September 1, 1991, unless it is type accepted by the Commission.

* * * * *

5. In § 83.140, paragraph (d) is added to reads as follows:

§ 83.140 Type acceptance of equipment.

* * * * *

(d) Manufacturers of ship earth station transmitters to be used in the INMARSAT system may request type acceptance of such transmitters by following the type acceptance procedures set forth in Part 2 of this chapter. In addition an affidavit signed by an official of the manufacturer must be included which states that:

> This transmitter has been manufactured and tested to meet the INMARSAT Phase I tests requirements. To the best of my knowledge the test data is correct and the tests have been performed in accordance with the Phase I procedures in the "Type Approval Procedures for an INMARSAT Standard-A Ship Earth Station Model" document, approved by the INMARSAT Council July 1, 1981. Each manufactured unit will conform to the requirements of the unit tested within the variations that can be expected due to quantity production and testing on a statistical basis.

It should be noted, however, that the "witnessing" of the Phase I tests described in paragraph 2.4 of the "Type Approval Procedures for an INMARSAT Standard-A Ship Earth Station Model" document is not required for equipment licensed for use aboard United States vessels.

[FR Doc. 82-4806 Filed 2-22-82; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 47, No. 36
Tuesday, February 23, 1982

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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Public Access and Information; Meeting

Pursuant to the Federal Advisory Committee Act (Pub L. 92–163), notice is hereby given of a meeting of the Committee on Public Access and Information of the Administrative Conference of the United States, to be held at 9:30 a.m., Thursday, March 11, 1982, in the Library of the Administrative Conference, 2120 L Street, N.W., Suite 500, Washington, D.C.

The Committee will meet to discuss further the scope and substance of comments by the Committee on proposed recommendations of the ACUS Committee on Regulation of Business on the subject of the treatment of confidential business information under the FOIA. At its meeting on February 17, 1982 (*see* notice of meeting, 47 FR 5914), the Committee reached general agreement on the issues of (1) the appropriate coverage of Exemption (b)(4) of the FOIA, and (2) agency discretion to release information covered by the exemption.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting or the February 17, 1982 meeting, contact Michael W. Bowers (202–254–7065). Minutes of the Committee meetings are available on request.

Richard K. Berg,

General Counsel.

February 18, 1982.

[FR Doc. 82–4819 Filed 2–19–82; 8:45 am]

BILLING CODE 6110–01–M

Committee on Rulemaking; Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–163), notice is hereby given of a meeting of the Committee on Rulemaking of the Administrative Conference of the United States, to be held at 10:30 a.m., Wednesday, March 3, 1982, in the Library of the Administrative Conference, 2120 L Street, N.W., Suite 500, Washington, D.C.

The Committee will meet to discuss the status of on-going projects involving the following subjects: (1) Procedures for amending or revoking rules adopted under the "hybrid" rulemaking statutes (Consultant, Professor Stephen Wood), and (2) the internal agency process during rulemaking (Consultant, Fred Emery). Both projects are in the preliminary stage. The Committee will also consider whether the Administrative Conference should address again the need for amending 5 U.S.C. 553 to require use of procedures in rulemaking in addition to the notice-and-comment procedure now required by that statutory provision.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman of the Administrative Conference at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this meeting, contact Michael W. Bowers (202–254–7065). Minutes of the meeting will be available on request.

Richard K. Berg,

General Counsel.

February 18, 1982.

[FR Doc. 82–4818 Filed 2–22–82; 8:45 am]

BILLING CODE 6110–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

List of Warehouses and Availability of List of Cancellations and /or Terminations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice of publication of list of warehouses licensed under the U.S. Warehouse Act and availability of list of cancellations and/or terminations occurring during calendar year 1981.

Notice is hereby given that the Agricultural Marketing Service has published a list of warehouses licensed under the U.S. Warehouse Act (7 U.S.C. 241 *et seq.*) as of December 31, 1981, as required by section 26 of that Act. Also available is a list of cancellations and/or terminations that occurred during calendar year 1981. A copy of the list of warehouses as of December 31, 1981, will be distributed to all licensed warehousemen. Other interested parties may obtain a copy of either list from: Mrs. Judy Fry, Warehouse Service Branch, Warehouse Division—AMS, U.S. Department of Agriculture, Room 2720, South Agriculture Bldg., Washington, D.C. 20250, 202–447–3821.

Done at Washington, D.C., February 17,1982.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 82–4851 Filed 2–22–82; 8:45 am]

BILLING CODE 3410–02–M

Forest Service

Situk Wild and Scenic River Study, Chatham Area, Tongass National Forest, Sitka, Alaska; Intent To Prepare an Environmental Impact Statement

The Department of Agriculture, Forest Service, will prepare an environmental impact statement for the Situk Wild and Scenic River Study, Juneau Ranger District, Tongass National Forest.

The Alaska National Interest Lands and Conservation Act of 1980, Section 604(b) mandated that a study (of the Situk River and others) be completed and a report transmitted to Congress no later than three full fiscal years from the date of the Act. The purpose of the study

is to provide a recommendation to Congress on the eligibility and suitability for inclusion of the Situk River into the National Wild and Scenic River System.

Federal, State and local agencies, and other interested individuals and organizations were invited to participate in the scoping process. The scoping process included:

1. A public information notice describing the study.

2. An invitation to the public and other agencies and organizations to provide input on issues, concerns and resource information.

3. Meeting with interested individuals, agencies, and organizations interested in the study.

R. Max Peterson, Chief of the Forest Service, Washington, D.C., is the responsible official.

The Draft Environmental Impact Statement and Draft Study Report should be available by late March 1982. In accordance with the Wild and Scenic Rivers Act, the Draft Report and Environmental Impact Statement will be available for agency and public review for 90 days. The Final Environmental Impact Statement is scheduled to be completed in the early fall of 1982.

Questions about the study report or environmental impact statement should be sent to William P. Gee, Forest Supervisor, Chatham Area, Tongass National Forest, P.O. Box 1980, Sitka, Alaska 99835, or may be directed to Gary Morrison, Team Leader, phone 907–789–3111.

Dated: February 17, 1982.

J. Lamar Beasley,

Acting Chief.

[FR Doc. 82-4779 Filed 2-22-82; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Carronde Park, Michigan; Finding of No Significant Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Homer R. Hilner, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517–337–6702.

NOTICE: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines, (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Carronde Park, RC&D Measure, Berrien County, Michigan.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Homer R. Hilner, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

This measure concerns a plan for the installation of practices for critical area treatment. The planned works of improvement include the following items: one acre of critical area planting (seed, fertilizer and mulch), streambank stabilization (excavation and rock riprap) and one construction sign. Total construction cost is estimated to be $81,000; $60,750 RC&D funds and $20,250 local funds.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Homer R. Hilner. The FNSI has been sent to various federal, state, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register** (March 25, 1982).

Dated: February 9, 1982.

(Catalog of Federal Domestic Assistance Program No. 10.901, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable)

Jerry L. Keller,

Deputy State Conservationist.

[FR Doc. 82-4836 Filed 2-22-82; 8:45 am]

BILLING CODE 3410-16-M

Ocqueoc River, Michigan; Finding of No Significant Environmental Impact

AGENCY: Soil Conservation Service, USDA.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT: Mr. Homer R. Hilner, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Michigan 48823, telephone 517–337–6702.

NOTICE: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines, (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Ocqueoc River RC&D Measure, Presque Isle, Michigan.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Homer R. Hilner, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

This measure concerns a plan for the installation of practices for critical area treatment. The planned works of improvement include the following items: fencing, walkways, log jams, rock riprap, cattle watering areas, five acres of seeding, mulching, tree and shrub planting. Total construction cost is estimated to be $201,700; $84,300 R.C.&D. funds and $117,400 local funds.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Homer R. Hilner. The FNSI has been sent to various federal, state, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register** (March 25, 1982).

(Catalog of Federal Domestic Assistance Program No. 10.901, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable)

Dated: February 9, 1982.

Jerry L. Keller,

Deputy State Conservationist.

[FR Doc. 82-4837 Filed 2-22-82; 8:45 am]

BILLING CODE 3410-16-M

OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

[Order No. 4]

Delegation of Oil Spill Response Enforcement Authority to the Agency Authorized Officer for the United States Environmental Protection Agency

AGENCY: Office of the Federal Inspector for the Alaska Natural Gas Transportation System.

ACTION: Delegation of enforcement authority.

SUMMARY: The Office of the Federal Inspector (OFI) is an independent agency of the Executive Branch established by Reorganization Plan No. 1 of 1979, which was put into effect by Executive Order 12142 of June 21, 1979, 44 FR 36927 (June 25, 1979). The OFI has been transferred the enforcement authority of various federal agencies via the Reorganization Plan No. 1 of 1979. This order delegates the enforcement authority for oil spill responses, 33 U.S.C. 1321 *et. seq.*, for the Alaska segment of the Alaska Natural Gas Transportation System (ANGTS) to the Agency Authorized Officer (AAO) for the U.S. Environmental Protection Agency (EPA). The proviso for such a delegation to the AAO is contained in Section 202(a) of the Reorganization Plan No. 1 of 1979.

EFFECTIVE DATE: February 23, 1982.

FOR FURTHER INFORMATION CONTACT:
Mr. Earl Kari, Agency Authorized Officer, Environmental Protection Agency, 605 W 4th Avenue, Anchorage, Alaska 99502, (907) 271–3668.
Ms. Marcia D. Connelly, Attorney-Advisor, Office of the General Counsel, Office of the Federal Inspector (ANGTS), Room 3407, Post Office Building, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20044, (202) 275–1144.

SUPPLEMENTARY INFORMATION:

I. Background

The Office of the Federal Inspector (OFI) was established by Reorganization Plan No. 1 of 1979, which became effective via Executive Order 12142 (June 21, 1979). The OFI has the exclusive responsibility for the enforcement of all federal statutes relevant in any manner to the pre-construction, construction and initial operation of the Alaska Natural Gas Transportation System (ANGTS). Enforcement is broadly defined in the Reorganization Plan, Section 102; "enforcement for purposes of this transfer of functions includes monitoring and any other compliance or oversight activities reasonably related to the enforcement process." Section 102(a) of the Reorganization Plan specifically enumerates the oil spill response and containment provisions of the Clean Water Act, 33 U.S.C. 1321 *et. seq.*, as one of the statutes transferred from the EPA to the OFI for enforcement.

The legislative purposes of the oil spill containment provisions include the following: (1) Prohibits the unlawful discharge of oil "into or upon navigable waters, adjoining shorelines * * *;" (2) imposes civil and criminal liability for oil spills; (3) designates federal agencies to oversee, monitor and enforce an orderly response to spills, including clean-up, containment and the reclamation of affected areas; and (4) requires the establishment of plans to prevent, contain and respond to spills.

This order delegates the enforcement authority for the oil spill response as required under the Clean Water Act to the Agency Authorized Officer (AAO) for the EPA pursuant to Section 202(a) of the Reorganization Plan. The AAO in turn will have EPA Region X perform the delegated functions. The EPA may coordinate on-the-scene response authority for oil spills with the State of Alaska. This delegation is consistent with the oil spill response provision, 33 U.S.C. 1321(c)(2)(A), which encourages the "assignment of duties and responsibilities among Federal departments and agencies in coordination with state and local agencies . . ." The OFI's Office of Environment has determined that the delegated enforcement authority can be exercised more efficiently through the use of the EPA's resources, experience and expertise.

The EPA will have the primary oversight authority to respond to oil spills resulting from the construction and initial operation of the Alaska segment of the ANGTS which enter or present a threat to the inland navigable waters of the U.S. or their tributaries. However, responsibility for enforcement of 33 U.S.C. 1321(j)(1)(C) and corresponding regulations, 40 CFR Part 112, relating to the establishment of Spill Prevention Control and Countermeasure Plans will be retained by OFI. EPA will not be delegated any responsibility for the enforcement of 33 U.S.C. 1321(j)(1)(c).

II. Delegation of Enforcement Authority for Oil Spill Response to the Agency Authorized Officer for the U.S. Environmental Protection Agency

(A) The OFI delegates the enforcement authority for oil spill response for the Alaska segment of the ANGTS to the AAO for the EPA. The AAO in turn will have EPA Region X perform the delegated functions consistent with applicable federal laws, including the Alaska Natural Gas Transportation Act, the Reorganization Plan Section 202(c), the Department of Interior Right-of-Way Grant and Stipulations and this delegation order. The EPA may coordinate on-the-scene response with the State of Alaska. This delegation in no way affects the enforcement authority of the Coast Guard under 33 U.S.C. 1321.

(B) The EPA shall be the federal agency primarily responsible for the administration and enforcement of the on-the-scene oil spill response provisions of the Clean Water Act, 33 U.S.C. 1321 *et. seq.*

(C) The EPA shall provide the primary organization in response to oil spills resulting from the construction and initial operation of the Alaska segment of ANGTS which enter or present a threat to the inland navigable waters of the U.S. or their tributaries.

(D) The EPA shall receive notification and conduct the initial response for all spills within the ANGTS corridor. Response to all spills shall be processed to completion by EPA in accordance with the Reorganization Plan section 202(c), Department of Interior Right-of-Way Grant and Stipulations and this delegation order.

(E) EPA shall process all bills and expenditures which are eligible for reimbursement from the Coast Guard Revolving Fund as stipulated in 33 U.S.C. 1321(k).

(F) The EPA shall notify promptly the EPA AAO of any reported spill and keep the AAO informed of the progress for controlling, containing, cleaning up, disposing and reclaiming the affected areas. The EPA shall provide the OFI with any requested documents relating to a spill, clean-up, reclamation, and claims for reimbursement if requested.

(G) The OFI will be represented on the Regional Response Team (RRT). All coordination and consultation, except as otherwise set forth in this delegation order, will be exercised through the RRT.

(H) The EPA shall seek the consultation and obtain the concurrence of the OFI prior to the consummation of any agreement which may be made with

the State of Alaska in accordance with the Clean Water Act, 33 U.S.C. 1321(c)(2)(A), and the National Contingency Plan or any arrangements made with any other entity.

(I) This delegation does not affect any delegation by EPA to the Trans-Alaska Pipeline System (TAPS) AAO for oil spills resulting from the TAPS.

(J) When the OFI is notified by third parties of any spill in the Alaska corridor of ANGTS, the EPA shall be notified promptly.

Dated: February 4, 1982.

John T. Rhett,

Federal Inspecter.

[FR Doc. 82-4791 Filed 2-22-82; 8:45 am]

BILLING CODE 6119-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Preliminary Affirmative Countervailing Duty Determination Ceramic Tile From Mexico

AGENCY: International Trade Administration, Commerce.

ACTION: Preliminary affirmative countervailing duty determination.

SUMMARY: We have preliminarily determined that the government of Mexico is providing its manufacturers, producers, and exporters of ceramic tile with benefits that are bounties or grants within the meaning of the countervailing duty law. We estimate the net subsidy to be 17.36 percent of the f.o.b. value of the imported merchandise. Therefore, we are directing the U.S. Customs Service to suspend liquidation of all consumption entries or warehouse withdrawals of this merchandise and to require a cash deposit, bond, or other security in an amount equal to the estimated net subsidy.

If our investigation proceeds normally, we will make our final determination by May 2, 1982.

EFFECTIVE DATE: February 23, 1982.

FOR FURTHER INFORMATION CONTACT: Mary Martin, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone (202) 377-1279.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

Based upon our investigation we have preliminarily determined that there is reason to believe or suspect that through the government of Mexico's payment of tax credit certificates ("CEDI") on exports of ceramic tile, certain tax benefits under the CEPROFIS program and preferential financing for exports under the FOMEX program, the government of Mexico provides its manufacturers, producers, and exporters of ceramic tile certain benefits that are bounties or grants within the meaning of section 303 of the Tariff Act of 1930, as amended ("the Act"). We estimate the net subsidy to be 17.36 percent of the f.o.b. value of this merchandise.

If our investigation proceeds normally, we will make our final determination by May 2, 1982.

Case History

On October 5, 1981, we received a petition from counsel for the Tile Council of America, Inc. of Princeton, New Jersey. The petition alleged that the government of Mexico subsidizes its producers and exporters of ceramic tile through its Certificado de Devolucion de Impuestos ("CEDI") program, certain tax credits under the Certificados de Promocion Fiscal program ("CEPROFIS"), and preferential export financing under several programs, including the Fund for the Promotion of Exports of Mexican Manufactured Products ("FOMEX").

After reviewing the petition, we determined that it contained sufficient grounds upon which to initiate a countervailing duty investigation. Therefore, on October 26, 1981, we announced our initiation (46 FR 53738).

We presented a questionnaire concerning the allegations to the government of Mexico. On January 11, 1982, we received a response to the questionnaire which covers the time period January 1, 1980, through September 30, 1981.

We stated in our notice of initiation of the investigation that we expected to issue a preliminary determination by December 29, 1981. However, we postponed the preliminary determination on December 9, 1981, to not later than February 15, 1982, and published a notice in the **Federal Register** (46 FR 61160). The reason for the postponement was that we determined in accordance with section 703(c)(1)(B) of the Act that the investigation is extraordinarily complicated.

Scope of Investigation

The merchandise covered by this investigation, ceramic tile, is non-mosaic, glazed and unglazed ceramic floor and wall tile, currently provided for under item numbers 532.24 and 532.27 of the Tariff Schedules of the United States.

Section 303 of the Act applies to this investigation because Mexico is not a "country under the Agreement" within the meaning of section 701(b) of the Act. In addition, the merchandise covered in this investigation is dutiable. Therefore, no injury determination is required.

Programs Believed to be Bounties or Grants

We preliminarily determine that the government of Mexico is providing bounties or grants to its manufacturers, producers, and exporters of ceramic tile under three programs: CEDI, CEPROFIS and FOMEX.

The CEDI

The government of Mexico, in its response to our questionnaire, indicates that CEDI, Certificado de Devolucion de Impuesto, is a program under which the government issues tax certificates for the purpose of rebating indirect taxes and for export promotion.

The Secretary of Commerce of Mexico publishes lists of articles that qualify for the CEDI benefit and is responsible for establishing the CEDI rate. The rate, which is not published, is a percentage of the f.o.b. value, or if national insurance and transportation are used, a percentage of the c.i.f. value of the exported product.

Based upon the best information available to us at this time, we believe that exporters of ceramic tile who apply for this benefit receive a certificate equal to 10 percent of the value of the exported merchandise. The certificates are valid for five years from the date of issue, are not transferable and may be used by each firm as a credit against federal tax liabilities.

Generally the non-excessive rebate of indirect taxes is not treated as a bounty or grant if the foreign government has reasonably calculated and documented the actual tax experience of the product under investigation. We have identified three critical factors as relevant to our determination of whether an export payment is proper: (1) Whether the program operates for the purpose of rebating indirect taxes; (2) whether there is a clear link between eligibility for payments on export and the amount of indirect taxes paid; and (3) whether the foreign government has reasonably calculated and documented the actual tax incidence relative to the products concerned and has demonstrated a clear link between such incidence and the amount paid on export.

We have been given a macroeconomic study by the government of Mexico that gives an indication of the total tax incidence (both direct and indirect) of several Mexican product sectors. In addition, we have been given a list of

the "indirect taxes which affect the ceramic tile exports." However, it is unclear how it was derived or to what extent it is representative of the indirect taxes borne on ceramic tile in Mexico.

We have not received sufficient information and documentation on the type of indirect taxes borne by exports of ceramic tile, the incidence of such taxes and the linkage between CEDI benefits and the actual indirect taxes levied on ceramic tile exports. Therefore, we preliminarily determine that providing the CEDI to manufacturers, producers and exporters of ceramic tile is a benefit which constitutes a bounty or grant. Based upon the best available information we have calculated the net subsidy under the CEDI program to be 10 percent ad valorem.

One company has certified to us that it has not applied for or received CEDI. The government of Mexico has also certified that this firm neither applied for nor received benefits under the program. Upon satisfactory verification of the certifications by the company and the government of Mexico, we will adjust the duty deposit rates for that company as appropriate. If other companies are able to make similar showings, we will adjust the duty deposit rates for those companies as appropriate.

The CEPROFIS Program

In 1979, the government of Mexico introduced a four-year national Industrial Development Plan (NIDP) which spells out broad economic goals for the country. Tax credits, which are called Certificates of Fiscal Promotion (CEPROFIS), are used to promote the NIDP goals. Based upon the information available to us at this time, the CEPROFIS program serves many developmental objectives, including the promotion of exports. Under the CEPROFIS program, a non-transferrable tax certificate is issued to a firm which then must use the credits within a period of five years. Manufacturers of ceramic tiles have received CEPROFIS grants, according to the government of Mexico in its response to our questionnaire.

It is our objective to look not only at the intent or stated objectives of a program but also at the effect of that program on the merchandise under investgation. The CEPROFIS program is granted for investment in certain priority industry activities in certain regions. There is a significant home market for ceramic tile and there is no information currently available which would indicate that CEPROFIS have been granted to the tile industry specifically to promote exports.

We have not yet received full information concerning the CEPROFIS program as it applies to tile exports. Based upon the best information available to us at this time, we preliminarily determine that the CEPROFIS program is a "domestic subsidy" program. This preliminary determination is subject to verification of the appropriate documents to determine the purpose for which these grants are made to ceramic tile producers.

We have calculated the net subsidy by dividing the value of the CEPROFIS received by Mexican ceramic tile producers in the first nine months of 1981 by the total value of the production of ceramic tile in Mexico during the same period. This result is a net subsidy of .09 percent ad valorem.

Preferential Financing Programs

The Fund for the Promotion of Exports of Mexican Manufactured products ("FOMEX") is a trust established by the government of Mexico and is based on the 1962 Federal Revenue Law. The fund is administered by the Mexican Treasury Department, with the Bank of Mexico (Mexico's central bank) acting as the trustee.

FOMEX's purpose is to assist Mexican companies in the financing of the manufacture and sale of export products. The Bank of Mexico administers the financing of FOMEX loans through financial institutions. The financial institutions in turn establish contracts for lines of credit with manufacturers and exporters of ceramic tile.

In order for a company to be eligible for FOMEX financing for exports, the following requirements must be met: (1) The product to be manufactured must be included on a list made public by FOMEX; (2) the articles to be exported must have a minimum of 30% national integration in direct production cost; (3) credits granted for pre-export must be in Mexican currency, while credits for export sales are established in U.S. dollars or any other foreign currency acceptable to the Bank of Mexico; and (4) the exporter must carry insurance against commercial risks to the extent of the credit.

Under the FOMEX program, loans for exports are granted through the following programs: financing for the pre-export stage, financing for the export stage and guarantees for export payment. The maximum annual interest rate that credit institutions may charge borrowers for FOMEX pre-export financing is 8 percent in Mexican pesos. The maximum annual interest rate for FOMEX export financing is 6 percent in the currency of the country of importation.

For those FOMEX loans obtained by ceramic tile manufacturers during the period January 1, 1981–September 30, 1981, we computed the difference in interest expense between the FOMEX loans and that which would have been incurred had the loans been made at commercial rates. We allocated this amount over the value of total exports, during the same period, in the case of pre-export financing loans and over the value of exports to the U.S. in the case of export financing loans. We have estimated the net amount of the bounty or grant for pre-export loans to be 2.75 percent ad valorem and the net amount of the bounty or grant for export financing to be 4.52 percent ad valorem, for a total subsidy under these two programs of 7.27 percent ad valorem.

We will seek additional information on the gurantees for export payment program.

We will verify all the data we use in this investigation before we make our final determination.

Suspension of Liquidation

In accordance with section 703 of the Act, we are directing the U.S. Customs Service to suspend, upon this notice's publication, the liquidation of all entries for consumption or withdrawals from warehouse for consumption of the merchandise subject to this investigation. We are also directing Customs to require a cash deposit, bond, or other security in the amount of 17.36 percent ad valorem to be posted on this merchandise. This suspension will remain in effect until further notice.

Public Comment

As described in § 355.35 of the Commerce Department's regulations, if requested, we will hold a public hearing to afford interested parties an opportunity to comment on this preliminary determination. This hearing is scheduled to be held at 10:00 am on March 18, 1982, at the U.S. Department of Commerce, Room 6802, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

All requests for hearings must be submitted within ten days of this notice's publication to the Deputy Assistant Secretary for Import Administration, Room 3099B, at the same address as above. They should contain (1) the party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. In addition, prehearing briefs must be submitted to the Deputy

Assistant Secretary by March 11, 1982. Oral presentations will be limited to the issues raised in the briefs.

All written views should be filed in accordance with 19 CFR 355.43, within thirty days of this notice's publication, at the above address, and in at least ten copies.

Leonard M. Shambon,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-4852 Filed 2-22-82; 8:45 am]

BILLING CODE 3510-25-M

Applications for Duty-Free Entry of Scientific Articles

Correction

In FR Doc. 82-4051, appearing at page 6679 in the issue of February 16, 1982, the date in the last line of the first paragraph of the document should have read, "March 8, 1982".

BILLING CODE 1505-01-M

Minority Business Development Agency

Business Development Center Program; Toledo, Ohio

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (BDC) Program to operate a pilot project for a 12-month period beginning July 1, 1982 in the Toledo, Ohio SMSA. The cost of the project is estimated to be $170,000. The maximum federal participation amount is $153,000. The minimum amount required for non-federal participation is $17,000. The project number is 05-10-82015-01.

Applicants shall be required to contribute at least 10% of the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: April 19, 1982.

ADDRESS: Chicago Regional Office, Minority Business Development Agency, 55 East Monroe Street, Suite 1440, Chicago, Illinois 60603.

FOR FURTHER INFORMATION CONTACT: John Kammerer, Special Projects Officer, Program Analyst, telephone 312/353-0192.

SUPPLEMENTARY INFORMATION: A. Scope and Purpose of this Announcement.

Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants. Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process. All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Business Development Center Application. The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. *Capability and Experience of Firm/Staff.*—Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)

Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities—that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide résumés for all professional staff personnel.

Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A-110 or A-102.

II. *Techniques and Methodology.*—Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: Outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. *Resources.*—Address technical and administrative resources, i.e. computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients.

The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. cash contributions; 2. fee for services; and 3. in-kind contributions.

A. *Cash contribution.*—Means cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services.*—Are charges to the client for assistance provided by BDC.

C. *In-Kind contribution.*—Represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

IV. *Costs.*—Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and eficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and technical assistance to clients.

Total project costs will be evaluated in terms of:

Clear explanations of all expenditures proposed, and the extent to which the applicant can leverage federal program funds and operate with *economy* and *efficiency.*

In conclusion, the applicant's schedule for start of BDC operation should be inclused in Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification of all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered nonresponsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals. Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. Proposal Instructions and Forms. Questions concerning the preceding information and copies of application forms can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A-95 requirements.

G. A Pre-Application conference to assist all interested applicants will be held at the Federal Courthouse Building, 231 West LaFayette Street, Room 541, Detroit, Michigan, on March 15, 1982 at 1:00 p.m.

(11.800 Minority Business Development (Catalog of Federal Domestic Assistance))

Dated: February 12, 1982.

Stanley W. Tate,

Regional Director.

[FR Doc. 82-4825 Filed 2-22-82; 8:45 am]

BILLING CODE 1350-53-M

Financial Assistance Application Announcement; Business Development Center (BDC), Detroit SMSA

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning July 1, 1982 in the Detroit SMSA. The cost of the project is estimated to be $700,000. The maximum federal participation amount is $630,000. The minimum amount required for non-federal participation is $70,000. The project number is 05-10-82002-01.

Applicants shall be required to contribute at least 10% of the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contribution.

CLOSING DATE: April 19, 1982.

ADDRESS: Chicago Regional Office, Minority Business Development Agency, 55 East Monroe Street—Suite 1440, Chicago, Illinois 60603.

FOR FURTHER INFORMATION CONTACT: John Kammerer, Special Projects Officer Program Analyst, telephone 312/353-0192.

SUPPLEMENTARY INFORMATION: A. Scope and Purpose of this Announcement. Executive Order 11625 authorizes MBDA to fund projects which will provide technical management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer then a full range of management and technical assistance; and serve as a conduit-through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants. Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process. All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Business Development Center Application. The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. *Capability and Experience of Firm/Staff.*—Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms

of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)

Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities—that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide fsums for all professional staff personnel.

Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note: All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A-110 or A-102.

II. *Techniques and Methodology.*—Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. *Resources.*—Address technical and administrative resources, i.e., computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost of sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following orders of priority: 1. cash contributions; 2. fee for services; and 3. in-kind contributions.

A. *Cash contributions.*—Means cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services.*—Are charges to the client for assistance provided by BDC.

C. *In-Kind contributions.*—Represent the value of non-federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

IV. *Costs.*—Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and techical assistance to clients.

Total project costs will be evaluated in terms of: clear explanations of all expenditures proposed, and

The extent to which the applicant can leverage federal program funds and operate with *economy* and *efficiency.*

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification for all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered nonresponsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals. Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. Proposal Instructions and Forms. Questions concerning the preceding information and copies of application forms can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A-95 requirements.

G. A Pre-Application conference to assist all interested applicants will be held at the Federal Courthouse Building, 231 West Lafayette Street, Room 541, Detroit, Michigan, on March 15, 1982 at 1:00 p.m.

(11.800 Minority Business Development. Catalog of Federal Domestic Assistance)

Dated: February 16, 1982.

Stanley W. Tate,

Regional Director.

[FR Doc. 82-4823 Filed 2-22-82; 8:45 am]

BILLING CODE 1350-53-M

Financial Assistance Application Announcement; Business Development Center (BDC), Dayton, Ohio SMSA

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications for a cooperative agreement under its Business Development Center (BDC) program to operate a pilot project for a 12-month period beginning July 1, 1982 in the Dayton, Ohio SMSA. The cost of the project is estimated to be $170,000. The Maximum federal participation amount is $153,000. The minimum amount required for non-federal participation is $17,000. The project number is 05-10-82014-01.

Applicants shall be required to contribute at least 10% of the total program costs through non-federal funds. Cost sharing contributions can be in the form of cash contributions, fee for services or in-kind contributions.

CLOSING DATE: April 19, 1982.

ADDRESS: Chicago Regional Office, Minority Business Development Agency, 55 East Monroe Street—Suite 1440, Chicago, Illinois 60603.

FOR FURTHER INFORMATION CONTACT: John Kammerer, Special Project Officer Program Analyst telephone 312/353–0192.

SUPPLEMENTARY INFORMATION:

A. Scope and Purpose of this Announcement. Executive Order 11625 authorizes MBDA to fund projects which will provide technical and management assistance to eligible clients in areas related to the establishment and operation of businesses. The BDC program is specifically designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA offers Cooperative Agreements that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit—through which and from which information and assistance to and about minority businesses are funneled.

B. Eligible Applicants. Awards shall be open to all individuals, non-profit organizations, for-profit firms, local and state governments, American Indian tribes and educational institutions.

C. Evaluation Process. All proposals received as a result of this announcement will be evaluated by a MBDA review panel.

D. Evaluation Criteria for Business Development Center Application. The evaluation criteria is designed to facilitate an objective evaluation of competitive applications for the Business Development Center program.

MBDA reserves the right to reject any or all applications, including the application receiving the highest evaluation, and will exercise this right when it is determined that it is in the best interest of the Government to do so (e.g., the apparent successful applicant has serious unresolved audit issues from current or previous grants, contracts or cooperative agreements with an agency of the Federal Government).

Evaluation of proposals will employ the following criteria:

I. *Capability and Experience of Firm/Staff.* Provide information that demonstrates the organization's capabilities and prior experiences in addressing the needs of minority business individuals and firms. Provide information that demonstrates the staff's capabilities and prior experiences in providing management and technical assistance to minority individuals and firms. Indicate previous experience in MBE community to be served in terms of: inventorying resources and opportunities; the brokering thereof; and providing management and technical assistance.

The following are key factors to be considered in this section:

Firm

The organization's receptivity in the MBE community to be served, i.e., business contacts in the public and private sector; leadership responsibilities; and experience in assisting MBE business persons and firms. (References from clients assisted are pertinent.)

Background credentials and references for the owners of the organization and a capability statement of what the organization can do.

Knowledge of the geographic area to be served in terms of the needs of minority businesses and past ongoing relationships with local public and private entities—that can possibly enhance the BDC program effort—i.e., Chambers of Commerce, trade associations, venture capital organizations, banks, SBA, HUD, state, city and county government agencies, etc.

Staff

List personnel to be used. Indicate their salaries, educational level and previous experiences. Provide resumes for all professional staff personnel.

Demonstrate competence among staff to effectuate mergers, acquisitions, spin-offs and joint-ventures.

Provide organization chart, job descriptions and qualification standards involving all professional staff persons to be utilized on the project.

If any contractors are to be utilized, identify and indicate areas and level of experience. *Primary consideration will be given to inhouse capability.*

Note.—All contracting proposed should be in accordance with procurement standards in Attachment O of OMB Circulars A–110 or A–102.

II. *Techniques and Methodology.*—Specify plans for achieving the goals and objectives of the project. This section should be developed by using the outline of the Work Requirements and the BDC responsibilities as *guides* and will become part of the award document. Include start-up plan and example of work plan format. Fully explain the procedures for: outreach, screening, assisting and monitoring clients; developing and maintaining the profile inventory of minority business; and brokering of new business ownership, market and capital opportunities. In summary, address how, when and where work will be done and by whom. Include level of performance.

III. *Resources.*—Address technical and administrative resources, i.e. computer facilities, voluntary staff time and space; and financial resources in terms of meeting MBDA's 10% cost sharing requirement to include a fee for services for assistance provided clients. The fee for services will be 10% for firms with gross sales of $500,000 or less and 25% for firms with gross sales of over $500,000.

Cost sharing is that portion of project costs not borne by the Federal Government. The composition and amount of cost sharing are key factors that will be considered in determining the merit of this section. The cost sharing requirement can be met through the following order of priority: 1. cash contributions; 2. fee for services; and 3. in-kind contributions.

A. *Cash contribution.*—Means cash that is contributed or donated by the recipient, by other non-federal, public agencies and institutions, private organizations, corporations and individuals.

B. *Fee for services.*—Are charges to the client for assistance provided by BDC.

C. *In-Kind contribution.*—Represent the value of non-cash contributions provided by the recipient and non-federal parties. The order of priority for in-kind contributions are: high technology systems to be utilized to achieve program objectives; top level staff personnel and real and personal property donated by other public agencies, institutions and private organizations. Property purchased with Federal funds will not be considered as the recipient's in-kind contribution.

IV. *Costs.*—Demonstrate in narrative format that costs being proposed will give the minority business client and the government the most effective program possible in terms of quality, quantity, timeliness and efficiency.

Include the principal costs involved for achieving work plan under Cooperative Agreement by completing Part III—the Budget Information Section of the Request for Application.

Provide cost sharing plan information in terms of methodology and format for billing the cost of management and technical assistance to clients.

Total project costs will be evaluated in terms of:

Clear explanation of all expenditures proposed, and

The extent to which the applicant can leverage federal program funds and operate with *economy* and *efficiency*.

In conclusion, the applicant's schedule for start of BDC operation should be included in Part Two. Part Two will be known as the applicant's plan of operation and will be incorporated into the Cooperative Agreement award.

A detailed justification of all proposed costs is required for Part Four and each item must be fully explained.

The failure to supply information in any given category of the criteria will result in the application being considered nonresponsive and consequently, dropped from competition.

All information submitted is subject to verification by MBDA.

E. Disposition of Proposals. Notification of awards will be made by the Grants Officer. Organizations whose proposals are unsuccessful will be advised by the Regional Director.

F. Proposal Instructions and Forms. Questions concerning the preceding information and copies of application forms can be obtained at the above address.

Nothing in this solicitation shall be construed as committing MBDA to divide available funds among all qualified applicants. The program is subject to OMB Circular A-95 requirements.

G. A Pre-Application conference to assist all interested applicants will be held at the Federal Courthouse Building, 231 W. Lafayette Street—Room 541—Detroit, Michigan on March 15, 1982 at 1:00 p.m.

(11.800 Minority Business Development. Catalog of Federal Domestic Assistance)

Dated: February 12, 1982.

Stanley W. Tate,

Regional Director.

[FR Doc. 82-4024 Filed 2-22-82; 8:45 am]

BILLING CODE 1350-53-M

National Bureau of Standards

Proposed Changes in the Interface Standards Exclusion List

In a notice published in the **Federal Register** on March 19, 1979 (44 FR 16466), the National Bureau of Standards (NBS) announced the establishment of exclusion criteria and procedures for developing and maintaining an exclusion list pertaining to Federal Information Processing Standards Publication 60 (which has since been redesignated as 60-1), Input/Output (I/O) Channel Interface; Federal Information Processing Standards Publication 61, Channel Level Power Control Interface; and Federal Information Processing Standards Publication 62, Operational Specifications for Magnetic Tape Subsystems. The approval of the Secretary of Commerce (Secretary) of those three Federal Information Processing Standards was previously announced in the **Federal Register** on February 16, 1979 (44 FR 10098-10101). The exclusion list also pertains to Federal Information Processing Standards Publication 63, Operational Specifications for Rotating Mass Storage Subsystems, approval of which by the Secretary of Commerce was announced in the **Federal Register** on August 27, 1979 (44 FR 50078).

The March 19, 1979, notice stated that once the exclusion list was established, interested parties could obtain a copy of that list and would be invited to submit to the Director, Institute for Computer Sciences and Technology (ICST), comments or recommendations regarding additions to or removals from that list. The notice also advised that information regarding any proposed changes in the exclusion list would be published in the **Federal Register.**

Announcement of the establishment of the initial exclusion list and its availability from NBS upon request appeared in the **Federal Register** on June 29, 1979 (44 FR 37968). Numerous changes to that exclusion list have since been made and announced in the **Federal Register.**

Comments from interested parties specifically identifying candidate systems which should be added to or removed from the exclusion list have been and continue to be especially encouraged.

As a result of a review and analysis of comments and recommendations received recently, NBS is proposing the following additions to the exclusion list:

Manufacturer	*Model*
Apple Computer Inc.	Apple II Plus Series
Apple Computer Inc.	Apple III Series
IBM Corp.	IBM System/23 Datamaster
Vector Graphic, Inc.	VIP 1600
Vector Graphic, Inc.	System B
Vector Graphic, Inc.	Vector 3105
Vector Graphic, Inc.	Vector 2800
Vector Graphic, Inc.	Vector 3005
Vector Graphic, Inc.	Vector 2600
Vector Graphic, Inc.	Vector 5005

Interested parties will be allowed until April 9, 1982, to submit written comments regarding the proposed changes. Such written comments should be submitted to the Director, ICST, Attention: Interface Standards Exclusion List, National Bureau of Standards, Washington, D.C. 20234. Following review of comments received in response to this notice, NBS will make a determination on the proposed changes and will announce that determination in a subsequent notice published in the **Federal Register.**

NBS maintains a mailing list of vendors, Federal agencies, and other interested parties to whom copies of the current exclusion list are sent on a regular basis. Parties on the mailing list will also be sent copies of the proposed changes and the announcement of the determination on the proposed changes. Those who wish to be included on the mailing list should send a written request to the address noted above for submission of comments in response to this notice.

The exclusion list will be used in conjunction with the applicability provisions of the Federal I/O channel level interface standards. This list and the exclusion criteria are not a part of the standards themselves, but are provided for in the standards.

Dated: February 18, 1982.

Ernest Ambler,

Director.

[FR Doc. 82-4792 Filed 2-22-82; 8:45 am]

BILLING CODE 3510-CN-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Restraint Level for Certain Cotton Textile Products From Singapore

February 18, 1982.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Reducing from 6,000,000 to 5,863,929 square yards the level of restraint established for Other Woven Cotton Fabrics, such as lawn and voile, among others, in Category 320, produced or manufactured in Singapore and exported during the agreement year that began on January 1, 1982, to account for 1981 exports which exceeded the 1981 limit by 136,071 square yards.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), October 5, 1981 (46 FR 48963), October 27, 1981 (46 FR 52409), and February 9, 1982 (47 FR 5926)).

SUMMARY: Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 21, 1981, as amended, between the Governments of the United States and the Republic of Singapore, the United States Government has advised the Government of the Republic of Singapore that 1981 exports of cotton textile products in Category 320 exceeded the level established for them during the agreement year which began on January 1, 1981 by 136,071 dozen, and that amount is being charged to the 1982 level, reducing it to 5,863,929 square yards.

EFFECTIVE DATE: February 25, 1982.

FOR FURTHER INFORMATION CONTACT: Ronald Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On December 18, 1981, there was published in the **Federal Register** (46 FR 61687) a letter dated December 15, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile Products, including Category 320, produced or manufactured in Singapore and exported to the United States during the twelve-month period which began on January 1, 1982 and extends through December 31, 1982. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs in accordance with the terms of the bilateral agreement, to reduce the level of restraint established for Category 320 to 5,863,929 square yards.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

February 18, 1982.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 15, 1981 by the Chairman of the Committee for the Implementation of Textile Agreements, concerning imports into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in Singapore.

Effective on February 25, 1982, you are directed to amend paragraph 1 of the directive of December 15, 1981 to include a reduced level of restraint for cotton textile products in Category 320 of 5,863,929 square yards.[1]

The actions taken with respect to the Government of the Republic of Singapore and with respect to imports of cotton textile products from Singapore have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 82–4821 Filed 2–22–82; 8:45 am]

BILLING CODE 3510–25–M

Announcing a Change in Officials of the Government of the Dominican Republic Authorized To Issue Export Visas for Certain Cotton, Wool and Man-Made Fiber Textile and Apparel Products From the Dominican Republic

February 18, 1982.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Announcing a change in officials of the Government of the Dominican Republic who are authorized to issue export visas for cotton, wool and man-made fiber textile and apparel products from the Dominican Republic.

SUMMARY: The Government of the Dominican Republic has notified the United States Government that Angel Vasquez Perdomo has been authorized to issue export visas replacing Jose M. Ceron, who will no longer issue and sign these documents.

EFFECTIVE DATE: February 23, 1982.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On July 2, 1981, a letter dated June 29, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the **Federal Reigster** (46 FR 34619), which established a new export visa requirement for certain cotton, wool and man-made fiber textile products, produced or manufactured in the Dominican Republic and exported to the United States. One of the requirements is that the visas must be signed by an official authorized by the Government of the Dominican Republic. The Government of the Dominican Republic has designated Angel Vasquez Perdomo to issue and sign export visas in place of Jose M. Ceron. A complete list of officials currently authorized to issue export visas follows this notice.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

Officials authorized by the Government of the Dominican Republic to issue visas for certain cotton, wool and man-made fiber textile and apparel products exported to the United States:

Susana Cabrera
Luis Ma. Kalaff
Alvaro Messina
Silvestre Pena
Angel Vasquez Perdomo

[FR Doc. 82–4820 Filed 2–22–82; 8:45 am]

BILLING CODE 3510–25–M

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1981.

DEPARTMENT OF DEFENSE

Office of the Secretary

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group C (Mainly Imaging and Display) of the DOD Advisory Group on Electron Devices (AGED) will meet in closed session April 15, 1982 at the Palisades Institute for Research Services, AGED at 1925 N. Lynn Street, Arlington, Virginia 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This special device area includes such programs as infrared and night sensors. The review will include classified program details throughout.

In accordance with 5 U.S.C. App 1, section 10(d)(1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that

accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

February 17, 1982.

[FR Doc. 82-4772 Filed 2-22-82; 8:45 am]

BILLING CODE 3810-01-M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

The DOD Advisory Group on Electron Devices (AGED) will meet in closed session on March 25, 1982 at the Palisades Institute for Research Services, Inc., 201 Varick Street, New York, New York, 10014.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of Electron Devices.

The AGED meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The agenda for this meeting will include programs on Radiation Hardened Devices, Microwave Tubes, Displays and Lasers. The review will include details of classified defense programs throughout.

In accordance with 5 U.S.C. App. 1 section 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552(b)(c) (1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Department of Defense.

February 17, 1982.

[FR Doc. 82-4773 Filed 2-22-82; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-FC-81-025; OFC Case No. 67001-9020-08-77]

Determination To Classify the Upjohn Co.'s Boiler No. 8, Kalamazoo, Mich., as an Existing Facility and Rescission of an Order Granting an Exemption

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby gives notice that in response to a request from The Upjohn Company (Upjohn) it has determined, pursuant to the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 et seq. (FUA or the Act) and § 515.13 of its revised interim rule governing the classification of transitional facilities (44 FR 17464, March 21, 1979), that Upjohn's Boiler No. 8, a major fuel burning installation (MFBI), installed at Upjohn's Kalamazoo, Michigan, facility, is an "existing" facility subject to Title III of the Act.

ERA also gives notice, pursuant to 10 CFR Part 501, Subpart G (46 FR 59898, December 7, 1981) that its order issued on March 13, 1981 (46 FR 17584, March 19, 1981) granting Upjohn a permanent lack of alternate fuel supply exemption for Boiler No. 8 from the statutory prohibitions of Title II of FUA is rescinded.

FOR FURTHER INFORMATION CONTACT:

Edward J. Peters, Jr., Case Manager, Office of Fuels Programs, Economic Regulatory Administration, Department of Energy, Room 6114, 2000 M Street, NW., Washington, D.C. 20461.

Allan J. Stein, Office of General Counsel, Department of Energy, Room 6B-178, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C. 20585, Phone (202) 252-2967.

SUPPLEMENTARY INFORMATION: Boiler No. 8 is a 150 MM Btu's per hour oil and natural gas-fired packaged boiler installed at Upjohn's Portage Road Boiler Plant in Kalamazoo, Michigan. It is designed to be swing-loaded to meet the variable steam demands unique to Upjohn's manufacturing processes. Upjohn filed its request for classification of Boiler No. 8 as an existing installation on May 5, 1979 under the provisions of ERA's revised interim rule governing the classification of transitional facilities. After evaluation of Upjohn's request, ERA, by letter dated January 8, 1980, notified Upjohn that it had failed to demonstrate the existence of a qualifying contract executed prior to November 9, 1978, for construction or acquisition of Boiler No. 8 and was therefore ineligible under § 515.10 of ERA's revised interim rule governing transitional facilities to request classification of that unit as existing. Additionally, Upjohn was advised that in the absence of such a showing of eligibility, Boiler No. 8, in accordance with § 515.11 of the revised interim rule, was automatically considered a new installation subject to Title II of FUA.

On March 13, 1981, in response to a petition filed by Upjohn on November 17, 1980, ERA issued an order (46 FR 17584, March 19, 1981) granting Upjohn a permanent exemption from the statutory prohibitions of Title II of FUA for Boiler No. 8 based upon the certification alternative to the permanent exemption for lack of an alternate fuel supply under 10 CFR 503.32(c) (45 FR 38315, June 6, 1980). The exemption order limited the operation of Boiler No. 8 to 600 hours annually at its maximum design heat input rate or the equivalent.

On October 27, 1981, Upjohn filed with ERA a motion entitled "Request for Modification of Order", seeking reconsideration of its request for classification of Boiler No. 8 as an existing facility. Upjohn review of the record in this matter, together with Upjohn's additional evidentiary submissions on October 27, 1981, ERA, on January 4, 1982, issued a notice of eligibility and amended request for classification (47 FR 999, January 8, 1982). For reasona described in that notice, ERA determined that Upjohn had established its eligibility under § 515.10 to request classification of Boiler No. 8. The notice provided a summary of Upjohn's claims concerning significant operational detriment pursuant to § 515.13(b), and provided for a 21-day comment period, which expired on January 29, 1982. No comments were received.

Based upon its review of the entire record of this proceeding, ERA has concluded that Upjohn has satisfactorily demonstrated that the cancellation, rescheduling or modification of the construction or acquisition of its Boiler No. 8 as of November 9, 1978, would have resulted in a significant operational detriment. Accordingly, pursuant to § 515.13, ERA has determined that Boiler No. 8 is an existing installation subject to the provisions of Title III of FUA.

Since Upjohn's Boiler No. 8 is not subject to the provisions of Title II of FUA, ERA's order granting Upjohn a permanent exemption for that unit from the prohibitions of Title II of FUA (46 FR 17534, March 19, 1981), including all terms and conditions contained in such order, is hereby rescinded pursuant to 10 CFR § 501.103.

The public file containing the record of this proceeding, including ERA's staff analysis of Upjohn's request, is available for inspection at the Office of Fuels Programs, ERA, Washington, D.C., Monday through Friday, 8:00 a.m.-4:30 p.m.

Persons wishing to review the public file should make prior arrangements

with the Case Manager named in the information contact section above.

Issued in Washington, D.C., on February 17, 1982.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82-4780 Filed 2-22-82; 8:45 am]

BILLING CODE 6450-01-M

[Docket Nos. 50849-1613-07, 08-82]

Acceptance of Certification and Issuance of Proposed Prohibition Orders; Montaup Electric Co.

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice.

SUMMARY: The Economic Regulatory Administration (ERA) is giving notice of its acceptance of a certification from Montaup Electric Company (Montaup) concerning its Somerset boilers (powerplants) 7 and 8 pursuant to section 301 of the Powerplant and Industrial Fuel Use Act of 1978, Pub. L. 95-620 (FUA), as amended by the Omnibus Budget Reconciliation Act of 1981, Pub. L. 97-35 (OBRA). ERA has reviewed and proposes to concur in Montaup's certification of October 28, 1981, and its supplemental documents of January 20, 1982, which addressed the technical capability and financial feasibility of the powerplants to use an alternate fuel, coal, as a primary energy source. Accordingly, pursuant to the authorities contained in FUA, as amended, ERA is issuing proposed prohibition orders which, if finalized, will prohibit the use of petroleum or natural gas as a primary energy source in these powerplants.

DATE: Written comments and/or requests for a public hearing are due on or before April 9, 1982.

ADDRESS: All comments and/or requests for a public hearing on individual cases should be directed to the Fuels Conversion Division, Office of Fuels Programs, Economic Regulatory Administration, Department of Energy, Room 6114, 2000 M Street, NW., Washington, D.C. 20461. Correspondence should clearly indicate the ERA docket number for the case in question.

FOR FURTHER INFORMATION CONTACT:

Department of Energy, Freedom of Information Reading Room, 1000 Independence Avenue SW., Room 1E-190, Washington, D.C. 20585, (202) 252-6020.

Robert L. Davies, Fuels Conversion Division, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., Room 6128, Washington, D.C. 20461, (202) 653-3372.

Henry K. Garson, Esq., Office of General Counsel, Department of Energy, 1000 Independence Ave., SW., Room 6B-178, Washington, D.C. 20585, (202) 252-2967.

SUPPLEMENTARY INFORMATION: Section 1021 of OBRA amended section 301 of FUA to limit the authority of the Secretary of Energy to prohibit petroleum or natural gas use only where the owner or operator of an existing powerplant has voluntarily certified to the unit's technical capability and the financial feasibility to use an alternate fuel.

On October 28, 1981, Montaup filed a certification and a request for issuance of prohibition orders in accordance with section 1021 of OBRA for Somerset 7 and 8. On January 20, 1982, in response to a request from ERA, Montaup provided additional documentation to support the certification. ERA has examined the basis for the certification and the documentation submitted for each powerplant and believes that it will be able to concur in such certification which may result in the ultimate issuance of final prohibition orders.

ERA published in the **Federal Register** on November 27, 1981 (46 FR 58051) its proposed regulations reflecting the changes required by section 1021 of OBRA. In accordance with section 501.52 of these proposed regulations, the following procedure for the processing of these proposed orders will be followed:

(1) Pursuant to § 501.52(b)(2) of the proposed regulations, ERA is issuing proposed prohibition orders to Somerset 7 and 8. This decision is based on ERA's review of the certification and supporting documents submitted by Montaup pursuant to section 1021 of OBRA. ERA is hereby publishing its proposed findings as required by section 701(b) of FUA.

(2) In accordance with § 501.52(b)(3) of the proposed regulations, the publication of this Notice of Acceptance commences a period of 45 days during which interested persons may submit written comments or request a public hearing. During this period, the recipient of the proposed orders and any other interested person may submit any evidence that they have available relating to the proposed orders, the certification, or the concurrence that ERA must make. A request for an extension of the 45 day period may be granted at ERA's discretion.

(3) If a hearing is requested, ERA shall provide interested persons with an opportunity to present oral data, views, and arguments at a public hearing held in accordance with Subpart C of 10 CFR Part 501. The hearing may consider, among other matters, the sufficiency of the certification that Montaup, the owner and operator of Somerset 7 and 8, submitted pursuant to section 1021 of OBRA and §§ 504.5, 504.6, and 504.8 of the proposed regulations.

(4) No final prohibition orders may be issued until any necessary environmental review conducted pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.* (NEPA) has been completed. Upon completion of the NEPA review and unless ERA determines on the basis of the information contained in the record of the proceeding that the certification fails to meet the requirements of §§ 504.5, 504.6, and 504.8 of the proposed regulations, ERA may publish final prohibition orders.

Proposed Prohibition Orders

Subject to any further findings that ERA may make, ERA hereby proposes to prohibit the Montaup powerplants listed in the table below from burning petroleum or natural gas as a primary energy source. In accordance with section 1021 of OBRA, and § 504.6 (c), (d), (e), and (f) of the proposed regulations, the proposed prohibition orders are based on proposed findings by ERA that each of the powerplants (1) has the technical capability to use coal or another alternate fuel as a primary energy source without having (A) substantial physical modification of the powerplant, or (B) substantial reduction in the rated capacity of the powerplant, and (2) that it is financially feasible to use coal or another alternate fuel as a primary energy source in such powerplants. These findings are based on the certification and supporting documents submitted by the proposed order recipient.

This order, if finalized, will contain a compliance schedule including terms and conditions concerning the timing and conditions precedent to the effectiveness of the prohibitions. (A proposed compliance schedule submitted by Montaup is contained in the public record of this proceeding.)

ERA docket No.	Generating station	Power-plant No.	Megawatt capacity	Location
50849-1613-07-82	Somerset	7	70	Somerset, Mass.
50849-1613-08-82	Somerset	8	115	Somerset, Mass.

The public file containing the record of this proceeding is available for inspection at the Office of Fuels Programs, ERA, Washington, D.C., Monday through Friday, 8:00 a.m.–4:30 p.m. Persons wishing to review the public file should make prior arrangements with the Fuels Conversion Division, at the address and phone number set forth above.

Issued in Washington, D.C., February 17, 1982.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82-4815 Filed 2-22-82; 8:45 am]

BILLING CODE 6450-01-M

FEDERAL COMMUNICATIONS COMMISSION

Advisory Committee on Preparations for the ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference; Meeting

February 16, 1982.

Meeting:

Friday, March 5, 1982, 9:30 a.m.–2:00 p.m., Federal Communications Commission, 1919 M Street, N.W., Room 856, Washington, D.C.

Agenda:

(1) Approval of Agenda.
(2) Approval of Minutes of January 28, 1982 Meeting.
(3) Presentation of Draft Report, including questions of clarification.
(4) Discussion of Draft Report.
(5) Preview of remaining Committee tasks.
(6) Other Business.
(7) Adjournment.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-4790 Filed 2-22-82; 8:45 am]

BILLING CODE 6712-01-M

Advisory Committee on Preparations for the ITU 1983 Region 2 Broadcasting Satellite Service Planning Conference; Subgroup 2 Meeting

February 16, 1982.

Subgroup 2 Technical Parameters

Meeting

Wednesday, March 3, 1982, 9:30 A.M.–4:30 P.M., CBS Viewing Room, 1800 M Street, N.W., 3rd Floor, Washington, D.C.

Agenda

(1) Approval of Agenda
(2) Approval of Minutes of previous meeting
(3) Announcements
(4) Progress Report of Working Group 2A—J. Ramasastry
(5) Progress Report of Working Group 2B—E. Martin
(6) Progress Report of Subgroup 2—E. Reinhart
(7) Discussion and Schedule for remaining work
(8) Other Business
(9) Adjournment

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 82-4789 Filed 2-22-82; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

[Agreements Nos. 9836-11 and 10434]

Availability of Findings of No Significant Impact

Upon completion of environmental assessments, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on the proposed actions listed below will not constitute major federal actions significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of environmental impact statements is not required.

Agreement No. 9836-11 allows members of the Malaysia-Pacific Rate Agreement to serve points and ports in the U.S. and Canada under conference intermodal tariffs.

Agreement No. 10434 is a joint service agreement between Georgia-Pacific Corporation (G-P) and Clipper Maritime Limited (Clipper) covering the trade between United States Atlantic and Gulf Coast ports and ports in Ireland, the United Kingdom, Continental Europe, and on the Mediterranean. The joint service will operate under the name of Atlantic Cross Shipping. G-P will contribute two vessels, MV RAVENSWOOD and MV NAXOS ISLAND, and Clipper will contribute booking, management and operational services.

These Findings of No Significant Impact (FONSI) will become final within 20 days of publication of this notice in the **Federal Register** unless petitions for review are filed pursuant to 46 CFR 547.6(b).

The FONSI's and related environmental assessments are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523-5725.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 82-4853 Filed 2-22-82; 8:45 am]

BILLING CODE 6730-01-M

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPR 56]

Federal Procurement; Current Interest Rate of 14¾ Percent

February 16, 1982.

1. *purpose.* This bulletin provides, for the information of executive agencies, the current interest rate established by the Secretary of the Treasury under Pub. L. 92-41 (85 Stat. 97) for the Renegotiation Board.

2. *Expiration date.* This bulletin expires June 30, 1982, unless sooner revised or superseded.

3. *Background.* The interest rate determined by the Secretary of the Treasury, as required by Pub. L. 92-41 for Renegotiation Act purposes, has been applied to various interest payment requirements in the FPR. The following sections in the FPR include a reference to this interest rate: §§ 1-3.1204-1, 1-3.1204-2, 1-7.203-15, 1-8.212-1(f), 1-8.701, 1-8.702, 1-8.703, 1-8.704-1, 1-8.706, 1-8.804-2(b), 1-8.806-4, 1-30.403, 1-30.414-2(k)(2), 1-30.414-2(n)(3), and FPR Temporary Regulation 55, dated May 23, 1980, (45 FR 35815, May 28, 1980).

4. *Current interest rate.* The Secretary of the Treasury has established an interest of 14¾ (14.750) percent as applicable to the 6-month period

beginning January 1, 1982, and ending June 30, 1982.

5. *Supplemental information.*

a. Under the Disputes clause and the related Payment of Interest on Contractors' Claims clause employed prior to the Contract Disputes Act of 1978, interest was computed on the basis of a single percentage rate. This rate was the rate in effect at the time the contractor submitted a written appeal to the contracting officer. With respect to claims arising under the current Disputes clause, interest is computed by applying the rates in effect for each of the 6-month interest periods involved from the time a claim is received by the contracting officer until final payment. (See Brookfield Construction Co., Inc., and Baylor Construction Corp. v. United States, Ct. Cl., 661 F. 2nd 159 (1981), and Appeal of Honeywell, Inc., GSBCA—5458, September 30, 1981).

b. Since January 1, 1979, the interest rates established by the Secretary of the Treasury under Pub. L. 92–41 were as follows:

Period	Interest rate (percent)
July 1 to Dec. 31, 1981	14⅞ (14.875)
Jan. 1 to June 30, 1981	14⅝ (14.625)
July 1 to Dec. 31, 1980	10½ (10.500)
Jan. 1 to June 30, 1980	12¼ (12.250)
July 1 to Dec. 31, 1979	10¼ (10.250)
Jan. 1 to June 30, 1979	9⅞ (9.875)

William B. Ferguson,

Acting Assistant Administrator for Acquisition Policy.

[FR Doc. 82–4827 Filed 2–22–82; 8:45 am]

BILLING CODE 6820–61–M

[E–82–4]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the California Public Utilities Commission involving electric rates, Application No. 61138.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the California Public Utilities Commission involving the application of the Southern California Edison Company for an increase in its electric rates in Application No. 61138.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add GSA to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Defense filings.

Dated: February 16, 1982.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 82–4828 Filed 2–22–82; 8:45 am]

BILLING CODE 6820–AM–M

[E–82–5]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Federal Energy Regulatory Commission involving electric rates, Docket No. ER 82–105–000.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in proceedings before the Federal Energy Regulatory Commission involving the application of the Sierra Pacific Power Company for an increase in electric rates, Docket No. ER 82–105–000.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration (GSA), and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall add GSA to its service list in this case so that GSA will receive copies of testimony, briefs, and other Department of Defense filings.

Dated: February 16, 1982.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 82–4829 Filed 2–22–82; 8:45]

BILLING CODE 6820–AM–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 80P–0234/P]

Gonorrhea Test Kits; Notice of Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the time and location of the public hearing on the petition to withdraw premarket approval of gonorrhea antibody test kits.

DATE: The hearing will begin on March 25, 1982, at 9 a.m.

ADDRESS: The hearing will be held in Conference Rm. F, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Tenny Neprud, Regulations Policy Staff (HFC–10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3480.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 29, 1981 (46 FR 28946), FDA announced that a public hearing would be held on a date to be determined on the petition of the Health Research Group requesting FDA to withdraw premarket approval of three gonorrhea antibody test kits. The petition, filed on June 5, 1980 and amended on July 13, 1980, requested FDA to remove from the market medical devices for which approval had been granted on July 18, 1979 to Fisher Scientific Co., Bioquest, and Organon Diagnostics, Inc. By letter of May 22, 1981, FDA denied the petition in part, accepted petitioner's waiver of its right to a formal hearing, granted petitioner's request for an informal hearing before the Commissioner of Food and Drugs, and, pending the outcome of the hearing, reserved final decision on petitioner's request for initiation of proceedings to withdraw approval of the products.

An informal hearing under 21 CFR Part 15 will be held in Conference Rm. F, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD. The hearing will begin at 9 a.m., March 25, 1982. If time is not

sufficient to complete the hearing on March 25, 1982, it will be continued on March 26, 1982, at a time designated by the presiding officer. Mark Novitch, M.D., Deputy Commissioner of Food and Drugs, will preside as the Commissioner's designee. The parties to the hearing will be the Health Research Group and the Bureau of Medical Devices, FDA. Also appearing will be Organon Diagnostics, Inc., which filed a timely notice of participation.

The hearing will be confined to scientific and factual matters related to whether FDA should initiate proceedings under section 515(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(e)) to withdraw approval of the products. The Health Research Group, as petitioner, will have the burden of coming forward with evidence sufficient to require FDA to initiate such proceedings and the burden of persuasion as to whether sufficient evidence has been presented.

The petition and the agency's response are on file in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, and may be seen in that office between 9 a.m. and 4 p.m., Monday through Friday. The administrative record will remain open for 15 days after the hearing to allow comment on matters raised at the hearing.

Dated: February 12, 1982.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 82–4783 Filed 2–22–82; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 81N–0305]

Newport Pharmaceuticals International, Inc.; Isoprinosine; Notice of Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is granting a hearing on the proposal to refuse to approve new drug application (NDA) 18–575 for Isoprinosine submitted by Newport Pharmaceuticals International, Inc. FDA is also announcing a prehearing conference for this hearing.

DATES: Prehearing conference on March 17, 1982, at 10 a.m. Written notices of participation must be filed with the Dockets Management Branch no later than March 16, 1982. Disclosure of data and information by April 26, 1982.

ADDRESSES: Prehearing conference in the FDA Hearing Room, Rm. 4A–35, 5600 Fishers Lane, Rockville, MD 20857. Written notices of participation and disclosures of data and information to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. (Submissions to the Dockets Management Branch should be identified with docket number 81N–0305 and clearly labeled "Isoprinosine Hearing.")

FOR FURTHER INFORMATION CONTACT: Robert J. Rice, Jr., Regulations Policy Staff (HFC–10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3480.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of October 2, 1981 (46 FR 48762), the Director of the Bureau of Drugs (the Bureau) announced an opportunity for hearing on the Bureau's proposal to refuse to approve NDA 18–575 for the preparation Isoprinosine for the treatment of subacute sclerosing panencephalitis (SSPE). SSPE is a degenerative disease of the central nervous system which is believed to be related to a measles virus infection or vaccination. It affects primarily children and young adults. The application was submitted by Newport Pharmaceuticals International, Inc. (Newport), 1590 Monrovia Ave., Newport Beach, CA 92660. The proposed refusal to approve the application was based on the grounds that the application fails to provide substantial evidence of effectiveness of the drug product for its intended use and, additionally, the application fails to show that the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of the product are adequate to preserve its identity, strength, quality, and purity.

On October 20, 1981, Newport requested a hearing. On November 25, 1981, Newport submitted data, information, and analyses in support of its request for a hearing. On January 8 and 22, 1982, Newport agreed to extensions of the time within which FDA is required to commence a hearing in order to allow the Bureau to prepare for and hold a meeting with Newport experts and to evaluate the results of that meeting.

In its November 25, 1981 submission, Newport also asked for summary judgment in its favor. The Commissioner of Food and Drugs has reviewed carefully the Bureau of Drugs' notice of an opportunity for a hearing and Newport's submission. The Commissioner has determined that there are genuine and substantial issues of fact concerning the adequacy for approval of Newport's NDA. Accordingly, the Commissioner is denying Newport's request for summary judgment, and is now granting Newport a hearing.

It is important to note at the outset that the refusal to approve NDA 18–575 would not mean that FDA would deny Newport authorization to provide Isoprinosine to SSPE patients who may desire to use the drug. The Bureau has agreed to allow Newport to supply this drug, under an investigational new drug exemption under 21 U.S.C. 355(i), to each patient suffering from SSPE who requests the drug. In addition, the Bureau has stated that it has no objection to Newport's recouping expenses through sale of the drug to patients.

What is at issue in this hearing as a practical matter, therefore, is whether Newport's Isoprinosine will be given the imprimatur of FDA approval. That question is far from an academic one. FDA approval signifies an agency conclusion that the approved drug has met the statutory standards for demonstrating effectiveness. If Isoprinosine is approved, it is possible that further evaluation to determine its effect will not take place. Perhaps more important, if Isoprinosine is approved as an effective treatment of SSPE, that approval signifies that patients with this rare, often fatal, disease can reasonably expect that the claims described in the approved labeling are true. The question whether this drug has been shown to warrant FDA approval is, therefore, a serious one that deserves, and will receive, careful consideration.

Although NDA 18–575 has been referred to as addressing use of Isoprinosine for the "treatment" of SSPE, Newport has focused its attention primarily on an indication for the prolongation of life in patients with the disease. Newport does not contend that Isoprinosine can "cure" SSPE.

The function of a notice of hearing is to narrow the issues to be heard and to state explicitly what remains to be resolved. Here, the Bureau does not raise any concerns about the adequacy of the safety information in the NDA for use of Isoprinosine for SSPE patients. (Whether the safety data would be considered sufficient for a new drug application for use of Isoprinosine for another indication, for which the risk-benefit analysis might be different, has not been determined.)

In addition, because of the nature of the disease for which Isoprinosine is recommended in this NDA, the Bureau has waived certain requirements for approval of the drug. It has waived the requirement that valid bioavailability

data be submitted before approval. Such data would be required to be submitted after approval if approval were granted. The Bureau has also waived, for purposes of this NDA only, the agency's policy concerning combination drugs under which each component of a drug containing two or more active ingredients is required to be shown to contribute to the claimed effects of the combination. (See 21 CFR 300.50.)

Further narrowing the issues, Newport has in effect waived, for purposes of this application, its contention that Isoprinosine is a complex rather than a mixture. In a letter accompanying the notice of opportunity for hearing, the Bureau detailed manufacturing and labeling deficiencies with the NDA. Newport, in support of its request for a hearing, has assumed the Bureau's position that Isoprinosine is a mixture arguendo and has submitted data that are intended to respond to the deficiencies the agency has identified. Thus, although an issue concerning the manufacturing practice requirements for approval remains and is stated below, there is a substantial possibility that this issue will be resolved before hearing.

Accepting the representation made in support of the hearing request as an amendment of the NDA, the Bureau's concern that the NDA's proposed labeling violates 21 U.S.C. 355(d)(6) is also obviated. (See 21 U.S.C. 352(e).) The cited provisions require a drug's labeling to name its active ingredients. Newport has agreed to list what the Bureau contends are the two active ingredients of Isoprinosine. (The established name of one of the ingredients must, however, still be determined.)

An understanding of the effectiveness issue posed by this application requires a short background of the history of the review of the application. The application was submitted on November 17, 1980. On May 12, 1981, Newport submitted additional data that had been analyzed in a statistical report presented by Newport to one of FDA's advisory committees. Although Newport conditioned its submission of the additional data on an agreement by the agency that the data would not be considered an amendment to the NDA, it seems clear that the additional information was intended to be included within the application. Indeed, analyses submitted in support of the request for a hearing refer to these additional data. The Bureau has no objection to the additional data being considered part of the NDA and, if Newport chooses, part of the "multicenter study" of Isoprinosine in the new drug application.

In addition, because of the public interest in this drug and the nature of the disease involved, FDA has acted to acquire data that would shed light on the effectiveness or lack of effectiveness of Isoprinosine for SSPE. Principally, the agency has obtained and reviewed data in the United States registry of SSPE patients and in the Lebanon registry of SSPE patients. (Data from selected patients in the United States registry, but not all available data, were included in the NDA.)

FDA consideration of information not included in the new drug application is specifically contemplated by statute (21 U.S.C. 355(d)(5)). The Bureau has made these data available, with patient identifying information deleted, to Newport in response to a request under the Freedom of Information Act. Although these additional data were not submitted by the applicant as part of its new drug application, the Bureau will not object to inclusion of these data in the new drug application should Newport desire to rely upon them.

Stated in statutory terms, the effectiveness issue for this hearing is as follows: Evaluated on the basis of the information submitted to FDA as part of the application and any other information before the agency with respect to Isoprinosine, is there "substantial evidence" that Isoprinosine will be effective in prolonging the lives of patients suffering from SSPE?

The term "substantial evidence" is defined in the statute as "evidence consisting of adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectiveness of the drug involved, on the basis of which it could fairly and responsibly be concluded by such experts that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling or proposed labeling thereof" (21 U.S.C. 355(d)). This definition logically has two parts. First, there is a requirement that there be investigations that are adequate and well-controlled. Second, the statute requires that on the basis of such evidence qualified experts could fairly and responsibly conclude that the drug will have the effect it purports to have. Thus, in light of the additional data obtained by the agency, there are two broad subissues within the issue identified above: (1) Are there adequate and well-controlled investigations, including clinical investigations, by experts qualified by scientific training and experience to evaluate the effectivenss of Isoprinosine for the prolongation of life in patients afflicted with SSPE? (2) In light of all the information before the agency, including the information obtained by the agency, would experts, on the basis of adequate and well-controlled investigations (assuming that any exist), fairly and responsibly conclude that Isoprinosine is in fact effective in the prolongation of life in patients afflicted with SSPE?

In addition to the issues concerning effectivenss, there remain questions to be resolved concerning Newport's compliance with the manufacturing provisions of the statute. Thus, the following issue is also presented: Are the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of Isoprinosine adequate to preserve its identity, strength, quality, and purity?

As noted previously, this issue may be resolved by agreement of the parties before the taking of testimony in this proceeding.

The parties to the hearing will be FDA's Bureau of Drugs and Newport. The presiding officer will be Administrative Law Judge Daniel J. Davidson.

Under § 12.85 (21 CFR 12.85) the Bureau of Drugs has filed with the Dockets Management Branch a narrative statement setting forth its position on the issues for hearing and a summary of the types of evidence intended to be introduced in support of its position at the hearing. The Bureau has also filed with the Dockets Management Branch copies of data within the Bureau's files relating to the issues raised herein.

Interested persons may obtain a copy of the narrative statement from the Dockets Management Branch, at the address given above. Persons may also examine the data on Isoprinosine (with the exception of any data identified as confidential) at the Dockets Management Branch, from 9 a.m. to 4 p.m., Monday through Friday.

The hearing will be held in the FDA Hearing Room on a date to be set at the prehearing conference. Written notices of participation must be filed with the Dockets Management Branch no later than March 16, 1982.

The hearing will be open to the public. Any participant may appear in person, or by or with counsel, or with other

qualified representatives, and may be heard on matters relevant to the issues under consideration. Participants other than the Bureau of Drugs shall disclose data and information on or before April 26, 1982 pursuant to § 12.85.

Section 10.210 (21 CFR 10.210) of FDA's procedural regulations requires FDA to give notice of the availability of reimbursement for participation in certain FDA proceedings including evidentiary hearings such as this one. However, on November 27, 1981, the United States Court of Appeals for the Fourth Circuit held that FDA does not have authority to reimburse public participants in its administrative proceedings (*Pacific Legal Foundation* v. *Goyan*, No. 80–1854 (4th Cir., November 27, 1981)). Accordingly, until further notice, reimbursement will not be available for participation in the proceedings described in this notice.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052, 76 Stat. 781–831 (21 U.S.C. 355)) and authority delegated to me under 21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981), I order that a public hearing be held on the issues set out in this notice.

Dated: February 12, 1982.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 82–4717 Filed 2–22–82; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 81N–0302; DESI 5914, 6303, 6340, 6514, 7937, and 8658]

Certain Oral Prescription Drugs Offered for Relief of Symptoms of Cough, Cold, or Allergy ("Paragraph XIV/Category 15") Which Are No Longer Marketed; Drugs for Human Use; Drug Efficacy Study Implementation; Revocation of Exemption; Followup Notice and Opportunity for Hearing

Correction

In FR DOC. 82–2289 appearing at page 4346, in the issue of Friday, January 29, 1982, on page 4346, first column, under "DATES:", third line, "March 6, 1982" should be corrected to read "March 1, 1982".

BILLING CODE 1505–01–M

National Institutes of Health

National Diabetes Advisory Board; Amended Meeting Notice

Notice is hereby given of the change in the meeting of the National Diabetes Advisory Board on February 22, 1982, which was published in the **Federal Register** on January 15, 1982, 47 FR 2413.

The Board meeting that was scheduled for February 22, 1982, has been canceled and rescheduled for March 8, 1982, 8:30 a.m. to 5:00 p.m. at the Linden Hill Hotel, Pooks Hill Road, Bethesda, Maryland. The meeting will be open to the public. Attendance by the public will be limited to space available. Notice of the meeting room will be posted in the Hotel lobby.

The agenda and roster of members may be obtained by contacting Mr. Raymond M. Kuehne, Executive Director, National Diabetes Advisory Board, P.O. Box 30174, Bethesda, Maryland 20814, (301) 496–6045. Summaries of the meeting may be obtained by contacting Barbara Shapiro, National Diabetes Advisory Board, P.O. Box 30174, Bethesda, Maryland 20814, (301) 496–6045.

Dated: February 18, 1982.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 82–4894 Filed 2–19–82; 2:04 pm]

BILLING CODE 4140–01–M

Office of the Secretary

Amendment to Notice of Office of Management and Budget Approval Numbers for Certain Recordkeeping/Reporting Requirements Contained in Department of Health and Human Services Regulations

The following corrects errors which appeared in the **Federal Register** Vol. 46, December 31, 1981, pages 63392 and 63393.

Dated: February 16, 1982.

Robert F. Sermier,

Deputy Assistant Secretary for Management Analysis and Systems.

Title of regulation	Specific USC, CFR or FR citation	OMB approval numbers
Original Entry		
21 Food and Drug; Part 50—Protection of Human Subjects	21 CFR 50.115	0910–0130
Correction		
21 Food and Drug; Part 50—Protection of Human Subjects	12 CFR 56.115	0910–1030
Original Entry		
42 Public Health; Part 51c—Grants for Community Health Services	42 CFR 51c.303(1); 42 CFR 51c.403	0915–0004
Correction		
42 Public Health; Part 51c—Grants for Community Health Services	42 CFR 51c.303; 42 CFR 51c.403	0915–0004
Original Entry		
45 Public Welfare; Part 1304—Program Performance Standards for Operation of Head Start Programs by Grantees and Delegate Agencies.	45 CFR 1304.1–4	0980–0128
Correction		
45 Public Welfare; Part 1304—Program Performance Standards for Operation of Head Start Programs by Grantees and Delegate Agencies.	45 CFR 1304.1–5	0980–0128
Original Entry		
45 Public Welfare; Part 1321—Grants to States and Community Programs for Aging; Subchapter C—The Administration on Aging, Older Americans Programs; Subpart C through F.	45 CFR 1321.21 through 45 CFR 1321.85	0980–0044
Correction		
45 Public Welfare; Part 1321—Grants to States and Community Programs for Aging; Subchapter C—The Administration on Aging, Older Americans Programs; Subpart C through E.	45 CFR 1321.21 through 45 CFR 1321.69	099.–0044
Original Entry		
45 Public Welfare; Part 1321—Grants to States and Community Programs for Aging; Subchapter C—The Administration on Aging, Older Americans Programs; Subpart E through F.	45 CFR 1321.61 through 45 CFR 1321.85	0980–0127
Correction		
45 Public Welfare; Part 1321—Grants to States and Community Programs for Aging; Subchapter C—The Administration on Aging, Older Americans Programs; Subpart F.	45 CFR 1321.71 through 45 CFR 1321.85	0980–0127

Title of regulation	Specific USC, CFR or FR citation	OMB approval numbers
Original Entry		
Community Services Block Grant	Federal Register, Volume 46, Date: October 1, 1981, Page: 48582	0980—0125
Correction		
Community Services Block Grant	Federal Register, Volume 46, Date: October 1, 1981, Page: 48582	0980-0126
Original Entry		
Social Services Block Grant	Federal Register, Volume 46, Date: October 1, 1981, Page 48582	0980-0126
Correction		
Social Services Block Grant	Federal Register, Volume 46, Date: October 1, 1981, Page: 48582	0980-0125
Original Entry		
45 Public Welfare; Part 233—Coverage and Conditions of Eligibility in Financial Assistance Programs; Monthly Reporting.	45 CFR 233.28	0960-0260
Correction		
45 Public Welfare; Part 233—Coverage and Conditions of Eligibility in Financial Assistance Programs.	45 CFR 233.36	0960-0260
Original Entry		
45 Public Welfare; Part 260—Low Income Energy Assistance Program; Fiscal Reports by States	45 CFR 260.86	0960-0261
Correction		
45 Public Welfare; Part 96—Block Grants	45 CFR 96.82	0960-0261
Original		
45 Public Health and Welfare; Part 424A—Reduction of Disability Benefits; Part 418—Voluntary Agreements for Coverage of State and Local Employees; Part 410—Definitions Relating to Employment.	42 U.S.C. 424a; 42 U.S.C. 418; 42 U.S.C. 410	0960-0247
Correction		
42 Public Health and Welfare; Part 424A—Reduction of Disability Benefits; Part 418—Voluntary Agreements for Coverage of State and Local Employees; Part 410—Definitions Relating to Employment.	42 U.S.C. 424a; 42 U.S.C. 418; 42 U.S.C. 410	0960-0247
Delete This Entry		
45 Public Welfare; Part 201—Grants to States for Public Assistance Programs; Subpart A—Approval of State Plans and Amendments (Title IV-A).	45 CFR 201.3 through 45 CFR 201.5	0980-0098

[FR Doc. 82-4771 Filed 2-22-82; 8:45 am]

BILLING CODE 4150-04

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

U.S. 1979 Annual Report for the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: The Service announces availability of the 1979 U.S. Annual Report for the Convention on International Trade in Endangered Species of Wild Fauna and Flora and details on how the report may be acquired.

ADDRESS: Copies of the 1979 U.S. Annual Report may be purchased from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, telephone, 703/235-4650. Requests for report number PB 82-128646 should be made to the attention of the Sales Desk.

FOR FURTHER INFORMATION CONTACT: Richard M. Parsons, Chief, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240, telephone, 703/235-2418.

SUPPLEMENTARY INFORMATION:

Background

In accordance with requirements of Article VIII, paragraph 7 of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Service prepares annual reports summarizing U.S. international trade in CITES listed species. Previous annual reports were published by the Government Printing Office (GPO) and made available without charge by the Federal Wildlife Permit Office (WPO). GPO was unable to publish the 1979 Annual Report. WPO has found an alternative means of making the 1979 Annual Report available. The report may be purchased in printed form ($18.00) or in microfiche form ($4.00) from the National Technical Information Service (NTIS). Purchase requests may be made by telephone if the purchaser has an account with NTIS or if the purchaser has a major credit card. Purchase may also be made by mail.

This notice was prepared by Paul E. Gertler, Federal Wildlife Permit Office.

Dated: February 18, 1982.

Arthur Lazarowitz,

Acting Chief, Management Operation Branch, Federal Wildlife Permit Office.

[FR Doc. 82-4795 Filed 2-22-82 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

[FES 82-3]

Alaska Outer Continental Shelf; Availability of Final Environmental Impact Statement Regarding Proposed Norton Sound Oil and Gas Lease Sale No. 57

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a final environmental impact statement relating to a proposed Outer Continental Shelf (OCS) oil and gas lease sale of 429 tracts consisting of 988,416 hectares (2.4 million acres) of submerged Federal lands in Norton Sound (OCS Sale No. 57).

Single copies of the final environmental impact statement can be obtained from the Office of the Manager, Bureau of Land Management, Alaska Outer Continental Shelf Office, P.O. Box 1159, Anchorage, Alaska 99510, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the final environmental impact statement will also be made available for inspection in the following public libraries: Alaska Federation of Natives, 1577 O Street, Suite 304, Anchorage, AK 99501; Anchor Point

Public Library, Anchor Point, AK 99556; Department of the Interior Alaska Resources Library, 701 "C" Street, Box 36, Anchorage, AK 99513; Cordova Public Library, Box 472, Cordova, AK 99574; Kenai Community Library, Box 157, Kenai, AK 99611; Elim Learning Center, Elim, AK 99739; Haines Public Library, P.O. Box 36, Haines, AK 99827; North Star Borough Library, Faribanks, AK 99701; University of Alaska, Institute of Social and Economic Research Library, Fairbanks, AK 99801; Homer Public Library, Box 356, Homer, AK 99603; Z. J. Loussac Public Library, 427 F Street, Anchorage, AK 99801; Juneau Memorial Library, 114 W. 4th Street, Juneau, AK 99824; Alaska State Library, Documents Librarian, Pouch G, Juneau, AK 99811; Ketchikan Public Library, 629 Dock Street, Ketchikan, AK 99901; Department of Defense, Army Corps of Engineers Library, P.O. Box 7002, Anchorage, AK 99501; Kodiak Public Library, P.O. Box 985, Kodiak, AK 99615; Metlakatla Extension Center, Metlakatla, AK 99926; Department of Interior, Bureau of Mines Library, AF–F.O. Center, P.O. Box 550, Juneau, AK 99802; Petersburg Extension Center, Box 289, Petersburg, AK 99833; Seldovia Public Library, Drawer D, Seldovia, AK 99663; Seward Community Library, Box 537, Seward, AK 99664; University of Alaska Juneau Library, P.O. Box 1447, Juneau, AK 91447; Sitka Community Library, Box 1090, Sitka, AK 99835; Douglas Public Library, Box 469, Douglas, AK 99824; University of Alaska Anchorage Library, 3211 Providence Drive, Anchorage, AK 99504; University of Alaska Elmer E. Rasmuson Library, Fairbanks, AK 99701; Wrangell Extension Center, Box 651, Wrangell, AK 99929.

Dated: February 5, 1982.

Robert F. Burford,

Director, Bureau of Land Management.

Bruce Blanchare,

Director, Environmental Project Review.

February 17, 1982.

[FR Doc. 82-4776 Filed 2-22-82; 8:45 am]

BILLING CODE 4310-84-M

Coal Lease Offerings; Green River-Hams Fork Federal Coal Production Region; Colorado

U.S. Department of the Interior, Bureau of Land Management, Colorado State Office, 1037–20th Street, Denver, Colorado 80202. Notice is hereby given that certain coal resources in the tracts described below in Moffat and Rio Blanco Counties, Colorado, will be offered for competitive lease by sealed bid followed by oral auction to the qualilfied bidder of the highest cash amount per acre in accordance with the provisions of the Mineral Leasing Act of 1920 (41 Stat. 437), as amended. The minimum acceptable sealed bid for the Danforth Hills No. 2 Tract is $810.00 per acre. The minimum acceptable sealed bid for the Danforth Hills No. 3 Tract is $770.00 per acre. The sale will be held at 10:00 a.m., April 6, 1982, in Room 269, Post Office Auditorium, 1823 Stout Street, Denver, Colorado. Sealed bids must be received on or before 8:30 a.m., April 6, 1982, at the Colorado State Office, 1037–20th Street, Denver, Colorado 80202. No bids received after 8:30 a.m., April 6, 1982, will be considered.

Coal Offered: Danforth Hills No. 2

[C–29225]

The coal resource to be offered is limited to coal recoverable by surface mining methods in the following lands located approximately 26 miles southwest of Craig, Colorado:

T. 3 N., R. 93 W., 6th P.M. (Moffat County)
Sec. 5, lots 1 and 2, S½NE¼, and SE¼;
Sec. 7, NE¼NE¼, S½NE¼, and SE¼;
Sec. 8, (all);
Sec. 17, (all);
Sec. 18, lots 3 and 4, E½, and E½SW¼.

The area described contains 2,367.78 acres.

The reserves recoverable by surface mining methods are estimated to be 63,703,000 tons. The coal quality is as follows: Btu—10,500 to 11,000 per pound; Sulfur—0.3 to 0.6 percent; and Ash—4 to 6 percent. The strippable coal beds have a cumulative thickness of 35 feet.

Coal Offered: Danforth Hills No. 3

[C–29226]

The coal resource to be offered is limited to coal recoverable by surface mining methods in the following lands located approximately 27 miles southwest of Craig, Colorado:

T. 3 N., R. 93 W., 6th P.M. (Rio Blanco County),
Sec. 19, lots 1 to 3, inclusive, E½, and E½W½;
Sec. 20, lot 1, N½, SW¼, N½SE¼, and SW¼SE¼; 21, lots 1, 3, 5 to 8, inclusive, and 10, N½, N½SW¼ and NW¼SE¼;
Sec. 28, lots 4 to 8, inclusive, 12, 13, and 15;

The area described contains 1,894.06 acres.

Sec. 29, lots 2, 3, and 5.

The reserves recoverable by surface mining methods are estimated to be 48,740,000 tons. The coal quality is as follows: Btu—10,500 to 11,000 per pound; Sulfur—0.3 to 0.6 percent; and Ash—4 to 6 percent. The strippable coal beds have a cumulative average thickness of 32 feet.

Rental and Royalty: Leases issued as a result of this offering will provide for payment of an annual rental of $3.00 per acre or fraction thereof and a royalty payable to the United States of 12.5 percent of the value of coal produced by surface mining methods. The value of coal shall be determined in accordance with 30 CFR 211.63.

Notice of Availability: Bidding instructions for each tract offered are included in the Detailed Statements of Lease Sale. Copies of the Statements and of the proposed coal leases are available at the Colorado State Office. Case file documents are also available at that office for public inspection.

William J. Norton II,

Acting Leader, Craig Team, Branch of Adjudication.

[FR Doc. 82-4830 Filed 2-22-82; 8:45 am]

BILLING CODE 4310-84-M

Uinta-Southwest Utah Coal Region, Colorado; Call for Expressions of Leasing Interest in Coal

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Call for Expressions of Leasing Interest in Federal Coal.

SUMMARY: This call for expressions of coal leasing interest, Phase II, is to integrate potential lessees' data and needs into the coal activity planning phase of the Federal coal management program in the Uinta-Southwestern Utah Coal Production Region. The data received from this call will be used along with existing data to delineate tracts which would be considered for possible competitive leasing.

DATE: Responses to this notice may be received until 30 days from the date of publication of this notice in the Federal Register.

ADDRESS: Responses should be sent to State Director (932), Bureau of Land Management, 1037 20th Street, Denver, CO 80202 *and* to District Supervisor for Resource Evaluation, Minerals Management Service, P.O. Box 580, Grand Junction, CO 81501.

FOR FURTHER INFORMATION CONTACT: Ken Smith, Coal Management Specialist, Colorado State Office, BLM, 1037 20th Street, Denver, CO 80202; telephone (303) 837–3008. Marlyn Jones, District Manager, Montrose District, BLM, P.O. Box 1269, Montrose, CO 81402; telephone (303) 249–7791.

SUPPLEMENTARY INFORMATION: This is to advise all interested parties that the official call for expressions of interest in Federal coal leasing, Phase II-Colorado, is now in effect for the second round of

coal leasing activity in the Uinta-Southwestern Utah Coal Region for possible lease sales beginning in December, 1983. The responses for this phase shall be submitted until March 25, 1982. Areas covered by the call are as follows:

BLM-North Fork Planning Unit; Paonia-Somerset KRCRA

Area 1

T. 13S., R. 95W., 6th P.M.,
Sec. 8: Lots 1–9, 11–17;
Sec. 17: Lots 3–16, 18–21;
Sec. 18: Lots 5–16, 21, 23, 25, 27;
Sec. 20: Lots 1, 4, 14, 15.
Delta County, Colorado.
This area consists of 1,847.21 acres.

Area 2

T. 13S., R. 91W., 6th p.m.,
Sec. 5: All;
Sec. 6: All;
Sec. 7: Lots 1–2, E½, E½NW¼;
Sec. 8: All;
Sec. 17: E½, N½NW¼;
Sec. 18: N½NE¼, SW¼NE¼, S½SE¼;
Sec. 19: Lots 1–3, NE¼, SE¼NW¼;
Sec. 20: Lots 1–3.
T. 13S., R. 92W., 6th P.M.,
Sec. 1: All;
Sec. 2: All;
Sec. 3: All;
Sec. 10: All;
Sec. 11: All;
Sec. 12: Lots 1–8, 10–14, SW¼SW¼;
Sec. 13: Lots 2, 7–10, NW¼;
Sec. 14: All;
Sec. 15: All;
Sec. 22: N½, N½S½, SW¼SW¼;
Sec. 23: N½, N½S½, S½SE¼.
Delta County, Colorado.
This area consists of 9,873.88 acres.

This call for expressions of interest is the first step in activity planning under the Federal coal management program. It is being made before any tract boundaries are delineated within an area found suitable for further consideration for coal leasing through the land use planning process which includes application of the unsuitability criteria. The results of this call will provide significant information that will be employed in delineating tracts that might be offered for lease sale after they have been through the tract ranking, selection, scheduling and analysis processes that are integral parts of the Federal coal management program defined in 43 CFR Subpart 3420.

Expressions of interest from small business and public bodies are invited in accordance with the provisions of 43 CFR 3420.1–4 which states that a reasonable number of lease tracts will be reserved and offered through competitive lease sales to those qualifying under the definitions of public bodies and small coal mining businesses. Entities desiring special leasing opportunities as a public body should state their intentions in their expressions of leasing interest for possible public body set asides. Proof of public body status and evidence of qualifications as required by 43 CFR 3420.1–4(b)(1)(ii) shall be submitted with the expression of interest.

A major purpose of this call for expressions of interest is to integrate potential lessees' data and needs with the process of delineating the logical mining units which will be considered prior to a lease sale. The BLM hopes to gain sufficient information from this call, as well as from its own site specific analyses, to identify areas in which data are of sufficient detail to ultimately make a fair market value determination on specific tracts.

An expression of interest is not an application. The size, number and/or location of proposed tracts as indicated by expressions of interest may be modified or changed. Examples of the types of concerns that may make such action necessary include: the competitive nature of the tract, access needs, mining efficiency, future coal development potential, resource conservation and State preferences and priorities.

These expressions of leasing interest should include the following data where applicable:

1. *Quantity needs* (total tonnage, average tons per year, and year during which production should commence) for both coal producers and users.

2. *Quality needs* (types and grade of coal) for both producers and users.

3. *Location:*

a. Tracts desired by mining companies (narrative description with delineation on a surface minerals management quad map, available for purchase from the BLM Colorado State Office).

b. Public and private industry user facilities in region.

c. If no location is indicated, but other specified data are provided, the expression will be considered. In such cases the joint BLM/GS delineation team will locate the tract.

4. *Type of Mine:*

a. Surface or underground.

b. Technique of mining (i.e., longwall, room and pillar, strip mining, etc.).

5. *Proposed Uses of Coal:*

a. By mining companies.

b. By public and private industries.

6. *Where coal is consumed (include extra-regional markets).*

7. *Transportation Needs (i.e., railroads, pipelines, etc.):*

a. Existing facilities.

b. Proposed facilities and development timing.

8. *Available Sources of Coal:*

a. Presently operative.

b. Contingency or other sources.

9. *Information Relating to Mineral Ownership:*

a. Information on surface owner consents previously granted, e.g., a description of the location of the property, whether consents are transferable, etc.

b. Commitments from fee coal owners or for associated non-Federal coal.

10. *Special qualifications* for public bodies requesting special leasing opportunities. These specific requirements are listed in 43 CFR 3472.2–5.

Data which are considered proprietary should not be submitted as part of this expression of leasing interest.

An individual, business entity, governmental entity, or public body may participate and submit expressions of leasing interest under this call.

Management framework planning information for the North Fork planning unit and a map of areas acceptable for further consideration for local leasing may be obtained by contacting the Montrose District Manager, at the address above.

Dated: February 4, 1982.

George C. Francis,

State Director, Bureau of Land Management, Colorado State Office.

[FR Doc. 82-4831 Filed 2-22-82; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 12, 1982. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by March 10, 1982.

Carol D. Shull,

Acting Keeper of the National Register.

CALIFORNIA

Alemeda County

Albany, *Peterson House*, 1124 Talbot Ave.

Mariposa County

Coulterville, *Coulterville Main Street Historic District*, Main St.

Napa County

Napa, *Imrie, William, House,* 2328 Big Ranch Rd.

Santa Cruz County

Santa Cruz, *Bank of Santa Cruz County,* 1502 Pacific Ave.

Tulare County

Springville, *Elster, C. A., Building,* CA 190 and Tule River Dr.

CONNECTICUT

Hartford County

Bristol, *Beleden,* 50 Bellevue Ave. Suffield vicinity, *Fuller, John, House,* 463 Halladay Ave.

Middlesex County

Middletown, *Pledger, Jacob, House,* 717 Newfield St.
Old Saybrook, *Tully, William, House,* 135 N. Cove Rd.

Windham County

Brooklyn vicinity, *Putnam Farm,* Spaulding Rd.

KANSAS

Atchison County

Atchison, *Benedictine College North Campus Historic Complex,* 2nd and Division Sts.

Ellis County

Hays, *Philip Hardware Store,* 719 Main St.

Leavenworth County

Leavenworth, *Old Union Depot,* 201 S. Main St.

Morris County

Council Grove, *Simcock House (Marks Apartments)* 206–208 Columbia St.

Sedgwick County

Wichita, *Old Wheeler-Kelly-Hagny Building,* 120 S. Market St.

Shawnee County

Topeka, *Jayhawk Theater and Jayhawk Walk,* 700 Jackson Ave.

KENTUCKY

Fayette County

Lexington, *Constitution Historic District,* Roughly bounded by E. 3rd, Limestone, Walnut and Pleasant Stone Sts.

McCracken County

Paducah, *Lower Town Neighborhood District,* Roughly bounded by Park Ave., Jefferson, 5th and 9th Sts.

McLean County

Livermore vicinity, *Archeological Site 15–McL–18*

LOUISIANA

Pointe Coupee Parish

Livonia vicinity, *El Dorado Plantation House,* LA 77

MARYLAND

Baltimore (independent city)
Hooper, James E., House, 100 E. 23rd St.
St. James the Less Roman Catholic Church, Aisquith St.
St. John the Evangelist Roman Catholic Church, 901 E. Eager St.

Baltimore County

Ruxton, *St. John's Church,* 7538 Bellona Ave.

Montgomery County

Poolesville vicinity, *Valhalla,* 19010 White's Ferry Rd.

Talbot County

Oxford vicinity, *Otwell,* Otwell Rd.

Washington County

Hagerstown vicinity, *Wilson's Bridge,* U.S. 40

MINNESOTA

LeSueur County

LESUEUR COUNTY MULTIPLE RESOURCE AREA (additions). This area includes: LeSueur, *Cosgrove, C. N., House,* 228 S. 2nd St.; *Smith-Cosgrove House,* 228 S. Main St. LeSueur vicinity, *German Evangelical Salem Church,* SR 156; *Needham-Hayes House,* Off SR 23; *Ottawa Stone Buildings.* Reference—see individual listings under LeSueur County.; Montgomery, *Hilltop Hall,* 206 N. 1st St. *Westerman Lumber Office and House,* 201 S. 1st St.; New Prague, *First National Bank,* 112 E. Main St.; *Hotel Broz,* 212 W. Main St.; Waterville, *Dehn House,* Herbert St.; *Union Hotel,* 201 Paquin St.
LeSueur vicinity, *Episcopal Church (Ottawa Stone Buildings Thematic Resources) (LeSueur County Multiple Resource Area)* SE of LeSueur
LeSueur vicinity, *Methodist Church (Ottawa Stone Buildings Thematic Resources) (LeSueur County Multiple Resource Area)* SE of LeSueur
LeSueur vicinity, *Ottawa Town Hall (Ottawa Stone Buildings Thematic Resources) (LeSueur County Multiple Resource Area)* SE of LeSueur
LeSueur vicinity, *Patten Farmhouse (Ottawa Stone Buildings Thematic Resources) (LeSueur County Multiple Resource Area)* SE of LeSueur
LeSueur vicinity, *Rinshed House (Ottawa Stone Buildings Thematic Resources) (LeSueur County Multiple Resource Area)* SE of LeSueur
LeSueur vicinity, *Schwartz House and Barn (Ottawa Stone Buildings Thematic Resources) (LeSueur County Multiple Resource Area)* SE of LeSueur

Lyon County

LYON COUNTY MULTIPLE RESOURCE AREA. This area includes: Cottonwood, *Norseth, Martin, House,* 86 E. Main St.; Lynd, *Kiel and Morgan Hotel (Lyon County Courthouse)* River St. and SR 4; Marshall, *Gieske, William F., House,* 601 W. Lyon St.; *Masonic Temple (Delta Lodge No. 119)* 325 W. Main St.; Minnesota, *Anderson, J. S., House,* 402 E. 2nd St.; *Anderson, O. G., and Company Store,* Jefferson St.; *St. Paul's Evangelical Lutheran Church and Parsonage,* 412 and 414 E. Lyon St.; Tracy, *First National Bank,* 101 3rd St.

OHIO

Ashland County

Savannah vicinity, *Crittenden Farm,* NW of Savannah on U.S. 224 and U.S. 250

Belmont County

Martin's Ferry, *Finney-Darrah House,* Scenery Hill

Clark County

Springfield, *St. Joseph Roman Catholic Church,* 802 Kenton St.

Coshocton County

Warsaw vicinity, *Chalfant Church,* S of Warsaw off OH 60

Cuyahoga County

Cleveland, *Tiedemann, Hannes, House,* 4308 Franklin Blvd.

Fairfield County

Pickerington vicinity, *Dovel, J. H., Farm, 660 N. Hill Rd.*

Franklin County

Canal Winchester, *Canal Winchester Methodist Church,* S. Columbus and High St.

Guernsey County

Cambridge, *McCreary-Burnworth House,* 220 Highland Ave.

Licking County

Granville vicinity, *McCune's Villa,* 537 Jones Rd.

Logan County

West vicinity, *Piatt, Abram S., House (Mac-A-Cheek) and Piatt, Donn S., House (Mac-O-Chee)* Off OH 287 and OH 275

Lorain County

Kipton, *Union Church,* 511 Church St.

Monroe County

Woodsfield, *Mooney, William C., House,* 122 N. Paul St.

Morrow County

Fulton vicinity, *Brown, Samuel P., House,* S of Fulton on Worthington-New Haven Rd.

Muskingum County

New Concord vicinity, *McCully Log House,* N of New Concord on Wharton Lane
Zanesville, *Johnston-Crossland House,* N. 7th St.

Stark County

Canton, *Landmark Tavern,* 510 E. Tuscarawas St.
Canton, *Vicary House,* 3730 Market Ave., N.
Massillon, *Massillon Cemetery Building,* 1827 Erie St., S.

Caddo County

Anadarko, *Anadarko Central Business Historic District,* Roughly bounded by RR tracks, Oklahoma Ave., 3rd and 5th Sts.

Comanche County

Lawton, *Mahoney-Clark House,* 513–515 W. Gore Ave.

Creek County

Drumright, *Fulkerson, J. W., House*, 508 E. Broadway

Drumright vicinity, *Drumright Gasoline Plant No. 2*, N of Drumright

Oilton, *Oilton Gas Building*, 104–108 S. C St.

Hughes County

Holdenville, *First National Bank Building*, Main and Broadway Sts.

McIntosh County

Checotah, *Methodist Episcopal Church, South*, 419 W. Gentry St.

Payne County

Yale, *Canfield House*, 223 N. B St.

Rogers County

Claremore, *Belvedere, The*, 109 N. Chickasaw Ave.

OREGON

Linn County

Albany, *Hackleman Historic District*, Roughly bounded by Pacific Blvd., Lyons, 2nd and Madison Sts.

Marion County

St. Paul, *St. Paul Historic District*, Off OR 219

TEXAS

Denton County

LAKE RAY ROBERTS MULTIPLE RESOURCE AREA. This area includes: Sanger vicinity, *Archeological Site No. 41DN91, Archeological Site No. 41DN194, Archeological Site No. 41DN198, Standing Structure Site No. 41DN106, Standing Structure Site No. 41DN143, Standing Structure Site No. 41DN146, Boozer's Field Archeological Site (41DN99); Calvert, H. C., Archeological Site (41DN102); Foxworth, J. L., Archeological Site (41DN79); Galbraith, Archeological Site (41DN81); Laird, F. M., Archeological Site (41DN97); McKinney, D. R., Archeological Site (41DN112); Miner Marsh, Archeological Site (41DN101); Morrow, E. A., Archeological Site (41DN103); Neal, E. J., Archeological Site (41DN116); Porter, John, Archeological Site (41DN85); Prairie Chapel School Archeological Site (41DN126); Smith, Edward A., Archeological Site (41DN111); Switzer, B. E., Archeological Site (41DN77); Thomas, Robert, Archeological Site (41DN202); Wilfong, J. M., Archeological Site (41DN110); Cosner, Texas and the Aubrey Vaughan House (41DN87); Hester, J. T., House (41DN223); Kennedy, A. M., House (41DN224); Sadau, C. E., House Site (41DN118); Simpson, Binkley, House (41DN125); Sitzes, Oscar, House (41DN107); Smith, Glenn, House (41DN83)*

WEST VIRGINIA

Doddridge County

West Union, *Doddridge County Courthouse*, Court Sq.

[FR Doc. 82-4936 Filed 2-23-82; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-43]

Lease and Interchange of Vehicles by Motor Carriers

February 10, 1982.

M&G Convoy, Inc. (MC-20722), F. J. Boutell Driveaway Co., Inc. (MC-3468), Complete Auto Transit, Inc. (MC-49368), and Janesville Auto Transport Co. (MC-119642) have filed a petition for waiver of Subpart B (Sections 1057.11 and 1057.12) and Subpart C of the Lease and Interchange of Vehicles Regulations (49 CFR Part 1057), with respect to equipment augmented among them.

Findings:

1. Petitioners are commonly controlled and administer a common safety program.

2. Petitioners have acceptable fitness records.

3. Greater economy and efficiency would result if waiver of the requirements of Subpart B were granted in part.

4. Waiver of the requirements of Subpart C is not warranted.

It is ordered:

1. The request of M&G Convoy, Inc., F. J. Boutell Driveaway Co., Inc., Complete Auto Transit, Inc., and Janesville Auto Transport Co. for waiver of Subpart B (§§ 1057.11 and 1057.12) is granted, except for paragraph (b) of § 1057.11, with respect to equipment augmented among them, provided petitioners or their authorized representatives agree in writing that the lessee shall have control and responsibility for the operation of the equipment from the time possession is taken by the lessee and the receipt required under paragraph (b) of § 1057.11 is given to the lessor until possession of the equipment is returned to the lessor and the receipt required under paragraph (b) of § 1057.11 is received by the lessee or possession of the equipment is returned to the lessor or given to another authorized carrier in a interchange of equipment. A copy of the agreement must be carried in the equipment while it is in the possession of the lessee.

2. The request for waiver of Subpart C is denied.

3. The waiver granted in this decision does not affect the application of the leasing regulations to a lease between an owner-operator and the lessor carrier.

By the Motor Carrier Leasing Board, Board Members J. Warren McFarland, Bernard Gaillard, and John H. O'Brien, Board Member McFarland not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-4798 Filed 2-22-82; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. MC-122 (Sub-No. 2)]

Lease of Equipment and Drivers to Private Carriers

AGENCY: Interstate Commerce Commission.

ACTION: Policy statement.

SUMMARY: This summary provides notices that the Commission has modified and made final its proposed policy statement in *Lease of Equipment and Drivers to Private Carriers*, 132 M.C.C. 351 (1980), 45 FR 86766 (December 31, 1980), concerning the distinction between private and for-hire carriage where a private carrier conducts its operations with equipment and drivers leased from unregulated lessors, including owner-operators. Discussed in the complete decision is the practical and legal distinction, and the factors that the Commission will now consider in determining whether such operations by private carriers fall outside the scope of the Commission's jurisdiction, 49 U.S.C. 10524(a), or instead constitute for-hire transportation by the lessor of the equipment with drivers, for which a certificate or permit is required.

EFFECTIVE DATE: This policy is effective March 25, 1982.

COPIES: Copies of the full decision are available from: Interstate Commerce Commission, Office of the Secretary, Room 2227, Washington, DC 20423, or by calling toll-free 800–424–5403.

FOR FURTHER INFORMATION CONTACT: Robert G. Rothstein, (202) 275–7912, or Edward E. Guthrie, (202) 275–7691.

SUPPLEMENTARY INFORMATION: This proceeding was instituted on December 31, 1980, by the publication of a notice in the **Federal Register** [1] stating our intention to reexamine the Commission's tests used to distinguish private from for-hire carriage. The tests operate generally to preclude owner-operators and others not holding authority from the Commission from leasing their equipment with drivers directly to private carriers. We recognize the continued need to maintain a workable distinction

[1] 45 FR 86766 (December 31, 1980), *Lease of Equipment and Drivers to Private Carriers*, 132 M.C.C. 351 (1980).

between for-hire and private carriage. We propose (a) to focus primarily on the control exercised over a lessor, and (b) to repudiate the presumption that construed lessors to be carriers for-hire where their lessees are private carriers.

In light of recent changes in statutory direction, and the Commission's changes in regulatory policy over the past few years, we believe it is reasonable to reassess the Commission's approach to defining the line between private and for-hire carriage. We think we can prospectively draw the line somewhat differently than we have in the past when considering whether a particular lease arrangement constitutes private vis-a-vis for hire carriage, based on the consideration of factors not previously identified in Commission decisions.

We shall continue to look at all the circumstances surrounding a lease arrangement to determine whether the lessor holds out only the use of the instrumentalities of transportation, *i.e.*, truck and driver, or whether it instead holds out what is in substance a complete transportation service for compensation. The former would be exempt, while the latter would be subject to regulation. In making individual determinations, we will focus on the elements of control, responsibility, and performance of the key organizing and management functions of a transportation company as the critical elements in evaluating the character of the service provided. We will, however, no longer employ the rebuttable presumption announced in the *Church* case, *infra*, that leases of equipment with drivers to shippers ordinarily give rise to for-hire transportation by the lesssor. Neither will we use the virtually irrebuttable presumption contained in the *Oklahoma Furniture* decision *infra*, that an owner-operator driving his own equipment has the right and power to defeat the lessee's control. We will abandon the suggestion contained in earlier cases that legitimate private carriage results only when an owner-operator becomes an employee of the private carrier. We also believe that there is no longer any justification for maintaining different standards for judging lease arrangements with drivers, depending on whether the lessee is a private or for-hire carrier.

We are confident that our new approach is in accord with existing statutory requirements. Nevertheless, we intend to monitor the practical effects of the policy change we are adopting on the regulated sector, private carriers, owner-operators, and the shipping public on a continuing basis. If actual operations under the new policy disclose effects that are clearly contrary to the public interest or the National Transportation Policy, we are prepared to make adjustments or changes in our policy.

There are six minimum requirements that must be met in a lease of equipment and drivers to a shipper in order to have the arrangement viewed as private carriage conducted by the shipper-lessee. If actual operations conducted under the lease accurately reflect our requirements, a presumption will arise that the transportation being performed is private carriage controlled by the shipper. This presumption may be rebutted with a showing that actual operations, in any respect, tend to weaken the control and responsibility required of a shipper-lessee when conducting transportation operations with equipment and drivers leased from a single source. These requirements are particularized as follows:

(1) The lease agreement must provide, and the surrounding facts must reflect, that the leased equipment is exclusively committed to the lessee's use for the term of the lease,[2] for any purpose consistent with the provisions of the lease. This requirement does not preclude the lessor's own use of the equipment during periods of the lease when it is not being utilized by the lessee. We see no reason why a lessee cannot sublease the equipment to a third party if the lease so permits. We caution, however, that a private carrier lessee may presently not sublease to an authorized carrier for periods less than thirty days. This issue is the subject of a pending proceeding docketed in Ex Parte No. MC–43 (Sub–No. 12), *Leasing Rules Modifications* (46 FR 15300), March 5, 1981.

(2) The lease agreement must provide, and the surrounding facts and actual operations must show, that the lessee has exclusive dominion and control over the transportation service conducted by it with the leased equipment during the term of the lease. It is not inconsistent with such control over the transportation service to allow the driver of the equipment to select routes, fuel stops, rest stops, repair stops, and perform other ministerial matters relating to control of the vehicle. It is inconsistent with his status as a simple lessor, however, to delegate to him managerial elements of control over the transportation service provided.[3]

(3) The lessee must maintain public liability insurance or otherwise accept responsibility to the public for any injury caused in the course of performing the transportation service conducted by it with the equipment during the terms of the lease. To this end, the equipment must display appropriate identification showing operation by the lessee during the performance of such transportation. The ultimate liability (including any liability for damages in excess of insurance policy limits) will remain on the lessee.[4] This will be a significant protection to the public, since both a shipper/private carrier and a regulated carrier perform essentially the same service, and should be similarly responsible for public injury. As a practical matter, shippers will generally be better able both to afford adequate insurance coverage and to respond in damages than a typical owner-operator.

(4) The lessee must accept responsibility for, and bear the cost of, compliance with safety regulations during performance by it of any such transportation service. This is not inconsistent with a requirement that the driver pay any traffic fines he may incur, but responsibility for infractions over which the lessor has no control should remain on the lessee, who, in an overload situation, for example, controls the amount of cargo loaded as a managerial element of the transportation service.

(5) The lessee must bear the risk of damage to the cargo, subject to any right of action it may have against the lessor for the latter's negligence. This could be covered by cargo liability insurance or other means, such as self-insurance. This means that a private-carrier lessee—since the driver is merely its agent and the cargo never leaves its possession—cannot look to the lessor to bear the typical insurer's liability of a carrier.[5]

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[2] This implies that the lease must have some definite and ascertainable term, which will be discussed *infra*. This requirement is not inconsistent with a provision making the lease renewable by either party, or terminable by either or both parties on specified notice. It is similarly not inconsistent with the lessee's full and exclusive right of use to provide in the lease that the lessor may use the equipment for his own purposes at such times during the period of the lease as the lessee has no use for it.

[3] An owner-driver may perform such functions in loading and unloading as an employee would ordinarily perform, consistent with industry practice, but he should not be called on to perform such managerial functions as the hiring of additional employees for loading and unloading.

[4] The lessee's acceptance of responsibility to the public is not negated by any right of action it may have against the owner-operator for injury caused by the latter's negligence.

[5] A common carrier bears an insurer's liability to its shipper in most circumstances, subject to reasonable limitation by tariff provisions; a contract carrier's liability to its shipper is a matter of contract. A clause in a lease agreement making an

Continued

(6) The term of the lease must be for a minimum period of 30 days. We will focus on the standard of control used in owner-operator leases to private carriers, as we have in the past concerning such leases to regulated carriers. It would be inconsistent to permit carriers to engage owner-operators for less than 30 days, while requiring a 30 day minimum of regulated carriers as an indicator of control. A lesser minimum period would also confer an economic tool upon private carriers, which could be used to the detriment of for-hire carriers.

The foregoing are conditions that are normally assured by authorized carriers in holding out their service to the public. We believe they are indispensable to show that the lessee rather than the lessor of equipment with driver is performing the characteristic functions of a carrier. In including these conditions but excluding others (which may be viewed by some commentators as indispensable), we believe we are acting "well within the range of the responsibility Congress assigned to the Commission." See *United States* v. *Drum, supra,* 368 U.S. at 385.

There remain a number of other features of lease agreements that are not conclusive on the issue of control, but may neverless be entitled to weight in characterizing leasing arrangements which are presented as private carriage. These are set forth in the full decision.

This decision is being published in abbreviated form for purposes of economy. Copies of the full decision are available from the Office of the Secretary at the address and telephone number stated in the summary section.

Decided: February 9, 1982.

By the Commission, Chairman Taylor, Vice-Chairman Gilliam, Commissioners Gresham and Clapp. Commissioner Gresham concurred in part and dissented in part with separate expression which reflected his disagreement with the majority's insistence that leases must be for at least 30 days.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-4883 Filed 2-22-82; 8:45 am]

BILLING CODE 7035-01-M

Publication of Commission Press Release Summary

AGENCY: Interstate Commerce Commission.

ACTION: Interim decision.

SUMMARY: On December 28, 1981 [46 FR 62717], the Commission announced that, in an effort to cut agency costs, it would restrict press box service and advise-of-all proceedings participation. A daily Press Release Summary would be available by subscription, to anyone desiring the service.

The Commission is proposing to obtain the services of a private contractor to distribute Commission decisions to the public at a reasonable cost. The present Commission press box service will continue until a final determination is made on contracting out the distribution service.

EFFECTIVE DATES: The implementation of the Press Release Summary subscription service will be delayed until the final determination about the contractor is made.

The Commission's proposal to reduce advise-of-all proceeding service will go into effect on March 1, 1982.

FOR FURTHER INFORMATION CONTACT: George Godding, 202–275–0993; Edward Fernandez, 202–275–7591; Kathleen King, 202–275–0956.

SUPPLEMENTARY INFORMATION: The Commission received 103 written comments on its proposal. The comments were filed by carriers, law firms, watching services, trade associations and shipper groups, which either are press box holders or obtain Commission decisions through a press box holder. Most of the commentors objected to our proposal. They asserted that the issuance of the Commission's Press Release Summary was not adequate to meet their information needs on Commission decisions. They state that they require quick access to the full text of Commission decisions. Many commentors expressed a willingness to pay a reasonable fee to the Commission for continued press box service. Seventeen commentors suggested that if the Commission could not continue to provide the service, that the Commissison should obtain the service of a contractor, which would provide a distribution service for a reasonable charge.

A total of 66 individuals or firms indicated their intent to subscribe to the Commission's Press Release Summary. Very few comments were received on that part of the proposal relating to restrictions on advise-of-all proceedings participation. These comments merely indicated a desire to continue this service.

The Commission has evaluated all responses to our notice. While the Commission has no legal responsibility to continue to provide box service to the public, we realize that there is a desire by individuals and firms, that are not press or parties to decisions, to have quick access to a wide range of Commission decisions. However, due to budgetary constraints, the Commission can no longer provide our present free box service. If the Commission were to charge a user fee for such a service, the fees could not be credited toward the Commission's appropriation because all user fees become part of general U.S. Treasury funds.

As suggested by the comments, we have begun to examine the possibility of obtaining the service of a private contractor which would provide a distribution service to the public at a reasonable cost. We have contacted various other government agencies including the FCC, FERC, SEC and FTC to determine how their distribution services are performed. We believe that the use of a private contractor is the only way that the Commission can respond to the request that we maintain box distribution of decisions to the public. The Commission is now in the process of arranging for a contractor. Since it is not possible to complete the contracting process by March 1, 1982, we will postpone our curtailment of the box service until such time as a contractor can take over the operation. However, in the event that services of a private contractor cannot be procurred, we will be forced to implement our initial proposal to curtail box service.

The contractor that is selected by the Commission will not be allowed to have any interest in the release service beyond the physical distribution process. The Commission will have control over the fees charged by the contractor to ensure that such fees are reasonable. We will monitor the activities of the contractor to ensure that all services are equally available to any member of the public; and that all requests for documents are handled promptly. In a subsequent notice we will announce either the selection of a contractor or the implementation of our original proposal regarding curtailment of box service.

Even if a contractor system is established, the Commission will continue to fulfill its statutory requirements to serve parties of record with decisions, and provide copies of Commission decisions for inspection and copying as required by the Freedom of Information Act. Also, the Commission will continue free dissemination of decisions to the press as announced in our prior proposal.

We also intend to implement our plan to provide the Press Release Summary on a subscription basis, whether or not a

equipment lessor liable for cargo loss would thus tend to indicate either common or contract carriage; a clause negating such liability by the lessor would tend to negate common carriage, though not necessarily contract carriage.

contractor is selected. However, we will not begin that service until a final determination is made about contracting out the distribution service.

Our proposal to limit our advise-of-all proceedings participation will go into effect on March 1, 1982, substantially as proposed. On March 1, 1982, advise-of-all proceedings status will only be available for Abandonment [AB], Ex Parte [EP], Ex Parte [EPM], Formal Docket [NOR and NOM] and Finance Docket [FD] proceedings. To be placed on an advise-of-all proceedings status for a particular case in the above described categories, the person requesting such status must send a letter to the Office of the Secretary, Commission Service Section, Room 2203, Interstate Commerce Commission, Washington, DC 20423. The letter must state the docket number of the case requested, the name and address of the person making the request and their interest in the proceeding.

This change regarding advise-of-all proceeding status does not affect persons who are currently listed in the status for a particular case or whose request is received before March 1, 1982.

Decided: February 17, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham and Clapp.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-4882 Filed 2-22-82; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 234]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: February 17, 1982.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 34027 (Sub-23)X, filed January 6, 1982. Applicant: GEETINGS, INC., P.O. Box 82, Pella, IA 50219. Representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Sub-No. 21 (acquired pursuant to MC-FC-78858): (1) Authorize service to all intermediate points; (2) delete special equipment limitation; (3) delete exception against service to Ottumwa and Corydon, IA; (4) broaden the off-route points of Unionville, Udell, Harard, Allerton, and Clio, IA, to Wayne and Appanoose Counties; (5) delete the exception of unusual value commodities in its general commodity authority; (6) broaden the off-route points of Moline, East Moline, and Rock Island, IL, to Scott County, IA, and Henry and Rock Island Counties, IL; (7) remove restrictions against the transportation of livestock; (8) broaden Letts, Columbus City, Pleasant Plain, and Libertyville, IA, to Louisa, Washington, and Jefferson Counties; (9) broaden Evans, Leighton, Given and Beacon, IA, to Wapello, Mahaksa, Marion, and Jasper Counties, IA; (10) delete joinder only restrictions; (11) broaden 12 miles of the central post office in Des Moines, IA, to Polk and Warren Counties, IA; (12) delete exceptions against service to Altoona, Ankony, Carlisle, Des Moines and Norwalk, IA; (13) broaden Harper, IA, to Keokuk County; (14) broaden Lone Tree, IA, to Johnson County; (15) delete plantsite restriction at Oakbrook, IL, and broaden to DuPage County; (16) delete originating at or destined to restriction; (17) broaden Green Rock, IL, to Henry County; (18) delete plantsite at Knoxville, IA, and replace with Marion County; (19) remove the nitroglycerine exception to applicant's classes A and B explosives authority in para. 6; and (20) delete the language appearing in para (4)(a) and (b) reading as follows: "(a) there may be attached from time to time to the privileges granted in route 4 such conditions and limitations as the public convenience and necessity may require, and (b) all contractual arrangements between the carrier and the C.R.I. & P.R.R. shall be reported to the Commission and shall be subject to revision, if and as the Commission may find it to be necessary in order that such arrangements be fair and equitable to the parties." Applicant is not a rail-affiliated carrier.

MC 34631 (Sub-11)X, filed February 3, 1982. Applicant: A. ARNOLD & SON TRANSFER & STORAGE CO., INC., P.O. Box 23200, Louisville, KY 40223. Representative: Robert J. Gallagher, 1000 Conn. Ave. NW., Suite 1200, Washington, DC 20036. Sub 6, broaden: from household goods to "household goods and furniture and fixtures."

MC 104523 (Sub-84)X, filed June 25, 1981, noticed in **Federal Register** July 20, 1981, certificate served September 14, 1981, republished to notice the following omissions. Applicant: HUSTON TRUCK LINE, INC., P.O. Box 427, Seward NE 68434. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Sub-No. 1 (designated as sub-paragraph 8 in Sub-No. 84X certificate): remove restrictions against service to Kansas City, Independence, and St. Joseph, MO, and Blair, Falls City, Fremont, Grand Island, Hastings, Kearney, and Omaha, NE; replace city-wide authority with corresponding county-wide authority—Red Willow County for McCook, Cheyenne County for Sidney, and Dawson County for Cozad.

MC 119800 (Sub-10)X, filed February 1, 1982. Applicant: PHILIP THOMAS TRUCKING, INC., P.O. Box 248, Wynnewood, OK 73098. Representative: T. M. Brown, P.O. Box 2650, Edmond, OK 73083. Sub-6F certificate, broaden to "petroleum, natural gas and their products," from fuel oil, in bulk, in tank vehicles.

MC 121683 (Sub-13)X, filed February 8, 1982. Applicant: JACKSON EXPRESS, INC., P.O. Box 3310, Jackson, TN 38301. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. Sub 3, broaden: General commodities, with exceptions, to "general commodities (except classes A and B explosives); to serve all intermediate points on regular routes; remove restrictions: limiting service to that portion of Memphis and its commercial zone lying wholly within TN and further limiting such service against the handling of traffic originating at, destined to or interchanged at Nashville, TN and its commercial zone; to serve Clinton and Fulton, KY (intermediate points) for interline service only.

MC 128742 (Sub-5)X, filed February 8, 1982. Applicant: HALLWAY, INC., 700 W. North Street, P.O. Box 2480, Springfield, IL 62705. Representative: Steven J. Rosenberg, 111 W. Washington St., Chicago, IL 60602. Lead: (1) Broaden anhydrous ammonia and liquid fertilizer materials, in bulk, in tank vehicles to "chemicals and related products"; (2) remove the facilities limitation and the originating at and destined to restriction; (3) broaden Meredosia, IL to Morgan County; and (4) change one-way to radial authority.

MC 129952 (Sub-3)X, filed February 8, 1982. Applicant: JO-DI TRUCKING, INC., P.O. Box 21, Harrells, NC 28444. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. Lead, broaden (1) saw mill machinery and farm machinery to "machinery", drain tile to "clay, concrete, glass or stone products"; (2) Clinton and Roseboro, NC to Sampson County; (3) remove originating at named points restrictions; (4) to radial authority.

MC 133276 (Sub-15)X, filed February 8, 1982. Applicant: BERRY TRANSPORT, INC., 5315 NW. St. Helens Rd., Portland, OR 97210. Representative: Peter H. Glade, One S.W. Columbia, Portland, OR 97258. Sub-No. 14F: delete in containers restriction from general commodities (except classes A and B explosives, and household goods), in containers.

MC 133706 (Sub-4)X, filed February 4, 1982. Applicant: ROBERT L. HARROLD, 215 West Adams St., Taylorville, IL 62568. Representative: Gary L. Smith, 913 S. Sixth St., Springfield, IL 62703. Sub-Nos. 1 and 3 permits: Broaden (1) farm implements, grain drying and storage equipment, component parts thereof, and harrows to "machinery (except electrical)," in both Subs; and (2) to between points in the U.S. under continuing contract(s) with a named shipper in both Subs.

MC 136288 (Sub-4)X, filed February 5, 1982. Applicant: CABANO TRANSPORT, LTD., 365 Rue Temiscouata, Riviere-Du-Loup, Temiscouata County, Quebec, Canada G5R 3Y9. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Sub 2 certificate: (1) Broaden from lumber, wood lathes, and wood shingles, to "lumber and wood products"; (2) remove foreign commerce and originating at named points in Canada and/or destined to named States restrictions; and, (3) broaden to radial authority.

MC 140859 (Sub-15)X, filed February 8, 1982. Applicant: WESTERN KENTUCKY TRUCKING, INC., 1245 Center Street, Henderson, KY 42420. Representative: William L. Willis, 702 McClure Building, Frankfort, KY 40601. Subs 11F and 12F certificates, remove the facilities restriction on service authorized in Henderson County, KY.

MC 144927 (Sub-40)X, filed January 29, 1982. Applicant: REMINGTON FREIGHT LINES, INC., Box 315, U.S. 24 West, Remington, IN 47977. Representative: Warrent C. Moberly, 777 Chamber of Commerce Building, 320 North Meridian Street, Indianapolis, IN 46204. Subs 2, 4, 6, 13, 14, 15, 16, 17, 18, 24, 25, 29, 30, 31, 36 and 37 broaden (l) to (a) "food and related products" from dry milk products, soya flour, corn flour, powdered milk, Sub 2; dessert and beverages preparations, soya flour and soya flour products, beverage preparations and foodstuffs, Sub 4; foodstuffs, Sub 6; cornstarch, Sub 13; cocoa powder, Sub 17; and corn starch and dehydrated corn syrup, Sub 25; (b) "metal products" from unfinished iron and steel castings, stampings, & metal forms, Sub 4; (c) "printed matter" from finished books, Sub 29; (d) "pulp, paper and related products" from pulpboard and sheathing paper, Sub 14; pulpboard, Sub 29 and printing paper, Sub 29, (e) "plastic products and metal products" from plastic cabinets and metal cabinets, Sub 15; (f) "pulp, paper and related products and printed matter" from paper, printed matter and paper products, Sub 16 part (3)(a) and Sub 29, printed matter and paper used in the manufacture of printed matter, Sub 29; and from paper and paper products, Sub 31; (g) "chemicals and related products" from industrial chemicals, Sub 4; (h) "industrial chemicals" from cleaning compounds, Sub 4; (i) "alcoholic and malt beverages", from malt beverages, Subs 18 and 37; (j) "fabricated metal, and cloth articles" from lamp, and lamp shades, Sub 30; and (k) "fabricated metal and wood products" from doors, door frames and elevator cabs, Sub 36; (2) broaden: (a) Louisville, KY to Jefferson County, Sub 2, (b) Sewaren, NJ and Middletown, CT to Middlesex County, NJ and Middlesex County, CT; London, OH to Madison County; Remington, IN to Jasper County; West Chicago, IL to Cook County, Momence, IL to Kankakee County, IL; and Beloit, WI to Rock County, Sub 4. (c) Union City, CA to Alameda County; Alsip, IL to Cook County; Lithonia, GA to DeKalb County; Union, NJ to Union County; Maryland, TN to Cumberland County, and Remington, IN to Jasper County, Sub 6; (d) Lafayette and Hammond, IN to Tippecanoe and Lake Counties; and Pickerington, OH to Franklin and Fairfield Counties, Sub 13; (e) Clifton and Whippany, NJ to Passaic and Morris Counties and Riegelsville, PA to Bucks County, Sub 14, (f) Columbus, IN to Barthalomew County, Sub 15, (g) Camden and Glassboro, NJ to Camden and Gloucester Counties; Waverly, Sibley, and Sioux City, IA to Bremer, Osceola and Woodbury Counties; Denver, CO to Denver County; Louisville, KY to Jefferson County; Oakland and Burlingame, CA to Alameda and San Mateo Counties, Sub 17, (h) Columbus, OH to Franklin and Fairfield Counties and Newark, NJ to Essex County, Sub 18, (i) Glenbrook, CT to Fairfield County; Bethlehem, PA to Northampton and Lehigh Counties; Jackson and Niles, IL to Morgan and Cook Counties, Roselle, Linden and Cranford, NJ to Union County; Madison Heights, MI to Oakland County; and Tappan, NY to Rockland County, Sub 24, (j) Hammond, IN to Lake County, Sub 25; (k) Ancora, Linden and Westville, NJ to Camden, Union, and Gloucester Counties and Indianapolis, IN to Marion County, Sub 28, (l) Piermont, NY to Rockland County; Eaton, IN to Delaware County; West Carrollton, OH to Montgomery County; Elk Grove Village, Broadview, Itasca, Melrose Park, Peoria, Elgin and Wood Dale, IL to Cook, DuPage, Peoria, and Kane Counties; Berne, IN to Adams County; Rockville, MD to Montgomery County; Saddlebrook, NJ to Bergen County, Berlin and New Berling, WI to Green Lake and Waukesha Counties; Dwight and Mattoon, IL to Livingston and Cole Counties; Crawfordsville and Warsaw, IN to Montgomery and Kosciusko Counties; Willard, OH to Huron County; Lancaster, PA to Lancaster, County; Old Saybrook, CT to Middlesex County; Spartanburg, SC to Spartanburg County; Harrisonburg, VA to Harrisonburg County; Glasgow, KY to Barren County; Gallatin, TN to Sumner County; Corinth, MS to Alcorn County; Dresden, TN to Weakley County; Evans, GA to Columbia County; Sub 29, (m) Lancaster, Harrisburg, Pittsburgh, Etglen and Plumspadville, PA to Lancaster, Dauphin, Allegheny, Chester and Bucks Counties; Glendale and Glen Burnie, MD to Anne Arundel and Baltimore Counties; Strasburg and Springfield, VA to Shenandoah and Fairfax Counties; Brookfield, Madison, Pewaukee, and Racine, WI to Waukesha, Dane and Racine Counties; Joliet, Mattoon, Dwight, Effingham, Franklin Park, Mt. Morris, Pontiac, Salem, Sparta and Broadview, IL to Will, Cook, Livingston, Effingham, Cook, Ogle, St. Clair, Marion and Randolph Counties; Columbus, Dayton, Lima, Springfield, and Willard, OH to Franklin, Montgomery, Allen, Clark and Huron Counties; Columbus

and Corinth, MS to Lowndes and Alcorn Counties; Crawfordsville, Hammond, Indianapolis, Kokomo and Warsaw, IN to Montgomery, Lake, Marion, Howard and Kosciusko Counties; Depew, Ithaca, and Plattsburg, NY to Erie, Tompkins, and Clinton Counties; Des Moines, IA to Polk County; Escanaba, MI to Delta County; Franklin, Louisville and Versailles, KY to Simpson, Jefferson and Woodford Counties; Gallatin, Memphis, Nashville, Whitehaven, Franklin and Dresden, TN to Sumner, Shelby, Davidson, Williamson and Weakley Counties; San Jose, CA to Santa Clara County; Miami, St. Petersburg and Hollywood, FL to Dade, Pinnellas and Broward Counties; Providence, RI to Providence County; Springfield, MA to Hampden County; Old Saybrook and Bloomfield, CT to Middlesex and Hartford Counties; Jonesboro, AR to Craighead County; Petersburg, WV to Grant County; Colorado Springs, CO to El Paso County, Sub 31 and (n) Brooklyn, NY to New York, NY, Sub 36; (3) remove against named commodities, originating at/destined to, in containers, in bags, commodities in bulk, in tank vehicles, mixed loads, facilities limitations and originating at and/or destined to point in Canada restrictions and (4) to radial authority.

MC 151721 (Sub-4)X, filed February 8, 1982. Applicant: LAUFENBERG FEED & AGRI-SERVICE, INC., Rt 1, P.O. Box 90A, Highland, WI 53543. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. Sub-No. 1: delete facility restrictions and broaden Viroqua, WI, to Vernon County.

[FR Doc. 82-4801 Filed 2-22-82; 8:45 am]
BILLING CODE 7035-01-M

Water Carrier Temporary Authority Application

The following was filed with Region 2. Petition for Reconsideration is to be filed, within 20 days of this publication with the Regional Office located in the Federal Reserve Bank Building, 101 North 7th St. Room 620, Philadelphia, PA 19106. Replies to petition may be filed within 20 days of the date petition is filed.

MC 1344 (Sub-II-2TA), filed February 2, 1981. Applicant: LOCKWOOD BROTHERS, INC., P.O. Box 564, Hampton, VA 23669. Representative: Keith G. O'Brien, 1729 H St., NW., Washington, D.C. 20006. Contract, Water: *Articles exceeding 19 ft. in height, or 12 ft. in width, or 90 ft. in length, or 100 net tons in weight, component parts thereof, and related equipment,* between the port of Hampton Roads, VA, and ports and points on the James River, on the one hand, and, on the other, ports and points on the Atlantic Coast and tributary waterways from ME to FL, including the Hudson River and the NY State Canal System, under continuing contract(s) with Westinghouse Electric Co., for 180 days. Supporting shipper(s): Westinghouse Electric Co., 23rd St. & Cowan Rd., Muncie, IN 47302.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82-4802 Filed 2-22-82; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conseration Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP4-52

Decided: February 12, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 120616 (Sub-9), filed February 8, 1982. Applicant: A. V. DEDMON TRUCKING, INC., Highway 150 East, Shelby, NC 28150. Representative: Elliott Bunce, Suite 1301, 1600 Wilson Blvd., Arlington, VA 2209, (703) 522-0900. Transporting *general commodities* (except classes A and B explosivies, household goods, and commodities in bulk), between points in Catawba, Cleveland, Gaston, Lincoln, and Mecklenburg Counties, NC, on the one hand, and, on the other, Chicago, IL.

MC 147446 (Sub-1), filed February 54, 1982. Applicant: TOWN TRUCKING CO., 1500 S. Roslyn Rd., Roselle, IL 60172. Representative: Albert A. Andrin, 180 N. La Salle St., Chicago, IL 60601, (312) 332-5106. Transporting (1) *petroleum and petroleum products,* and (2) *roofing materials,* between points in Lake County, IN and Kent County, MI, on the one hand, and, on the other, points in the U.S.

MC 160416, filed February 4, 1982. Applicant: HARBOR TRANSFER, INC., 2400 S. Weccacoe Ave., Philadelphia, PA 19148. Representative: Thomas G. Schwemmer (same address as applicant), (215) 467-7225. Transporting *general commodities* (except classes A

and B explosives), between points in PA, DE, MD, NJ, NY, VA, and DC.

Volume No. OP4–53

Decided: February 16, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 151516 (Sub-7), filed February 8, 1982. Applicant: JOSEPH W. HYDE, d.b.a. H. D. DELIVERY SERVICE, P.O. Box 1268, Ogden, UT 84402. Representative: Irene Warr, 311 S. State St., Suite 289, Salt Lake City, UT 84111, (801) 531–1300. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between points in UT, ID, WY, and MT.

MC 160276, filed February 9, 1982. Applicant: BIGELOW TRANSPORTATION COMPANY, INC., P.O. Box 3089, Greenville, SC 29602. Representative: William H. Borghesani, Jr., 1150 17th St., NW, Suite 1000, Washington, DC 20036, (202) 457–1122. Transporting *general commodities* (except classes A and B household goods, and commodities in bulk), between points in the U.S. under continuing contract(s) with United Forwarding, Inc., of Omaha, NE.

MC 160476, filed February 8, 1982. Applicant: K. J. ROLLINGS TRANSPORT, LTD., P.O. Box 407, Beebe, Quebec, Canada JOB 3EO. Representative: John P. Monte, P.O. Box 686, Barre, VT 05641, (1–802) 476–6671. Transporting *granite*, between points in the U.S., under continuing contract(s) with Universal Granite Center, Ltd., of Vermillion Bay, Ontario POV 2VO.

MC 160496, filed February 9, 1982. Applicant: HARTER CARTAGE CORP., Prairie Ave., Sturgis, MI 49091. Representative: Norman Bristol, 407 Kalamazoo, MI 49007, (616) 382–1483. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of furniture and partition walls, between points in the U.S., under continuing contract(s) with Harter Corporation, of Sturgis, MI.

Volume No. OP4–54

Decided: February 11, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 148797 (Sub-4), filed February 4, 1982. Applicant: RICHARD L. WHITE, d.b.a. RICHARD L. WHITE TRUCKING, 926½ East 10th St., Fairmont, MN 56031. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108, (701) 237–4223. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Armour & Co., of Phoenix, AZ, and Fairmont Refrigerated Services Company, of Fairmont, MN.

MC 154207 (Sub-1), filed February 4, 1982. Applicant: J. C. ELLIS TRANSPORTATION, INC., P.O. Box 1009, Washington Park, IL 62204. Representative: Denis M. Neill, 1100 17th St., Washington, D.C. 20036, (202) 463–8877. Transporting *petroleum products, lubricating oils, greases, and related products*, between points in the U.S., under continuing contract(s) with Pennzoil Products Company, of Maryland Heights, MO.

MC 158937, filed February 4, 1982. Applicant: WALTER GRISHAM, d.b.a. GRISHAM TRUCKING, Route 1, Box 20, Colt, AR 72326. Representative: R. Connor Wiggins, Jr., 100 N. Main Bldg., Suite 909, Memphis, TN 38103, (901) 526–4114. Transporting *machinery*, between points in St. Francis County, AR, on the one hand, and, on the other, points in the U.S.

MC 160007, filed January 18, 1982, previously noticed in the **Federal Register** issue of January 29, 1982, and republished this issue. Applicant: DeJONG TRANSPORT, 33651 Arcadian Wy Rt. 3, Abbotsford, B.C., Canada V2S 4N3. Representative: Kenneth R. Mitchell, 2320A Milwaukee Wy, Tacoma, WA 98421, (206) 383–3998. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Bel-Air Imports, Inc., d.b.a. Berman Imports, of Los Angeles, CA.

Note.—The purpose of this republication is to correctly state the commodity description.

Volume No. OP4–56

Decided: February 17, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 146447 (Sub-23), filed February 10, 1982. Applicant: TANBAC, INC., 2941 SW 1st Terr., Ft. Lauderdale, FL 33315. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53rd St., Miami, FL 33166, (305) 592–0036. Transporting *textile mill products*, between points in the U.S., under continuing contract(s) with Miami Rug Company, of Miami, FL.

MC 146447 (Sub-24), filed February 10, 1982. Applicant: TANBAC, INC., 2941 SW 1st Terr., Ft. Lauderdale, FL 33315. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 NW 53rd St., Miami, FL 33166, (305) 592–0036. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with Nailite Weather Shield Products, Inc., and Nailite, Inc., both of Miami, FL.

MC 154907 (Sub-4), filed February 9, 1982. Applicant: THE BUCK COMPANY, 631 W. Cherry St., Wayland, MI 49348. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459–6121. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with International Multi-Foods, Inc., of Minneapolis, MN, L. G. Cook Distributor, Inc., of Grand Rapids, MI, and L. L. Buck Produce, Inc., of Wayland, MI.

MC 156706, filed February 4, 1982. Applicant: BRUCE A. BEETER, Rural Rt. #1, Box 20A Norwich, ND 58768. Representative: Kent L. Johnson, P.O. Box 638, 212 S. Broadway, Minot, ND 58701, (701) 852–5110. Transporting (1) *concrete, concrete products and steel products*, and (2) *horse trailers and farm equipment*, between points in the U.S., under continuing contract(s) with ND Concrete Products Company, of Bismarck, ND and J–J Trailer Sales, of Minot, ND.

MC 157096, filed February 9, 1982. Applicant: MT. STORM FUEL CORPORATION, Riverton, WV 26814. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., N.W., Washington, DC 20004, (202) 347–8862. Transporting *commodities* in bulk, between points in the U.S., under continuing contract(s) with Allegheny Mining Corp., of Mt. Storm, WV, Ruddle Trucking, Inc. and Mt. Storm, Ltd., both of Riverton, WV, and Hinkle Trucking, Inc., of Circleville, WV.

MC 158346 (Sub-1), filed February 5, 1982. Applicant: VIRGIL MILLER, 4700 S. 5th St., Space 45, Pocatello, ID 83201. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, (208) 343–3071. Transporting *general commodities* (except classes A and B explosives and used household goods), between points in the U.S., under continuing contract(s) with Colorado Farm Bureau, Consumer Corp., of Denver, CO, and Idaho Farm Bureau Service Cooperative, Inc., of Pocatello, ID.

MC 160486, filed February 8, 1982. Applicant: DON HOOK, P.O. Box 925, Syracuse, KS 67878. Representative: Eugene W. Hiatt, 207 Casson Bldg., 603 Topeka Blvd., (913) 232–7263. Transporting (1) *farm machinery*, (2) *irrigation pumps*, (3) *motors*, (4) *plastic pipe*, and (5) *sprinklers*, between points in the U.S., under continuing contract(s) with Golden Rule, Inc., L & N Pump, Inc.,

L & N Engines, Inc., and Teeter, Inc., all of Johnson, KS.

Volume No. OP4–57

Decided: February 5, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 5987 (Sub-62), filed February 5, 1982. Applicant: KULB TRUCKING, INC., 789 Rambler Rd., Warminster, PA 18794. Representative: Albert Kulb (same address as applicant), (215) 357–9188. Transporting *metal products,* between those points in the U.S. in and east of TX, AR, MO, IL, and WI.

MC 99746 (Sub-5), filed February 5, 1982. Applicant: JEFFERSON TRUCK LINE, INC., 777 Post Oak Blvd., Houston, TX 77024. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893–3050. Transporting (1) *lumber and wood products,* (2) *metal products,* (3) *machinery,* and (4) *Mercer commodities,* (a) between points in TX, on the one hand, and, on the other, points in MS and OK, and (b) between points in LA and TX, on the one hand, and, on the other, points in AL and FL.

MC 110567 (Sub-29), filed February 8, 1982. Applicant: SOONER TRANSPORT CORPORATION, 666 Grand Ave., Des Moines, IA 50309. Representative: Kenneth L. Kessler, P.O. Box 855, Des Moines, IA 50304, (515) 245–2725. Transporting *such commodities* as are distributed by food and grocery stores, between points in the U.S., under continuing contract(s) with Sunshine Food Markets, of Sioux Falls, SD.

MC 117797 (Sub-9), filed February 8, 1982. Applicant: R. D. LEWIS BANANA CO., INC., P.O. Box 387, Fowler, CO 81039. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103, (817) 332–4718. Transporting *food and related products,* between points in Galveston County, TX and Harrision County, MS, on the one hand, and, on the other, points in AR, CO, IA, IL, IN, KS, KY, MN, MO, NE, ND, OH, OK, SD, TX, TN, and WI.

MC 119917 (Sub-72), filed February 8, 1982. Applicant: DUDLEY TRUCKING COMPANY, 724 Memorial Drive, S.E., Atlanta, GA 30316. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345 (404) 321–1765. Transporting *pulp, paper, printed matter and related products,* between Atlanta, GA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 148377 (Sub-5), filed February 8, 1982. Applicant: R & W TRUCKING, INC., 3501 Farnham Dr., Newark, CA 94560. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108, (415) 986–8696. Transporting *chemicals and related products,* between points in the U.S., under continuing contract(s) with Borden Chemical, Division of Borden, Inc., of Bellevue, WA.

MC 149237 (Sub-5), filed February 8, 1982. Applicant: WATSON TRUCKING CO., 8412 Lou Court, Louisville, KY 40219. Representative: William L. Willis, 702 McClure Bldg., Frankfort, KY 40601, (502) 227–7384. Transporting *carpet,* between points in GA, on the one hand, and, on the other, points in IN, KY, and OH.

MC 151407 (Sub-3), filed February 8, 1982. Applicant: T & T TRUCKING, INC., 274 N.W. 37th St., Miami, FL 33127. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245, (214) 358–3341. Transporting *recreational equipment,* between points in Dade County, FL, on the one hand, and, on the other, points in the U.S.

MC 159547, filed February 8, 1982. Applicant: PONTINO TRUCKING, 3rd & Merion Sts., P.O. Box 208, Bridgeport, PA 19405. Representative: Jerold S. Berschler, 522 Swede St., Norristown, PA 19401, (215) 279–4300. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. (except AK and HI), under continuing contract(s) with Theresa Friedman & Sons, Inc., of Philadelphia, PA.

MC 160477, filed February 8, 1982. Applicant: NANCY B. PHIPPS, Rt. 1, Box 426, Julian, NC 27283. Representative: Nancy B. Phipps (same address as applicant) (919) 697–1565. To operate as a *broker,* at Guilford County, NC, in arranging for the transportation of *passengers and their baggage,* between points in Guilford County, NC, on the one hand, and, on the other, points in the U.S., including HI.

MC 160487, filed February 9, 1982. Applicant: GOLDEN STATE TRAVEL, INC., 700 7th Ave., San Francisco, CA 94118. Representative: Marina Gerzhoy, 3625 Anza St., San Francisco, CA 94121, (415) 752–2852. To operate as a *broker,* at San Francisco, CA, in arranging for the transportation of *passengers and their baggage,* beginning and ending at San Francisco, CA, and extending to points in NV.

Volume No. OP4–40

Decided: January 29, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

Note.—This volume was previously published, mistakenly limiting the intervention of possible protestants. This republication properly reflects the pertinent grounds for intervention.

MC 42487 (sub-1057), filed January 25, 1982. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, CA 94025. Representative: V. R. Oldenburg, P.O. Box 3062, Portland, OR, (503) 226–4692. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with K-Mart Corporation, of Troy, MI.

MC 63837 (Sub-10), filed January 25, 1982. Applicant: DIGGINS & ROSE, INC., 3 Sagamore Park Rd., Hudson, NH 03051. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781–8205. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in CT, ME, MA, NH, NJ, NY, RI, and VT.

MC 138157 (Sub-283), filed January 27, 1982. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 S. Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn (same address as applicant), (615) 756–7511. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S. (except AK and HI).

MC 146447 (Sub-22), filed January 27, 1982. Applicant: TANBAC, INC., 2941 S.W. 1st. Terrace, Ft. Lauderdale, FL 33315. Representative: Richard B. Austin, 320 Rochester Bldg., 8390 N.W. 53rd. St., Miami, FL 33166, (305) 592–0036. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in the U.S., under continuing contract(s) with W. M. Industries, Inc., of Atlanta, GA.

MC 149507 (Sub-1), filed January 27, 1982. Applicant: STEVE'S GAS SUPPLY, INC., 46 River Rd., Essex Junction, VT 05452. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781–8205. Transporting *petroleum, natural gas and their products,* between points in MA, NH, NJ, NY, PA, RI, and VT.

MC 155537, filed January 27, 1982. Applicant: MORAVY TRUCKING COMPANY, 1934 Commercial Dr., Mt. Pleasant, MI 48858. Representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, MI 48933, (517) 482–2400. Transporting *(1) machinery, equipment, materials and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural*

gas and petroleum and their products and by products, and (2) earth drilling machinery and equipment and machinery, equipment, materials, supplies and pipe incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production storage and transmission of commodities resulting from drilling operations at well or hole site, (d) the injection or removal of commodities into or from holes or wells, and (e) the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including stringing and picking up thereof, between points in MI, on the one hand, and, on the other, points in the U.S.

MC 158567, filed January 27, 1982. Applicant: SCHUMAN CARTAGE CO., 826 N. Harvard, Arlington Heights, IL 60004 Representative: Donald P. Schuman (same address as applicant), (312) 259–1693. Transporting *such commodities* as are dealt in or sold by building material and home furnishing suppliers, between points in the U.S., under continuing contract(s) with Plywood Minnesota, Inc., of Chicago, IL.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–4799 Filed 2–22–82; 8:45 am]

BILLING CODE 7035–01–M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested only on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional question) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP3–027

Decided: February 17, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 97394 (Sub-38), filed February 4, 1982. Applicant: BOWLING GREEN EXPRESS, INC., 4449 Orange Ave., Louisville, KY 40213. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St. N.W., Washington, DC 20004, (202) 347–8862. Transporting *general commodities*, between Lexington, Luray, Beech Bluff, Ralston, Terrell, Malesus, Medon, Toone, Conger, Bolivar, Hickory Valley, Grand Junction, Kenwood, Hickory Point, Doddsville, Fox Bluff, Chapmansboro, Parkburg, Deanburg, Silerton, Hornsby, Serles, and Lacy, TN, Michigan City, Lamar, Hudsonville, Holly Springs, Waterford, Spraggins, Abbeville, McClary, College Hill, Oxford, Taylor, and Water Valley, MS, Deanefield, Whitesville, Philpot, Oak Ridge, Masonville, Thompsonville, and Edgoten, KY, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

MC 160495, filed February 9, 1982. Applicant: DIETER GERD TIEDJE, d.b.a. VIRGINIA TRANSIT, 9438 Lafayette Ave., Manassas, VA 22110. Representative: Dieter Gerd Tiedje (same address as applicant), (703) 368–7697. Transporting *shipments weighing 100 pounds or less,* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OP4–51

Decided: February 12, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 153456, filed February 4, 1982. Applicant: FRANK A. KOSAR, d.b.a. RITE WAY TRUCK RENTAL, 2606 Cartwright, Dallas, TX 75212. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062, (214) 255–6279. Transporting, for on or behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 158286 (Sub-4), filed February 4, 1982. Applicant: M. T. TRUCK LINE, INC., 4947 W. 173rd St., Country Club Hills, IL 60477. Representative: James C. Hardman, 33 N. Lasalle St., Chicago, IL 60602, (312) 236–5944. Transporting *general commodities* (except classes A and B explosives), between Moosehart, IL, on the one hand, and, on the other, points in the U.S. Condition: Issuance of a certificate in this proceeding is conditioned upon applicant certifying to the Commission, prior to commencing operations, that all rail service has actually terminated at specified points. The certification should be sent to the Deputy Director, Section of Operating

Rights, Interstate Commerce Commission, Washington, DC 20423.

Note.—The purpose of this application is to substitute motor common carrier for abandoned rail service.

MC 160426, filed February 5, 1982. Applicant: VAN SCODER TRUCK LINES, 2625 El Capitan Dr., Sanford, FL 32771. Representative: Richard Van Scoder (same address as applicant), (305) 323–1151. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 160446, filed February 9, 1982. Applicant: HOWARD Mac WALLACE, d.b.a. Mac WALLACE, P.O. Box 69, Cerro Gordo, NC 28430. Representative: Howard Mac Wallace (same address as applicant), (919) 654–3693. Transporting (1) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, and (2) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OP4–55

Decided: February 11, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 160407, filed February 4, 1982. Applicant: NATALIE J. HUNTER, So. 421 Koren Rd., Spokane, WA 99206. Representative: Henry C. Winters, 12600 S.E. 38th St., Suite 200, Bellevue, WA 98006, (206) 644–2100. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 160417, filed February 4, 1982. Applicant: INTERNATIONAL TRAFFIC CONSULTANTS OF CANADA, a division of 347372 ONTARIO LIMITED, 54 Bramsteele Rd., Unit 15, Brampton, Ontario, Canada L6W 3M6. Representative: Robert D. Gunderman, Can-Am Bldg., 101 Niagara St., Buffalo, NY 14202, (716) 854–5870. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OP4–58

Decided: February 12, 1982.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 103967 (Sub-29), filed February 8, 1982. Applicant: CARRIER VAN SERVICE, INC., 3041 Paseo, Kansas City, MO 64109. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 797–6060. Transporting, (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *used household goods* for the account of the United States Government incidental to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 160497, filed February 9, 1982. Applicant: ALL POINTS COURIER, INC., 225 Pittenger Place, Neptune, NJ 07753. Representative: Eduardo Pena, Jr., Solar Bldg., 1000 16th St., N.W., Suite LL50, Washington, DC 20036. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–4800 Filed 2–22–82; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 5, 1982.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 5, 1982.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washinton, D.C. this 9th day of February 1982.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
General Motors Corp., Chevrolet Motor Div., Central Office (company).	Warren, MI	1/21/82	1/18/82	TA-W-13,220	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone and Regional Off. (company).	Atlanta, GA	1/21/82	1/18/82	TA-W-13,221	Sales and administrative support.

APPENDIX—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
General Motors Corp., Chevrolet Motor Div., Zone and Regional Off. (company).	Tarrytown, NY	1/21/82	1/18/82	TA-W-13,222	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone Sales Off. (company).	Cincinnati, OH	1/21/82	1/18/82	TA-W-13,223	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone and Regional Off. (company).	Irving, TX	1/21/82	1/18/82	TA-W-13,224	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone and Regional Off. (company).	Fremont, CA	1/21/82	1/18/82	TA-W-13,225	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone and Regional Off. (company).	Oakbrook, IL	1/21/82	1/18/82	TA-W-13,226	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone and Sales Off. (company).	Homewood, AL	1/21/82	1/18/82	TA-W-13,227	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone Sales Office (company).	Tempe, AZ	1/21/82	1/18/82	TA-W-13,228	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone Sale Office (company).	Santa Monica, CA	1/21/82	1/18/82	TA-W-13,229	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone Sales Office (company).	San Diego, CA	1/21/82	1/18/82	TA-W-13,230	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone Sales Office (company).	Denver, CO	1/21/82	1/18/82	TA-W-13,231	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone Sales Office (company).	Indianapolis, IN	1/21/82	1/18/82	TA-W-13,232	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone Sales Office (company).	Overland Park, KS	1/21/82	1/18/82	TA-W-13,233	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone Sales Office (company).	Louisville, KY	1/21/82	1/18/82	TA-W-13,234	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone Sales Office (company).	Metairie, LA	1/21/82	1/18/82	TA-W-13,235	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone Sales Office (company).	Westwood, MA	1/21/82	1/18/82	TA-W-13,236	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone Sales Office (company).	Southfield, MI	1/21/82	1/18/82	TA-W-13,237	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone Sales Office (company).	Grand Blanc, MI	1/21/82	1/18/82	TA-W-13,238	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone Sales Office (company).	Edina, MN	1/21/82	1/18/82	TA-W-13,239	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone Sales Office (company).	Maryland Heights, MO	1/21/82	1/18/82	TA-W-13,240	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone Sales Office (company).	Omaha, NE	1/21/82	1/18/82	TA-W-13,241	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone Sales Office (company).	Parsippany, NJ	1/21/82	1/18/82	TA-W-13,242	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone Sales Office (company).	Bethage, Long Island, NY	1/21/82	1/18/82	TA-W-13,243	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone Sales Office (company).	Syracuse, NY	1/21/82	1/18/82	TA-W-13,244	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone Sales Office (company).	Charlotte, NC	1/21/82	1/18/82	TA-W-13,245	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone Sales Office (company).	Fargo, ND	1/21/82	1/18/82	TA-W-13,246	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone Sales Office (company).	Parma, OH	1/21/82	1/18/82	TA-W-13,247	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone Sales Office (company).	Wayne, PA	1/21/82	1/18/82	TA-W-13,248	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone Sales Office (company).	Memphis, TN	1/21/82	1/18/82	TA-W-13,249	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone Sales Office (company).	Houston, TX	1/21/82	1/18/82	TA-W-13,250	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone Sales Office (company).	Salt Lake City, UT	1/21/82	1/18/82	TA-W-13,251	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone Sales Office (company).	Charleston, WV	1/21/82	1/18/82	TA-W-13,252	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone Sales Office (company).	Brookfield, WI	1/21/82	1/18/82	TA-W-13,253	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone Sales Office (company).	Jacksonville, FL	1/21/82	1/18/82	TA-W-13,254	Sales and administrative support.
General Motors Corp., Chevrolet Motor Div., Zone Sales Office (company).	Sandston, VA	1/21/82	1/18/82	TA-W-13,255	Sales and administrative support.
A. Green Forest Products, Inc. (workers)	Glide, OR	1/13/82	1/5/82	TA-W-13,256	Timber—Cut, haul. Chips—wood.
Al Tech Specialty Steel Corp. (USWA)	Dunkirk, NY	2/2/82	1/28/82	TA-W-13,257	Rods, wire, bars, squares, hex and rounds—steel stainless specialty.
AMPCO—Pittsburgh Corp., Wyckoff Steel Div. (USWA).	Ambridge, PA	2/8/82	2/5/82	TA-W-13,258	Bars, rounds, flats—steel drawn, cold.
Auto Specialties Manufacturing Co., Castings Div. (workers).	Riverside, MI	1/25/82	1/15/82	TA-W-13,259	Castings—iron.
Auto Specialties Manufacturing Co., Castings Div. (workers).	Edgewater, MI	1/25/82	1/15/82	TA-W-13,260	Castings—iron. Jacks—hydraulic and hand.
Debra Sportswear (ILGWU)	Newark, NJ	1/29/82	1/25/82	TA-W-13,261	Raincoats—ladies.
(The Georgetown Steel Corp. (workers)	Georgetown, SC	2/8/82	2/2/82	TA-W-13,262	Bars, steel wire, rod—reinforcement.
Imperial-Clevite Corp., Engine Parts Div. (USWA)	Bridgeport, OH	1/12/82	1/8/82	TA-W-13,263	Rods and engine bearings.
MCA Knitts, Inc (workers)	Williamsport, PA	1/19/82	1/15/82	TA-W-13,264	Fabrics—knitted.
Northern Electric Co. (workers)	Snyder, TX	2/3/82	1/25/82	TA-W-13,265	Blankets, electric.
S.F.I. Holding Co., Inc. (ILGWU)	Newark, NJ	1/29/82	1/25/82	TA-W-13,266	Raincoats—ladies.
RCA Corp., Picture Tube Div. (IBEW)	Marion IN	2/1/82	1/26/82	TA-W-13,267	Tubes—picture, television.
U.S. Steel Corp. (workers)	Pittsburgh, PA	2/8/82	2/8/82	TA-W-13,268	Sheets, pipe, strip, bars, plate—steel.

[FR Doc. 82-4543 Filed 2-22-82; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-11,892]

Imperial Glass Corp., Bellaire, Ohio; Affirmative Determination Regarding Application for Reconsideration

On November 21, 1981, the Department issued a Certification Regarding Eligibility to Apply for Worker Adjustment Assistance for workers at the Bellaire, Ohio plant of the Imperial Glass Corporation. The certification was published in the **Federal Register** on December 1, 1981 (46 FR 58383).

The union's application for reconsideration of the December 1, 1980 impact date set in the certification notes that the Department's analysis of Bellaire's 1980 production data was misleading since it included "catch-up" production resulting from a 1979 strike. The union also notes that 1980 layoffs at Bellaire were more than four-times higher than in 1979. The company claims that the Department's survey was not adequate since it did not adequately represent the losses of Bellaire's stemware customers in 1980 to foreign competitors.

Conclusion

After review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 12th day of February 1982.

Robert S. Kenyon,

Deputy Director, Office of Program Management, Unemployment Insurance Service.

[FR Doc. 82-4838 Filed 2-22-82; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-11,810]

Jacoby-Bender, Inc., Woodside, N.Y.; Affirmative Determination Regarding Application for Reconsideration

On December 16, 1981 the Department issued a Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for workers Jacoby-Bender, Inc., Woodside, New York. The denial was published in the **Federal Register** on December 29, 1981 (46 FR 62972).

The company in its application for reconsideration indicates that significant employment declines occurred at their Woodside, New York plant prior to the Department's denial. The Department's denial was predicated on the fact that the significant employment decrease criterion of Section 222 of the Act was not met.

Conclusion

After review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 11th day of February 1982.

Robert S. Kenyon,

Deputy Director, Office of Program Management, Unemployment Insurance Service.

[FR Doc. 82-4839 Filed 2-22-82; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-81-64-M]

Energy Fuels Nuclear, Inc., Petition for Modification of Application of Mandatory Safety Standard

Energy Fuels Nuclear, Inc., Three Park Central, Suite 900, 1515 Arapahoe Street, Denver, Colorado 80202 has filed a petition to modify the application of 30 CFR 57.11-50 (escapeways; requirements) to its Hack Canyon No. 2 Mine located in Mohave County, Arizona. The petition is filed under Section 101(c) of the Federal Mine safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that every mine have two or more separate properly maintained escapeways to the surface from the lowest level.

2. The mine is non-gassy with damp to wet conditions. Combustibles such as fuels and solvents are not stored underground. The substance mined is non-combustible. All diesel equipment used underground is equipped with built-in fire suppression equipment in accordance with Arizona state mining codes. Timber used in the raises is basically saturated with water and rendered non-combustible. There has never been a fire in the mine or an incident involving fire at the mine.

3. The mine development plan, as dictated by size, shape and location of the ore body, and the relationship of this ore body to the geology, geography and topography of the existing mine site, does not permit establishing a secondary escapeway within the framework of sound engineering practices.

4. As an alternative method, petitioner states that the existing developmental drifts, raises, bore holes, stope and a refuge chamber provide ample protection, means of escape, and means of access to and from all major development areas of the mine.

5. For these reasons, petitioner requests a modification of the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 25, 1982. Copies of the petition are available for inspection at that address.

Dated: February 11, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-4840 Filed 2-22-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-73-M]

Homestake Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Homestake Mining Company, P.O. Box 875, Lead, South Dakota 57754 has filed a petition to modify the application of 30 CFR 57.11-59 (hoist operator protection) to its Homestake Mine located in Lawrence County, South Dakota. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statement follows:

1. The petition concerns the requirement that for the protection of operators of hoist located underground which are part of the mine escape and evacuation plan required by 30 CFR 57.11-53, the hoist operator will be provided with a respirable atmosphere completely independent of the mine atmosphere.

2. Petitioner seeks a modification of the standard to allow the continued use of self-contained breathing apparatus presently installed at three underground hoists. Specifically, the present units that are installed at each of the man hoists consist of ten compressed air bottles piped in tandem with each bottle having a shut-off valve. The shut-off valves are used to minimize leakage from the bottles. The air line from the bottles is equipped with an Audi-Larin Signal which warns the hoist operator

when the air in the bottle is getting low so that a switch can be made to the next bottle. Following the Audi-Larin Signal, a pressure guage and regulator are installed so that standard pressure can be maintained. The air then passes from the regulator to a manifold which is equipped with two outlets. From the manifold the air is carried by a hose to a demand-type regulator. At this point the demand regulator is coupled directly to a McCaa mine rescue face piece by using a quick disconnect unit. A McCaa 2-hour breathing apparatus unit is also equipped with a quick disconnect so that the hoist operator can disconnect from air tanks and connect to the McCaa unit when he or she must leave the hoist room. All units used in the assembly are standard MSA equipment. The McCaa unit has chosen as the escape equipment because of its availability on the property. The two-hour Draeger unit could also be used. Because of the long travel distance from the No. 4 Shaft and the No. 7 Shaft, a 30-minute escape unit is not adequate.

3. Each hoist operator receives 16 hours of initial training on this equipment and then receives supplemental yearly training of 12 hours. The equipment is checked monthly.

4. In case of an emergency there would be two people in the hoist room equipped with the units. Mine rescue teams have been instructed to visit the hoist rooms and if only one person is present, a mine rescue member will stay with the operator.

5. Petitioner states that the proposal outlined above will provide the same measure of safety for the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 25, 1982. Copies of the petition are available for inspection at that address.

Dated: February 11, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-4841 Filed 2-22-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-173-C]

K. and D. Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

K. and D. Coal Company, R.D. #1, Herndon, Pennsylvania 17830 has filed a petition to modify the application of 30 CFR 75.301 (air quality, quantity, and velocity) to its No. 1 Slope located in Northumberland County, Pennsylvania. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. Air sample analysis history reveals that harmful quantities of methane are non-existent in the mine.

2. Ignition, explosion and mine fire history are nonexistent for the mine.

3. There is no history of harmful quantities of carbon dioxide and other noxious or poisonous gases.

4. Mine dust sampling programs have revealed extremely low concentrations of respirable dust.

5. Extremely high velocities in small cross sectional areas of airways and manways required in friable Anthracite veins for control purposes, particularly in steeply pitching mines, present a very dangerous flying object hazard to the miners.

6. High velocities and large air quantities cause extremely uncomfortable damp and cold conditions in the already uncomfortable, wet mines.

7. As a alternative method, petitioner proposes that:

a. The minimum quantity of air reaching each working face be 1,500 cubic feet per minute;

b. The minimum quantity of air reaching the last open crosscut in any pair or set of developing entries be 5,000 cubic feet per minute; and

c. The minimum quantity of air reaching the intake end of a pillar line be 5,000 cubic feet per minute, and/or whatever additional quantity of air that may be required in any of these areas to maintain a safe and healthful mine atmosphere.

9. Petitioner states that the alternative method proposed will at all times provide the same measure of protection for the miners affected as that provided by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 25, 1982. Copies of the petition are available for inspection at that address.

Dated: February 11, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-4842 Filed 2-22-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-246-C]

Sewell Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Sewell Coal Company, Route 3, Box 125, Nettie, West Virginia 26681 has filed a petition to modify the application of 30 CFR 75.1105 (housing of underground transformer stations, battery-charging stations, substations, compressor stations, shops and permanent pumps) to its Sewell No. 1 Mine located in Nicholas County, West Virginia. The petition is filed under Section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that air currents used to ventilate structures or areas enclosing electrical installations be coursed directly into the return.

2. Petitioner has a GE Rectifier house located at 2 Main South and a transformer house located at 2 Main South Belt Head.

Both are ventilated directly by intake air. Only a very small portion of the air passing through the entries where the equipment is located would reach any working areas.

3. As an alternative method, petitioner proposes to ventilate the aforementioned equipment as stated above rather than cause the air to be directly coursed into the return airway. In support of this proposed alternative, petitioner will protect the rectifier and transformer with automatic heat sensors which will activate a twenty pound dry-type chemical fire suppression device located in a fire-proof structure.

4. In addition, the following safeguards will be employed:

a. The motor will be provided with overload and shortcircuit protection as required in safety standard 30 CFR 75.518;

b. A metal door will be provided for the enclosure hinged on the top and a chain or similar linkage connected to a

thermal heat link located over unit that would automatically close the door in the event of a fire;

c. A switch will be provided and interconnected into the electrical system so when the metal door closed the power circuit would be de-energized at the beginning of the branch circuit; and

d. Fire fighting equipment required by safety standard 30 CFR 75.1100–2(e) will be provided.

6. Petitioner states that the proposed alternative method will at all times guarantee no less than the same measure of protection afforded the miners as that provided by the standard.

Request for Commments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before March 25, 1982. Copies of the petition are available for inspection at that address.

Dated: February 12, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82–4843 Filed 2–22–82; 8:45 am]

BILLING CODE 4510–43–M

MERIT SYSTEMS PROTECTION BOARD

Air Traffic Controllers Appeals

AGENCY: Merit Systems Protection Board.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Merit Systems Protection Board intends to complete action on approximately 11,000 appeals from air traffic controllers no later than September 1, 1982. Because of the large number of such appeals, the processing time already spent acting upon the motion by a large number of appellants to consolidate these appeals at the national level, and the dramatic increase in the Board's overall appeals workload, the Board has been unable to decide these cases within its established 120-day time limit. This notice constitutes the public announcement of a new completion date required by 5 U.S.C. 7701(i)(1).

DATES: New completion date: September 1, 1982.

FOR FURTHER INFORMATION CONTACT: William C. Jenkins, (202) 653–7980.

Dated: February 12, 1982.

Herbert E. Ellingwood,

Chairman.

[FR Doc. 82–4775 Filed 2–22–82; 8:45 am]

BILLING CODE 7400–01–M

Publication of Decisions

AGENCY: Merit Systems Protection Board.

ACTION: Notice of publication of decisions.

SUMMARY: The Merit Systems Protection Board announces the publication of Volumes 3 and 4, Decisions of the United States Merit Systems Protection Board; a multi-part index is included in each volume. The volumes are available through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402; Stock No. 062–000–00009–1; price: $24.00.

FOR FURTHER INFORMATION CONTACT: Ada R. Kimsey, Chief, Editorial Services Branch, Legal Publications Division, Office of the Secretary, Suite 1404, 5205 Leesburg Pike, Falls Chruch, VA 22041, 703–756–6388.

SUPPLEMENTARY INFORMATION: The volumes are the second in the series of Board decisions publications, and cover the period July 23, 1980 through December 31, 1980. Included are Board final actions taken under the appellate and original jurisdiction conferred by the Civil Service Reform Act of 1978, and precedential interlocutory actions. Volumes 1 and 2 and index volume (January 11, 1979–July 22, 1980) are available from the Superintendent of Documents, as well; $30 for the set; Stock No. 062–000–00002–3. The Board also publishes the monthly Digest which contains summaries and listings of current decisions grouped under subject headings. It may be ordered from the Superintendent of Documents at $14 per year (17.50 outside the United States), or $2 per issue ($2.50 outside the United States). Federal agencies may order by sending a purchase order to the Superintendent of Documents, U.S. Government Printing Office. Microfiche and indexes of initial decisions are available on subscription from National Technical Information Service at $150 per year.

Dated: February 12, 1982.
Merit Systems Protection Board.

Herbert E. Ellingwood,

Chairman.

[FR Doc. 82–4774 Filed 2–22–82; 8:45 am]

BILLING CODE 7400–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (82–11)]

NASA Advisory Council (NAC), Life Sciences Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Life Sciences Advisory Committee.

DATE AND TIME: March 19–20, 1982, 8:30 a.m. to 4:30 p.m. each day.

ADDRESS: National Aeronautics and Space Administration, Ames Research Center, Bldg. N–200, Committee Room, Moffett Field, CA 94035.

FOR FURTHER INFORMATION CONTACT: Dr. Donald L. DeVincenzi, Code EBT–3, National Aeronautics and Space Administration, Washington, DC 20546 (202/755–3732).

SUPPLEMENTARY INFORMATION: The Life Sciences Advisory Committee consults with and advises the Council and NASA on the accomplishments and plans of NASA's Life Sciences Programs. The Committee, chaired by Peter Dews, is comprised of 12 members. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including Committee members and participants).

Type of meeting: Open.

Agenda

March 19, 1982

8:30 a.m.—Introductory Remarks
9:00 a.m.—Review Biomedical Research Program
3:00 p.m.—Discussion

March 20, 1982

8:30 a.m.—Review Exobiology Program
3:00 p.m.—Discussion

Robert F. Allnutt,

Acting Associate Administrator for External Relations.

February 17, 1982.

[FR Doc. 82–4781 Filed 2–22–82; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meetings

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Pub. L. 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at 806 15th Street, N.W., Washington, DC 20506:

Date: March 22–23, 1982.
Time: 9:00 a.m. to 5:30 p.m.
Room: 1023
Program: This meeting will review applications submitted for the Youth Projects Program, Division of Special Programs, for projects beginning after July 1, 1982

Date: March 25–26, 1982
Time: 9:00 a.m. to 5:30 p.m.
Room: 1023
Program: This meeting will review applications submitted for the Youth Projects Program, Division of Special Programs, for projects beginning after July 1, 1982.

The proposed meetings are for the purpose of Panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meetings will consider information that is likely to disclose:

(1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(2) Information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) Information the disclosure of which would significantly frustrate implementation of proposed agency action;

Pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that these meetings will be closed to the public pursuant to subsections (c) [4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about these meetings can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506, or call (202) 724–0367.

Stephen J. McCleary

Advisory Committee Management Officer.

[FR Doc. 82–4788 Filed 2–22–82; 8:45 am]

BILLING CODE 7536–01–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. STN 50–454 and STN 50–455]

Availability of Safety Evaluation Report for the Byron Station, Units 1 and 2

The Office of Nuclear Reactor Regulation has published its Safety Evaluation Report related to the proposed operation of the Byron Station, Units 1 and 2, located near the Rock River in Rockvale Township, Ogle County, Illinois, about three miles south of Byron and 17 miles southwest of Rockford, Illinois. Notice of receipt of Commonwealth Edison Company's application for a facility operating license for the Byron Station, Units 1 and 2 was published in the **Federal Register** on December 15, 1978 (43 FR 58659).

The report is being referred to the Advisory Committee on Reactor Safeguards and is being made available at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Rockford Public Library, 215 North Wyman Street, Rockford Illinois 61103 for inspection and copying. The report (Document No. NUREG–0876) can also be purchased at current rates, from the National Technical Information Service, Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161. The report may be purchased directly from NRC by writing Director, Division of Technical Information and Document Control, U.S. NRC, Washington, D.C. 20555. GPO Deposit Account holders may charge their orders by calling (301) 492–9530.

Dated at Bethesda, Maryland, this 17th day of February 1982.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 82–4832 Filed 2–22–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–358–OL]

Cincinnati Gas & Electric Co., et al. (Zimmer Nuclear Power Station, Unit 1); Notice of Hearing Location

February 17, 1982.

Pursuant to an Amended Notice of Hearing of January 18, 1982, the reconvened evidentiary hearings in this matter will continue at the Westin Hotel, Fountain Square, Cincinnati, Ohio 45202, March 1 through March 5, 1982, commencing at 9:00 a.m. The precise location in the Westin Hotel will be posted in the Hotel lobby. The Board intends to complete the evidentiary hearing on emergency planning and monitoring at this session.

For the Atomic Safety and Licensing Board.

Bethesda, Maryland, February 17, 1982.

John H. Frye, III,

Chairman, Administrative Judge.

[FR Doc. 82–4835 Filed 2–22–82; 8:45 am]

BILLING CODE 7590–01–M

[Dockets Nos. 50–277 and 50–278]

Philadelphia Electric Co., et al.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 83 and 82 to Facility Operating Licenses Nos. DPR–44 and DPR–56, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications (TSs) for operation of the Peach Bottom Atomic Power Station, Units Nos. 2 and 3 (the facility) located in York County, Pennsylvania. The amendments are effective as of the date of issuance.

These amendments make administrative changes to the TSs which correct the Low-Low water level designation on Table 3.2.B; correct responsibilities of the Plant Operations Review Committee; and modify the startup report description.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the application for amendments dated October 1, 1981, (2) Amendment No. 83 to License No. DPR–44 and Amendment No. 82 to License

No. DPR–56 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 9th day of February 1982.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 82–4833 Filed 2–22–82; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–286]

Power Authority of the State of New York; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 42 to Facility Operating License No. DPR–64, issued to the Power Authority of the State of New York (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 3 (the facility) located in Buchanan, Westchester County, New York. The amendment is effective as of the date of issuance.

The amendment revises the provisions in the Technical Specifications to allow the reorganization of the Indian Point Unit No. 3 Safety Review Committee.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 6, 1982, (2) Amendment No. 42 to License No. DPR–64, and (3) the Commission's letter to the licensee dated February 17, 1982. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 17th day of February, 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82–4834 Filed 2–22–82; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

American Airlines, Inc.; Application and Opportunity for Hearing

February 18, 1982.

Notice is hereby given that American Airlines, Inc. (the "Applicant") has filed an application pursuant to clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the proposed successor trusteeship of J. Henry Schroder Bank & Trust Company ("Schroder") under an indenture of the Trustees of the Tulsa Municipal Airport Trust, which is qualified under the Act and under which the Applicant is also an obligor, and the trusteeship of Schroder under an indenture of the Applicant which is not qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Schroder from acting as successor trustee under the Trustees of the Tulsa Municipal Airport Trust Indenture.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall, within 90 days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, in effect, that with certain exceptions, a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of Subsection (1), there shall be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicant alleges that:

1. The Applicant had outstanding as of December 1, 1981 $89,818,683.28 of its 10⅛% Equipment Trust Certificates Due 1998 (the "Certificates") issued under an Equipment Trust Agreement dated as of September 2, 1979 (the "Equipment Trust Indenture"), between the Applicant and Schroder. The Equipment Trust Indenture was not required to be and was not qualified under the Act. The Certificates were not required to be and were not registered under the Securities Act of 1933.

2. The Trustees of the Tulsa Municipal Airport Trust, an agency of the State of Oklahoma and a regularly constituted authority of the City of Tulsa had outstanding as of December 1, 1981 (a) $1,795,000 of its Trustees of the Tulsa Municipal Airport Trust, Revenue Bonds, Series 1963 (the "Series 1963 Bonds"), issued under a bond indenture dated May 1, 1963 (the "1963 Indenture") (b) $10,530,000 of its Trustees of the Tulsa Municipal Airport Trust, Revenue Bonds, Series 1969 (the "Series 1969 Bonds") issued under a first supplemental bond indenture dated as of December 1, 1969 (the "First Supplemental Indenture") and (c) $24,775,000 of its Trustees of the Tulsa principal Airport Trust, Revenue Bonds, Series 1971 (the "Series 1971 Bonds"), issued a second supplemental bond indenture dated as of June 1, 1971 (the "Second Supplemental Indenture") (collectively, the "Tulsa Bonds" and the "Tulsa Indenture"). Morgan Guaranty Trust Company of New York is the indenture trustee under the Tulsa Indenture. The 1963 Indenture and the First Supplemental Indenture were qualified under the Act. The Second Supplemental Indenture was not required to be and was not qualified under the Act. The Series 1969 Bonds were registered under the Securities Act of 1933. The Series 1963 Bonds and Series 1971 Bonds were not required to

be and were not registered under the Securities Act of 1933. The Tulsa Indenture contains the provisions required by Section 310(b)(1) of the Act.

3. The Applicant desires to have Schroder appointed to act as successor trustee under the Tulsa Indenture.

4. The Applicant is not the issuer of the Tulsa Bonds. However, section 8.16 of the Tulsa Indenture defines the term "obligor" to include the Applicant for purposes of determining whether or not the trustee has a conflicting interest under the Tulsa Indenture.

Thus, the Equipment Trust Indenture may, for the purposes of section 310(b) of the Act and section 8.16 of the Tulsa Indenture be "another indenture under which any other securities or certificates of interest or participation in any other securities of an Obligor [*i.e.*, the Applicant] * * * are outstanding * * * " with the result that there could be a conflicting interest if the same institution were to serve as trustee under the Equipment Trust Indenture and the Tulsa Indenture.

5. Neither the Applicant nor the Trustees of the Tusla Municipal Airport Trust are in default under the Tulsa Indenture and the Applicant is not in default under the Equipment Trust Indenture.

6. The Applicant's obligations with respect to the Certificates and the Tulsa Bonds rank *pari passu inter se;* neither obligation is surbordinate to the other. Both the Certificates and the Tulsa Bonds are separately secured obligations of the Applicant.

7. The only material differences between the Tulsa Indenture and the Equipment Trust Indenture, and among the rights of the holders of the securities issued thereunder, relate to dates of issue, aggregate principal amounts, interest rates, maturity and payment dates, redemption features (prices, dates and procedures), sinking fund provisions, issuance of additional securities, procedures and approvals for action by certificate and bond holders, grace periods relating to events of default, events of default, and certain covenants and provisions relating to merger and consolidation of the Applicant, taxation and insurance. In addition, there are differences between the two Indentures related to the fact that the Applicant is not the primary obligator under the Tulsa Indenture.

8. In the opinion of the Applicant, the provisions of the aforementioned indentures are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Schroder from acting as successor trustee under the Tulsa Indenture.

The Applicant has waived notice of hearing, any right to a hearing on the issues raised by the application, and all rights to specify procedures under the Rules of Practice of the Commission with respect to its application.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at the Public Reference Room, 1100 L Street, NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than March 15, 1982, submit to the Commission his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reasons for such requests, and the issues of fact and law raised by the application which he desires to controvert. Persons who request the hearing or advice as to whether the hearing is ordered will receive all notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after such date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-4854 Filed 2-22-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 18493; SR-Amex-82-2; SR-CBOE-82-2; PSE-82-1; Phlx-82-1]

American Stock Exchange, Inc., et al.; Filing of Proposed Rule Change and Order Approving Proposed Rule Change

February 17, 1982.

In the Matter of American Stock Exchange, Inc., 86 Trinity Place, New York, New York 10006; Chicago Board Options Exchange, Incorporated, LaSalle at Jackson, Chicago, Illinois 60604; Pacific Stock Exchange, Incorporated, 618 South Spring Street, Los Angeles, CA 90014, and Philadelphia Stock Exchange, Inc., 1900 Market Street, Philadelphia, Pennsylvania 19103.

The American Stock Exchange, Inc. ("Amex"),[1] the Chicago Board Options Exchange, Incorporated ("CBOE"),[2] The Pacific Stock Exchange, Incorporated ("PSE"),[3] and the Philadelphia Stock Exchange, Inc. ("Phlx") [4] have filed with the Commission pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b-4 thereunder, proposed rule changes to increase by 10 the number of authorized put and call classes which each exchange is permitted to list.

Interested persons are invited to submit written data, views and arguments concerning the submission within 21 days from the date of this publication. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes which are filed with the Commission, and of all written communications relating to the proposed rule changes between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street, N.W., Washington, DC.

The Commisssion finds that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, the requirements of Section 6, and the rules and regulations thereunder.

The Commisssion finds good cause for approving the proposed rule changes prior to the thirtieth day after the date of publication of notice of filing thereof, in that the rule changes relate solely to the ability of the options exchanges to list additional options classes. Approval of the rule changes before the full notice period will facilitate the availability to the investing public of an increased number of trading opportunities by enabling the options exchanges to conduct allocation procedures for the selection of new options classes as soon as possible.[5]

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[1] File No. SR-Amex-82-2.

[2] File No. SR-CBOE-82-2.

[3] File No. SR-PSE-82-1.

[4] File No. SR-Phlx-82-1.

[5] In this regard, the Commission recently approved proposed rule changes by the four options

Continued

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-4859 Filed 2-22-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 22391; 70-6669]

Connecticut Light and Power Co., et al.; Proposal To Merge Utility Subsidiaries

February 17, 1982.

The Connecticut Light and Power Company ("CL&P") and The Hartford Electric Light Company ("HELCO") (collectively, the "Companies"), utility subsidiaries of Northeast Utilities ("NU"), a registered holding company, and The Connecticut Gas Company ("Gas Company"), Seldon Street, Berlin, Connecticut 06037, a wholly-owned subsidiary of CL&P, have filed an application-declaration with this Commission pursuant to sections 6(a), (7), 9(a), 10, 11(a), and 12(e) of the Public Utility Holding Company Act of 1935 ("Act"), and Rules 50(a)(5), 62 and 65 promulgated thereunder, seeking authorization for the merger of HELCO into CL&P and for the acquisition by CL&P of all the assets and liabilities of Gas Company.

CL&P and HELCO, Connecticut corporations and the two largest subsidiaries of NU, are engaged in the generation and purchase of electric energy and its transmission, sale and distribution within Connecticut. They are also engaged in the purchase and retail distribution of natural gas in various areas of the State. The electric transmission systems of the Companies are already integrated and interconnected as part of the NU system, and in many areas their service territories are contiguous. In addition, CL&P and HELCO obtain centralized accounting, administrative, data processing, engineering, financial, legal, operations, planning, purchasing and other services from Northeast Utilities Service Company ("NUSCO"), another wholly-owned subsidiary of NU. As a result of these interconnections and centralized services, their operations are already largely consolidated.

The proposed merger would result in a simplification of the NU holding company system in furtherance of the goals set forth in Section 11 of the Act. The merger also represents the logical next step in the NU system's continuing program to optimize efficiency of operation and unify its corporate structure. CL&P and HELCO operate in service areas located throughout Connecticut which have artificial boundaries. The companies also have different rates despite the similarity of their operations. The Companies state that these factors have tended to create public confusion and misunderstanding about the Companies. The Connecticut Department of Public Utility Control (the "DPUC") has directed the Companies to equalize their rates as soon as possible. The Companies further state that the proposed merger would help to eliminate public confusion about the Companies, and would also be the simplest and most straight-forward method of achieving rate equalization.

The Companies believe that there are additional benefits of the merger. The merger would be beneficial in eliminating the expense and duplication of effort which is presently involved in meeting the reporting and filing requirements of various governmental entities. It would result in the consolidation of tax returns and periodic reports to various governmental entities, would permit the filing of a single application with the DPUC in retail rate proceedings, would eliminate the documentation that is required to support inter-company transactions, would eliminate separate corporate books and would permit the consolidation of the financing activities of the two companies. In addition, the merger would permit HELCO to utilize the CL&P indenture for future bond issues, thus providing greater financing flexibility by not having to meet the pre-tax earnings coverage test in HELCO's existing mortgage indenture. While the elimination of these redundancies will result in some savings (estimated future savings to be at least $100,000 annually), the savings from the merger would undoubtedly be much larger were it not for the fact that CL&P's and HELCO's operations have already been consolidated to a large degree.

The Boards of Directors of the Companies have approved, and authorized the execution of a merger agreement ("Merger Agreement"). The plan of merger provides for the merger of HELCO into CL&P, the surviving corporation. Under Connecticut law, CL&P would succeed to all of HELCO's assets, privileges, immunities and franchises, and would assume and be subject to all of HELCO's liabilities, obligations and judgments. All the common stock of both Companies is held by NU and on July 28, 1981, the NU Board of Trustees approved the merger. CL&P and HELCO each have outstanding preferred stock consisting of one class having various series. The approval of holders of at least two-thirds of the outstanding HELCO preferred shares (all series voting as a class) and the approval of holders of at least two-thirds of the outstanding CL&P preferred shares (all series voting as a class) would be required.

Upon merger of the Companies, each share of HELCO common stock, $12.50 par value, all of which is already owned by NU, will automatically and without any further action be converted into one share of CL&P common stock, $10.00 par value. The outstanding CL&P preferred stock will remain outstanding as preferred stock of the merged entity, without change. CL&P's authorized class of preferred stock will be increased from 6,000,000 shares to 9,000,000 shares to permit the conversion of the shares of each series of HELCO preferred stock, on a one-for-one basis, into shares of new comparable series of CL&P preferred stock. Each such new series of CL&P preferred stock will have the same dividend rate, sinking fund and other terms and conditions as the HELCO series that it replaced. The general terms and provisions of the preferred stock of the merged entity will be substantially similar to CL&P's existing preferred stock provisions which are substantially identical to those of HELCO. Preferred shareholders of HELCO who object to the merger and who comply with the applicable procedural requirements imposed by Connecticut law will be entitled to appraisal rights. The Merger Agreement provides, however, that the merger will not be consummated and the Merger Agreement will be terminated if holders of more than 10% of the outstanding HELCO preferred stock exercise their appraisal rights.

Both CL&P and HELCO have outstanding mortgage bonds and pollution control notes. The CL&P bonds and pollution control notes will remain outstanding after the merger, without change. The CL&P Indenture of Mortgage and Deed of Trust dated as of may 1, 1921, as amended ("CL&P Indenture"), which secures the CL&P bonds, will be supplemented to spread the lien of the CL&P Indenture to all property of the surviving company. the lien of the CL&P Indenture, however, would be a second lien on the former HELCO property and "additions" to such property. This Supplemental

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exchanges to modify the allocation plan that the exchanges use to allocate options on eligible stocks. *See* Securities Exchange Act Release No. 18464 (February 2, 1982).

Indenture and a Supplemental Indenture to HELCO's First Mortgage Indenture and Deed of Trust dated as of January 1, 1958, as amended, ("HELCO Indenture") providing for the assumption by CL&P of HELCO's obligations thereunder will be executed concurrently with the effectiveness of the merger. The lien of the HELCO Indenture, which secures the HELCO bonds, would continue to be a first lien on the former HELCO property and "additions" to such property. Immediately prior to the time that the merger becomes effective, HELCO will executer a Supplemental Indenture to the HELCO Indenture which will subject to the lien of the HELCO Indenture certain portions of the HELCO property which have heretofore been excluded from the lien, and exclude issues of additional bonds from the lien of the HELCO Indenture. Future bonds to be issued by the surviving company will be issued under the CL&P Indenture as amended from time to time. To preserve the benefit of the low interest rates applicable to many series of outstanding HELCO bonds and to the pollution control notes, CL&P, as the surviving entity, will assume the obligation to pay these securities instead of exchanging them for comparable securities of CL&P or attempting to redeem them. CL&P will also assume HELCO's obligations under various lease agreements and all other HELCO financing arrangements.

The Indentures of CL&P and HELCO contain various similar restrictions on the payment of common stock dividends which were implemented in accordance with the Commission's Statement of Policy with respect to First Mortgage Bonds. The Indenture provisions generally state that so long as a particular series of bonds is outstanding, the aggregate amount which may be declared, paid or otherwise applied by the company after a given date as a dividend or other distribution on its common stock (other than by way of a stock dividend or a distribution equal to the amount of cash received in a capital contribution or from the sale of common stock) or to pruchase or acquire its common stock, may not exceed earned surplus accumulated after said date (after deducting accured preferred stock dividends), plus a specified dollar amount (generally intended to represent approximately one year's future common and preferred stock dividend), plus further amount as may be authorized by the Commission. In light of the merger, the specified dollar amount of certain of these provisions will not be adequate to permit the merged company to have approximately one year's dividends free from the restriction. Thus, as permitted by the provisions of the HELCO and CL&P Indentures, the Companies expect to request the Commission to approve appropriate additional amounts under certain of these restrictions whch may be applied to the payment of dividends by the resulting company. Such request will be filed as an amendment to this application.

Contemporaneously with, or at some time prior to consummation of the merger, CL&P proposes to acquire all assets and liabilities of Gas Company with such assets being acquired in exchange for the satisfaction of all outstanding debt of Gas Company owed to CL&P and the assumption of Gas Company's liabilities. After the transaction all assets and liabilities (other than debt to CL&P which will be cancelled) of Gas company will be assets and liabilities of CL&P, with Gas Company remaining as a wholly-owned inactive subsidiary of CL&P. Gas Company's operations involve the procurement, purchase and transportation of gas for resale to CL&P and HELCO in connection with their retail gas distribution operations. Gas Company's assets primarily consist of certain contracts and contract rights relating to its activities and approximately eight miles of gas transmission lines and fifty-three miles of gas distribution lines. Its liabilities relate primarily to its obligations under lthe aforesaid gas contracts.

It will be necessary to schedule the consummation of the merger for a time when it will be possible to satisfy the earnings coverage test applicable to mergers contained in the HELCO Indenture. This provision would prevent HELCO from merging with CL&P unless the net earnings from CL&P's property (computed on an after-tax basis in the manner prescribed in the HELCO Indenture), during a period lof 12 consecutive months within the 15 months preceding the effective date of the merger, were at least twice the annual interest charges on all outstanding CL&P first mortgage bonds. Assuming that CL&P can meet this requirement and that all other conditions in the Merger Agreement can be satisfied, it is presently expected that the effective date of the merger will be June 30, 1982.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. interested persons wishing to comment on or request a hearing should submit their views in writing by March 12, 1982, to the Secretary, securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request.

Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-4855 Filed 2-22-82; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. 12230; 812-5016]

Kemper Government Money Market Fund, Inc., and Kemper Financial Services, Inc.; Filing of Application

February 17, 1982.

Notice is further given that Kemper Government Money Market Fund, Inc. ("Fund"), 120 South LaSalle Street, Chicago, Illinois 60603, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, and Kemper Financial Services, Inc. ("KFS"), 120 South LaSalle Street, Chicago, Illinois 60603, the investment manager and principal underwriter for the Fund (the Fund and KFS are hereinafter collectively referred to as the "Applicants"), filed an application on November 18, 1981, and an amendment thereto on January 27, 1982, requesting an order of the Commission, pursuant to section 6(c) of the Act, exempting the fund from the provisions of section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 thereunder to the extent necessary to permit the Fund to compute its net asset value per share using the amortized cost method of valuing portfolio securities. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicants represent that the Fund is a "money market" fund, the investment objective of which is to maximize current income to the extent consistent with stability of capital. The Fund invests exclusively in United States

Government obligations and repurchase agreements of such obligations which mature in twelve months or less.

As here pertinent, section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Rule 2a–4 adopted under the Act provides, as here relevant, 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, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and other securities and assets shall be valued at fair market value as determined in good faith by the board of directors of the investment company. Prior to the filing of the application, the Commission expressed its view that, among other things, (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants request an exemption from section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to permit the Fund to use the amortized cost method of valuing portfolio securities. Applicants represent that the board of directors of the Fund has determined that, in the absence of unusual circumstances, amortized cost value would represent the fair value of its portfolio securities. It is represented that the Fund's board of directors also believe that the proposal would benefit its shareholders by assuring them the convenience of a stable price of $1.00 for each of their shares, together with protection against dilution and Fund's board of directors also believe that the proposal would benefit its shareholders by assuring them the convenience of a stable price of $1.00 for each of their shares, together with protection against dilution and excessive risk in the form of conditions involving procedures for review by the Fund's board of directors and requirements as to the quality of the Fund's portfolio investments.

Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptive relief requested.

1. In supervising the operations of the Fund and delegating special responsibilities involving portfolio management to the Fund's investment adviser, the Fund's board of directors undertakes—as a particular responsibility within its overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and the Fund's investment objective, to stabilize its net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included with the procedures to be adopted by the board of directors shall be the following:

(a) Review by the board of directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the Fund's $1.00 amortized cost price per share, and maintenance of records of such review.[1]

(b) In the event such deviation from the Fund's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated by it.

(c) Where the board of directors believes that the extent of any deviation from the Fund's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which action may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the Fund's average portfolio maturity; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. The Fund will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that it will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. The Fund will record, maintain and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in condition 1 above, and the Fund will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the board of directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the board of directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with section 31(b) of the Act as though such documents were records required to be maintained pursuant to rules adopted under section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denomiated instruments which its board of directors determines present

[1] To fulfill this condition, the Fund intends to use actual quotations or estimates of market value reflecting current market conditions chosen by its board of directors in the exercise of its discretion to be appropriate indicators of value, which may include among others, (i) quotations or estimates of market value for individual portfolio instruments, or (ii) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, the Fund will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by its board of directors.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to condition 2(c) was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Applicant submit that granting its requested exemptive order is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than March 15, 1982, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion, persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in 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. 82–4856 Filed 2–22–82; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. 12227; 812–5053]

Managed Cash Account Trust; Filing of Application

February 16, 1982.

Notice is hereby given that Managed Cash Account Trust ("Applicant"), 200 Berkeley Street, Boston, Massachusetts 02116, an open-end, diversified, management investment company, registered under the Investment Company Act of 1940 ("Act"), filed an application on December 21, 1981, requesting an order of the Commission, pursuant to section 6(c) of the Act, exempting Applicant from the provisions of section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 under the Act, to the extent necessary to permit Applicant to value its assets using the amortized cost method of valuation. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, Applicant was established under Massachusetts law as a Massachusetts business trust under a declaration of trust dated September 25, 1981. Massachusetts Financial Services Company acts as investment adviser to Applicant. Applicant's investment objectives are to seek as high a level of current income as is considered consistent with the preservation of capital and liquidity by investing in a variety of short-term money market instruments. Applicant's portfolio securities are currently valued on the basis of yields obtained from market makers for securities of comparable maturity, quality and type, except that when such securities have 60 days or less to maturity at the time of valuation they are valued at amortized cost.

As here pertinent, section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by an investment company's board of directors. Rule 22c–1 provides, in part, that no registered investment company or principal underwriter therefor issuing any redemable security shall sell, redeem or repurchase any such security except a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a–4 provides, as here relevant, that the current net asset value of a redeemable security issued by a registered investment company used in computing its price for the purpose of distribution, redemption and repurchase shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by an investment company's board of directors. Prior to the filing of the application, the Commission expressed its view that, among other things, Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and it would be inconsistent generally with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests an order of the Commission pursuant to Section 6(c) of the Act, exempting it from the provisions of section 2(a)(41) and Rules 2a–4 and 22c–1 to the extent necessary to permit it to use the amortized cost method of calculation for all its portfolio securities. In support of its request, Applicant submits that many of its investors require an investment vehicle that offers a constant net asset value per share and a relatively smooth stream of investment income. Applicant argues that use of the amortized cost method of valuation permits it to provide investment vehicles with those features. In addition, Applicant represents that its board of trustees has determined that, absent unusual circumstances, amortized cost represents the fair value of its respective portfolio securities. Applicant maintains that the exemptions it requests satisfy the exemptive standard set forth in section 6(c) of the Act. In addition, Applicant consents to

the imposition of the following conditions to any order granting it the requested relief:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the board of trustees of Applicant undertakes—as a particular responsibility within the overall duty of care owed to its shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, to $1.00 per share.

2. Included within the procedures to be adopted by the board of trustees of Applicant shall be the following:

(a) Review by the board of trustees, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from the $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from the $1.00 amortized cost price per share exceeds 1/2 of 1 percent, a requirement that the board of trustees will promptly consider what action, if any, should be initiated by it.

(c) Where the board of trustees believes the extent of any deviation from the $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redeeming shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1 above, and will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of its board of trustees' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the board of trustees' meeting. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar-denominated instruments which its board of trustees determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not rated, of comparable quality as determined by its board of trustees.

6. Applicant will include in each quarterly report, as an attacthment to Form N–1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Applicant submits that granting its requested exemptive order is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is Further Given that any interested person may, not later than March 15, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82–4857 Filed 2–22–82; 8:45 am]

BILLING CODE 8010–01–M

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the board of trustees in the exercise of its descretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[Rel. No. 12228; 812–5030]

Svenska Handelsbanken Inc.; Application

February 16, 1982.

Notice is hereby given that Svenska Handelsbanken Inc. ("Applicant"), c/o Barry L. Dastin, Esq., White & Case, 280 Park Avenue, New York, New York 10017, filed an application on December 1, 1981, for an order of the Commission pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it was organized under the laws of Delaware on November 13, 1981, by Svenska Handelsbanken ("Bank"), a commercial bank organized under the laws of Sweden. All the outstanding shares of Applicant's capital stock will be owned by the Bank. Applicant's sole business will be the provision of funds to the Bank, and substantially all Applicant's

assets will consist of amounts receivable from the Bank.

According to the application, the Commission has granted the Bank an order for an exemption pursuant to section 6(c) of the Act exempting the Bank from all provisions of the Act (Investment Company Act Release No. 10816 (August 7, 1979)). Information with respect to the Bank, including a description of its business and Swedish banking regulation to which the Bank is subject, is included in the Bank's application requesting that order (File No. 812–4444).

Applicant states that, inasmuch as certain institutional purchasers of commercial paper may be subject to a policy of limiting their purchases of debt obligations to obligations of domestic issuers, the Bank has organized Applicant to provide a vehicle through which to sell commercial paper to such issuers and others. Applicant states that it proposes to issue and sell in the Unites States short-term negotiable promissory notes of the type generally referred to as commercial paper (the "Notes"), the proceeds of which (except for amounts needed to pay expenses or to repay maturing securities of Applicant) will be made available to the Bank in the form of loans or deposits. The application states that payment of the Notes will be unconditionally guaranteed by the Bank and thus the holders of the Notes could be considered as holders of obligations of the Bank. The obligation of the Bank to return or repay amounts deposited or lent to the Bank will, in addition, by pledged by the Applicant to the Bank as security against the Bank's obligations under its unconditional guarantee in order for the Bank to comply with requirements of Swedish banking law which prohibits the Bank from guaranteeing the notes without either capital cover or security. Applicant states that this arrangement will not affect or prejudice the right of holders of the Notes to resort to the unconditional guarantee of the Bank and the guarantee of the Bank will rank *pari passu* with all other unsecured and unsubordinated indebtedness of the Bank (including deposit liabilities) and prior to the claims of holders of the Bank's common stock.

According to Applicants, the Notes will be in minimum denominations of $100,000, and the Notes will rank *pari passu* among themselves and equally with all other unsecured and unsubordinated debt of Applicant and prior to the claims of holders of Applicant's common stock. Applicant states that the Notes will be sold through a commercial paper dealer in the Unites States to investors that ordinarily participate in the United States commercial paper market and will not be advertised or otherwise offered for sale to the general public. Applicant undertakes to ensure, as an express condition of any order granting its application, that the dealer in the Notes will provide each offeree prior to any sale of Notes to that offeree with a memorandum which (i) describes the business of Applicant and (ii) contains all the information with respect to the Bank which the Bank is required, pursuant to the terms of its order under section 6(c) of the Act, to provide to offerees of its commercial paper. This memorandum will be at least as comprehensive as those customarily used in offering commercial paper in the Unites States and will be updated periodically to reflect material changes in the Bank's financial status.

The application avers that the characteristics of the Notes will qualify them for exemption from registration under section 3(a)(3) of the 1933 Act. Applicant represents that it will not issue and sell the Notes until it has received an opinion of special legal counsel in the United States to the effect that, under the circumstances of the proposed offering, the Notes would be entitled to the exemption afforded by section 3(a)(3) of the 1933 Act. Applicant further represents that, prior to issuance, the Notes will have received one of the three highest investment grade ratings from at least one nationally recognized statistical rating organization and that its United States counsel shall certify that such a rating has been received.

Applicant states that it will appoint its special United States counsel to accept any process which may be served in any state or federal action by the holder of any Note against Applicant based on the Notes or the guarantees relating thereto, such appointment to be irrevocable until all amounts due or to become due in respect of the Notes have been paid by Applicant or the Bank under its guarantee. Applicant states that it will expressly accept the jurisdiction of any state or federal court in the city and state of New York in respect of any action, and will also be subject to suit in any other court in the United States which would have jurisdiction because of the manner of the offering of the Notes or otherwise.

Applicant states that it may, from time to time, offer other debt securities for sale in the United States. According to the application, any such securities would be in effect guaranteed by the Bank. In connection with any such offering, Applicant undertakes (1) to ensure that offerees will be provided, prior to any sale of the securities, with disclosure documents no less comprehensive than is customary for offerings of similar debt securities in the United States, (2) to cause the appointment of an agent to accept any process which may be served on it in any action based on the securities offering, (3) to obtain an opinion of special legal counsel in the United States as to compliance with, or availability of exemption from, the 1933 Act, and (4) to accept expressly the jurisdiction of any state of federal court in the city or state of New York in connection with any action based on the securities offering and will also be subject to suit in any other court in the United States which would have jurisdiction. Applicant further undertakes that all future issues of securities offered for sale in the United States by Applicant shall have received, prior to issuance, one of the three highest inventment grades from at least one nationally recognized statistical rating organization.

Section 3(a)(3) of the Act defines "investment company" to include any issuer which is engaged or proposes to engage in the business of investing, reinvesting , owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of that issuer's total assets (exclusive of government securities and cash items) on an unconsolidated basis. Applicant states that while it believes that it is not an "investment company" within the meaning of the Act, it recognizes that some uncertainty exists in this regard. Applicant states that it may be considered to be an investment company because deposits or accounts receivable will constitute substantially all its assets.

Section 6(c) of the Act provides in part that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act, if and to the extent that an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant submits that it is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act for the Commission to grant this

application because, due to the close relationship between Applicant and the Bank and the Bank's guarantee of the Notes, the purchase of the Notes will be the equivalent of purchasing obligations of the Bank, which has been granted an exemption from the provisions of the Act pursuant to section 6(c) of the Act for issuance of commercial paper directly. Applicant represents that the Bank's utilization of Applicant as a financing vehicle by which to issue the Notes will in no way affect investor protection as holders of the Notes will ultimately look to the Bank.

Notice is further given that any interested person may, not later than March 15, 1982, at 5:30a p.m., submit to the Commission in writing a request for a hearing on an application accompanied by a statement as to the nature of his/her interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he/she may request that he/she be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter order 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. 82–4858 Filed 2–22–82; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Privacy Act of 1974; Revision of System of Records

AGENCY: Small Business Administration (SBA).

ACTION: Notice of revision of system of records.

SUMMARY: Effective: February 23, 1982.

It is intended that the System of Records maintained by SBA be amended by this publication. Obsolete System of Records have been eliminated.

DATES: Comments must be received on or before March 25, 1982.

FOR FURTHER INFORMATION CONTACT: Nicholas Kalcounos, Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20416.

SUPPLEMENTARY INFORMATION: The purpose of this notice is to comply with the annual publication requirement and to update the Agency's System of Records.

Dated: February 18, 1982.

Donald R. Templeman,

Acting Administrator.

Appendix A

Central Office, 1441 L Street, N.W., Washington, D.C. 20416.
Boston Regional Office, 150 Causeway Street—10th Floor, Boston, Ma. 02114.
New York Regional Office, 26 Federal Plaza, Rm. 3214, New York, New York 10007.
Philadelphia Regional Office, Suite 646—West Lobby, One Bala Cynwyd Plaza, 231 St. Asaphs Road, Bala Cynwyd, Pa. 19004
Atlanta Regional Office, 1375 Peachtree Street, N.E., Atlanta, Ga. 30309
Chicago Regional Office, Federal Building, 219 South Dearborn Street, Rm. 838, Chicago, Ill. 60604.
Dallas Regional Office, 1720 Regal Row, Regal Park Office Bldg., Suite 230, Dallas, Tex. 74235
Kansas City Regional Office, 911 Walnut Street, 23rd Floor, Kansas City, Mo. 64106
Denver Regional Office, 1405 Curtis Street, 22nd Floor, Executive Tower Bldg., Denver, Colo. 80202
San Francisco Regional Office, 450 Golden Gate Ave., Box 36044, San Francisco, Calif. 94102
Seattle Regional Office, 710 2nd Ave., 5th Floor, Dexter Horton Building, Seattle, Wash. 98104
Boston District Office, 150 Causeway Street, 10th Floor, Boston, Mass. 02114
Augusta District Office, 40 Western Ave., Rm. 512, Federal Bldg., Augusta, Maine 04330
Concord District Office, 55 Pleasant Street, Rm. 213, Concord, N.H. 03301
Hartford District Office, One Financial Plaza, Hartford, Conn. 06103
Montpelier District Office, Federal Bldg., 87 State Street, Rm. 210, Montpelier, Vt. 05602
Providence District Office, 57 Eddy Street, 7th Floor, Providence, R.I. 02903
New York District Office, 26 Federal Plaza, Rm. 3100, New York, N.Y. 10007
Hato Ray District Office, Chardon and Bolivia Streets, P.O. Box 1915, Hato Ray, Puerto Rico 00919
Newark District Office, 970 Broad Street, Rm. 1635, Newark, N.J. 07102
Syracuse District Office, Federal Building—Rm. 1073, 100 South Clinton Street, Syracuse, N.Y. 13202
Philadelphia District Office, 231 St. Asaphs Rd., 1 Bala Cynwyd Plaza, Suite 400—East Lobby, Bala Cynwyd, Pa. 19004
Baltimore District Office, Oxford Bldg., 8600 LaSalle Road, Rm. 630, Towson, Maryland 21204
Clarksburg District Office, 109 North 3rd Street, Rm. 301, Londes Building, Clarksburg, W. Va.
Pittsburgh District Office, Federal Building, 1000 Liberty Ave., Rm. 1401, Pittsburgh, Pa. 15222
Washington District Office, 1030 15th Street, N.W., Suite 250, Washington, D.C. 20417
Atlanta District Office, 1720 Peachtree Street, N.W., 6th Fl., Atlanta, Ga. 30309
Birmingham District Office, 908 South 20th Street, Rm. 202, Birmingham, Ala. 35205
Charlotte District Office, 230 S. Tryon Street, Charlotte, N.C. 28202
Columbia District Office, 1801 Assembly Street, Rm. 131, Columbia, S.C. 29201
Jackson District Office, Providence Capitol Bldg., Suite 690, 200 E. Pascagoula Street, Jackson, Miss. 39201
Jacksonville District Office, Federal Bldg., 400 West Bay Street, Rm. 261, P.O. Box 35067, Jacksonville, Fla. 32202
Louisville District Office, Federal Bldg., 600 Federal Plaza, Rm. 188, Louisville, Ky. 40202
Miami District Office, 2222 Ponce De Leon Blvd., 5th Floor, Coral Gables, Fla. 33134
Nashville District Office, 404 James Robertson Parkway, Suite 1012, Nashville, Tenn. 37219
Chicago District Office, 219 South Dearborn St., Rm. 437 Federal Building, Chicago, Ill. 60604
Cleveland District Office, 1240 East 9th Street, Rm. 317, Cleveland, Ohio 44199
Columbus District Office, 34 North High Street, Tonti Bldg., Columbus, Ohio 43215
Detroit District Office, 477 Michigan Ave., McNamara Bldg., Detroit, Mich. 48226
Indianapolis District Office, 575 North Pennsylvania Street, Rm. 552 New Fed. Bldg., Indianapolis, Ind. 46204
Madison District Office, 122 West Washington Ave., Rm. 713, Madison, Wis. 53703
Minneapolis District Office, 12 South 6th Street, Plymouth Bldg., Minneapolis, Minn. 55402
Dallas District Office, 1100 Commerce St., Room 3C36, Dallas, Tex. 75242
Albuquerque District Office, 5000 Marble Ave., N.E., Patio Plaza Bldg., Albuquerque, NM 86110
Houston District Office, One Allen Ctr., 500 Dallas Street, Houston, Tex 77002
Little Rock District Office, 611 Gaines Street, Suite 900, Little Rock, Ark. 72201
Lubbock District Office, 1205 Texas Ave., 712 Federal Office Bldg. & U.S. Courthouse, Lubbock, Tex. 79401
Lower Rio Grande Valley District Office, 222 East Van Buren Street, Harlingen, Tex 78550
New Orleans District Office, 1001 Howard Ave., Plaza Tower 17th Fl., New Orleans, La. 70113
Oklahoma City District Office, Federal Bldg., 200 N.W. 5th Street, Suite 670, Oklahoma City, Okla. 73102

San Antonio District Office, 727 E. Durango, Rm. A–513, San Antonio, Tex. 78206
Kansas City District Office, 1150 Grande Ave., 5th Floor, Kansas City, Mo.
Des Moines District Office, New Federal Building, 210 Walnut Street, Rm. 749, Des Moines, Iowa 50309
Omaha District Office, 19 and Farnam Streets, Empire State Building, Omaha, Neb. 68102
St. Louis District Office, Suite 2500, Mercantile Tower, One Mercantile Center, St. Louis, Mo. 63101
Wichita District Office, 110 East Waterman Street, Main Place Bldg, Wichita, Kan. 67202
Denver District Office, 721 19th Street, Rm. 426A, Denver, Colo. 80202
Casper District Office, Federal Bldg., Rm. 4001, 100 East B Street, Casper, Wyo. 82601
Fargo District Office, Federal Bldg., 653 2nd Ave., North, Room 218, Fargo, N. Dak. 58102
Helena District Office, 618 Helena Ave., Helena, Mont. 59601
Salt Lake City District Office, Fed. Bldg., 125 South State Street, Rm. 2237, Salt Lake City, Utah 84138
Sioux Falls District Office, National Bank Bldg., 8th and Main Ave., Rm. 402, Sioux Falls, S. Dak. 57102
San Francisco District Office, 211 Main Street, San Francisco, Calif. 94105
Las Vegas District Office, 301 E. Stewart, Las Vegas, Nev. 89101
Honolulu District Office, 1149 Bethel Street, Rm. 308, Honolulu, Hawaii 96813
Los Angeles District Office, 350 S. Figueroa Street, 6th Floor, Los Angeles, Calif. 90071.
Phoenix District Office, 112 North Central Ave., Phoenix, Ariz. 85004
San Diego District Office, 880 Front Street, Federal U.S. Bldg., Rm. 4–S–33, San Diego, Calif. 92188
Seattle District Office, 915 Second Ave., Fed. Bldg., Rm. 1744, Seattle, Wash. 98174
Anchorage District Office, 1016 West 6th Ave., Suite 200, Anchorage Legal Center, Anchorage, Alaska 99501
Boise District Office, 216 North 8th St., Rm. 408, Boise, Idaho 83702
Portland District Office, 1220 S.W. Third Ave., Fed. Bldg., Portland, Oreg. 97204
Spokane District Office, Court House Bldg., Rm. 651, Spokane, Wash. 99210
Buffalo Branch Office, 111 West Huron Street, Rm. 1311, Fed. Bldg. Buffalo, N.Y. 14202
Elmira Branch Office, 180 State Street—Rm. 412, Elmira, N.Y. 14902
Harrisburg Branch Office, 1500 North 2nd Street, Harrisburg, Pa. 17102
Wilkes-Barre Branch Office, Penn Place, 20 N. Pennsylvania Ave., Wilkes-Barre, Pa. 18702
Wilmington Branch Office, 844 King Street, Federal Bldg., Rm. 5207, Wilmington, Del. 19801
Charleston Branch Office, Charleston National Plaza Suite 628, Charleston, W. Va. 25301
Knoxville Branch Office, 502 South Gay St., Rm. 307 Fidelity Bankers Building, Knoxville, Tenn.
Springfield Branch Office, One North, Old State Capital Plaza, Springfield, Ill. 62701
Cincinnati Branch Office, Federal Bldg., 550 Main Street, Cincinnati, Ohio 45202
Marquette Branch Office, 540 W. Kay Ave., Don H. Bottum University Center, Marquette, Mich. 49855
Milwaukee Branch Office, 735 West Wisconsin Ave., Rm. 690, Continental Bank Bldg., Milwaukee, Wis. 53233
El Paso Branch Office, 4100 Rio Bravo, Suite 300, El Paso, Tex. 79901
Corpus Christi Branch Office, 3105 Leopard St., Corpus Christi, Tex. 78408
Rapid City Branch Office, 515 9th Street, Fed. Bldg., Rm. 246, Rapid City, S. Dak. 57701
Fresno Branch Office, Fed. Bldg., 1130 O Street, Rm. 4015, Fresno, Calif. 93721
Agana Branch Office, Ada Plaza Center Bldg., Agana; Guam 96910
Fairbanks Branch Office, 501 Second Ave., Fairbanks, Alaska
Biloxi Branch Office, 111 Fred Haise Blvd., Gulf Nat. Life Insurance Bldg., 2nd Fl., Biloxi, Miss. 39530

Appendix B

Federal Archives and Records Center, GSA, 380 Trapelo Road, Waltham, MA. 02154
Federal Archives and Records Center, GSA, Military Ocean Terminal, Bldg. 22, Bayonne, NJ 07002
Federal Archives and Records Center, GSA, 5000 Wissahickon Ave., Philadelphia, PA 19114
Federal Records Center, GSA, Naval Supply Depot, Bldg. 308, Mechanicsburg, PA 17055
Washington National Records Center, Washington, D.C. 20409
Federal Archives and Records Center, GSA, 1557 St. Joseph Ave., East Point, GA 30344
Federal Archives and Records Center, GSA, 7358 South Pulaski Road, Chicago, IL 60629
Federal Records Center, GSA, 3150 Bertwynn Drive, Dayton, OH 45439
Federal Archives and Records Center, GSA, 2306 East Banister Road, Kansas City, MO 64131
National Personnel Records Center, GSA, (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118
Federal Archives and Records Center, GSA, 4900 Hemphill Street, P.O. Box 6216, Fort Worth, TX 76115
Federal Archives and Records Center, GSA, Bldg. 48, Denver Federal Center, Denver, CO 80225
Federal Archives and Records Center, GSA, 1000 Commodore Drive, San Bruno, CA 9066
Federal Archives and Records Center, GSA, 24000 Avila Road, Laguna Niguel, CA 92677
Federal Archives and Records Center, GSA, 6125 Sand Point Way, Seattle, WA 98115

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SBA001

SYSTEM NAME:

Accountable Property File—SBA001

SYSTEM LOCATION:

Central Office, Regional Office in San Francisco, Ca., District Offices in Marshall, Tex. and Oklahoma City, Okla., and Branch Offices in Corpus Christi, Tex., and Cincinnati, Ohio.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA Employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Listing of items processed by employees which are the property of the Small Business Administration, with each employee's signature verifying possession.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 15 U.S.C. 634(b)(6); 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For Internal Use Only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Records are kept in file folders or cabinets.

RETRIEVABILITY:

Records are indexed by employee's name.

SAFEGUARDS:

Access to records is generally limited to Office Services personnel.

RETENTION AND DISPOSAL:

Records are disposed of 2 years after latest inventory update.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURES:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records; Regional Director for Regional Office records; District Director for District Office records; Branch Manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Accountable Officer and employees.

SBA005

SYSTEM NAME:

Advisory Council File—SBA005.

SYSTEM LOCATION:

Branch, District, Regional and Central Offices of the Small Business Administration and in Federal Record Centers. See Appendix A for SBA addresses and Appendix B for FRC addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members, past and present, of SBA Advisory Councils. Records are also maintained on those individuals being processed for appointment to the SBA Advisory Councils.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information relating to members of SBA Advisory Councils and includes political party affiliations, ethnic/minority identification, security status, Congressional clearances, recommendations, appointment notices, address lists and occasionally, biographical data and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: To disclose information about an Advisory Council member to the general public. To respond to requests from the National Archives.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

These records are maintained in file folders, binders and index cards.

RETRIEVABILITY:

These records are indexed by the Council member or prospective Council member's name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

These records are retained for three years and then forwarded to a Federal Records Center. The FRC retains these records for five years and then offers the records for transfer to the National Archives.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office Records; Regional Director for Regional Office Records; Branch Manager for Branch Office Records; The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these

records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individual to whom record pertains, Congressional offices, Agency employees, news media, other Advisory Council members, Federal Register.

SBA010

SYSTEM NAME:

Applicant Representative Files—SBA010

SYSTEM LOCATION:

Branch, District, Regional and Central Offices of the SBA. See Appendix A for SBA addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who render services in connection with the preparation of SBA loan applications.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information relating to applicant representatives including revocation or suspension of representative privilege, type of service performed, amount of compensation charged borrowers and irregularities or complaints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used:

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with implementing the statute, or rule, regulation or order issued pursuant thereto.

After final SBA action revoking or suspending the privilege of a representative to appear before the SBA, the relevant records in the system of records may be referred, as a routine use, to other Federal Agencies which deal with the individual as an applicant representative.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

These records are maintained in file folders and in index cards.

RETRIEVABILITY:

These records are indexed by representative name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

The system of records is retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records; Regional Director for Regional Office records; District Director for District Office records; Branch Manager for Branch Office records. The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Loan applicants and applications, Agency employees, third party informants, and individual to whom record pertains.

SBA015

SYSTEM NAME:

Appraisers List—SBA015

SYSTEM LOCATION:

District and Branch Offices of the Small Business Administration. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual appraisers.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information relating to individual appraisers including qualifications, correspondence and, occasionally, notes on performance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

These records are maintained in file folders and on index cards.

RETRIEVABILITY:

Records are indexed by appraiser's name.

SAFEGUARDS:

Access to and use of these records are limited to those officials whose duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

District Directors, and Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record

pertaining to him or her by addressing a request in person or in writing to: District Director for District Office records; Branch Manager for Branch Office records; The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURE:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director or Branch Manger will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individual to whom record pertains, or his agent, Agency employees, National Association of Real Estate Appraisers, and published lists of local and regional appraisers.

SBA020

SYSTEM NAME:

Auctioneers List—SBA020

SYSTEM LOCATION:

District and Regional Offices of SBA. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who are auctioneers.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information relating to auctioneers who are interested in conducting sales on behalf of SBA, including categories of property and geographic areas in which the individual auctioneer is qualified and bonded.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

These records are maintained in file folders, binders and on index cards.

RETRIEVABILITY:

These records are indexed by auctioneer's name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Directors, District Directors. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Regional Director for Regional Office records; District Director for District Office records; The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURE:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individual to whom record pertains, or his agent, General Services Administration, Loan Files.

SBA025

SYSTEM NAME:

Audit Reports—SBA025

SYSTEM LOCATION:

The Central Office of the Small Business Administration and Federal Record Centers. In some cases, copies are maintained in the District and Branch Offices where the loan was processed. See Appendix A for SBA addresses and Appendix B for FRC addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of Disaster Home Loans.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains detailed investigations of home disaster loan recipients' use of SBA funds. These records also include related correspondence. Such audits are rarely undertaken unless large sums of money are involved.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used:

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

To provide data to the General Accounting Office for periodic reviews of this Agency.

To provide the Internal Revenue Service, in response to its request, with access to an individual's records to the extent that the information is relevant and necessary to the IRS' function.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are indexed by recipient name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are maintained by SBA for two years after the loan has become inactive and are then transferred to an FRC where they are maintained for five years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records; District Director for District Office records; Branch Manager for Banch Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Financial institution reports and records, Agency investigation, individual to whom record pertains.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a (k)(2), all investigatory material in the record compiled for law enforcement purposes is exempt from the notification, access, and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the Agency regulations. This exemption is necessary in order to accomplish the purpose of the Agency in preventing abuse of loan proceeds by recipients, as well as enforcing Agency rules and regulations (pursuant to 15 U.S.C. 634(b)(6) and 15 U.S.C. 645(a)), and preventing subjects of investigations from frustrating the investigatory process.

SBA030

SYSTEM NAME:

Automated Personnel History—SBA030

SYSTEM LOCATION:

SBA Central Office. See Appendix A for address.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All SBA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Current status of all SBA employees including all data pertinent to that status. This system includes name, Social Security number, grade and salary title, organization, education, veterans preference, competitive level, date of birth, handicap code, health benefits, etc. This system includes all personnel actions affecting active SBA employees since May 1972, and also those of separated employees since that date.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A number of records in this system are sent as a required report to the Civil Service Commission. The General Accounting Office is also given information from this system for audit purposes.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

This system of records is maintained on magnetic tape.

RETRIEVABILITY:

Records in this system can be retrieved by the employee's name or Social Security number.

SAFEGUARDS:

Physical Security—authorized personnel only.

RETENTION AND DISPOSAL:

These records form a permanent data bank for the Office of Personnel and are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer. See Appendix A for address.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer. The address of this office is contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

SF 171 and any other forms an employee completes when coming on-board; Personnel action as recorded on SBA Form 52; Requests for personnel actions; Mass Change Formats; and Award Keypunch Formats.

SBA040

SYSTEM NAME:

Boards of Survey—SBA040

SYSTEM LOCATION:

Central Office, Regional Offices, District Offices. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees and other individuals who have been involved in accidents with government vehicles, or other incidents of loss or damage to government property.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system includes the report and supporting material compiled by the Board of Survey in reviewing cases involving loss or damage to government property. These may be claims by or against the government. Cases involving up to

5000 can be handled in the Regional Offices. Cases involving more than

5000 must be referred to the Central Office Board of Survey.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101, 29 U.S.C. 651–78.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In the event that a suit is initiated in a court, these records would be referred to the Justice Department and General Services Administration for handling. The records would also be given to the parties in litigation with the Agency and to the court, if necessary in the case.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Records are kept in file folders.

RETRIEVABILITY:

Files are indexed by the name of SBA employees or other individuals involved in the case.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records; Regional Director for Regional Office records; District Director for District Office records; These addresses are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the paragraph above, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individuals involved in the case, witnesses, Agency investigation.

SBA045

SYSTEM NAME:

Borrower Insurance Files—SBA045

SYSTEM LOCATION:

The following District and Branch Offices maintain this system of records: Boise District Office, Casper District Office, Corpus Christi Branch Office, Honolulu District Office, Marshall District Office, New Orleans District Office, Pittsburgh District Office, Salt Lake City District Office and San Antonio District Office. All other District and Branch Offices maintain this information in the Loan Case File. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of Disaster Home Loans.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information relating to a Disaster Home Loan recipient's hazard insurance and Federal Flood Insurance, wherever applicable. These records include a copy of the insurance policy, a history of premium payments and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be disclosed in correspondence with a recipient's insurance company as to the status of his policy.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

These records are maintained in file folders and index cards.

RETRIEVABILITY:

These records are indexed by recipient name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

These records are destroyed when the loan becomes inactive.

SYSTEM MANAGER(S) AND ADDRESS:

District Directors, and Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: District Director for District Office records; Branch Manager for Branch Office records; The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information in the system should direct their requests to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains, insurance companies, Housing and Urban Development—Farmers Home Administration.

SBA050

SYSTEM NAME:

Career Counseling Files—SBA050

SYSTEM LOCATION:

San Francisco Regional Office, San Francisco District Office. See addresses in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This record system includes notes and forms completed during interviews between employees and supervisors regarding career goals and programs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Records are kept in file folders.

RETRIEVABILITY:

Records are indexed by employee name within each division of the office.

SAFEGUARDS:

Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are retained for a period of time set by agreement between supervisor and employee.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Director, District Director. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Regional Director for Regional Office records; District Director for District Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Interview between employee and supervisor.

SBA060

SYSTEM NAME:

Collateral—SBA060

SYSTEM LOCATION:

District and Branch Offices of the SBA. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of Disaster Home Loans.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains negotiable collateral assigned to the SBA in connection with the award of a disaster home loan. Included in these records are registers of negotiable collateral assigned to SBA, trust receipts, bonds, certificates, mortgages, notes, titles, insurance policies, and agreements of extending deeds of trust.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used:

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigation or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

To provide data to the General Accounting Office for periodic reviews of this Agency.

To provide the Internal Revenue Service in response to its request with access to an individual's records for an official audit to the extent that the information is relevant and necessary to the IRS' function.

To request information from a Federal, State, or local agency or a private title search agency to determine an applicant's suitability for a loan.

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 or settlement negotiations.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual

STORAGE:

These records are maintained in file folders, index cards, safety deposit boxes and insulated combination safes.

RETRIEVABILITY:

These records are indexed by recipient name and/or loan number.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

These records are retained until an individual's loan is paid-in-full or charged-off, then disposed.

SYSTEM MANAGER(S) AND ADDRESS:

District Directors, Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: District Director for District Office records; Branch Manager for Branch Office records.

The addresses of these officers are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains, Agency employees, bank correspondence, State officials, title search companies.

SBA065

SYSTEM NAME:

Collection Files—SBA065

SYSTEM LOCATION:

District, Branch and Central Offices of Small Business Administration and in the Federal Record Centers. See Appendix A for SBA addresses and Appendix B for FRC addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of Disaster Home Loans.

CATEGORIES OR RECORDS IN THE SYSTEM:

This system of records contains information relating to SBA collection activities in connection with Disaster Home Loans from the time of the initial disbursement until the loan is either paid-in-full or put in liquidation status. These records include;

SBA Form 573—"Cash Collateral and Abeyance Item Register"

SBA Form 230—"Receipt for Payment"

SBA Form 368—"Collectionsy—Disaster Deferred Participation Loans Purchased."

Default Vouchers

Various documents relating to the receipt and disposition of money remitted, issuances of past due notices and other related material.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used:

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature and whether arising by general statute or particular program statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

In the event court action arises from loan collection activities, 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 counsel in the course or settlement negotiations.

To provide data to the General Accounting Office for periodic reviews of this Agency.

To provide the Internal Revenue Service, in response to its request, with access to an individual's records for an official audit to the extent that the information is relevant and necessary to the IRS' function.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

These records are maintained on microfilm, magnetic tape, file folders, receipt books, ledgers, and insulated combination safes.

RETRIEVABILITY:

These records are indexed by recipient name as well as a cross-referenced loan number.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records located in District and Branch Offices are retained for two years after the loan is paid or charged-off and then forwarded to a Federal Records Center where they are destroyed after two years. Records located in the Central Office are retained no more than two years and then either forwarded to a Federal Records Center for four years or sold for salvage.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, District Directors, Branch Managers, See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records; District Director for District Office records; Branch Manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individual to whom record pertains, Agency employees, Banks, and Loan Case File.

SBA070

SYSTEM NAME:

Combined Federal Campaign—SBA070

SYSTEM LOCATION:

SBA Regional Offices in Kansas City, Mo., Boston, Mass., and Chicago, Ill. SBA District Offices in Columbus and Cleveland, Ohio. For the addresses of these offices, see Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains a list of participants and their contributions. A copy of pledge cards, names and addresses of personnel connected with the Combined Federal Campaign, code of charities to which donations were made.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Names and addresses of those employees who are connected with the planning and accomplishments of the fund-raising drive are sometimes released to the media.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Records are maintained in file folders or binders, which are usually stored in file cabinets.

RETRIEVABILITY:

Records are indexed by name, within each fiscal year.

SAFEGUARDS:

Records used by authorized persons only, on a need to know basis.

RETENTION AND DISPOSAL:

There is no official disposal schedule for these records, they are kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Directors, District Directors. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Regional Director for Regional Office records; District Director for District Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Employee on whom the record is maintained.

SBA080

SYSTEM NAME:

Completion Certificate Control Lists—SBA080

SYSTEM LOCATION:

Central Office, District and Branch Offices of the SBA. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of Disaster Home Loans.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information relating to SBA Form 1018, "Completion Certificate on SBA Disaster Loans." Each disaster loan recipient is required to execute this form when all loan proceeds have been expended. The system of records contains this form along with borrower reminders, past due listings, and verification reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

These records are maintained on magnetic tape, file folders, binders and index cards.

RETRIEVABILITY:

These records are indexed by recipient name as well as a cross-referenced loan number.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records; District Director for District Office records; Branch Manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individuals to whom record pertains, Agency personnel, Loan Case File.

SBA085

SYSTEM NAME:

Congressional Hearing Files—SBA085

SYSTEM LOCATION:

Central Office of the SBA. See Appendix A for the address.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees as well as applicants for, and recipients of, SBA assistance.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information about individuals in connection with preparation for and attendance at Congressional hearings. These records include data concerning program activities and personnel problems, intra-agency correspondence, investigations and Justice Department reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used:

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation, or charged with enforcing or implementing the statute, or rule, regulation or order, issued pursuant thereto.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

Parts of these records are indexed by an individual's name, and to that extent, are retrievable.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer. See Appendix A for the address.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer. The address of this office is contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individual to whom record pertains, Agency employees, Agency files, Justice Department.

SBA090

SYSTEM NAME:

Delinquent Loans—SBA090

SYSTEM LOCATION:

District and Branch Offices of the Small Business Administration and Federal Record Centers. See Appendix A for SBA addresses and Appendix B for FRC addresses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Recipients of disaster home loans whose loans have been classified as delinquent.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information relative to delinquent disaster home loans. These records consist of monthly printouts of loans 30, 45, and 60 days past due and SBA Forms 1004A and 1004B, the collection notices and records on past due accounts. Included in these records are the number, amount and dates of delinquent payments, the amount of the loan, related correspondence and remarks by the Service Loan Officer.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C 301, 15 U.S.C 634(b)(6), 44 U.S.C 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

These records are maintained in file folders and binders.

RETRIEVABILITY:

These records are indexed by the name of the recipient.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

The monthly listings are retained for up to one year and then destroyed. The 1004A and 1004B forms are transferred to the loan case file or an FRC if the loan becomes current. If the loan remains past due, these records are transferred to liquidation and retained until the loan is charged-off or paid-in-full and then forwarded to an FRC. Records maintained by a Federal Records Center are destroyed after four years.

SYSTEM MANAGER(S) AND ADDRESS:

District Directors, Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire at to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: District Director for District Office records; Branch Manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her. The District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Agency Collection Activities Branch, individual to whom record pertains, agency personnel.

SBA100

SYSTEM NAME:

Disaster Relief Act Printout—SBA100

SYSTEM LOCATION:

Corpus Christi Branch Office of the SBA. See Appendix A for address.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of Disaster Home Loans in the Corpus Christi area.

CATEGORIES OF RECORDS IN THE SYSTEM:

This Computer Printout lists the name and address of borrowers to whom the "forgiveness" provision of the Disaster Relief Act applies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

These records are maintained in a file folder.

RETRIEVABILITY:

Records are indexed by recipient name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel

screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Indefinite retention.

SYSTEM MANAGER(S) AND ADDRESS:

Branch Manager. See Appendix A for address.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Branch Manager for Branch Office records;

The address of this office is contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Branch Manager will set forth the procedures for gaining access to these records. It there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individual to whom record pertains, Agency employees.

SBA105

SYSTEM NAME:

Disbursements—SBA105

SYSTEM LOCATION:

Central District and Branch Offices of the SBA and Federal Record Centers. See Appendix A for SBA addresses and Appendix B for FRC addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of disaster home loans.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information relating to loan disbursement activities. These records consist of detailed listings of disbursements, SBA Form 191-checks requested, SBA Form 192-checks issued on loan closing and treasury check registers. The information includes amount of the loan, schedule of payments, actual disbursement calendars and overpayments made.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

U.S.C. 301; 15 U.S.C. 634(b)(6); 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used;

To provide information to the public when disclosures are warranted.

In communicating with the Treasury Department on disbursement activities.

To provide data to the General Accounting Office for periodic reviews of this Agency.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

These records are maintained in file folders, register books, and index cards.

RETRIEVABILITY:

These records are indexed by recipient name and loan number as well as a cross-referenced check control number.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

The Central Office maintains these records for three years following the end of the fiscal year whereas the District and Branch Offices maintain the system either for two years or indefinitely. The records are then transferred to an FRC which disposes of them under GAO standards.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office Records; District Director for District Office Records; Branch Manager for Branch Office Records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

The individual to whom the record pertains, Treasury Department, Agency personnel, and Loan Case File.

SBA110

SYSTEM NAME:

EEO Pre-Complaint Counseling—SBA110

SYSTEM LOCATION:

Central Office, Regional Offices, District Offices and Branch Offices. For addresses see Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees who have requested counseling regarding discrimination in employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

File on each counseling case, compiled by Equal Employment Opportunity Counselor in each office. File may include statements made by the employee being counseled and other persons interviewed, record of attempts to resolve the problem, and EEO Counselor's Report. If a formal complaint is filed after counseling, the EEO Counselor's Report becomes part of the EEO Complaint case.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 C.F.R. 713, 13 C.F.R. 105.735–5–4

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used to report counseling activity to the Civil Service Commission, but such reports do not name the individuals who received counseling.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Files are kept in file folders.

RETRIEVABILITY:

Records are indexed by the name of the person requesting counseling.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is utilized to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Some offices dispose of records after the problem is resolved. Others retain the records for a period of years or indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, Regional Directors, District Directors, and Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records; Regional Director for Regional Office records; District Director for District Office records; Branch Manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Person requesting counseling, other employees, EEO Counselor, and Personnel and employment records.

SBA115

SYSTEM NAME:

EEO Complaint Cases—SBA115

SYSTEM LOCATION:

Central Office. For address see Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees who have filed a complaint regarding discrimination in employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files on each complaint case, compiled by the Office of Equal Employment Opportunity. File may include statements made by the complainant and other persons interviewed. EEO Counselor's Report, other information developed in the investigation of a complaint, notes of attempts to resolve the complaint, report of a hearing, Hearing Examiner's Recommendations, and Agency action on the case. Files also include closed cases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 C.F.R. 713, 13 C.F.R. 105.735–5–4.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are used to report complaints to the Civil Service Commission.

In the event that a complaint results in a hearing, records in this system will be used in preparing and presenting the case before a Complaints Examiner designated by the Civil Service Commission.

In the event that a complaint is appealed to the Civil Service Commission, these records will be used by the Appeals Review Board in making a decision on the case.

In the event that a complaint results in a suit in a Federal court, these records will be referred to the Department of Justice and used by that Department to prepare and present the case in court.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Files are maintained in file folders.

RETRIEVABILITY:

Records are indexed by the name of the person filing a complaint.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthoized disclosure.

RETENTION AND DISPOSAL:

Records are kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer. See Appendix A for address.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer, Central Office, at the address listed in Appendix A.

RECORD ACCESS PROCEDURE:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Complainant, Witnesses, Hearing transcript, Complaints Examiner's Recommendation, Agency investigation, Personnel and Employment records.

SBA120

SYSTEM NAME:

Employee Awards—SBA120

SYSTEM LOCATION:

This system is maintained by most SBA Regional and District Offices. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees nominated for and/or receiving awards.

CATEGORIES OF RECORDS IN THE SYSTEM:

Narratives on each individual nominated for Civil Servant of the Year, SBA Honor Award nominees, Federal Women's Award nominees, recommendations of supervisors and other supporting documentation submitted to awards boards.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 310, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

List of nominees for the Federal Women's Award are sent to the Civil Service Commission for consideration.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

These records are kept in file folders which are usually stored in file cabinets.

RETRIEVABILITY:

Records are indexed by name of employee or title of award.

SAFEGUARDS:

Personnel screening information released to authorized persons only.

RETENTION AND DISPOSAL:

These records are retained for a period varying from three to five years, then disposed of.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Directors, District Directors. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individiual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Regional Director for Regional Office records; District Director for District Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record petaining to him or her, the Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Employees, official Personnel folders, supervisors, Civil Service Commission, Department of Labor, other agencies and organizations.

SBA125

SYSTEM NAME:

Employee Biographical Files—SBA125

SYSTEM LOCATION:

Central Office, Regional Offices, District Offices, El Paso Branch Office. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include biographical data such as date of birth, employment history, education, photographs, news clippings and record of public appearances in an official capacity. These files do not necessarily contain information on all SBA employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records will be released to news media, other Government agencies, and private groups and organizations for publicity purposes.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Records are kept in file folders.

RETRIEVABILITY:

Records are indexed by the name of the employee.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Most offices retain the records as long as the person is employed by SBA.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, Regional Directors, District Directors, Branch Manager. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Cenetral Office records; Regional Director for Regional Office records; District Director for District Office records; Branch Manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a reord pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained, Agency personnel records and memoranda, news media.

SBA130

SYSTEM NAME:

Employee Bond Participation Files—SBA130

SYSTEM LOCATION:

Central Office, Regional and District Offices. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees who purchase U.S. Savings Bonds through payroll deduction.

CATEGORIES OF RECORDS IN THE SYSTEM:

This record includes the name of an employee purchasing Savings Bonds, address, Social Security number, amount of deduction, bond denomination, names of coowners or beneficiaries, correspondence and other information relating to bonds.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system are referred to the Treasury Department for the purchase of bonds.

These records are reviewed by the General Accounting Office in the course of an audit of the Agency.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made to the request of that individual.

STORAGE:

Records are kept in journals or file folders.

RETRIEVABILITY:

Records are indexed by employee name or Social Security number.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Central Office Files are disposed of aftr three years or a GAO audit. Other files are kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, Regional Directors, and District Directors. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records; Regional Director for Regional Office records; District Director for Distict Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In respose to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Employee Savings Bond Form (SNA 1042), Payroll Master File.

SBA135

SYSTEM NAME:

Employee Counseling Program—SBA135

SYSTEM LOCATION:

SBA Central Office; Denver Regional Office; Boston Regional Office; Wichita, KS District Office. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees who have requested counseling for personal problems and employees designated as counselors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case history documentation relative to problems. Counseling data. Referrals for assistance. Health benefit, compensation or disability processing assistance. Names of employees designated as Employee Counseling Program councelors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Employee Counseling Program records may be used to contact a doctor or other form of assistance for the employee being counseled.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Records are stored in locked file cabinets or in the desk of the Employee Counseling Program counselor.

RETRIEVABILITY:

Records are indexed either by the name of the counselor or the employee being counseled.

SAFEGUARDS:

Records are released to authorized personnel only, on a need to know basis.

RETENTION AND DISPOSAL:

Records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records; Regional Director for Regional Office records; District Director for District Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

SBA employees and their supervisors.

SBA140

SYSTEM NAME:

Employee Evaluation and Supervision Files—SBA140

SYSTEM LOCATION:

Central Office, Regional Offices, District Offices, Branch Offices. For addresses see Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This record contains Annual Performance Ratings, informal incident files on job activities, and other informal information relating to job performance, kept by supervisors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Records are kept in file folders.

RETRIEVABILITY:

Records are indexed by employee name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is utilized to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Retention varies from one year to indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records; Regional Director for Regional Office records; District Director for District Office records; Branch Manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer. Regional Director, District Director, or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Supervisors; Observation, conversation, interviews with employees; Agency Personnel records.

SBA145

SYSTEM NAME:

Employee Identification Card Files—SBA145

SYSTEM LOCATION:

Central Office, Regional Offices, District Offices, Branch Offices. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

These files contain names of employees and the identification card numbers issued to them.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Records are kept in file folders or card files.

RETRIEVABILITY:

Records are indexed by employee name or identification card number.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is utilized to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are retained until employee terminates service with SBA, or indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records; Regional Director for Regional Office records; District Director for District Office records; Branch Manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer. Regional Director, District Director, or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained, Agency Personnel records.

SBA150

SYSTEM NAME:

Employee Suggestions—SBA150

SYSTEM LOCATION:

Central Office, Regional Offices, Anchorage District Office, Cleveland District Office, Des Moines District Office. For addresses see Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees who have filed suggestions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include a copy of the suggestion, and information relating to the disposition made of the suggestion.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Records are kept in file folders.

RETRIEVABILITY:

Records in the offices listed above are indexed by the name of the person making the suggestion. Suggestion files in other offices are retrievable by date.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Files are kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records; Regional Director for Regional Office records; District Director for District Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Employee who filed suggestion, Agency personnel who review suggestions.

SBA155

SYSTEM NAME:

Employment Applications—SBA155

SYSTEM LOCATION:

Maintained by individual divisions of the SBA Central, Regional, District, and Branch Offices. See Appendix A for addresses of these offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for permanent, part-time, and temporary employment with the SBA.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains letters of introduction, résumés, personal qualifications statements, referrals, references, pre-employment inquiries, job interview records, Civil Service Commission ratings and lists of eligibles.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 634(b)(6); 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The résumés, etc. of those applicants seeking referral assistance are sometimes forwarded to other Federal agencies for possible employment.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

These records are usually stored in folders within file cabinets.

RETRIEVABILITY:

Records are indexed by applicant's name.

SAFEGUARDS:

Information released only to authorized personnel on a need to know basis.

RETENTION AND DISPOSAL:

File disposed of after two years.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records; Regional Director for Regional Office records; District Director for District Office records; Branch Manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Applicant to whom the file pertains, Civil Service Commission, and persons who furnish references for applicant.

SBA160

SYSTEM NAME:

Exit Interviews—SBA160

SYSTEM LOCATION:

SBA Regional Offices in Denver, Colorado and in San Francisco, California. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM.

SBA employees who resigned.

CATEGORIES OF RECORDS IN THE SYSTEM:

A written record of interviews conducted by the Personnel Office to determine why an employee resigned.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records are maintained for internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

The records in this system are stored in file cabinets.

RETRIEVABILITY:

These records are retrieved by the name of the employee.

SAFEGUARDS:

Records are released to authorized Agency personnel only.

RETENTION AND DISPOSAL:

These records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Directors in Denver and San Francisco. See Appendix A for addresses.

NOTIFICATION PROCEDURE.

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the appropriate Regional Director in either Denver or San Francisco. The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Interviews with employees and supervisors.

SBA170

SYSTEM NAME:

Finance & Investment Career Program—SBA170

SYSTEM LOCATION:

Central Office. Regional Offices. District Offices in Hartford, Connecticut; Lubbock, Texas; Seattle, Washington. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees who have applied for or enrolled in the F & I Career Program.

CATEGORIES OF RECORD IN THE SYSTEM:

This system of records includes application forms, appraisals of the employee's performance and potential, training plans, record of an employee's activities in the program, and correspondence relating to the individual and the program.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be used in communicating with a Union which represents SBA employees, in regard to the Career Program.

Information in these records may be communicated to the Civil Service Commission whenever necessary to implement a Personnel action.

These records may be examined by the General Accounting Office or the Civil Service Commission in the course of a review of the Agency.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Records are kept in file folders or binders.

RETRIEVABILITY:

Records are indexed by employee name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records; Regional Director for Regional Office records; District Director for District Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Employees, Supervisors, Agency Personnel records.

SBA180

SYSTEM NAME:

Government Drivers' Licenses and Use of Vehicles—SBA180

SYSTEM LOCATION:

Regional, District and Branch Offices of the SBA. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees authorized to use government vehicles.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information relating to use of government vehicles. Records include SBA Form 607, "Car Authorizations," applications for government driver's license, accident reports, physical fitness statements and operator's identification card.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

40 U.S.C. 471.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used:

To supply the General Services Administration and the General Accounting Office with information necessary and relevant to the Agencies' functions.

To request information from State and local police departments to determine an employee's eligibility for a government license.

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

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 or settlement negotiations.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

These records are maintained in file folders and index cards.

RETRIEVABILITY:

Records are indexed by employee name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose officials duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Regional Director for Regional Office records; District Director for District Office records; Branch Manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individual to whom record pertains, witnesses to accidents, police records, personnel involved in accidents.

SBA185

SYSTEM NAME:

Grievances and Personnel Practices Appeals—SBA185

SYSTEM LOCATION:

Central Office, Regional Offices, or District Offices where grievances or personnel practices appeals have been filed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees who have filed grievances under Union grievances procedures or Personnel Practices Appeals Procedures.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system includes correspondence, supporting documents, transcripts of hearings, information developed in investigating a grievance or appeal, and other information related to the processing of the grievance or appeal. These cases may be processed under a Union grievance procedure, or procedures established by the Agency pursuant to the Administrator's memorandum of December 9, 1974, to ensure that merit principles and personnel laws and regulations are carried out, where other procedures are not applicable.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101, Collective Bargaining Agreements with Unions which represent SBA employees, SBA Administrator's memorandum of December 9, 1974.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be communicated to the Union pursuant to the grievance procedure.

These records may be reviewed by the Civil Service Commission or used in reporting to the Civil Service Commission on labor-management relations activity.

Records may be disclosed to a Hearings Examiner from outside the Agency, pursuant to established procedures.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by name of the employee filing the grievance or appeal.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records; Regional Director for Regional Office records; District Director for District Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individual who files grievance or appeal, other employees, Union, Personnel and employment records.

SBA190

SYSTEM NAME:

Hurricane Agnes Disaster Files—SBA190

SYSTEM LOCATION:

Philadelphia Regional Office, Harrisburg Branch Office and Wilkes-Barre Branch Office of SBA. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients and applicants of SBA Disaster Home Loans, recipients of Pennsylvania State grants.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information relating to loans applied for and/or issued during the Hurricane Agnes disaster of June 1972. These records include:

Detailed analysis of every SBA disaster loan over 50,000 approved in the Philadelphia Region during the Hurricane Agnes disaster of June 1972.

List of individuals receiving State grants,

List of Mobile Home Loans fully forgiven,

List of borrowers scheduled for liquidation and other information needed to determine eligibility of a borrower for additional funds,

Active disaster accounts containing U.S. Court Order for Restitution for misuse of loan proceeds.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101, 15 U.S.C. 634(b)(6).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used:

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

To request information from a Federal, State, or local agency maintaining civil, criminal or other information relevant to determining an applicant's suitability for a loan.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Records are indexed by recipient's name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Director, Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Regional Director for Regional Office records; Branch Manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individual to whom record pertains, Loan Case Files, Department of Community Affairs (State of Pa.), United States Probation Officer, United States Clerk of Courts, Agency employees.

SBA195

SYSTEM NAME:

Inquiries and Correspondence—SBA195.

SYSTEM LOCATION:

Central, District and Branch Offices of the SBA. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have inquired of, or corresponded with, the Small Business Administration, or have been the subject of such inquiry.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information relating to correspondence and inquiries which are filed by the inquiror's name, and are not filed chronologically. Included in these records are inquiries from members of Congress, borrowers and applicants, and interested members of the public and news media. Also included in this system is information relating to Disaster Home Loan borrowers and applicants, and SBA employees who have been the subject of an inquiry, where such information is filed by the individual's name and not chronologically.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used:

To provide information to the public on an approved loan. Such information is limited to the name and address of the recipient, term and rate of the loan and the apportioned amount of the loan for real or personal property loss.

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation, or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

To provide data to the General Accounting Office for periodic reviews of the Agency.

To provide information or disclosure to State and Federal agencies, in response to their requests, in connection with the issuance of a grant, loan, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

These records are maintained in file folders, on magnetic tape, and index cards.

RETRIEVABILITY:

These records are indexed by individual's name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

These records are retained for no more than three years and then disposed of.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records; District Director for District Office records; Branch Manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individual to whom record pertains, Agency personnel, case files, Congressional correspondence, General Accounting Office.

SBA205

SYSTEM NAME:

Legal Work Files on Personnel Problems—SBA205.

SYSTEM LOCATION:

SBA Central. See Appendix A for address.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

These work files include opinions, advice, transcripts, witness statements, etc. maintained by the General Counsel's Office on personnel cases.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 634(b)(6); 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For internal agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Records kept in file folders which are stored in file cabinets.

RETRIEVABILITY:

Records indexed by employee's name.

SAFEGUARDS:

Access limited to those employees in General Counsel's Office involved in these cases.

RETENTION AND DISPOSAL:

These work files are kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer. See Appendix A for address.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer.

The address of this office is contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to the records. If there is no record of the individual, he or she will be so advised

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendments to the information sought.

RECORD SOURCE CATEGORIES:

Office of Personnel, Third party witnesses.

SBA210

SYSTEM NAME:

Lessees of Federally Owned Land on Rivers in Illinois—SBA210

SYSTEM LOCATION:

Springfield, Illinois Branch Office. See Appendix A for address.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Leesees of Federally owned land on rivers in Illinois.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information as to whether these individuals did or did not obtain SBA loans during the 1973 Federally declared flood disaster.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

These records are maintained in a file folder.

RETRIEVABILITY:

These records are indexed by lessee name as well as a cross-referenced lot number.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

SYSTEM MANAGER(S) AND ADDRESS:

Branch Manager. See Appendix A for address.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Branch Manager in Springfield, Ill.

The address of this office is contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the

official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Department of the Army, Corps of Engineers.

SBA220

SYSTEM NAME:

Litigation and Claims File—SBA220

SYSTEM LOCATION:

Central Office, Regional, District and Branch Office, and Federal Records Centers. See Appendix A for SBA addresses and Appendix B for FRC addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Disaster Home Loan recipients and other individuals who are parties to lawsuits or claims involving the SBA.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information relating to recipients who have been classified as "in litigation" and all individuals involved in claims asserted by or against the Agency. These records include, wherever applicable: affidavits, briefs, pleadings, depositions and interrogatories, summaries of loan status with entries of progress of litigation, opinions, copies of Department of Justice papers concerning loan cases in litigation, summary foreclosures, chattel lien searches, requests and answers under disclosure of information, modifications of loan terms and conditions, recipients' attorneys' names, amount of liability, narrative report of actual and contingent liabilities and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used:

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation, or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

In the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course or settlement negotiations.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

These records are maintained in file folders, binders and index cards.

RETRIEVABILITY:

These records are indexed by the name of recipient and claimant.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

The litigation records are maintained by the Central Records Section for one year after the litigation action has been completed and marked "closed". At that time some records may be transferred to the Loan Case File while the remainder are destroyed. Records of claims and Disclosures of Information are maintained indefinitely and Actual and Contingent Liabilities Reports are maintained until the case is resolved, then forwarded to a Federal Records Center which disposes of them according to a GSA schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records; Regional Director for Regional Office records; District Director for District Office records; Branch Manager for Branch Officer records.

The addresses of these officers are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to those records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains, Agency personnel, Department of Justice, interviews and correspondence with individuals outside of the Agency, bankruptcy notices, court records, title companies, and Loan Case Files.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a (k)(2) and (k)(5), all investigatory material in the record compiled for law inforcement purposes or for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information is exempt from the notification, access, and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the Agency regulations. This exemption is necessary in order for the Agency legal staff to properly perform its functions.

SBA225

SYSTEM NAME:

Loan Accounting—SBA225.

SYSTEM LOCATION:

Central Office of the SBA. See Appendix A for address.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of Disaster Home Loans.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records lists information necessary for proper accounting of Disaster Home Loans. Included in these records are transaction registers, listings of stop actions and manual freezes, listing of assets and liabilities, and listings of outstanding items in suspense.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Records are maintained in file folders and binders.

RETRIEVABILITY:

Records are indexed by loan number.

SAFEGUARDS:

Access to and use of these records are limited to Accounting Operations Division personnel. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer. See Appendix A for address.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer. The address of this office is contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individual to whom record pertains, Agency employees, Loan Case File.

SBA230

SYSTEM NAME:

Loan Activity Reports—SBA230.

SYSTEM LOCATION:

District, Branch and Regional Offices of the Small Business Administration. For addresses, see Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for and recipients of Disaster Home Loans.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information relating to a Disaster Home Loan. Included in this system are lists of loan approval, lists of loans declined, lists of loans cancelled, lists of bank officers, SCORE/ACE volunteers and Advisory Council members receiving loan approval lists, lists of loans in servicing, lists of loans pending, lists of borrowers' Federal tax status, lists of undisbursed approved loans, lists of loan maturing, and lists of disbursed loans. Lists of approved loans contain information relating to the amount of a loan, the term and rate.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Loan activity reports are for internal use, with the exception of loan approval lists. Information contained in a loan approval list may be used:

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

To provide data to the General Accounting Office for periodic reviews of this Agency.

To provide the Internal Revenue Service with access to an individual's records for an official audit to the extent that the information is relevant and necessary to the IRS' function.

To provide information to the public on an approved loan. Such information is limited to the name and address of the recipient, term and rate of the loan and the apportioned amount of the loan for real or personal property loss.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

These records are maintained in file folders, binders and index cards.

RETRIEVABILITY:

Records are indexed by applicant and recipient name as well as, for approved loans, the loan number.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening in employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Regional Director for Regional Office records; District Director for District Office records; Branch Manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individual to whom record pertains, Agency employees, Loan Case File, and Loan Master Files.

SBA235

SYSTEM NAME:

Loan Case File—SBA235.

SYSTEM LOCATION:

All District and Branch Offices and some Regional Offices of the Small Business Administration and in Federal Record Centers. See Appendix A for SBA addresses and Appendix B for FRC addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants and recipients of disaster home loans.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information relating to an individual who has applied for, or is receiving a disaster home loan from the time of the individual's application until the date of payment in full or charge-off if approved; or until the date of an official denial if declined. These records include:

Loan applications and supporting documents
Personal history and financial statements
Credit information
Investigative reports
Appraisers' reports
Correspondence and recommendations of responsible SBA official including approval authorizations
Disbursement amount, term and rate
History of repayments
Collateral and UCC filings
Collection and liquidation activities
Related correspondence
Settlements and compromises
Participating banks

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used:

To provide information to the public on an approved loan. Such information is limited to the name and address of the recipient, term and rate of the loan, and the apportioned amount of the loan for real or personal property loss.

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

To request information from a Federal, State or local agency or a private credit agency maintaining civil, criminal or other information relevant to determining an applicant's suitability for a loan.

To provide data to the General Accounting Office for periodic reviews of this Agency.

To provide information or disclose to State and Federal agencies, in response to their requests, in connection with the issuance of a grant, loan, 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.

To provide the Internal Revenue Service, in response to its request, with access to an individual's records for an official audit to the extent that the information is relevant and necessary to the IRS' function.

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 such proceedings or in settlement negotiations.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

These records are maintained in file folders, binders, and index cards.

RETRIEVABILITY:

These records are indexed by applicant and recipient name as well as a cross-referenced loan number.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records on approved loans are retained for two years after the loan is paid or charged-off and then forwarded to a Federal Records Center where they are destroyed four years later. Records on withdrawn, declined or cancelled applications are retained for two years after notification of final action and are then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Directors, District Directors and Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Regional Director for Regional Office records; District Director for District Office records; Branch Manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains, Agency employees, financial institution reports, law enforcement agencies, and Federal Disaster Assistance Administration.

SBA240

SYSTEM NAME:

Loan Closings—SBA240.

SYSTEM LOCATION:

District and Branch Offices of the SBA. See Appendix A for address.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Receipients of Disaster Home Loans.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records lists closing information relating to Disaster Home Loans. Included in these records are closing reports, disbursement status of loan account, expiration of disbursement periods, and other records of disbursement.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

These records are maintained in file folders, binders, and index cards.

RETRIEVABILITY:

These records are indexed by recipient name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Files are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

District Directors, Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: District Director for District Office records; Branch manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individual to whom record pertains, Agency employees. Loan Case File.

SBA245

SYSTEM NAME:

Loans in Liquidation, Charged-Off or Paid-in-Full—SBA245.

SYSTEM LOCATION:

Central Office, District and Branch Offices of the SBA and Federal Records Centers. See Appendix A for SBA addresses and Appendix B for FRC addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of Disaster Home Loans.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information relating to Disaster Home Loans that have been placed in liquidation status or have been charged-off. These records include information on finances of borrowers, disposition of collateral, how recoveries are applied, comments relative to liquidation status, and date of final charge-off.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used:

To provide data to the General Accounting Office for periodic reviews of this Agency.

To provide the Internal Revenue Service, in response to its request, with access to an individual's records for an official audit to the extent that the information is relevant and necessary to the IRS's function.

In the event court action arises from loan collection activities, 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 or settlement negotiations.

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing of implementing the statute or rule, regulation or order issued pursuant thereto.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual

STORAGE:

These records are maintained in file folders, index cards, and magnetic tape.

RETRIEVABILITY:

These records are indexed by recipient name as well as a cross-referenced loan number.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records on a loan in liquidation are retained by the SBA for three years after the case is closed. Except for those cases on which subsequent collection efforts have been made within three years from the date of closing, the records are then transferred to a Federal Records Center, which will dispose of the records after four years.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records; District Director for District Office records; Branch Manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains, Agency employees, financial institution reports, creditors of the individual, auctioneers, U.S. Attorney, SBA Collateral File, SBA Loan Case File.

SBA250

SYSTEM NAME:

Loan Master Files—SBA250.

SYSTEM LOCATION:

Central Office of Small Business Administration. See Appendix A for the address.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of Disaster Home Loans.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information relating to an individual who has received an SBA Disaster Home Loan. Included in these records are: approval, disbursement, delinquency and bank participation data, modifications of loans, litigation data, and minority code.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used:

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 such proceedings or in settlement negotiations.

In the event that a system of records maintained by this agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

To provide information or disclose to State and Federal agencies, in response to their requests, in connection with the issuance of a grant, loan or benefit by the requesting agency, or in connection with a review or audit by the other agency. Disclosure will be made only to the extent that the information is relevant and necessary to the requesting agencies' functions.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

These records are maintained on microfilm, magnetic tape, magnetic disc, and in file cabinets,

RETRIEVABILITY:

These records are indexed by loan number.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Files are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer. See Appendix A for address.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer. The address of this office is contained in Appendix A.

RECORD ACCESS PROCEDURE:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Loan Case File, individual to whom record pertains, Agency employees.

SBA255

SYSTEM NAME:

Management Assistance Resource Files—SBA255

SYSTEM LOCATION:

Central Office, Regional Offices, District Offices, and Branch Offices of the SBA. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SCORE/ACE volunteers, persons who borrow Management Assistance training materials, Small Business Institute coordinators, and other individuals who are potential speakers, counselors or authors and reviewers for Management Assistance.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information relating to individuals listed in the above paragraph. These records include biographical sketches of volunteers, correspondence, copies of travel vouchers, files of accomplishments, copies of counseling reports, occasional evaluations of individual volunteers, publications authored, news releases and clipping.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used:

To provide SCORE/ACE volunteers with information about an individual SCORE or ACE volunteer.

To provide university coordinators with information about potential speakers at management training sessions.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

These records are maintained in file folders, binders, and index cards.

SAFEGUARDS:

Access to and use of these records are limited to those Agency personnel and volunteers whose duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are retained, in the case of SCORE volunteers, for three years either

after a volunteer withdraws or has his name removed from acitve participation, and are then destroyed. For all others, files are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records, Regional Directory for Regional Office records, District Directory for District Office records, Branch Manager for Branch Office records. The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains, Agency employees, members of SCORE or ACE, news media, educators and universities, professional organizations, civic organizations.

SBA265

SYSTEM NAME:

Modifications in Loan Accounting—SBA265

SYSTEM LOCATION:

Central Office, District and Branch Offices of SBA. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of Disaster Home Loans.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records lists information necessary to keep Loan Case Files up-to-date with changes of borrower's address or loan status, deferments and rejections in payments, and other modifications as contained in SBA Form 327.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

These records are maintained in file folders, binders, and index cards.

RETRIEVABILITY:

Records are indexed by loan number and name of borrowers.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are retained for no more than two years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records, District Director for District Office records, Branch Manager for Branch Office records. The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Agency Personnel, Individual to whom record pertains, Loan Case File, Financial Institutions.

SBA270

SYSTEM NAME:

Non-Career Employees—SBA270

SYSTEM LOCATION:

Central Office, at address listed in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Schedule C (Non-Career) employees or applicants.

CATEGORIES OF RECORDS IN THE SYSTEM:

File includes Clearance Requests, Standard Form 171, resumes and other background information on applicants for non-career positions with the SBA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records is used to respond to requests for information from the White House, and to forward information to the White House.

These records may be examined by the Civil Service Commission or General Accounting Office in reviewing the Agency.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Records are kept in file folders.

RETRIEVABILITY:

Retrievable by name of applicant or employee.

SAFEGUARDS:

Records are kept in locked filing cabinet. Personnel screening is utilized to prevent unauthorized use.

RETENTION AND DISPOSAL:

Files are kept current and are discarded when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer. See Appendix A for address.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer at the address contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individual to whom record is maintained. White House.

SBA280

SYSTEM NAME:

Occupational Injuries—SBA280

SYSTEM LOCATION:

Central, District, Regional and Branch Offices where injuries have occurred. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees who have been involved in an accident or injured on the job.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include report forms on accidents and injuries, medical reports, medical bills and other information pertinent to the accident or injury.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101, 29 U.S.C. 651–78.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system are used to report accidents and injuries to the Department of Labor.

Records in the system may be used in processing claims for compensation for on-the-job injuries, by the appropriate Agency or a court.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Records are kept in file folders.

RETRIEVABILITY:

Records are indexed by the name of the employee.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Files are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, Regional Director, District Directors, Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records, Regional Director for Regional Office records, District Director for District Office records, Branch Manager for Branch Office records, The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director, or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Employee involved in accident, witnesses, other Agency personnel.

SBA285

SYSTEM NAME:

Official Travel Files—SBA285

SYSTEM LOCATION:

Central Office, at address listed in Appendix A. Federal Records Centers, at addresses listed in Appendix B.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files include Travel Vouchers submitted by each employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are reviewed by the General Accounting Office in the course of an audit of the Agency.

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulatory rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation, or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Records are kept in file folders.

RETRIEVABILITY:

Records are indexed by employee name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is utilized to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are maintained for two years after the end of a fiscal year, or until a GAO audit. Records are then transferred to a Federal Records Center, where they will be disposed of ten years after the end of the fiscal year in which the records were compiled.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer. See Appendix A for address.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer, at the address contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Travel Vouchers submitted by employees.

SBA290

SYSTEM NAME:

Outside Employment Files—SBA290

SYSTEM LOCATION:

Central Office, Regional Offices, Lubbock District Office. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees who have requested permission to engage in outside employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include requests for outside employment, correspondence concerning such requests, and notification of Agency approval or disapproval of outside employment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Records are kept in file folders.

RETRIEVABILITY:

Records are indexed by name of employee.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, Regional Director, District Director. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Office for Central Office records, Regional Director for Regional Office records, District Director for District Office records, The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Employee requesting approval of outside employment and other Agency personnel.

SBA295

SYSTEM NAME:

Payroll Files—SBA295

SYSTEM LOCATION:

SBA Central Office. See Appendix A for address.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees, active and inactive.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security number, employee number, grade, step, and salary; organization, retirement or FICA data as applicable; Federal, State and local tax deductions, as appropriate; savings bond and charity deductions; regular and optional Government life insurance deductions; health insurance deduction and plan or code; cash award data; union dues deductions; allotments, by type and amount; financial institution code and employee account number; leave status and leave data of all types; time and attendance records, including number of regular, overtime, holiday, Sunday, and other hours worked; mailing address; co-owner and/or beneficiary of bonds, marital status and number of dependents; notification of Personnel Actions; unemployment records; register of separations; annual leave restoration; over-payment indebtedness; correspondence from employees concerning payroll problems.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 6, GAO Policy and Procedures Manual, pursuant to 31 U.S.C. 66(a), and sections 112(a) and 113 of the Budget and Accounting Procedures Act of 1950.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in this record system may be used:

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

To transmit data to U.S. Treasury to effect issuance of paychecks to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions, and other authorized purposes.

By the General Accounting Office for audit purposes.

In 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 insurance to 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.

Disclosure may be made to a congressional office from the record of an individual in reponse to an inquiry from the congressional office made at the request of that individual.

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 admission to records storage areas limited to authorized personnel.

RETENTION AND DISPOSAL:

Retained on site until after GAO audit, then disposed of, or transferred to Federal Records Storage Centers in accordance with the fiscal records program approved by GAO, as appropriate, or General Record Schedules of GSA.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer. See Appendix A for address.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to:

Privacy Act Officer for Central Office records.

The address of this office is-containted in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Subject individuals, supervisors, timekeepers, official personnel records, and IRS.

SBA300

SYSTEM NAME:

Personnel Benefits Files—SBA300

SYSTEM LOCATION:

Cleveland District Office, Casper District Office, Des Moines District Office. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This record contains information on the enrollment option and carrier number of employees enrolled in Health Insurance and Retirement Plans.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101, 29 U.S.C. 651–78.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records is used in communicating with insurance carriers in regard to employee benefits.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Records are kept in file folders or card files.

RETRIEVABILITY:

Records are indexed by employee name.

SAFEGUARDS:

Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

District Directors. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the District Director. The address of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information contained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Agency personnel records, individual on whom records are maintained.

SBA305

SYSTEM NAME:

Personnel Card Index Files—SBA305

SYSTEM LOCATION:

Central Office, Regional Offices, District Offices, and Branch Offices. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BE THE SYSTEM:

SBA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This record is kept by each office on its employees. It contains a summary of personnel information, including Social Security number, birthdate, address, telephone number, marital status, employment history, and similar information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records may be used in responding to inquiries from banks or institutions on employees requesting loans or credit.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Records are kept on cards, or on Standard Form 7, "Employee Service Record Card," in Card Files.

RETRIEVABILITY:

Records are indexed by employee name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel

screening is used to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are retained for ten years after the employee leaves the Agency, then disposed of.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, Regional Directors, District Directors, and Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records; Regional Director for Regional Office records; District Director for District Office records; Branch Manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Employees on whom records are maintained. Agency Personnel Actions and records.

SBA310

SYSTEM NAME:

Personnel Organization Roster—SBA310

SYSTEM LOCATION:

Maintained at SBA Central Office and at most field offices. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee's name, Social Security number, position title, occupational series, pay plan, grade, step, salary, veteran preference, tenure birth date, date entered Federal Service, and time spent in grade.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 634(b)(6); 5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

These records are copies of a computer listing which are kept in file cabinets or the desk of the responsible employee.

RETRIEVABILITY:

Records are filed by office, program area, and name.

SAFEGUARDS:

Information released only to authorized persons on a need to know basis.

RETENTION AND DISPOSAL:

A new listing is generated each month. The Central Office disposes of old copies after three years or upon completion of a Civil Service Commission inspection. Field offices dispose of old monthly copy when new copy is received or periodically, if desired.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records; Regional Director for Regional Office records; District Director for District Office records; Branch Manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURE:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Personnel and Payroll Records.

SBA315

SYSTEM NAME:

Personnel Security Files—SBA315

SYSTEM LOCATION:

SBA Central Office and Regional Offices. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active and inactive SBA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains the active and inactive personnel security files, which include the employee's or former employee's name, background information, personnel actions, and Civil Service Commission's full field investigations. Also included in this system are the Civil Service Commission's National Agency checks and the names of those employees in sensitive positions requiring full field investigations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101, Executive Order 10450.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the investigation or prosecution of such violation's or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

Full field investigation and National Agency checks are returned to the Civil

Service Commission when employee becomes inactive.

Records in the active and inactive personnel security files are forwarded to other Federal agencies conducting background checks.

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 such proceedings or in settlement negotiations.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

The active and inactive personnel security files are maintained in rotary diebold power files. CSC National Agency checks are maintained in locked safes.

RETRIEVABILITY:

Records are retrieved by employee's name.

SAFEGUARDS:

Personnel screening. Information released only to authorized persons.

RETENTION AND DISPOSAL:

Civil Service Commission National Agency checks are kept until the employee leaves government service and then returned to CSC.

On the separation of an employee from SBA, Security and Investigations Division strips the file and forwards the full field portion of an investigation to the CSC. Remaining information of a nonderogatory nature is destroyed, while derogatory information is kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, Regional Directors. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records; Regional Director for Regional Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURE:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer or Regional Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

SBA employees, SBA Personnel Office, third party witnesses, Civil Service Commission.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a (k)(2) and (k)(5), all investigatory material in the record compiled for law enforcement purposes or for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information is exempt from the notification, access and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of the Agency regulations. This exemption is necessary in order to fulfill commitments made to protect the confidentiality of sources and to maintain access to sources necessary in making determinations of suitability for employment.

SBA320

SYSTEM NAME:

Portfolio Reviews—SBA320

SYSTEM LOCATION:

Central Office, District Offices, Branch Offices. For addresses see Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of SBA Disaster Home Loans.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system consists of reports compiled by the Office of Portfolio Review in the course of reviewing field office handling of all loans. Disaster Home Loans are included in these reviews only occasionally. Central Office files also include line cards prepared with summary information on each loan. Until early 1975 the Portfolio Review Reports contained this information on each loan listed alphabetically. Since that time, loans are no longer listed, but are named only when there is a particular problem in the loan handling.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 634(b)(6), 5 U.S.C. 301, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system may be examined by the General Accounting Office in the course of a review of the Agency.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Records are kept in file folders.

RETRIEVABILITY:

Records are indexed by office. Some information within the records is retrievable by loan name of number.

SAFEGUARDS:

Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Reports are retained indefinitely. Line cards in Central Office are retained until the next report, then disposed of.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records; District Director for District Office records; Branch Manager for Branch Office records.

The address of these officers are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the

official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Office of Portfolio Review, Loan Case Files, SBA personnel, and Field visits to borrowers.

SBA325

SYSTEM NAME:

Potential Spanish-Surnamed Applicants—SBA325

SYSTEM LOCATION:

Denver Regional Office, at address listed in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Potential Spanish-surnamed applicants for Federal employment.

CATEGORIES OF RECORDS IN THE SYSTEM:

This record includes name, address, phone number, and information on employment of Spanish-surnamed individuals who are potential applicants for SBA employment. This information is used to notify individuals of job openings at the SBA.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 92–261, Executive Order 11478.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Records are kept in a card file.

RETRIEVABILITY:

Records are indexed by the names of individuals.

SAFEGUARDS:

Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Director. See Appendix A for address.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Regional Director at the address contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the offical listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individual on whom record is maintained; organizations who refer applicants.

SBA330

SYSTEM NAME:

Power of Attorney Files—SBA330

SYSTEM LOCATION:

SBA Regional Offices, District Offices in Atlanta, Georgia; Birmingham, Alabama; Charlotte, North Carolina; Columbia, South Carolina; Miami, Florida; Jacksonville, Florida; Louisville, Kentucky; Jackson, Mississippi; and Nashville, Tennessee; Branch Offices in Biloxi, Mississippi and Knoxville, Tennessee. For addresses see Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Insurance agents who have the authority to execute a surety bond.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information in this system of records identifies those individuals who are authorized to execute bonds for surety companies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by agent's and broker's names.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are retained until the SBA is notified that the authority to execute bonds has been rescinded, at which time the records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Regional Director for Regional Office records; District Director for District Office records; Branch Manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Surety company for which the agent broker is authorized to execute bonds.

SBA335

SYSTEM NAME:

Problem Loan Work Files—SBA335.

SYSTEM LOCATION:

District and Branch Offices of the SBA. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of Disaster Home Loans.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information relating to an individual recipient of a Disaster Home Loan. These records include delinquent accounts, reports of field visits, correspondence and other information pertinent to a problem loan.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In the event that a system of records maintained by the Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

These records are indexed by recipient's name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

These records are retained independently of the Loan Case File until the problem is resolved and then are incorporated into the Loan Case File.

SYSTEM MANAGER(S) AND ADDRESS:

District Directors, Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURES:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: District Director for District Office records; Branch Manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Loan Case File, individual to whom record pertains, Agency employees, financial institutions.

SBA345

SYSTEM NAME:

Red Cross Blood Program—SBA345.

SYSTEM LOCATION:

Regional Offices, at addresses listed in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees who have donated blood or indicated their willingness to donate blood.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record includes name of employee, blood type, and date of last donation of blood.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records will be used in referring individuals to the Red Cross to donate blood.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Information is kept in notebooks or on cards.

RETRIEVABILITY:

In some offices this record is indexed by the employee's name. In other offices it is only indexed by date.

SAFEGUARDS:

Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is utilized to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are kept for one year, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Directors. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Regional Director. The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director will set forth the procedures for gaining access to the records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individual on whom records is maintained.

SBA350

SYSTEM NAME:

Reports on Minority Employment—SBA350.

SYSTEM LOCATION:

Central Office, Regional Offices, District Offices. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records includes computer printouts and other forms of

listings of SBA employees, indicating their minority code and sex, and in some cases training and promotions received by them. The records are used to evaluate the Agency's compliance with principles of equal employment opportunity.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11478, 42 U.S.C. 2000e-1 et seq., 5 C.F.R. 713, 13 C.F.R. 105.735-5-4.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are used in compiling reports to the Civil Service Commission.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Records are kept on magnetic tape, on cards, or in file folders.

RETRIEVABILITY:

Information in this system may be indexed by employee name, Social Security Number, or minority code.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Indefinite or until up-dated.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records; Regional Director for Regional Office records; District Director for District Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director, or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Personnel records and visual observation to determine minority code.

SBA355

SYSTEM NAME:

SCORE Master Files—SBA355.

SYSTEM LOCATION:

Central Office. See Appendix A for the address.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Service Corps of Retired Executives and Active Corps of Executives.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records is a master list of all retired and active executives who volunteer their services to give business counseling to SBA recipients. These records contain information as to personal qualifications and expertise and cases which they have counseled.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

These records are maintained on magnetic tape and in a binder.

RETRIEVABILITY:

These records are indexed by SCORE and ACE volunteer's name as well as serial number.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

The master tape is updated periodically and maintained indefinitely. When a SCORE and ACE volunteer's name is withdrawn from active duty, the record is maintained for three years and is then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, see appendix A for address.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records.

The Address of this office is contained in appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individual to whom record pertains, SCORE/ACE registration forms.

SBA360

SYSTEM NAME:

Security & Investigations Files—SBA360.

SYSTEM LOCATION:

Central Office and Federal Records Centers. See Appendix A for SBA Central Office address and Appendix B for FRC addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants and recipients of SBA assistance and principals of applicant and recipient businesses—all types of loans, Lease Guarantees, Small Business Investment Company licensing, 8(a) contractors, call contractors and grantees, State and Local Development Companies, Economic Development Administration loans, Surety Bond Guarantees and applicant representatives, members of Advisory Councils and SCORE/ACE volunteers.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains investigations and reports on all of the

above individuals on whom the Agency has derogatory information. Records of a nonderogatory nature are maintained on the principal SBIC directors and stockholders. These records integrate FBI and IRS reports and include personal history statements, background character checks, field investigations, arrest and conviction records, parole and probation data, Securities and Exchange Commission violations, recommendations and evaluations, and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 634(b)(6), 15 U.S.C. 645(a), 18 U.S.C. 1001.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

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 such proceeding or in settlement negotiations.

These records may be used to provide data to the General Accounting Office for periodic reviews of this Agency.

These records may routinely be disclosed to other Federal agencies, in response to their requests, in connection with conducting background checks. Disclosure will be made only to the extent that the information is relevant and necessary to the requesting agencies' function.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

These records are maintained in rotary diebold power files, file folders and card indexes.

RETRIEVABILITY:

These records are indexed by applicant and recipient name.

SAFEGUARDS:

Personnel screening. Information is released only to authorized persons.

RETENTION AND DISPOSAL:

At the end of each calendar year, investigation records are screened to remove those records on which no derogatory information has been received for five years or more. These inactive records are then sent to an FRC which maintains them for twenty years and then destroys them. Derogatory records on SBIC principals are retained for two years and then transferred to an FRC which destroys them after ten years, whereas nonderogatory records are retained for one year and then destroyed. Investigation cards containing a condensed report and applicant representative cards are retained indefinitely. Correspondence records are retained for as long as they are essential and destroyed annually when nonessential.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer. See Appendix A for address.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer for Central Office records. The address of this office is contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him; or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains, public court records, parole and probation authorities, FBI, IRS, State and local law enforcement authorities, third party informants and Agency personnel.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a (k)(2) and (k)(5), all investigatory material in the record compiled for law enforcement purposes or for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information is exempt from the notification, access and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the Agency regulations. This exemption is necessary in order to fulfill commitments made to protect the confidentiality of sources and to prevent subjects of investigations from frustrating the investigatory process.

SBA365

SYSTEM NAME:

Security & Investigations Referrals—SBA365.

SYSTEM LOCATION:

Regional, District and Branch Offices. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees and applicants and recipients of SBA assistance.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains referrals to Securities & Investigations for investigations and reports of the above individuals in order to determine whether fraudulent activities or misconduct has taken place. This system sometimes includes copies of the completed report by the S & I Division. These records include: personal statements of any arrests, indictments and convictions-SBA Form 912, allegations of irregularities, informants statements from outside investigative sources, recommendations from the field offices and related correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 634(b)(6), 15 U.S.C. 645(a), 18 U.S.C. 1001.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in

the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

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 such proceedings or in settlement negotiations.

These records may be used to provide data to the General Accounting Office for periodic reviews of this Agency.

These records may routinely be disclosed to other Federal agencies, in response to their requests, in connection with conducting background checks. Disclosure will be made only to the extent that the information is relevant and necessary to the requesting agencies' function.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STROAGE:

These records are maintained in file folders and index cards.

RETRIEVABILITY:

These records are indexed by the name of the individual to be investigated.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Some offices retain these records for two years and then destroy them, while other offices retain these records until the irregularities are resolved.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Regional Director for Regional Office records; District Director for District Office records; Branch Manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains, Agency personnel, third party informants and the FBI and other investigative Government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a (k)(2) and (k)(5), all investigatory material in the record compiled for law enforcement purposes or for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, Federal contracts, or access to classified information is exempt from the notification, access, and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f)) of the Agency regulations. This exemption is necessary in order to fulfill commitments made to protect the confidentiality of sources and to prevent subjects of investigations from frustrating the investigatory process.

SBA370

SYSTEM NAME:

Settlement and Compromise—SBA370.

SYSTEM LOCATION:

Central Office, Regional Offices, Miami District Office, Louisville District Office, Birmingham District Office. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of SBA Disaster Home Loans.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records include listings of loans considered for compromise, case records and financial information relating to compromises of loans, settlement agreements and notices of compromise on loans.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

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 such proceedings or in settlement negotiations.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Records are kept in file folders.

RETRIEVABILITY:

Records are indexed by name of borrower.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose duties require such access. Personnel screening is utilized to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are kept indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records; Regional Director for Regional Office records; District Director for District Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendments to the information sought.

RECORD SOURCE CATEGORIES:

Borrowers, Loan Case Files, Agency Compromise Committees, other Agency personnel.

SBA375

SYSTEM NAME:

Small Business Person Awards—SBA375

SYSTEM LOCATION:

Central, Regional and District Offices of the SBA. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Loan recipient candidates and winners of the Small Business Person of the Year Awards and Community Development Awards.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records contains information relating to the candidacy and selection of Small Business Person of the Year in SBA District and Regional Offices. These records include applications, biographical summaries, correspondence, recommendations and narratives of business and civic successes. The record of Community Development Awards in the Central Office includes biographical and qualifying information as well as recommendations from SBA field offices.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used:

To provide information to the news media for public disclosure of the name, address and biographical statement of the recipients of the awards.

To communicate with officials in State and local government as to the status of a particular candidate.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

These records are maintained in file folders.

RETRIEVABILITY:

These records are retrievable by individual name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records may be retained from one to ten years.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records; Regional Director for Regional Office records; District Director for District Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTEST RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individual to whom record pertains, recommendations from various individual sponsors, Advisory Council members, Agency personnel, research publications directories, news media.

SBA380

SYSTEM NAME:

Standards of Conduct Files—SBA380.

SYSTEM LOCATION:

SBA Central Office, all Regional Offices, various District Offices. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Confidential statement of employment and financial interests made by employees Grade 13 and above, and by Grade 12 Branch Managers.

Ad Hoc Committee decisions and memoranda concerning standards of conduct questions used as precedent for later decisions. (Central Office only.)

Correspondence concerning conflicts of interest.

Listing of all SBA employees who have been indicted or convicted in matters involving SBA business.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

13 C.F.R. 105.735 enacted pursuant to the Small Business Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In the event that a system of records maintained by this Agency to carry out its function indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, State, local or foreign, charged with the responsibility of investigation or prosecution of such violation or charged with enforcing or implementing the statute or rule, regulation or order issued pursuant thereto.

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 such proceeding or in settlement negotiations.

Records contained in this system may be forwarded to the Civil Service Commission when requested.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Records are maintained in file folders which are stored in file cabinets or safes.

RETRIEVABILITY:

Records are retrieved by the name of the employee.

SAFEGUARDS:

Access is strictly limited to those employees with a need to use these records in performing their duties.

RETENTION AND DISPOSAL:

Files are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, Regional Directors, District Directors. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records; Regional Director for Regional Office records; District Director for District Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURE:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Information in the confidential statement of employment and financial interests is collected from the employee himself. Any adverse information could come from other employees or from a member of the general public with specific knowledge of the matter reported.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(5), all investigatory material in the record compiled for the purpose of determining suitability, eligibility or qualifications for Federal civilian employment, Federal contracts, or access to classified information is exempt from the notification, access, and contest requirements (under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) of the Agency regulations. This exemption is necessary in order to fulfill commitments made to protect the confidentiality of sources and maintain access to sources necessary in making determinations of suitability.

SBA385

SYSTEM NAME:

Tort Claims—SBA385.

SYSTEM LOCATION:

Central Office and Federal Records Centers, at addresses listed in Appendices A and B.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Government employees and other individuals involved in accidents.

CATEGORIES OF RECORDS IN THE SYSTEM:

This record contains reports on accidents which result in tort claims involving the Government.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101, 42 U.S.C. 3211.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In the event that a tort claim results in a court suit, these records will be referred to the Department of Justice for handling of the suit and used in the preparation and presentation of the case.

These records are used in reporting on accidents and tort claims to the General Services Administration.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Records are kept in file folders.

RETRIEVABILITY:

Records are indexed by the names of persons involved in the accident.

SAFEGUARDS:

Records are kept in a locked cabinet. Access to and use of these records is limited to persons whose official duties require such access. Personnel screening is utilized to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are retained for one year, then sent to a Federal Records Center, where they are retained for five years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer. See Appendix A for address.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the Privacy Act Officer. The address is contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individuals involved in accident, witnesses, investigation of the accident.

SBA390

SYSTEM NAME:

Transfer of Loan Records—SBA390.

SYSTEM LOCATION:

District and Branch Offices of the Small Business Administration. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of Disaster Home Loans.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records reports the transfer of loan case files from one division of the Small Business Administration to another division, or to the Federal Records Center.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used:

To provide information to the Federal Records Center, as needed, to locate a Loan Case File.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are indexed by recipient name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

District Directors, Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: District Director for District Office records; Branch Manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Loan Case Files, Agency employees.

SBA395

SYSTEM NAME:

UCC Refiling and Financial Statements Due—SBA395.

SYSTEM LOCATION:

District and Branch Offices of the Small Business Administration. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Recipients of Disaster Home Loans.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records lists information relating to recipients of Disaster Home Loans. Records include record of due dates for financial statements and expiration dates of UCC lien filings.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 15 U.S.C. 634(b)(6), 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

These records are maintained in file folders and binders.

RETRIEVABILITY:

Records are indexed by recipient name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are retained for no more than three years, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

District Directors, Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURES:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: District Director for District Office records; Branch Manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains, Agency employees, and Loan Case File.

SBA400

SYSTEM NAME:

Union Membership—SBA400

SYSTEM LOCATION:

Denver Regional Office, Miami District Office, Little Rock District Office, Minneapolis District Office. See Appendix A for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees who are members of the Union.

CATEGORIES OF RECORDS IN THE SYSTEM:

This is a list of employees who are members of the Union or who have signed authorizations for payroll withholding of Union dues.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101, Collective Bargaining Agreement with the Union which represents SBA employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records in this system might be reviewed by the Civil Service Commission in the course of a personnel management evaluation of the office.

Records may be used in communications with the Union regarding dues withholding or other Union business.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are alphabetical by the name of the member of the Union or person who has signed a dues withholding authorization.

SAFEGUARDS:

Personnel screening is utilized to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

These records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Director or District Directors. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Regional Director for regional Office Records; District Director for District Office Records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURE:

In response to a request by an individual to determine whether the system contains a record pertaining him or her, the Regional Director or District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Individuals on whom record is maintained, Union, Computer print-out on payroll deductions.

SBA405

SYSTEM NAME:

Unofficial Personnel Files—SBA405

SYSTEM LOCATION:

Maintained by individual divisions and branches of the SBA Central Office, as well as all SBA Regional, District, and Branch Offices. For addresses, see Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees, both active and separated.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains a number of records pertaining to an individual's employment at SBA. These records include Time and Attendance cards, authorizations for overtime, records of leave, training requested and attended, travel itineraries and vouchers, copies of Personnel actions, requests for Personnel actions, Position Descriptions, copies of official performance evaluations, copies of letters of commendation and retirement, personal information for use in emergencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 15 U.S.C. 634(b)(6); 44 U.S.C. 3101; Title 5, "GAO Policy and Procedures Manual," pursuant to 31 U.S.C. 66(a) and sections 112(a) and 113 of the Budget and Accounting Procedures Act of 1950; 5 U.S.C. 5701–09

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For internal use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

These records are maintained in either file folders, binders or card indexes which are located in file cabinets or on the desk of the responsible employee.

RETRIEVABILITY:

Records are indexed by the employee's name, Social Security number, or other personal identifier.

SAFEGUARDS:

Personnel screening—information released to authorized persons on a need to know basis only.

RETENTION AND DISPOSAL:

There is no official Agency policy on retention of these records. Most of the records are maintained for up to three years.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, Regional Directors, District Directors, Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records; Regional Director for Regional Office records; District Director for District Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURE:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, regional Director, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought

RECORD SOURCE CATEGORIES:

Individual to whom the record pertains, SBA Office of Personnel, Supervisor of the respective branch or division, Payroll section of SBA.

SBA410

SYSTEM NAME:

Upward Mobility Files—SBA410

SYSTEM LOCATION:

Central Office, Denver Regional Office, San Francisco Regional Office. For addresses see Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees who have applied for jobs within the Agency under the Upward Mobility Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records include applications of candidates for higher jobs in the Agency, appraisals by supervisors of qualifications of candidate, ratings by Personnel staff, roster of best-qualified candidates.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information in these records may be communicated to the Union which represents SBA employees.

Information in these records may be given to the Civil Service Commission for the processing of personnel matter.

Disclosure may be made to a congressional office from the record of

an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Records are kept in file folders.

RETRIEVABILITY:

Records are indexed by employee name or job vacancy.

SAFEGUARDS:

Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Privacy Act Officer, Regional Directors. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records; Regional Director for Regional Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer or Regional Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reason for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Applicants, supervisors of applicants, Agency Personnel Office, Agency officials responsible for selecting applicants.

SBA415

SYSTEM NAME:

Virginia Attorneys—SBA415

SYSTEM LOCATION:

Richmond District Office, at address listed in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Attorneys in private practice in Virginia who do title work or SBA work.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record contains names and addresses of attorneys and a designation as to whether attorney is approved or unapproved. This record is used as a guide to reliability of attorneys, as to what assurances will be required on title opinions given by these attorneys.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal Agency use only.

Disclosure may be made to a congressional office form the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Record is maintained in a loose-leaf notebook.

RETRIEVABILITY:

List is alphabetical within categories by locality.

SAFEGUARDS:

Access to and use of these records is limited to those persons whose official duties require such access. Personnel screening is used to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

Record is updated continuously and retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

District Director. See Appendix A for address.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the District Director, at the address contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the District Director will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Lawyer's Title Company, SBA personnel.

SBA420

SYSTEM NAME:

Work Progress Reports—SBA420.

SYSTEM LOCATION:

SBA Central Office. The following SBA District Offices: Providence, RI; Seattle, Wash.; Detroit, Mich.; Birmingham, Ala.; Minneapolis, Minn.; Miami, Fla.; Columbus, Ohio; Anchorage, Ak.; Honolulu, Hawaii. The following SBA Branch Offices: Harrisburg, Pa.; Springfield, Ill. Addresses for these offices may be found in Appendix A.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records include: Individual work reports showing how an employee's time was expended; Project control sheets; Project status reports; Summary of loan officers' activity; Record of loans processed by loan officers.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

15 U.S.C. 634(b)(6), 5 U.S.C. 301; 44 U.S.C. 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

For internal Agency use only.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

STORAGE:

Records maintained in file folders, which are stored in desk drawers or in file cabinets.

RETRIEVABILITY:

Records are indexed by employee's name.

SAFEGUARDS:

Personnel screening. Information released to authorized personnel on a need to know basis.

RETENTION AND DISPOSAL:

Records in this system are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS

Privacy Act Officer, District Directors, Branch Managers. See Appendix A for addresses.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to: Privacy Act Officer for Central Office records; District Director for District Office records; Branch Manager for Branch Office records.

The addresses of these offices are contained in Appendix A.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the Privacy Act Officer, District Director or Branch Manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Employee on whom the file is maintained, the employee's supervisor, production control clerk.

SBA425

SYSTEM NAME:

Federal Personnel Career Administration Program Files—SBA425.

SYSTEM LOCATION

Central Office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Civil Service Commission Standard 171 forms and SBA mobility forms.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101, 15 U.S.C. 634(b)(6).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide Program Evaluation Staff with information to help place qualified individuals in appropriate vacancies, and to determine what areas in Personnel need to be stressed in the individual's orientation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is maintained in notebooks in locked steel cabinets.

RETRIEVABILITY:

Records are coded according to grade.

SAFEGUARDS:

Information released to authorized personnel on a need to know basis.

RETENTION AND DISPOSAL:

Records are maintained until employee leaves the Agency, they destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Central Office. See Appendix A for address.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the manager listed above.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the system manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Forms submitted directly by employees.

SBA430

SYSTEM NAME:

Executive Inventory Record—SBA430.

SYSTEM LOCATION:

Central Office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

SBA employees at GS–15 to GS–18.

CATEGORIES OF RECORDS IN THE SYSTEM:

Executive Inventory Record (Application of Employment).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101, 15 U.S.C. 634(b)(6).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide a system for maintaining records of SF–161's submitted to the Civil Service Commission when considering candidates for supergrade vacancies from Executive Inventory Register. To be used by Employment Divisions and by Civil Service Commission.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored in steel file cabinet.

RETRIEVABILITY:

Records are listed alphabetically as Executive Inventory Records.

SAFEGUARDS:

Information released to authorized personnel only.

RETENTION AND DISPOSAL:

Records are maintained until employee leaves the Agency.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Employment Division, Central Office. See Appendix A for address.

NOTIFICATION PROCEDURES:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the manager listed above.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the system manger will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph,

stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES APPLICANTS.

SBA435

SYSTEM NAME:

Executive Development Records—SBA435.

SYSTEM LOCATION:

8115 Fenton Street, Silver Spring, Maryland 20910.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants and participants in the Executive Development Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

SBA forms 1063 and 1038, SBA 171, SBA 1075A, miscellaneous forms evaluating assignments, and certificates of training completed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101, 15 U.S.C. 634(b)(6).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide records, back-up information and all pertinent information on participants in SBA Executive Development Program in one place for reference purposes. To be used by members of training, staff, members of The Executive Manpower Resources Board, and their supervisors.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is maintained in file folders in locked steel cabinet.

RETRIEVABILITY:

Records are filed alphabetically.

SAFEGUARDS:

Files are locked when not in use, and are released to authorized personnel only.

RETENTION AND DISPOSAL:

In accordance with SOP- 00–41.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Training Division, 8115 Fenton Street, Silver Spring, Maryland 20910.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the manager listed above.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the system manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Primarily from employee completion of Forms 1036 and their supervisors' completion of Form 1037.

SBA440

SYSTEM NAME:

Documentation of Supervisory Training—SBA440.

SYSTEM LOCATION:

8115 Fenton Street, Silver Spring, Maryland 20910.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons occupying first-level supervisory positions in the Agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

SBA Form 1138.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101, 15 U.S.C. 634(b)(6).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To determine who must receive training and to plan and schedule such training in order to meet Agency Supervisory training needs. To be used by employee, supervisor, and Office of Personnel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is maintained in file folders in steel file cabinet.

RETRIEVABILITY:

Filed alphabetically by employee name.

SAFEGUARDS:

Information released only to authorized personnel on need to know basis.

RETENTION AND DISPOSAL:

In accordance with SOP–00–41.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Training Division, 8115 Fenton Street, Silver Spring, Maryland 20910.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the manager listed above.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the system manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed in the above paragraph, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Primarily from employee completion of Form 1138, and review of their Official Personnel Folder.

SBA445

SYSTEM NAME:

Freedom of Information Act and Privacy Act Case Files—SBA445.

SYSTEM LOCATION:

Central Office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have requested information or filed appeals under either of the Acts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 44 U.S.C. 3101, 15 U.S.C. 634(b)(6).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide a system for maintaining records of initial requests and appeals under the Freedom of Information Act, and of initial requests, requests for amendments to record, and appeals under the Privacy Act. The records are used by the staff of the Freedom of Information and Privacy Act office to review individual cases, and to keep a

chronological log so as to comply with statutory time limitations.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is maintained in folders in locked steel cabinet.

RETRIEVABILITY:

Files are alphabetical by name.

SAFEGUARDS:

Information released to authorized personnel only.

RETENTION AND DISPOSAL:

Records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Freedom of Information and Privacy Act Officer, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to him or her by addressing a request in person or in writing to the manager listed above.

RECORD ACCESS PROCEDURES:

In response to a request by an individual to determine whether the system contains a record pertaining to him or her, the system manager will set forth the procedures for gaining access to these records. If there is no record of the individual, he or she will be so advised.

CONTESTING RECORD PROCEDURES:

Individuals desiring to contest or amend information maintained in the system should direct their request to the official listed above, stating the reasons for contesting it and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Most of file consists of correspondence submitted directly to and replies from the Small Business Administration.

[FR Doc. 82-4804 Filed 2-22-82; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 06/06-0255]

Application for License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*) has been filed by First Capital Resources Corporation (applicant) with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1981).

The officers, directors and stockholders of the applicant are as follows:

Name	Title	Percentage owned
Donald S. Dissman, 6306 Mountainclimb, Austin, Texas 78731.	Vice President	50 percent.
Delores A. Dissman, 6306 Mountainclimb, Austin, Texas 78731.	Vice President	Joint with Donald Dissman.
Raymond M. Jones, 3125 Honey Tree Ln., Austin, Texas 78746.	President and General Manager.	
Alfred G. Ranney, 409 Scarbrough Bldg., Austin, Texas 78701.	Vice President	16.66 percent.
John C. Ranney, 409 Scarbrough Bldg., Austin, Texas 78701.	Vice President	16.67 percent.
Estate of Carleton A. Ranney, Alfred G. Ranney, Independent Executor.		16.67 percent.

The applicant, a Texas corporation, with its principal place of business at Suite 409, Scarbrough Building, Austin, Texas 78701 will begin operations with $601,800 paid-in capital and paid-in surplus.

The applicant will conduct its activities principally in the State of Texas.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than 15 days from the date of publication of this notice, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street, N.W., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Austin, Texas.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: February 3, 1982.

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-4860 Filed 2-22-82; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area #2024]

Pennsylvania; Declaration of Disaster Loan Area

Venango County in the State of Pennsylvania constitutes a disaster area as a result of damage caused by ice jam and flooding which occurred on February 1, 1982. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on April 19, 1982, and for economic injury until November 16, 1982, at: Small Business Administration, 960 Pennsylvania Avenue, Fifth Floor, Pittsburgh, Pennsylvania 15222, or other locally announced locations.

Interest rates for applicants filing for assistance under this declaration are as follows:

Homeowners with credit available elsewhere, 15¼ percent
Homeowners without credit available elsewhere, 7⅝ percent
Businesses with credit available elsewhere, 15¾ percent
Businesses without credit available elsewhere, 8 percent
Businesses (EIDL) without credit available elsewhere, 8 percent

It should be noted that assistance for agricultural enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96-302.

Information on recent regulatory changes (Pub. L. 97-35, approved August 13, 1981) is available at the above-mentioned office.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

Dated: February 16, 1982.

Donald R. Templeman,

Acting Administrator.

[FR Doc. 82-4861 Filed 2-22-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Public Debt Series No. 6-82]

Treasury Notes of May 15, 1987, Series E-1987; Auction

February 17, 1982.

1. Invitation for Tenders

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $3,250,000,000 of United States securities, designated Treasury Notes of May 15, 1987, Series E-1987 (CUSIP No. 912827 MY 5). The securities will be sold at auction, with

bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities.

2. Description of Securities

2.1. The securities will be dated March 3, 1982, and will bear interest from that date, payable on a semiannual basis on November 15, 1982, and each subsequent 6 months on May 15, and November 15 until the principal becomes payable. They will mature May 15, 1987, and will not be subject to call for redemption prior to maturity. In the event an interest payment date or the maturity date is a Saturday, Sunday, or other nonbusiness day, the interest or principal is payable on the next-succeeding business day.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered, and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Standard time, Wednesday, February 24, 1982. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, February 23, 1982.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000, and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Non-competitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender, and the amount may not exceed $1,000,000.

3.3. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their position in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.4. Tenders will be received without deposit for their account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities, or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.5. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 98.750. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting non-competitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.6. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1 Settlement for alloted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.4., must be made or completed on or before Wednesday, March 3, 1982. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes, or bonds, (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the

order of the institution to which the tender was submitted, which must be received from institutional investors no later than Monday, March 1, 1982. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Gerald Murphy

(For Paul H. Taylor, Fiscal Assistant Secretary).

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

[FR Doc. 82-4793 Filed 2-18-82; 3:16 pm]

BILLING CODE 4810-40-M

VETERANS ADMINISTRATION

Medical Research Service Merit Review Board; Availability of Annual Report

Under section 10(d) of Pub. L. 92-463 (Federal Advisory Committee Act) and OMB Circular A-63 of March 27, 1974, notice is hereby given that the Annual Report of the Veterans Administration Medical Research Service Merit Review Boards for calendar year 1980 has been issued.

The report summarizes activities of the Boards on matters related to the review, discussion and evaluation of individual investigator initiated medical research projects. It is available for public inspection at two locations:

Library of Congress, Serial and Government Publications Division, Room 1026, Adams Building, Washington, D.C. 20540
and
Veterans Administration, Medical Research Service, Chief, Merit Review Board Staff Division, Room 755, 810 Vermont Avenue NW., Washington, D.C. 20420.

Dated: February 16, 1982.

Robert P. Nimmo,

Administrator.

[FR Doc. 82-4787 Filed 2-22-82; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 36
Tuesday, February 23, 1982

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

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Monday, February 22, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, February 25, 1982.

PLACE: Board Room, sixth floor, 1700 G Street, NW., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

CHANGES IN THE MEETING: The following item has been withdrawn from the open portion of the Bank Board meeting:

Service Corporation Activities
No. 10, February 19, 1982.

[S–270–82 Filed 2–19–82; 10:19 a.m.]

BILLING CODE 6720–01–M

2

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Monday, February 22, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, February 25, 1982.

PLACE: Board Room, sixth floor, 1700 G Street, N.W., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202–377–6679).

CHANGES IN THE MEETING: The following item has been added to the open portion of the Bank Board meeting:

Service Corporation Activity—California Federal Savings and Loan Association, Los Angeles, California.
No. 11, February 19, 1982.

[S–271–82 Filed 2–19–82; 12:14 pm]

BILLING CODE 6720–01–M

3

FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Monday, February 22, 1982.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, February 25, 1982.

PLACE: Board Room, sixth floor, 1700 G, Street, N.W., Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: (202–377–6679).

CHANGES IN THE MEETING: The following item has been put back on the open portion of the Bank Board meeting.

Service Corporation Activity
No. 12, February 19, 1982.

[S–273–82 Filed 2–19–82; 2:48 pm]

BILLING CODE 6720–01–M

4

FEDERAL RESERVE SYSTEM
Board of Governors.

TIME AND DATE: 10 a.m., Monday, March 1, 1982.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Federal Reserve Bank and Branch director appointments.
2. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
3. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board: (202) 452-3204.

Dated: February 19, 1982.

James McAfee,

Assistant Secretary of the Board.

[S–274–82 Filed 2–19–82; 3:20 pm]

BILLING CODE 6210–01–M

5

INTERNATIONAL TRADE COMMISSION.

[USITC SE–82–B]

TIME AND DATE: 3:00 p.m., e.s.t., Tuesday, March 2, 1982 and 12:00 noon, p.s.t.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436 and Room 223, Federal Center Building, Portland, Oregon.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary:
a. Speakers (Docket No. 800).
5. Investigation 731–TA–B7 [Preliminary] (Steel Pipe and Tube) briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth K. Mason, Secretary (202) 523–0161.

[S–269–82 Filed 2–10–82; 4:52 pm]

BILLING CODE 7020–02–M

6

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (To be published.)

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, February 16, 1982.

CHANGES IN THE MEETING: Additional item. The following additional item was considered at a closed meeting scheduled on Thursday, February 18, 1982, following the 10:00 a.m. open meeting.

Legislative matter.

Chairman Shad and Commissioners Evans and Longstreth determined by vote that Commission business required consideration of this matter and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, Please Contact: Paul Siegelbaum at (202) 272–2468.

February 19, 1982.

[S–272–82 Filed 2–10–82; 2:44 pm]

BILLING CODE 8010–01–M

federal register

Tuesday
February 23, 1982

Part II

Department of Education

Federal Education Data Acquisition Council; Data Acquisition Activities Involving Educational Agencies and Institutions

DEPARTMENT OF EDUCATION

Federal Education Data Acquisition Council; Data Acquisition Activities Involving Educational Agencies and Institutions

AGENCY: Department of Education.

ACTION: Notice of data acquisition activities involving educational agencies and institutions and request for comments.

SUMMARY: The paperwork control requirements, added by Pub. L. 95–561 to section 400A of the General Education Provisions Act, require a public listing of approved data requests that Federal agencies address to educational agencies and institutions when those the Federal agencies propose to collect data form the educational agencies and institutions during the following school year. The data acquisition activities covered by the Act are subject to review and approval by the Secretary in accordance with procedures approved by the Federal Education Data Acquisition Council (FEDAC) and OMB. The following is a list of those data collection activities approved for use in the 1982–1983 school year.

DATES: Comments must be received by June 30, 1982.

ADDRESSES: Comments should be addressed to Mr. Wallace R. McPherson, Jr., Division of Education Data Control, Room 4074, Switzer Building, 400 Maryland Avenue, SW., Washington, D.C. 20202. Telephone: (202) 426–7304.

SUPPLEMENTARY INFORMATION: Under the Paperwork Control Amendments of 1978, Section 400A of the General Education Provisions Act, the Secretary of Education is responsible for reviewing and approving collection of information and data acquisition activities of all Federal agencies—

(a) Whenever the respondents are primarily educational agencies or institutions; or,

(b) Whenever the purpose of the activities is to request information needed for the management of, or the formulation of, policy related to Federal education programs or research or evaluation studies related to the implementation of Federal education programs.

Another requirement is that "no information or data will be requested of any educational agency or institution unless that request has been approved and publicly announced by the February 15 immediately preceding the beginning of the new school year, unless there is an urgent need for this information or a very unusual circumstance exists regarding it." Finally, the Act requires the Secretary to "publish annually a listing of education data requests, by Federal agency * * *."

The following material constitutes this annual listing. The Federal Education Data Acquisition Council and the Office of Management and Budget have approved these data acquisitions. The various agencies plan, at this time, to use these forms in school year 1982–83. One element of each item description is a numerical Standard Industrial Classification (SIC) Code. Those codes are used to describe respondent types. Some of the more common codes are:

821 Elementary and Secondary Schools
822 Colleges and Universities
823 Libraries and Information Centers
824 Correspondence and Vocational Schools
941 Administration of Educational Programs (State and Local Education Agencies)

One abbreviation used commonly throughout the listing is IHE, which means Institution of Higher Education.

Note.—The use of any of these forms is subject to change depending on the final approved fiscal budget for FY 1983.

Burden Reduction

In support of the Administration's efforts to reduce the Federal role in education, the Department of Education has reduced the number of hours required of the public to complete required reports by 1.8 million in the last two years. Further cuts will reduce this reporting burden to 6.75 million hours next year.

During the last three months, elimination of reports associated with the Education Consolidation and Improvement Act (ECIA) accounted for a reduction of 254,390 burden hours. The Department has also carefully reviewed all reports required by programs proposed for, but not included in, the ECIA to eliminate all data except that specifically required by legislation. This analysis produced a reduction of 503,534 burden hours.

Based on an average cost estimate of $10.00 per hour, this effort will result in a savings to the public of approximately $22.5 million. The Department also saved several million dollars that it would otherwise have expended to process information contained in the reports that have been eliminated or reduced.

Invitation to Comment

Interested persons are invited to submit comments, suggestions, and recommendations on this notice to the address given at the beginnng of this document. All comments received on or before June 30, 1982, will be considered. All comments submitted in response to this notice will be available for public inspection, both during and after the comment period, in Room 4074, Switzer Building, 330 C Street, S.W., Washington, D.C., between the hours of 8:30 a.m. and 4:00 p.m., Monday through Friday of each week, except Federal holidays.

Dated: February 12, 1982.

T. H. Bell,

Secretary of Education.

DEPARTMENT OF EDUCATION

Title of information collection	OMB and agency Nos.	Purpose	Respondent burden			
			Type	SIC code	Number of respondents	Hours
Computer Generated "Recipient Cash Advanced Request".	3086-0454, ED 874	Application	Government, Businesses	821, 822, 823, 824, 829, 841, and 941	7,000	84,000
ABSTRACT: The Recipient Cash Advanced Request Form will be used by ED recipients to obtain funds for grants received from ED. The form will be used by those ED recipients who do not qualify for letter of credit. The recipients will request advances so that the Federal Funds are available only immediately prior to thier actual disbursement by the recipeint for award activity in accordance with the General Accounting Office and Treasury Regulations						
Education Consolidated Grant Application.	ED 1000	Application	Grant	941	57	114
ABSTRACT: Application for funding under the Education Consolidation and Improvement Act.						
Evaluation of the Foreign Language and Area Studies Program.	1880-0165, ED 856	Evaluation	Individual or HH	None	1,700	1,275
ABSTRACT: To identify the supply and demand trends for PH D's. in discipline and world area specialities and assess the match between graduate training and subsequent employment. The data will assist ED in allocating NDEA Title VI funds more effectively (I.E., Fellowship Decisions—reallocate to different world area and disciplinary combinations).						
Computer Generated Recipient Report of Expenditures.	1880-0172, ED 868-1	Management	IHE, Businesses	821, 822, 823, 824, 829, 841, and 941	7,000	112,000

DEPARTMENT OF EDUCATION—Continued

Title of information collection	OMB and agency Nos.	Purpose	Respondent burden: Type	SIC code	Number of respondents	Hours
ABSTRACT: OMB Circular A-110 states that when Federal funds are advanced to recipients, the recipients are required to submit to the Federal sponsoring agency, a report on expenditures made and Federal funds unexpended for each award and report the status for each award and report the status of Federal cash advanced. The agency will use the report to monitor cash advanced to the recipients an to obtain expenditure data for each agreement with the recipient. Total reports for this sub-agency: 4; total burden hours: 197,389.						
Office of Bilingual Education and Minority Languages Affairs						
Application for Participation in Bilingual Ed Fellowship Program.	1885-0001, ED 4561-2	Application	IHE	822	50	800
ABSTRACT: The Bilingual Ed Act (Title VII of ESEA) authorizes the Secretary to award fellowships for study in the field of training teachers for Bilingual Ed (20 U.S.C. 3233(A)(2)). Institutions of higher education use this form to apply for approval of their graduate programs of study for fellowship recipients under the Fellowship Program.						
Application for Grants Under Bilingual Vocational Ed Program.	1885-0002, ED 791	Application	Government	941	60	2,400
ABSTRACT: The Secretary is authorized to award grants to successful applicants for bilingual vocational training and instructor training programs under Subpart 3 of the Vocational Education Act.						
Application for Grant Under Bilingual Education.	1885-0003, ED 4561	Application	Government	941	750	30,000
ABSTRACT: The Bilingual Education Act (Title VII, ESEA) authorizes the Secretary to award grants to successful applicants to provide programs of bilingual education to children of limited English proficiency and to provide training and develop resources for such programs.						
Application for Grant Under Bilingual Education.	1885-0004, ED 4561-1	Application	Government	941	520	10,400
ABSTRACT: Grantees with approval multi-year project periods under the Bilingual Education Act use this form to request continued assistance after the first year of funding.						
Demonstration of Compliance with Terms and Conditions of the Bilingual Education Fellowship Prog Contract.	1885-0005, ED 4561-3	Regulatory	Individual or HH	None	400	100
ABSTRACT: Recipients of Fellowship assistance under the Bilingual Educ Fellowship Prog will use this form to demonstrate their compliance with the provisions of the fellowship contract. Respondents indicate their method of compliance and attach documentation required under law and regulations.						
Application for Transition Program for Refugee Children.	3086-0006, ED 443-2	Application for Benefits	Government	941	56	2,800
ABSTRACT: State educational agencies use this form to apply for education assistance for eligible refugee children under the Refugee Act of 1980.						
Financial Status and Performance Report Forms for Transition Program for Refugee Children.	ED 443, 443-1	Management	Government	941	56	2,240
ABSTRACT: State educational agencies use this form to report on the assistance received under the Refugee Act of 1980 as required under OMB Circular A-102. Total reports for this subagency: 7; total burden hours: 48,740.						
Office of Educational Research and Improvement						
Nat'l Assessment of Educational Progress Field Tests.	1850-0089, ED 2371	Statistics	Indvl or HH	None	3,000	1,000
ABSTRACT: Congress has mandated the collection of Nat'l Assessment Survey Data. New background questions for the 1983-84 writing assessment will be field-tested to determine their clarity and appropriateness. The information will be used by Nat'l Assessment to guide item revision, review and selection for the full writing assessment.						
Standard Application for Library Trng 840, Prog Title II-B HEA 1965.	ED 547	3086-0208	Application	IHE	822	70
ABSTRACT: This application form is necessary to elicit institutional and propose project data called for by the selection criteria and which is used by field readers and program staff to evaluate the merit of a proposal and to determine funding levels.						
Fall Enrollment and Compliance Rpt of Institutions of HE, 1983.	3086-0221, ED (NCES) 2300; 2, 3A, and 3B.	Regulatory Statistics	IHE	822	3,300	8,200
ABSTRACT: College enrollment data are needed by ED, States, educational researchers, planning and budget offices and individual colleges for use in economic and financial planning and policy formation, forming funding allocation standards, and assessing the manpower flow through college training and development. Use in compliance enforcement by the Office of Civil Rights.						
State-Level Personnel Exchange	3086-0224, ED 2428-1; 2 and 3.	Application	Government	941	32	48
ABSTRACT: The State-Level Personnel Exchange is part of the NCES assistance program. NCES will pay for travel and per diem for employees from one state to visit another state to provide technical assistance. These application forms are necessary to determine the purpose of the exchange and to determine that the appropriate state-level approvals have been obtained.						
Vocational Education Data System (VEDS).	3086-0225, Ed 2404; -A	Evaluation Regulatory Statistics.	Government	941	75,000	80,000
ABSTRACT: VEDS is mandated to collect information about both types and levels of specific occupations in order to detect possible discrimination and bias.						
Application for Grants under College Library Resources Program.	3086-0231, Ed 3118-1	Application	IHE, Government	822 and 741	2,700	8,100
ABSTRACT: This form enables institutions of Higher Education and private and public non-profit library institutions to apply annually for resource development grants. It provides the Secretary with sufficient information to determine either adherence to fiscal requirements, or to approve a waiver of such requirements. The form also explains anticipated activities if funds are applied to networking activities.						
Application for Fed Assistance (Non-Construction) Capacity Building for Statistical Activities in SEAS.	3086-0233, ED 2413	Application	Government	941	40	1,600
ABSTRACT: The information is needed to evaluate which states are most capable of using grant funds to improve their data systems. This is a competitive grant program, and only a few states may receive grants in any one year.						
State Plan-Education Improvement's, Resources and Support.	3086-0237, ED 634	Application	Government	941	53	319
ABSTRACT: The purpose of this form is to collect information for funding decisions re: Title IV of the Elementary and Secondary Education Act. Covering (A) instructional materials and school library resources (B) improvement in local educational practice and (C) guidance, counseling and testing.						
Application for Grant Under the Strengthening Research Library Resources Program.	3086-0239, ED 592	Application	IHE	822 and 823	100	1,600

DEPARTMENT OF EDUCATION—Continued

Title of information collection	OMB and agency Nos.	Purpose	Respondent burden			
			Type	SIC code	Number of respondents	Hours
ABSTRACT: This form is needed to enable research libraries to apply annually on a competitive basis and provide the Secretary with sufficient information to determine adherence to program selection criteria.						
Common Core of Data (CCD)	3086-0252, ED (NCES), 2350-5; 6; 7; 8 and 8-1.	Statistics	Government	941	57	15,000
ABSTRACT: Elementary and Secondary Data are collected in cooperation with State education agencies. These data provide information about Fall membership, high school graduates, teachers and other staff positions, revenues by source, expenditures by function and other related data. These data are used in allocation of Federal funds for some education grant programs (ESEA Title I), and in carrying out NCES mandated studies Equity Profiles).						
Final Financial Status and Performance Report—HEA tile II A, B (Training) and C.	3066-0255, ED 606; 1 and 2.	Management	IHE	822 and 823	2,700	10,800
ABSTRACT: This consolidated report form is used to determine the utilization of grant funds administered by three discretionary grant programs—College Library Resources (HEA II-A), Library Career Training (HEA II-B) and the Strengthening Research Library Resources Program (HEA II-C). An additional supplementary performance report for II-A is necessary to confirm maintenance of effort assurance required of grantees in the College Library Resources Program.						
Library Human Resources: Study of Supply and Demand.	3086-0263, ED 2425;-1	Statistics Planning	Government, IHE	823 and 941	2,457	2,518
ABSTRACT: The purpose of this study is to provide projections of the supply and demand for librarians through 1990. The proposed survey will provide needed data for describing the current situation, and will provide summary data for an econometric model so that the projections can be made.						
Elementary-Secondary Network Surveys System.	ED 2437	Planning	Government	941	57	456
ABSTRACT: NCES will use the information to plan CCD and VEDS surveys.						
Postsecondary Network Surveys System.	ED 2405	Planning	IHE	822	456	456
ABSTRACT: NCES will use this information to facilitate the exchange of information and expertise among status.						
Application for Grants Under the Nat'l Diffusion Network.	3086-0266, ED 734	Application	IHE	941, 822, and 892	179	2,628
ABSTRACT: This information requested in the National Diffusion Network Grant application will be used solely for program management in the determination of grant eligibility and in the determination of the amount of the grant award.						
State Level Personnel Exchange	3086-0268, ED 2436-1, 2 and 3.		Government	941	20	30
State Expenditures on Postscondary Education for Fiscal Year Ending 81 and 82.	1830-0093, ED 2440		Government	941	57	570
Total reports for this subagency: 17; total burden hours: 133,395.						
Office of Vocational and Adult Education						
Adult Education Clearinghouse	3086-0062, OE 560	Planning	Individuals	None	400	200
ABSTRACT: Data collected through the survey will be edited and reformated for inclusion in a catalog of Adult Education Projects. The catalog, then, as an information product, represents a subset of a continuously growing Adult Education Data Base.						
Study of Vocational Education R&D Product Distribution and Use.	3086-0067, ED 700	Statistics	Government	941	9,080	2,384
ABSTRACT: The data from this study will be used to determine the distribution, use and impact of Vocational Education and development products and information funded under provisions of the Federal Vocational Education Legislation and administered by the U.S. Department of Education or the States.						
State Administered Vocational Educ Program Improvement Abstracts.	3086-0070, ED 590	Research	Government	941	57	228
ABSTRACT: The abstracts of States' Vocational Education Program Improvement Projects are sent to the National Center for Research in Vocational Education to be published bimonthly and included in a national-level annual report.						
Application for Vocational Ed Programs	3086-0072, ED 3176	Application	Government	941	67	1,340
ABSTRACT: The programs for which this application is used are authorized by Sections 103A(1)B(III), 172(B)(1), 184(A) of the Vocational Education Act of 1963, as amended by the Education Amendments of 1976. Under the Vocational Education Grant Program for Indian Tribes and Tribes and Tribal Organizations (13,588), grants are awarded to Indian Tribal organizations to plan, conduct, and administer any of the various types of Vocation Education Programs.						
Application for State Advisory Council for Vocational Education.	3086-0081, ED 773-1; 2 and 3.	Application	Government	941	114	228
ABSTRACT: The membership information will be reviewed to determine whether each State has legally constituted State Advisory Council, which is prerequisite to the issuance of a grant for the State Advisory Council and to the approval of the State's annual plan for Vocational Education. The budget will be used as the basis for the issuance of the grant award to the State Advisory Council.						
Financial Status and Performance Reports for the Adult Education State Program.	3086-0086, ED 365; -1	Planning	Government	941	57	570
ABSTRACT: Regulations require all grantees to report on the status of funds and the performance of activities conducted. Data collected are needed for the purposes of accounting for the expenditure of funds and for assessing the effectiveness of the carrying out of State plans under the Adult Education State Program.						
Annual Plan and Accountability Report for Vocational Education.	1830-0001, ED 576-3, ED 576-4.	Application Planning	Government	941	57	22,800
ABSTRACT: Section 108 of the Vocational Education Act requires State Boards for Vocational Education to submit Annual Plans and Accountability Reports in order to receive federal funds for vocational education programs.						
Annual Evaluation Report of the State Advisory Councils for Vocational Education.	1830-0001, ED 567-5	Evaluation	Government	941	57	28,500
ABSTRACT: The Vocational Education Act requires the State Advisory Council to submit an annual report to the Secretary of Education evaluating the vocational education programs conducted in its State						
Financial Status and Performance Report for Direct Grants—OVAE.	51-R1052, ED 360, ED 360-1.	Prog. Plan	Government	941	30	240

DEPARTMENT OF EDUCATION—Continued

Title of information collection	OMB and agency Nos.	Purpose	Respondent burden			
			Type	SIC code	Number of respondents	Hours
ABSTRACT: The reports are used by grant officers and project officers to monitor the expenditure of funds and the performance of approved activities under direct grants awarded by the Office of Vocational and Adult Education (OVAE).						
Total reports this subagency: 9; total burden hours: 56,490.						
Office of Special Education and Rehabilitative Services						
Grant Application	1820-0018, RSA-424	Application	Government, Businesses	821, 944, and 892	1,170	23,400
ABSTRACT: This form is used by applicants for grants under each of the Categorical Discretionary Grant Programs of RSA. It is used to determine grant eligibility, technical acceptability of applications submitted, and amount of grant awards.						
Application for Federal Assistance for the National Institute of Handicapped Research.	1820-0027, NIHR 792	Application	Government, Businesses	833, 822, 941, 892, and 944	300	12,000
ABSTRACT: Information in the "Application for Federal Assistance" will be used to determine the technical merit of the grant proposal, determine eligibility for funding and serve as a basis for negotiation of final grant awards, including award amounts and terms and conditions.						
Grant Applications Under Education for the Handicapped Programs.	3086-0049, ED 9037	Application	Businesses, Government	821, 822, 892, and 941	3,040	92,560
ABSTRACT: The application package provides instructions and information necessary for grantees and potential grantees to submit a request for Federal Assistance. The information submitted is used by SEP to determine grant eligibility, acceptability of applications, and/or amount of grant award.						
Quarterly Cumulative Caseload/Expenditure Report.	3086-0040, ED (RSA) 113.	Program Plan	Government	944	84	638
ABSTRACT: This instrument provides for: Evaluation of state agency productivity, monitoring progress of case loads in 110, SSDI, SSI programs and the severely disabled, and serves to document the number of rehabilitation meeting the substantial gainful employment (SGA) required for allocation of SSA program funds.						
FY 84-86 State Plan—Part B, Education of the Handicapped.	3086-0051, ED 9055	Application	Government	941	58	1,450
ABSTRACT: This form is the application used by eligible applicants for Title VI, Part B funds under the Education of the Handicapped Act, as amended by P.L. 94-142.						
Education for Handicapped—Incentive Grant, FY 84-86 Plan.	3086-0053, ED 9055-1	Application	Government	941	58	348
ABSTRACT: Any State which has met the eligibility and program plan (State Plan) requirements of P.L. 94-142 may apply for an Incentive Grant to provide special education and related services to handicapped children aged 3 to 5. ED 9055-1 is the recognized form for making application.						
Annual Vocational Rehabilitation Program/Cost Report.	1820-0017, ED 2	Program Planning or Mgt. Program Evaluation Regulatory/ Compliance.	Governments	944	84	395
ABSTRACT: Data reported on this form will be used to set rehabilitation goals for the States, to determine the average cost of rehabilitation services, to determine budget requirements, and to provide a base to analyze and respond to ED and GAO audits. It is also used in the annual report to the Congress, which must include statistical data on rehabilitation services and activities.						
Report of RSA Vending Facility Program.	1820-0009, ED 15	Program Eval., Program Planning or Management.	Governments	944	54	448
ABSTRACT: Indicates the financial health and programmatic impact of the Vending Facility program in terms of earnings and loss; indicates the most efficient types of stands in terms of return on investment and ability to produce earnings to support the operator. Aimed primarily at ensuring the program's financial accountability and meeting expressed goals in terms of client impact.						
Annual Report on Post-employment Servicers and Case Reviews (RSA).	1820-0014, ED 62	Program Planning or Management.	Governments	944	84	74
ABSTRACT: Information from this form is used to track the extent of post-employment services; it provides information on ineligibility determinations; and reports data on "similar benefits" used in State monitoring.						
Annual Data Report—Part B of EHA and State Agency Programs for Handicapped Children Title I, ESEA, as amended.	ED 869	Program Planning or Mgt.	Governments	941	58	2,446
ABSTRACT: This data form is used to collect, annually, count data for determining grant allotments under Part B, EHA, as amended and P.L. 89-313, Title I of ESEA, as amended by P.L. 95-561. Evaluation data required under P.L. 94-142, Section 618 also is collected on this form. ED 869 replaces ED 9039, 9052, and 9058.						
Performance and Financial Status Reports for Part B, EHA and P.L. 89-313 (title I, ESEA).	ED 873-1 and 2	Program Planning or Mgt.	Governments	941	58	522
ABSTRACT: Financial and performance reports are required annually as a condition of funding. SEP uses the data and information in program monitoring/compliance activities and in the annual Congressional report. ED 8734 collects information on the P.L. 94-142 State Grant and Incentive Grant programs, as well as P.L. 89-313. This form collectively replaces ED 716, 789, and 9039.						
Three Year State Plan for Vocational Rehabilitation Services.	SPVR	Application	Governments	944	82	1,640
ABSTRACT: This application form fulfills the requirements for a State Plan as stipulated in the Vocational Rehabilitation Act. The Plan serves as the basis for flowing monies to the States under Title I of P.L. 93-112. This plan will cover the time period FY 1983 through FY 1985.						
Performance Report and Financial Report for SEP Discretionary Grant Programs.	1820-0002, 9037-1, 2	Program Planning or Mgt.	Government, Business	821, 822, 892, and 941	1,500	7,100
ABSTRACT: This report is used by Special Education Programs to determine whether and to what extent progress is being made by grantees toward achieving project goals and objectives. The Financial Status Report is submitted annually and the Performance Report is due at the end of the grant award period (usually a three year period).						
Total reports this sub-agency: 13; total burden hours: 143,021.						
Office of Elementary and Secondary Education						
Report of Contract Awarded State Education Agency report of minimum requirement for school.	1810-0044, ED 4038, ED 4038-1.	Planning	Government	941	266	133

DEPARTMENT OF EDUCATION—Continued

Title of information collection	OMB and agency Nos.	Purpose	Respondent burden			
			Type	SIC code	Number of respondents	Hours
ABSTRACT: Data is used to assist the Secretary in determining the state average per pupil cost of constructing minimum school facilities. The per pupil cost, along with other factors, is used to arrive at a cost of constructing minimum school facilities in a school district which has submitted an application for assistance under P.L. 81-815.						
Standard application Federal Assistance (Non-Construction) for Follow-Through Program.	3086-0002, ED-4473	Application	Government, Business	821, 822, 829, and 941	112	3,360
ABSTRACT: This application form is necessary in order to make annual grants to applicants. The information contained in the application is used to determine annual funding levels to grantees. In addition, information is extracted from the application which is used to prepare reports for Congress, OMB, and the GAO.						
Annual Survey of Children in Institutions operated or supported by a State Agency for Neglected or Delinquent Children or Children in Adult Correction Institutions.	3086-0007, 4376, 4376-1.	Management	Government	941	1,600	1,600
ABSTRACT: The purpose of this annual survey is to provide the Department of Education with current information on the location and number of children in institutions for Neglected or Delinquent Children, or in Correctional Institutions. The information collected will be used for purposes of the ESEA, Title I Formula for computing Fiscal Year 1980 allocations for local Educational Agencies and State Agencies responsible for providing education for Institutionalized Neglected.						
Title I, ESEA, Section 143, Migrant Education Interstate and Intrastate Programs.	3086-0010, ED 362-2	Application	Government	941	51	2,040
ABSTRACT: Grants are needed for State Education Agencies (that may apply individually or cooperatively) to plan and implement special projects designed to improve the Interstate and Intrastate coordination of Migrant activities. Products of these grants will be distributed to all states serving migrant children.						
Application for Federal Assistance (Nonconstruction Programs) Migrant Education Program.	3086-0011, ED 362	Application	Government	941	51	1,020
ABSTRACT: Title I, ESEA Migrant Education Program requires the annual submission of a State Migrant Education Program application for an annual program grant. The Department of Education's Migrant Education Program Office conducts a comprehensive application review and approval process prior to awarding a grant to each State.						
Application for Grants under Civil Rights Technical Assistance and Training Programs.	3086-0012, ED 296	Application	Government	941	341	6,820
ABSTRACT: This application is to be used by State and Local Education Agencies and Institutions of Higher Education for applying for federal assistance under Title IV of the Civil Rights Act of 1964. Awards are made to help solve problems related to eliminating discrimination on the basis of race, sex and national origin in the Public Elementary and Secondary Schools throughout the Nation.						
Application for School Assistance in Federally Affected Areas Instructions.	3086-0017, ED 4019, ED 4019-1.	Application	Government	941	4,000	34,400
ABSTRACT: P.L. 81-874 provides that 16 separately identified categories of federally connected pupils are entitled to varying percentages of a rate of payment to their School District. Five basic tables are used to report pupils claimed.						
ESEA Title I Performance Report	3086-0018, ED 686-2	Management	Government	None	58	46,400
ABSTRACT: These forms are used to collect data regarding the performance of Title I programs and projects. State Educational Agencies will provide the information based on all or a representative sample of their Local Educational Agencies.						
Section 418A, HEA, HEP and CAMP Financial Status and Performance Reports.	3086-0025, ED 819-2	Management	IHE	822	19	95
ABSTRACT: Grantees are required to file a Financial Status Report and a Performance Report in accordance with the provisions of OMB Circular A-110. The information will be used for future Programmatic Decisions regarding program size and allowable services.						
Application for Grant Under the High School Equivalency Program (HEP).	3086-0026, ED 819	Application	IHE	822	50	1,000
ABSTRACT: Title IV of the Higher Education Act of 1965 as amended, authorizes the Secretary to maintain and expand Secondary and Postsecondary High School Equivalency Programs and College Assistance Migrant Program Projects. In order to meet the responsibility of determining those grantees who will most effectively provide services to the target population, the Secretary must gather data regarding proposed activities. Data will be used to select Program Grantees.						
Application for Grant Under the College Assistance Migrant Program (CAMP).	3086-0029, ED 819-1	Application	IHE	822	50	1,000
ABSTRACT: Title IV of the Higher Education Act of 1965 as amended, authorizes the Secretary to maintain and expand Secondary and Postsecondary High School Equivalency Programs and College Assistance Migrant Programs Projects. In order to meet the responsibility of determining those Grantees who will most effectively provide services to the target population, the Secretary must gather data regarding proposed services. Data will be used to select Program Grantees.						
Application for Federal Assistance (Short Form)—Instructions for Arts Education Projects.	3086-0195, ED 449	Application	Business, IHE, Government.	822 and 941	300	4,500
ABSTRACT: This form is used to apply for Arts Education Grants.						
Application for Disaster Assistance (P.L.) 81-874 Section 7).	1505-0046, ED 423	Application	Government	941	250	500
ABSTRACT: Data is used to assist in determining eligibility of a local education agency for disaster assistance and amount of grant and equipment.						
Application for Grants (Indian Education Act, Part B, New and Non-competing).	1076-0008, ED 267, ED 267-1.	Application	Indian Tribes	None	200	6,000
ABSTRACT: To improve educational opportunities for Indian students for preschool through the University by supporting programs that: (a) provide improved educational support services; (b) increase the numbers of Indians in leadership positions; (c) develop new educational approaches of high quality; (d) contribute to increased control by Indians over the availability and quality of their own education.						
Application for Grants (Indian Education Act, Part A, Indian-Controlled Schools, New and Non-Competing).	1076-0009, ED 444, ED 444-1.	Application	Indian Tribes, Indian Institutes.	None	45	13,500
ABSTRACT: Application for support for Indian Controlled Schools on or near Reservation to provide special enrichment programs.						
Application for Indian Fellowships (New and Non-Competing).	1076-0010, ED 501, ED 501-1.	Application	Individuals	None	750	2,250

DEPARTMENT OF EDUCATION—Continued

Title of information collection	OMB and agency Nos.	Purpose	Respondent burden			
			Type	SIC code	Number of respondents	Hours
ABSTRACT: To enable Indian students to earn degrees in Medicine, Law, Education, Business Administration, engineering & Natural Resources, awards made to students, tuition payments made to Universities.						
Application for Grants (Indian Education Act, Part A, New and Continuation).	1076-0011, ED 736, ED 736-1.	Application	Local Educational Agencies.	821	1,100	33,000
ABSTRACT: The purposes of Part A of the Indian Education Act are, to enable Elementary and Secondary Schools to develop and implement Supplementary Programs specially designed to help meet the Special Educational and Culturally-Related Academic needs of Indian students.						
Application for Grants (Indian Education Act, Part C, New and Non-Competing).	1076-0012, ED 737, ED 737-1.	Application	Indian Tribes, Indian Organizations.	None	104	3,120
ABSTRACT: Under Part C of the act grants are awarded to improve educational opportunities below the College level for Indian adults. Authorized grant activities are: Provide Educational Services, and Develop Planning, Pilot and Demonstration Projects.						
Recommendations for Advisory Council on Indian Education.	1076-0013, ED 543	Management	Government	941	80	80
ABSTRACT: The Indian Education Act authorizes a Presidentially appointed National Advisory Council on Indian Education. Five such membership positions are open annually thereby necessitating a solicitation of nominations.						
Indian Student Enrollment Certification	1076-0014, ED 506	Application	Indvl. or HH	None	25,000	6,250
ABSTRACT: Program designed to benefit eligible Indian children by calculating grant award based on count of correct and valid forms on file with LEA.						
Financial Status and Grant Performance Report—Indian Education Act Programs.	ED 354, ED 354-1	Management	Indian Tribes, Non-Profits, Colleges and Universities, LEA's.	None	1,200	4,800
ABSTRACT: These forms are required from each grantee annually. The grantees report on the amount of funds spent, the amount remaining, the number of students who participated in the project, and the extent to which the project achieved objectives described in the application.						
Application Package: Women's Educational Equity Act Program.	3086-0270, ED Form, 436-1, 436-2.	Application	Individual's, State and Local Government's, Businesses or other Institutions.	821, 822, 823, 824, 841, 892, and 941	818	16,000
Total reports this subagency: 22; total burden hours: 187,868.						
Office of Postsecondary Education						
Certification as to use of Federally Assisted Facilities Title VII, HEA.	1840-0044, ED 1308	Management	IHE	822	1,800	180
ABSTRACT: Tool for gathering information as needed by the Department of Education for determining that Institutions are meeting the Obligatory Space Utilization Requirements.						
Loan Application Form Under the College Housing Program.	1840-0095, ED 866	Application	IHE	822	300	9,600
ABSTRACT: This application form will be used to process and award College Housing Loans under the College Housing Program.						
Guarantee Agency Quarterly Report	3086-0088, ED 1130	Regulatory Government		822	55	245
ABSTRACT: (1) To provide summary data on agency finances and operations which are funded primarily with federal dollars, (2) to provide the Secretary with the necessary information to perform oversight functions of the Agency—Program Operations, Fraud and Abuse, Report to the Congress, etc., and (3) to collect certain specific data required to be reported under section 432(C)(1)(A) of the Higher Education Act.						
Verification of Transfer of Credit Under the Three Institutional-Certification Method.	3086-0087, ED 1261	Management	Government, IHE	822 and 941	300	150
ABSTRACT: The Secretary of Education must determine whether unaccredited Institutions of Higher Education are eligible for programs authorized the Higher Education Act of 1965. The Secretary uses this form to determine whether Institutions meet the "Three-Institutional Certification Method" as an alternative to Accreditation.						
ADS Student Report (Request of Additional Payment of BEOG Award).	3086-0094, ED 304-1	Application	Indvl. or HH	None	40,850	33,750
ABSTRACT: This form is only used if two payments are required under the alternate disbursement system. This form is used for the second payment.						
Teacher Exchange Program—Application Package.	3086-0098, ED 356	Application	Indvl. or HH	None	2,100	1,500
ABSTRACT: To be used by applicants under the FY 1982 Teacher Exchange Program which provides opportunities for U.S. Teachers to exchange positions for an Academic Year with Foreign Counterparts or to attend one of a variety of Short-Term Seminars Worldwide.						
Application for the Public Service Education Program.	3086-0101, ED-404	Application	Government	None	170	3,400
ABSTRACT: The information allows the Secretary to issue awards to institutions of Higher Education. The purpose of the awards is to develop training programs for Graduate or Professional Study for persons who plan to pursue a career in public service, especially at the State and Local levels.						
Application for Noncompeting Continuation Projects for Special Programs for Students from Disadvantaged Backgrounds.	3086-0103, ED 1251	Application	Government, IHE	822, 824, and 941	1,059	15,885
ABSTRACT: The form request programmatic and budgetary information from eligible applicants so that the Department of Education program Officers and Non-Federal Reviews will have adequate, relevant information with which to make funding decisions. The collected information will also be used to determine compliance with the published funding criteria.						
Application for Graduate and Professional Fellowships and Institutional Grants.	3086-0105, ED-591	Application	IHE	822	350	7,000
ABSTRACT: This program issues awards to individual Institutions of Higher Education or to combinations of those Institutions. The purpose of the award is to develop Training Programs at Institutions of Higher Education by providing Fellowships for Graduate and Professional study to members of Groups, particularly minorities and women, that have traditionally been underrepresented among recipients of Graduate and Professional Degrees.						
Alternate Disbursement System Validation Roster.	3086-0108, ED 579	Management	IHE	822	1,100	1,375
ABSTRACT: The Validation Royster will be used to verify data previously submitted by Institutions participating in Basic Grants through the Alternate Disbursement System and to reconcile accounts for the ADS System.						
Physician's Certification of Borrower's Total and Permanent Disability for Student Loan Program.	3086-0111, ED 1172	Application	Indvl. or HH	None	2,500	2,167

DEPARTMENT OF EDUCATION—Continued

Title of information collection	OMB and agency Nos.	Purpose	Respondent burden			
			Type	SIC code	Number of respondents	Hours
ABSTRACT: This form is used to request cancellation of loan owed. The law provides that the Federal Government will cancel the loan if the borrower becomes permanently and totally disabled.						
Lender's Request for Interest and Special Allowance.	3086-0115, ED 799	Application	Business, IHE	822, 601, 602, 603, 604, and 605	12,000	63,000
ABSTRACT: This form is used by lenders to request payment of interest and special allowance. This is the only reporting form to permit the Department to determine the Government's obligation to lenders in the Guaranteed Student Loan Program.						
Federal Assistance Application Form—Law School Clinical Experience Program.	3086-0121, ED 595	Application	Business	822	85	2,550
ABSTRACT: This information is required of Law Schools applying for an Institutional Grant under Title IX-E of the Higher Education Act. As amended, the information will be used in the evaluation process to determine which accredited Law Schools should receive funds.						
Financial Status and Performance Reports for Veteran's Cost-of-Instruction Payments Program.	3086-0122, ED 269-1, 2..	Management	IHE	822	1,200	1,800
ABSTRACT: Standard form 269, OMB No. 80-R0180 will be used to obtain an accounting of funds expended, obligated and remaining in accordance with regulations. Regulations also require an annual program performance report in accordance with criteria established by the Secretary and the Administrator of the Veterans Administration.						
Biomedical Sciences Performance and Financial Status Report.	3086-0123, ED 822	Management	IHE	822 and 824	12	48
ABSTRACT: Data collection instrument is needed to comply with EDGAR regulations 34 CFR, parts 74 and 100. The information will be used: (A) to assess and monitor project effectiveness, (B) to determine compliance with Program Regulations, and (C) to determine if the program is meeting the needs of the target population.						
Upward Bound Financial Status and Performance Report.	3086-0124, ED 712, ED 1196, ED 1197.	Management	IHE	822	415	1,660
ABSTRACT: The need for reporting on project performance is well established in accordance with subparts I and J of OMB Circular A-110, Upward Bound financial status and performance report requests certain programmatic information from every Upward Bound project on a semi-annual basis.						
Certificate of Project Costs of Academic Facilities, Title VII Higher Education Act Programs.	3086-0126, ED 1143	Regulatory	IHE	822	300	150
ABSTRACT: The information collected will enable the Department of Education to determine if Institutions are meeting the statutory regulatory requirements relating to project costs for Academic Facilities.						
Application Summary Report for Federal Grants Under Title VI, the Higher Education Act.	3086-0127, ED 1118	Regulatory	Government	941	56	168
ABSTRACT: A useful tool to the State Commissions in facilitating and fulfilling the Statutory Reporting Requirements to the Department of Education.						
Validation Form—Basic Educational Opportunity Grant.	3086-0129, ED 623	Management	IHE	822	300,000	267,000
ABSTRACT: (1) Modify application processing procedures to detect errors, (2) Introduce Institutional verification of BEOGS applicant data prior to award disbursement.						
Cooperative Education Performance Report and Related Financial Report.	3086-0131, ED 411, ED 411-1.	Management	IHE	822	235	1,293
ABSTRACT: These forms are used to report performance and financial activities of funded projects under the Cooperative Education Program.						
Application for Veterans' Cost-of-Instruction Payments to Institutions of Higher Education.	3086-0132, ED 269	Application	Government, IHE	941 and 822	1,200	1,200
ABSTRACT: Provides payments to Postsecondary Institutions based on their Undergraduate Veteran Enrollment. Payments are based on the number of Veterans receiving Vocational Rehabilitation or Educational Assistance for Undergraduate Study and the number of Veterans who have participated in special Pre-Discharge of Remedial Programs subsidized by the Veterans Adminstration.						
Institutional Progress Report for BEOG...	3086-0133, ED 255-3	Planning	IHE	822	5,000	11,250
ABSTRACT: The progress report is a financial report whereby periodic adjustments may be effected in the authorizations of PELL funds for a particular institution and to make accurate projections of the total demand for program funds assuming full finding which will be used to develop a payment schedule for the calculation of students awards.						
Application for Certification to Participate in BSFA Programs.	3086-0134, ED 633	Application	IHE	822	2,500	5,000
ABSTRACT: Review of Institutional Adequacy of Administrative and fiscal standards for participation in OSFA programs.						
Financial Status and Performance Reports for Special Programs for the Disadvantaged.	3086-0136, ED 1231	Management	IHE	822	644	322
ABSTRACT: Data collected from the Performance Report is summarized and analyzed by the Department of Education and is used as a base to respond to program information requests for Congress, OMB, and other bureau programs. The Financial Status Report is used by Grants Officers to monitor the financial and business aspects of each grant.						
Foreign Language and Area Studies Fellowship Application Package.	3086-0137, ED 7608, ED 7610, ED 7617.	Application	IHE	822	2,000	2,000
ABSTRACT: The information requested is needed by the Department of Education to meet its statutory responsibilities and to determine eligibility of applicants who are finally selected for awards.						
Terminal Report for Holders of Foreign Language and Area Studies Fellowships.	3086-0138, ED 7614	Application	Indvl. or HH	None	1,000	500
ABSTRACT: The information requested is needed by the Department of Education to meet its statutory responsibilities and to determine eligibility of applicants who are recommended and finally selected for awards.						
Institutional List of Candidates for the Foreign Language and Area Studies Fellowship Program.	3086-0139, ED 7632	Application	IHE	822	120	30
ABSTRACT: This form is necessary to comply with the selection process as put forth in the rules and regulations (45 CFR 146.36) and is used by the staff of DIE to award fellowships as well as monitor the results of the academic year.						
Request for payment of 1981 and 1982 BEOG Award Notice of Termination.	3086-0140, ED-304 and ED-304-2.	Application	Indvl. or HH, IHE822	40,850	27,700	

DEPARTMENT OF EDUCATION—Continued

Title of information collection	OMB and agency Nos.	Purpose	Respondent burden			
			Type	SIC code	Number of respondents	Hours
ABSTRACT: These forms are the means by which students attending Institutions that participate under the alternate disbursement system submit information regarding the students enrollment to the Secretary to be used in determinig their Basic Grant Award. The Secretary acts as the disbursing agent on behalf of the Institution.						
Application for Federal Assistance—Instructions for Educational Opportunity Centers.	3086-0142, ED 343	Application	Government, IHE	822, 834, and 941	100	3,400
ABSTRACT: The form requests programmatic and budgetary information from eligible applicants so that the Department of Education Program Offices and Non-Federal reviewers will have adequate, relevant information with which to make funding decisions. The collected information will also be used to determine compliance with the published funding criteria.						
A-102 Financial Status and Performance Reports—Discretionary Projects—Bureau of Postsecondary Education.	3086-0143, ED 1294	Prog. Plan	IHE	822	450	9,000
ABSTRACT: The standard financial status report and performance report for the following six discretionary programs: Language and Area Centers, Fulbright-Hays Training Grants—foreign Curriculum Consultants, Fulbright Higher Education Act, Library Research and Demonstration Program, and Ethnic Heritage Studies Program.						
Standard Application (Nonconstruction) for Foreign Language and Area Studies.	3086-0145, ED 324-1, ED 324-2, ED 324-3.	Application	IHE	822	800	9,600
ABSTRACT: Because of the close relationship of the Fellowship Program to the Language and Area Center Program, it has been decided that the standard A-110 application for these Centers should also be used by the Fellowship Program.						
Federal Insured Student Loan Application.	3086-0147, ED 1154	Application	Indv. or HH, Business	None	750,000	562,500
ABSTRACT: These FISL Student Applications are used to determine those students eligible for, and to award, Federally Insured Loans.						
Application for Cooperative Education Program, Title VIII, HEA as Amended.	3086-0148, ED 1193	Application	IHE	822	600	6,120
ABSTRACT: The Program awards discretionary Grants to accredited Institutions of Higher Education for planning and conducting Cooperative Education Programs.						
Fiscal-Operations Report/Application to Participate in NDSL, SEOG and CWS Programs.	3086-0150, ED 646, ED 646-1.	Application	IHE	822 and 824	4,650	174,750
ABSTRACT: The application data will be used to compute the amount of funds needed by each Institution during the 1983-84 award period. The Fiscal Operation's Report Data will be used to assess program effectiveness and accountability of funds expended during the award period 1981-82.						
Student Confirmation Report for Guaranteed Student Loan Program.	3086-0154, ED 1072	Management	IHE	822 and 824	11,250	22,500
ABSTRACT: Data from this form is used to update the Student Status Field in the computer system. This information is then provided to the lenders on the loan transaction statement which will indicate if and when a student ceases attendance. The lender then establishes a repayment schedule with the student.						
Call Report—Lender's Annual Report on Guaranteed Student Loans and Parent Loans for Undergraduate Student Outstanding.	3086-0155, ED 799-1	Application	Businesses	822, 601, 602, 603, 604, and 605	22,500	45,000
ABSTRACT: This form is completed by the lender and provides the GSLB updated information of the lender loan portfolio. It is also used to determine the amount the lender can bill for interest in the next quarter.						
Loan Transfer Statement Guaranteed Student Loan Program.	3086-0156, ED 1074	Management	Business	822, 601, 602, 603, 604, and 605	1,000	32,530
ABSTRACT: This form is used to report the selling and buying of existing loans between lenders. Both lenders must sign and date the form prior to submission to the Department of Education by the buying lender.						
Financial Status and Performance Reporting for Educational Opportunity Centers.	3086-0159, ED 366, ED 366-1.	Management	IHE	822, 821, and 824	32	128
ABSTRACT: Data collection instrument is needed to comply with OMB Circular A-110. The information will be used (A) to assess and monitor project effectiveness, and (B) to determine if the program is meeting the needs of the target populations.						
National Direct (Defense) Student Loan Assignment Form.	3086-0163, ED 553	Management	IHE	822 and 824	3,300	111,375
ABSTRACT: This form was designed to provide the maximum efficiency for full reporting of debtor information for both the Institution and the Federal Government. The report will contain a complete statement of the facts and computations on the basis of which the debt was administratively determined.						
Lenders Manifest for Federally Insured Student Loans.	3086-0164, ED 1151	Management	Business	822, 601, 602, 603, 604, and 605	13,000	26,000
ABSTRACT: The lender uses this form to report the amount of disbursements made on loans. It is also used to report conversions and loans paid in full. In addition, it is used to maintain insurance premiums to be paid at a later date.						
Request for Institutional Eligibility (for programs Under the Higher Education Act of 1965, as Amended).	3086-0167, ED 1059	Application	Government, IHE	822, 824, 829, and 941	1,000	1,000
ABSTRACT: The Secretary of Education must determine whether Postsecondary Educational institutions meet the statutory and regulatory requirements for eligibility to apply for funding for programs authorized by the Higher Education Act of 1965, as amended Secretary uses this form to determine the eligibility of these Institutions.						
Application for State Student Incentive Grant Program.	3086-0168, ED 1288	Application	Government	941	57	171
ABSTRACT: Completed application shows states qualification for federal funds, specifying matching and maintenance of effort capability, methods of determining student financial need, and extent of institutional eligibility. With its signed assurances, the document commits the State to administer the Federal Funds and State Matching in compliance with the Statute. Data are used in Program Management.						
Request for Designation as an Eligible Institution, Title III Higher Education Act of 1965, as Amended.	3086-0172, ED 1049-6	Application	IHE	822	800	800
ABSTRACT: The Division of Institutional Development will use the information requested to determine if an eligible Institution of Higher Education meets the specific program qualifications to receive Title III funds as provided for in the Legislation and Regulations governing the Institutional Aid Programs.						
Performance and Financial Status Reports for the Strengthening Developing Institutions Program.	3086-0173, ED 1049-2	Evaluation, Management	IHE	822 and 829	500	4,500

DEPARTMENT OF EDUCATION—Continued

Title of information collection	OMB and agency Nos.	Purpose	Respondent burden			
			Type	SIC code	Number of respondents	Hours
ABSTRACT: The reports are needed to fill the requirements of section 304(C)(1) of P.L. 92-318 and the technical and financial reporting. The Division will use the information to determine that adequate progress is being made toward achieving the goals of the grants, to monitor the rate of grantee expenditures, and to identify potential budgetary problems.						
Guaranteed Student Loan Program Family Contribution Schedule.	3086-0175, ED 867	Regulatory	Businesses, Government	941, 822, and 605	8,000	250,000
ABSTRACT: The notice advises the public of the Needs Analysis System (Family Contribution Schedule) to be used by Schools in determining the student's eligibility.						
Application for Grants Under the Challenge Grant Program.	3086-0176, ED 853	Application	IHE	822	25	2,325
ABSTRACT: The attached application form must be completed by all Institutions applying for grants under the Challenge Grant Program, Title III of the Higher Education Act of 1965, as amended by P.L. 96-374. The application will enable the Secretary to evaluate the needs of the applicants to determine which applications should be funded and the total amount of any grant that may be awarded.						
Guarantee Agency request for Reimbursement for Claims Paid Request for Reimbursement Under Agreement for Fed. Reinsurance—Request for Reimbursement on Death/Disability.	3086-0177, ED 1189, ED 1189-1, ED 1189-3.	Application	Government	941	50	3,150
ABSTRACT: ED form 1189 is used by the guaranteed agency to request reimbursement on claims paid and should always accompany the ED 1189-1 and 1189-3. The 1189-1 is used for reimbursement of death and disability claims after Dec. 15, 1968 and for all bankruptcy claims. The 1189-3. The 1189-1 is used for reimbursement on death and disability claims prior to Dec. 15, 1968 and for a 1189-3 is for reimbursement of death and disability claims after Dec. 15, 1968.						
Program Announcement—Minority Institutions Science Improvement Program.	3086-0178, ED 0007	Application	IHE	822 and 892	150	5,700
ABSTRACT: This is a grant application for competitive awards.						
Application for Federal Student Aid	3086-0179, ED-255	Application	Indvl. or HH	None	2,000,000	3,000,000
ABSTRACT: This form is needed to collect the data necessary: To determine whether the student is eligible for Federal Student Aid Funds, and to calculate a uniform methodology number which financial aid Administrators may use to award all other types of Financial Aid.						
Special Condition Application for Federal Student Aid.	3086-0180, 255-2	Application	Indvl. or HH	None	157,000	235,000
ABSTRACT: This form is needed to collect data: To determine the amount of expected family contribution to the applicant if certain family or financial conditions have changed for the worse, and to calculate a uniform methodology number which Financial Aid Administrators may use to award all other types of financial aid.						
Evaluation of Student Financial Assistance Training Program (SFATP).	3086-0181, 786-1 through 786-8.	Evaluation	Indvl. or HH	None	28,200	9,838
ABSTRACT: This study will determine whether training program participants are learning the curriculum, what participants think of the program, and whether the program is recruiting the people who need training the most.						
Application for Grants Under the Strengthening Program.	3086-0182, ED 851	Application	IHE	822	400	36,400
ABSTRACT: The attached application form must be completed by all Institutions applying for grants under the Strengthening Institutions Program, Title III of the Higher Education Act of 1965 as amended by P.L. 96-374. The application will enable the Secretary to evaluate the needs of the applicants to determine which applications should be funded and the total amount of any grant that may be awarded.						
Application for Grants Under the Special Needs Program.	3086-0183, ED 852	Application	IHE	822	350	31,850
ABSTRACT: The attached application form must be completed by all Institutions applying for grants under the Special Needs Program, Title III of the Higher Education Act of 1965, as amended by P.L. 96-374. The application will enable the Secretary to evaluate the needs of the applicants to determine which applications should be funded and the total amount of any grant that may be awarded.						
Program Announcement—Comprehensive Program Final Year Dissemination Competition Fund for the Improvement of Post-Secondary Education.	3086-0186, ED 0003	Application	IHE	822	50	400
ABSTRACT: This is a grant application for competitive awards with a limited eligibility requirement.						
Guarantee Agency Report of Recoveries on Claims Paid Under Federal Reinsurance.	3086-0187, ED 1189-2	Regulatory	IHE, Government	822, 941, and 892	50	1,000
ABSTRACT: The Guarantee Agency completes this form indicating recoveries on claims paid and forwards the report with a check to the Claims and Collections Section, Guarantees Student Loan Branch.						
Performance Reporting: Minority Institutions Science Improvement Program (MISIP).	3086-0188, ED-0007P	Regulatory	IHE	822	100	300
ABSTRACT: Brief annual reports on progress to date in comparison to project schedule.						
Application for New Projects Under Special Programs for Students from Disadvantaged Backgrounds.	3086-0189, ED 872	Application	Businesses	821, 822, and 824	350	9,800
ABSTRACT: Applications provide Federal government with relevant information with which to make funding decisions.						
Application for Comprehensive Program, FIPSE.	1850-0050, ED 0001, ED 0002.	Application	Businesses	None	1,750	17,500
ABSTRACT: These applications are competitively reviewed and grants and contracts under the Fund for the Improvement of Postsecondary Education (FIPSE) are awarded to those selected.						
Application for Mina Saughnessy Scholars Program, FIPSE.	1850-0043, ED 0006	Application	Businesses	None	200	5,000
ABSTRACT: This program is an annual grant competition designed to solicit applications from Postsecondary Education Institutions which propose to designate a Shaughnessy Scholar to improve educational practice through individual projects. The information requested is necessary to make decisions about which applications will receive grant awards.						
Equipment List for Title VII, HEA of 1965, as amended.	51-R0644, ED 1136-1	Management	Businesses	None	300	225
ABSTRACT: This is an itemized initial equipment list necessary for program to review in order to ascertain that Title VII recipients do not purchase elaborate and costly initial equipment above and beyond that needed for the Title VII projects.						
Report on College Retention of Former Upward Bound Students.	3086-0126, ED 1225	Evaluation	Businesses	None	1,800	450

DEPARTMENT OF EDUCATION—Continued

Title of information collection	OMB and agency Nos.	Purpose	Respondent burden			
			Type	SIC code	Number of respondents	Hours
ABSTRACT: This form is used within the Upward Bound Information System to confirm enrollment and retention of former Upward Bound students in Institutions of Higher Education. These reports provide information used in program accountability, program evaluation and any other area where some type of assessment of Upward Bound program activities is required.						
Student Aid Report (SAR) formerly Student Eligibility Report (SER).	ED 255–1	Application	Individual	None	2,326,000	1,157,185
ABSTRACT: The student completes an application form (ED 255) on which she/he provides income and asset information necessary to determine an expected family contribution toward educational expenses. The student sends the form to an ED contractor which determines the amount of the expected family contribution. The ED contractor then sends the student an SAR which is a notification of the results of that determination.						
Statement of LEEP Account; Participant's Certification Statement—Law Enforcement Education Program (LEEP).	1840–00121, LEEP 6, LEEP 6A.	Prog. Plan	Individual	None	171,890	9,818
ABSTRACT: This form serves as a bill or a certification of Law Enforcement Employment. When used as the latter, the form serves to collect information on the recipient of funds. This information must be certified by an official of the employing agency. Information is fed into the computer file which automatically credits the recipient's account with the appropriate forgiveness.						
Pell Grant Program Student Validation Roster (Formerly Basic Educational Opportunity Grant).	3086–0099, ED 255–4	Application	Businesses	None	5,000	25,000
ABSTRACT: The Pell Grant Program is a program of Student Financial Aid which was authorized by Title IV, Part A of the ED amendments of 1972. Under this program, the institution will determine the student's Pell award and upon actual enrollment would begin to disburse funds to the student on the behalf of ED.						
Report of Default Loan (NDSL)	ED 574	Prog. Plan	Colleges and Universities.	None	3,200	8,000
ABSTRACT: This report provides information about the capability of the Institutions to establish and administer effective collections programs.						
Summary Data Sheet, Listing Form (NDSL).	ED 1269, and 1	Prog. Plan	State Government	None	57	1,140
ABSTRACT: This report provides information about the state's elementary and secondary schools with high percentages of low income students for purposes of cancellation benefits under the NDSL Program.						
Grantee Agency Reserve Fund Analysis and Projections.	ED 878	Prog. Eval.	State Government	None	23	46
ABSTRACT: This form is to be used to collect the data needed to decide if the agency should be allowed to retain the 422(a) Federal Advance funds or if the Secretary should request the return of the funds.						
Application for Fulbright Hays Training Grants—Faculty and Doctoral Dissertation Research Abroad Programs.	3086–0091, ED 7627, ED 7628, ED 7628–1.	Application	Government	None	770	2,887
ABSTRACT: The purpose of the awards under these programs is to improve and develop programs in modern foreign language and area studies in the educational structure of the United States. The Doctoral Dissertation Research Abroad program provides assistance for graduate students to engage in full-time dissertation research abroad. The Faculty Research Abroad program provides awards to key faculty members to maintain expertise in foreign language and area studies.						
Total reports this subagency: 68; total burden hours 6,283,311.						
Office of Civil Rights						
Fall 1982 Elementary and Secondary School Civil Rights Survey.	None, ED 101, ED 102	Regulatory	Government (School Districts), (Schools).	941 and 821	[1] 3,300 [2] 26,400	3,300 211,200
ABSTRACT: The Office for Civil Rights (OCR) has yet to submit the instrument they plan to use for this survey to the Federal Education Data Acquisition Council (FEDAC) for approval. Due to the sensitive nature of this survey, however, FEDAC believes it appropriate to advise the public that it may occur in some form. Publication of this notice does not constitute approval of the survey. Before FEDAC can approve the survey OCR must demonstrate that significant circumstances or urgent need exists for the information. OCR would use the information to evaluate the complicance status of schools with Federal Civil Rights statutes, court orders, and executive orders. OCR also uses the information to facilitate compliance reviews and complaint investigations.						
Total reports this subagency: 1; total burden hours: 214,500.						

[1] Districts.
[2] Schools.

DEPARTMENT OF AGRICULTURE—FOOD AND NUTRITION SERVICE

Title of information collection	OMB and agency Nos.	Purpose	Respondent burden			
			Type	SIC code	Number of respondents	Hours
Annual Report of Meal Service in Schools.	0584–0038, FNS–47	Regulatory	Government	821 and 943	59	17,416
ABSTRACT: Provides information necessary to apportion among the states certain Food Service Equipment Assistance Program funds (FSEAP). FSEAP is authorized under section 5 of the Child Nutrition Act of 1966, as amended.						
Guidelines for Financial Management Cost Based Accountability System—School Food Programs.	0584–0050, 796–1 Rev. 2.	Regulatory	Businesses	821 and 943	119,000	28,050,000
ABSTRACT: Required by the Child Nutrition Act and the National School Lunch Act, which prohibits the Department from paying schools on a pre-meal basis more than the cost of producing the meal.						
Part 210—National School Lunch Program.	0584–0006	Regulatory	Government	821 and 943	23,525	66,667
ABSTRACT: The National School Lunch Act of 1946 authorizes the National School Lunch Program (NSLP). The regulations set forth policy for the administration of the program by States & School Fund Authorities (SFA). Reporting requirements enables States & SFAS to obtain federal funds and donated commodities.						
Monthly Report of Lunch Service Operations Commodity only Schools.	0584–0029, FNS–130	Prog. Plan	Government	821 and 943	11	60

DEPARTMENT OF AGRICULTURE—FOOD AND NUTRITION SERVICE—Continued

Title of information collection	OMB and agency Nos.	Purpose	Respondent burden			
			Type	SIC code	Number of respondents	Hours
ABSTRACT: Submitted by the School Fund Authority participating in the USDA donated commodity program. This report provides monthly program information on lunch service in each participating school.						
Agreement for use of Donated Commodities (Commodity-Only Schools).	0584-0030, FNS-129	Application	Government	943	10	5
ABSTRACT: Agreement document submitted to FNS by the School Fund Authority. The FNS-129 includes a summary of all requirements pertaining to the operation of the Donated Commodity Program.						
Application for Donated Commodities (Commodity Only Schools).	0584-0031, FNS-127	Application	Government	821 and 943	10	10
ABSTRACT: Application for school participation in the USDA Donated Commodity Program. Submitted to FNS by the School Food Authority in cases where the program is to be directly administered by FNS.						
Part 230—Food Service Equipment Assistance.	0584-0066	Regulatory	Businesses	943	112	448
ABSTRACT: The Food Service Equipment Assistance Program is authorized by Section 5 of the Child Nutrition Act of 1966, as amended these regulations set forth policy for the Administration of the program by State Agencies and School Food Authorities.						
Food Administrator Survey (FAS) of the National Evaluation of School Nutrition Programs.	0584-0112, AG/FNS 1106.	Prog. Plan	Businesses	943	3420	1,305
ABSTRACT: No available comprehensive finding describing the operations, targeting and impacts of the School Nutrition Programs currently exist. This evaluation, conducted in response to a Congressional request (Senate Resolution 90, report no. 98-208) addresses each of these issues and will develop forecasting models that can predict program participation.						

Total reports this subagency: 8; total burden hours: 28,135,911.

DEPARTMENT OF COMMERCE

Title of information collection	OMB and Agency Nos.	Purpose	Respondent burden			
			Type	SIC code	Number of respondents	Hours
Sea Grant Control	0648-0008, NOAA 90-1	Application	IHE	822	40	40
ABSTRACT: Is a summary of information contained in a proposal relating to the budgeting of funds by category, required by P.L. 94-461, and entered into the Sea Grant Data Management Files for extracting of information for administrative purposes.						
Sea Grant Budget	0648-0034, NOAA 90-4	Prog. Plan	IHE	822 and 892	450	200
ABSTRACT: Information is needed to determine cost of each project a multi project proposal and to determine allowability of matching costs offered. Also, used in negotiating costs and administrative control of expenditures by both grantee and grantors. (Required by P.L. 94-461.)						
Survey of Local Government Finances	0607-0165, F 33	Statistics	Government	941	57	1,400

Total number of reports this agency: 3; total respondent hours: 1,640.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Title of Information Collection	OMB and agency Nos.	Purpose	Respondent burden			
			Type	SIC code	Number of respondents	Hours
Grant Application: Application for Continuation Grant and Notice of Research Project.	0925-0001, PHS 2590, PHS 398, PHS 166.	Application	IHE	822 and 806	34,500	772,800
ABSTRACT: Used to apply for new, renewal, noncompeting continuation, and supplemental Research Grant & Research Career Development Program to support investigation or experimentation aimed at discovery and interpretation of facts, revision of accepted theories in light of new facts, or application of such and evaluated for scientific and technical merit by non-federal experts in appropriately-related disciplines and fields.						
Official statement relinquishing interests and rights in a Public Health Service Research Grant.	0925-0004, PHS 3734	Prog. Plan	IHE	822 and 806	500	250
ABSTRACT: Form used in lieu of letters by Public Health Service upon receipt of information from a Grantee Institution that they desire that a grant be terminated and transferred to another Institution. Form will be forwarded for their completion and returned.						
Biomedical Research Support Grant and Annual Progress Report.	0925-0008, NIH-147-1 and NIH-147-2.	Application, Prog. Plan	IHE	822 and 806	520	9,880
ABSTRACT: The application (NIH 147-1) provides information to determine eligibility and the award among the progress report (NIH 147-2) provides information that enables staff to evaluate effectiveness and conformance to guidelines.						
Statement of Appointment of Trainee	0925-0011, PHS 2271	Prog. Plan	IHE	822 and 806	22,413	3,337
ABSTRACT: Covers the support of a trainee from a particular budget period and is required for each new appointment, reappointment, and amendment to such, of an individual receiving stipend, tuition costs or travel expenses under a PHS Training Grant.						
Medical Library Resource Improvement Grant Application.	0925-0015, NIH-1887	Application	IHE	806, 808, 822 and 823	400	2,400
ABSTRACT: Application information needed to obtain data required by law and regulations in determining whether a grant may be made to a Library which would fulfill the purpose of the legislation. Information provides the basis for Peer Review of Grant Awards by a Peer Review Committee.						
Career Research Project Registration Form.	0925-0021	Research	IHE, Indvl. or HH	822	2,000	4,000
ABSTRACT: This form is used by principal investigators working on Cancer Related Research Projects throughout the World to provide description of both new and revised projects supported by National and/or International Funding Agencies. These project descriptions are then entered into the Cancer Project Data Base by the Smithsonian Science Information Exchange (SSIE).						
National Research Service Award Institutional Grant Application.	0925-0022, PHS 6025	Application	IHE	822 and 806	850	51,850

DEPARTMENT OF HEALTH AND HUMAN SERVICES—Continued

Title of Information Collection	OMB and agency Nos.	Purpose	Respondent burden			
			Type	SIC code	Number of respondents	Hours
ABSTRACT: To eligible Institutions to develop or enhance research training opportunities for individuals selected by them who are interested in careers in Biomedical and Behavioral Research, Domestic Nonprofit Private or Public Institutions may apply for grants to support Research Training Programs. The Training Program Director at the Institution will be responsible for the selection and appointment of trainees to receive National Research Service Award.						
NIH Inventory of Clinical Trails	0925-0023, NIH 2242	Prog. Plan	IHE	822 and 806	1,000	1,000
ABSTRACT: Used by OD-NIH, and others for planning and decisionmaking in area of Clinical Applications. Data is used for some of NIH's deliberations and for baseline information in issue papers. Used in documents on development of 5 year Health Research Plan for DHHS and in dicussions of NIH responsibilities at the interface of Biomedical Research and Health Care.						
Audiovisual Evaluation Form	0925-0044	Prog. Eval	Indvl. or HH, IHE	822, 823, and 806	18,000	900
ABSTRACT: Data collected from the Audiovisual form will be used primarily or internal NMAL purposes, for providing a measure of the approximate use for each Audiovisual in the NMAC collection, and to provide an input to an NMAC study on the factors affecting the shareability of AV's in the Health Sciences.						
Smoking Prevention in Adolescents	0925-0048	Prog. Eval	Government	821	4,259	2,487
ABSTRACT: The survey instruments were designed to test the effectiveness of a School Health Program to prevent or delay smoking by adolescents.						
Grant Application (RCD a Modification)	0925-0052, PHS-398	Application	IHE	822 and 806	450	9,000
ABSTRAOT: Adoptation of PHS-398 to Application for the Research Cancer Development Award entails minor modification of the Table of Contents and Checklist.						
The Cancer Construction Program: Program Instructions.	0925-0128, PHS-5162	Application	IHE	822, 806, and 805	20	480
ABSTRACT: Provides supplemental program instructions for completion of Standard Construction Application Form. It provides instructions for completing a construction application to assure proper and complete peer review by NCI and is required of all applicants requesting NCI Construction Funds.						
National Eye Institute Construction Application: Supplemental Instructions.	0925-0129, PHS 5162-1	Application	IHE	862, 822, 869, and 821	50	1,200
ABSTRACT: NEI program objectives and intent must be made available to the Public DHHS Grants Administration Policy requires instructions to be made available regarding Clearinghouse procedures. Environmental Impact Statements and Design Standards. Information will be used by Clearinghouses and NIE Staff to ascertain that all laws, rules and regulations have been complied with.						
Conner's Parent and Teacher Questionnaire for Evaluation in Phototherapy Study.	0925-0132, MH-9-35	Research	Indvl. and HH, Government.	821	900	675
ABSTRACT: These questionnaires are one of the modes being used to attempt to discern minor behavioral differences in a study of the treatment of Jaundice in Newborn Infants. These questionnaires are to be used in the sixth and final year of evaluation.						
Protection of Human Subjects Certification and Recordkeeping Requirements.	0925-0137, HHS-596		IHE	822 and 806	45,000	20,490
ABSTRACT: This form provides the required certification on any project or program which involves the conduct of Biomedical or Behavioral Research involving human subjects.						
Document Delivery Data Collection	0925-0140	Prog. Eval	Government, IHE	822 and 823	110	83
ABSTRACT: The Regional Medical Library (RML) Network is composed of eleven Regional Libraries and 100 Resource Libraries which cooperate to provide requested Interlibrary Loans to Health Science Professionals. These Libraries will be required to report information on their ability and effectiveness in providing this service through the RML Network.						
Evaluation of Directory of Federally Supported Research projects.	0925-0151	Prog. Eval	IHE	822 and 823	525	132
ABSTRACT: It is proposed to send a single page questionnaire to 700 respondents requesting "yes/no" answers to the usefulness of a two volume Interagency Technical Committee (IATC) FY 1979 Directory of federally supported research projects in heart, lung, and blood diseases and book resources to be mailed out in July 1981.						
Final Invention Statement	0925-0159, HHS 568	Prog. Plan	IHE	822 and 806	18,000	1,500
ABSTRACT: Used in close out of grants and awards for research to obtain certified statement as to inventions made in the course of the work.						
Total number of reports this agency: 18; total respondent hours: 882,464.						
Report of Individual with Childhood Impairment.	0960-0084, SSA-1323	Application	Multi	None	75,000	25,000
ABSTRACT: Sections 202(D), 216(I)(1)(A), and 1614(A) of the Social Security Act provide for the information collected in order to determine if a claimant for Childhood Disability Benefits has an impairment. The information is used to supplement reports from Physicians, Psychologists and Hospitals. Specifically, the form collects information on how the impairment affects the individual's progress in school situations, as well as the result of Psychometric Testing.						

DEPARTMENT OF THE INTERIOR—OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

Title of information collection	OMB and agency Nos.	Purpose	Respondent Burden			
			Type	SIC code	Number of respondents	Hours
Request for Payment on Letter of Credit and Status of Funds Form.	1029-0018, Standard Form 183.	Prog. Plan	IHE	822	31	1,280
ABSTRACT: In accordance with Treasury's Circular 10-75, a "Request for Payment on Letter of Credit and Status of Fund Report" is needed to make payments to Grantees for these grants. The data is used by OSM to minimize the time elapsing between the disbursement by a Grantee and the transfer of funds from the United States Treasury to the Grantee.						
Federal Cash Transactions Report	1029-0019, Standard Form 272 and 272-A.	Prog. Plan	IHE	822	31	2,560
ABSTRACT: In accordance with OMB's Circular A-110, Attachment H this information is needed to advance payments to Grantees for Allotment, Research and Scholarship/Fellowship Grants. The data is used by OSM to assist in monitoring advances to Grantees and to obtain disbursement information for each agreement from.						
Total number of reports: 2; total burden hours: 3,840.						

DEPARTMENT OF LABOR

Title of information collection	OMB and agency Nos.	Purpose	Respondent burden			
			Type	SIC code	Number of respondents	Hours
Accident Data on Public School Bus Drivers.	1215-0045, WH-374	Statistics		821	57	24
Work Equipment and Career Education Program.	1215-0121, WH-570	Regulatory		941	57	20

Total number of reports: 2; total respondents hours: 44.

DEPARTMENT OF THE TREASURY

Title of information collection	OMB and agency Nos.	Purpose	Respondent burden			
			Type	SIC code	Number of respondents	Hours
Annual Certification of Racial Nondiscrimination for a Private School Exempt from Federal Income Tax.	1545-0213, 5578	Regulatory	IHE	821, 822, 824, and 829	1,000	736

ABSTRACT: Form 5578 is used by Private Schools that do not file form 990, Schedule A, to certify that they have a racially nondiscriminatory policy toward students, as outlined in Revenue Procedure 75-50. The service uses the information to help ensure that the school is maintaining a nondiscriminatory policy in keeping with its exempt status.

Attachment for Letter Going to Schools to Schedule Understanding Tax Films.	1545-0306, 505-6-14	Prog. Plan	LEA's	821	900	45

ABSTRACT: The 505-6-13 is a transmittal letter sent to High Schools with form 505-6-14. The letter acknowledges the recipient's interest in IRS Understanding Taxes Films and describes the available films. Form 505-6-14 is filled out by the recipient and when returned to IRS it serves as a request for use of a film.

Application to Sponsor Student Tax Clinic.	1545-0471, P-687	Application	IHE	822	50	25

ABSTRACT: A Law of Graduate Accounting School Official would prepare this pattern letter to apply for sponsorship of a Student Tax Clinic in cooperation with the IRS. The purpose of the pattern letter is to record the Institution's application for Clinical sponsorship and agreement to meet IRS requirements to conduct the Clinic.

Certification of Youth Participating in a Qualified Cooperative Education Program.	1545-0244, 6199	Regulatory	IHE	822	6,000	47,424

Total number of reports: 4; total respondent hours: 48,230.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Title of information collection	OMB and agency Nos.	Purpose	Respondent burden			
			Type	SIC code	Number of respondents	Hours
Elementary-Secondary Staff Information (EEO-5).	3046-0003, EEOC 168 and 168-B.	Regulatory	Government	821	7,500	412,500

ABSTRACT: Required by section 709(C) of Title VII, Civil Rights Act of 1964 as amended by the Equal Employment Act of 1972. The laws include the coverage of Educational Institutions and State and Local Governments with 15 or more employees. The data is used by EEOC for investigations, decisions, and conciliation in its compliance, litigation, and voluntary program activities. The data is shared with other Federal Agencies, particularly the Office for Civil Rights.

Higher Education Staff Information (EEO-6).	3046-0009, EEOC-221	Regulatory	Government	822	12,000	15,000

ABSTRACT: Required by Section 709(C) of Title VII, Civil Rights Act of 1964, as amended. Report provides for reporting employment data on full-time workers by salary classes, part-time workers, and new hires. The groups are reported by race, ethnic groups, sex, and job category, for Institutions of Higher Education, both Public and Private. The data is used by EEOC for investigations, decisions and conciliation in its compliance, litigation and voluntary programs.

Law School Information Form	3046-0029, EEOC-434	Prog. Plan	Government Businesses	822 and 829	217	108

ABSTRACT: To collect information regarding policies for student volunteer services experience. This information will be used to assist in designing District Offices.

Paralegal Program Information Form	3046-0030, EEOC-435	Prog. Plan	Government, Businesses	822 and 829	296	148

ABSTRACT: To collect information regarding policies for Student Volunteer Services Experience. This information will be used to assist in designing District Offices.

Total Number of Reports: 4; Total respondent hours: 427,756.

NATIONAL FOUNDATION ON HUMANITIES

Title of information collection	OMB and agency No.	Purpose	Respondent burden			
			Type	SIC code	Number of respondents	Hours
Reference Letter Form	3136-0003	Application	Indvl. or HH	None	40,000	40,000

ABSTRACT: Provides professional reference for NEH Fellowship Applicants, necessary as part of the peer review process.

Fellowship Report	3136-0006	Prog. Eval.	Indvl. or HH	None	325	325

ABSTRACT: Requests feedback information on the value of having received an NEH Independent Fellowship.

NEH Application Cover Sheet	3136-0032	Statistics	Indvl. or HH, IHE	821, 822, 823, 829, 841, 892, and 863	20,000	10,000

ABSTRACT: Standardized application cover sheet providing data necessary to the Grant Application Review and Grant Administration Process. This form enables the endowment to use automated systems to process the data. Ensure response and compliance with requesting requirements.

Total number of reports: 3; total respondent hours: 50,325.

NATIONAL SCIENCE FOUNDATION

Title of information collection	OMB and agency Nos.	Purpose	Respondent burden			
			Type	SIC code	Number of respondents	Hours
Special Foreign Currency Expenditures of Financial Status Report.	3145-0013	Application	Indvl. or HH	None	70	10
ABSTRACT: Under the NSF Act, NSF supports scientific research by granting awardees in excess foreign currencies and reporting fiscal expenditures via Fiscal Officer of the American Embassy.						
Survey of Scientific and Engineering Expenditures at Universities and Colleges.	3145-0015	Statistics	IHE	822	579	15,052
ABSTRACT: This survey provides policy makers with information on the amount and characteristics of expenditures for academic research and development. It is one of four academic-related surveys done annually and commonly coded on an automated data file. It is widely used for programming, budgeting, and other matters related to science policy such as gauging the national investment in basic research. The survey covers approximately 580 universities and colleges that account for virtually all of academic R&D performance.						
Survey of Earned Doctorates Awarded in the U.S.	3145-0019	Statistics	Indvl. or HH	None	31,000	10,300
ABSTRACT: Persons with doctorate-level education are key members of the labor force in scientific, engineering, and learned professions. Information on their immediate postdoctoral study or employment plans are essential for analysis of supply and demand. These data also provide information on the flow of women and minorities into these fields. This activity is conducted under the authority of P.L. 81-501, Sec. 3(A)(6).						
Student Views on Careers	3145-0025	Statistics	Indvl. or HH	None	9,000	900
ABSTRACT: Survey of "Students" that have participated in NSF innovation center programs at four universities and "Students" at six other universities some of which have innovation and entrepreneurship programs will continue to be conducted over the next three years. Their purpose is to qualitatively determine if the NSF innovation centers produce a greater quantity of technological entrepreneurs than those not identified as NSF developed.						
Status of NSF-Funded Invention	3145-0029	Prog. Plan	Businesses	None	35	125
ABSTRACT: NSF's waiver terms to universities required an annual reporting on the status of inventions. This form supplies the required information in a uniform manner. The time involved is relatively minor as annual updating is all that is required for each invention.						
Survey of Scientific and Engineering Personnel Employed at Universities and Colleges.	3145-0062	Statistics	IHE	822	2,200	21,034
ABSTRACT: These data provide policy makers with information on the level and characteristics of scientific and engineering (S/E) personnel employed in the academic sector. The survey covers approximately 2,200 institutions representing the entire population of universities and colleges employing S/E personnel.						
Survey of Graduate Science Students and Postdoctorates.	3145-0063	Statistics	IHE	822	9,966	25,000
ABSTRACT: This survey is the only national survey designed to obtain data on graduate science enrollment and support patterns. Main uses consist of projections of future scientists and engineers and examination of policy issues such as the impact of changes in Federal support programs on overall S/E enrollment trends. The survey covers approximately 10,000 S/E departments at all doctorate-and masters-granting institutions.						
National Science Foundation Grant Applications.	3145-0058 NSF-4, 98A, 921, 1030, 1030A.	Application	Indvl. or HH, IHE	822	27,000	3,240,225
ABSTRACT: The National Science Foundation initiates and supports fundamental and applied research in all the scientific disciplines, science, education and research policy. This support is made through grants, contracts, and other agreements awarded to universities, university consortia, nonprofit, and other research organizations.						
Antarctic Conservation Act Application and Permit.	3145-0034 NSF-1078	Regulatory	Indvl. or HH, IHE	822	20	10
ABSTRACT: The National Science Foundation, pursuant to the Antarctic Conservation Act of 1978 (P.L. 95-541) regulates via a permit system certain activities in Antarctica. The subject form is used by NSF to collect information needed in permit administration or parts of them.						

Total number of reports: 9; total respondent hours: 3,312,658.

OFFICE OF PERSONNEL MANAGEMENT

Title of information collection	OMB and agency Nos.	Purpose	Respondent burden			
			Type	SIC code	Number of respondents	Hours
Child's Eligibility to Receive Benefits, RRI 49-224.	3206-0032, RRI-49-224	Application	IHE, Indvl. or HH	821, 822, and 881	30,000	15,000
ABSTRACT: Under the Civil Service Retirement Law, Survivor Benefits to children of deceased Federal Employees who have reached age 18 may continue until they reach age 22 provided they are unmarried full-time students. It is provided to the students 3 months prior to their 18th birthday, and annually or semiannually until they reach 22.						
Inquiry for United States Government Use Only (Education Inquiry).	3206-0065, OF 50	Application	IHE	821 and 822	60,000	6,000
ABSTRACT: Executive Order 10450, issued April 27, 1953, requires that investigations be conducted of all persons entering the Federal Service. Optional form 50 is the voucher form sent to the former places of education in conducting National Agency Checks and Inquiries (NACI) of applicants for nonsensitive and noncritical-sensitive positions. Information collected is used to determine the suitability of applicants for Federal employment.						

Total number of reports: 2; total respondent hours: 21,000.

RAILROAD RETIREMENT BOARD

Title of information collection	OMB and agency Nos.	Purpose	Respondent burden			
			Type	SIC code	Number of respondents	Hours
Student Beneficiary Monitoring	3220-0123, G-311, G-315.	Prog. Plan	Indvl. or HH, Businesses	822, 824	7,500	1,975
ABSTRACT: Under the Railroad Retirement Act, a student benefit is not payable if the student ceases full-time school attendance, marries, works in the railroad industry, has excessive earnings or attains age 22. The reports will obtain information from the student and educational institution to be used in determining if benefits should cease or be reduced.						

VETERANS ADMINISTRATION

Title of information collection	OMB and agency Nos.	Purpose	Respondent burden			
			Type	SIC code	Number of respondents	Hours
Monthly Report on Number of Inspection, Approval and Supervisory Visits to Schools and Training Establishments Furnishing Courses of Edu and Tng under Ch. 36, Title 38, U.S.C.	2900-0051, 22-7398	Prog. Plan	Government	941	75	900
ABSTRACT: This report (required by 38 U.S.C. 1774(C) and 38 CFR 21.416(B)) is complained by staff approving Agencies in reporting their activities, as required by contract.						
Enrollment Certification (Under Chapter 34, or 35 Title 38, U.S.C.	2900-0073, 22-1999/ 22-1993A, 22-199-1.	Application	IHE	822 and 824	1,000,000	200,000
ABSTRACT: As required by 38 U.S.C. 1784, this form must be completed and submitted for benefits to be awarded. Completed by the school or training establishment, the form certifies enrollment or training data which is used by the VA in determining rate of benefits.						
Transfer of (Scholastic) Credit (Schools), FL-22-315.	2900-0118	Application	IHE, Indvl. or HH	822	1,600	267
ABSTRACT: As provided by 38 U.S.C. 1683 and 1714, no benefits based on concurrent enrollment can be paid unless information requested by this letter is received. Information obtained by this letter certifies that the student will receive full credit for courses taken at another Educational Institution.						
Application for Educational Assistance	2900-0098, 22-5490	Application	Indvl. or HH	None	12,000	3,000
ABSTRACT: 38 U.S.C. 1713 provides that no benefits may be paid unless a completed application has been received. Information requested by this form is used in determining the eligibility of Veteran's child to Educational Assistance under Chapter 35, Title 38, U.S.C.						
Request for Change of Program or Place of Training Survivor's and Dependents Educational Assistance.	2900-0099, 22-5495	Application	Indvl. or HH	None	15,000	5,000
ABSTRACT: No benefits may be paid unless a completed application form has been received. The information requested on the form is used to determine eligibility of a Veteran's spouse, surviving spouse, or child to Educational Benefits when a change of program or place of training is involved (38 U.S.C. 1713, 1721, 1791, and 38 CFR 21.4234).						
Education Plan (Chapter 35, Title 38, U.S.C.).	2900-0100, 22-5490A	Application	Indvl. or HH	None	12,000	1,900
ABSTRACT: No Educational Benefits may be paid unless a completed application form and an education plan have been received (Title 38 U.S.C. 1720). The information requested on the form is necessary to determine the applicant's eligibility for Dependents Educational Assistance.						
Transfer of (Scholastic) Credit (Schools).	2900-0118, FL-22-315	Application	IHE, Indvl. or HH	822	1,600	267
ABSTRACT: As provided by 38 U.S.C. 1683 and 1714, no benefits based on concurrent enrollment can be paid unless information requested by this letter is received. Information obtained by this letter certifies that the student will receive full credit for courses taken at another Educational Institution.						
Veteran's Application for Educational Benefits (Under Ch. 34, U.S.C.—for service beginning prior to Jan. 1, 1977).	2900-0154, 22-1990	Application	Indvl. or HH	None	250,000	133,000
ABSTRACT: No benefits may be paid unless a completed application form has been received (38 U.S.C. 1671). The information requested on the form is necessary to determine a Veteran's eligibility to Educational Assistance under Chapter 34, Title 38 U.S.C.						
Serviceperson's Application for Educational Benefits.	2900-0155, 22-1990A	Application	Indvl. or HH	None	70,000	33,500
ABSTRACT: No benefits may be paid unless a completed application form has been received (38 U.S.C. 1671). The information requested on the form is necessary to determine a serviceperson's eligibility to Educational Assistance under Chapter 34, Title 38, U.S.C.						
Notice of change in Student Status—Institutional Course Only.	2900-0156, 22-1999B	Prog. Plan	IHE	822	250,000	16,666
ABSTRACT: This form is completed by the School Certifying Official to report any change in the student's enrollment status (as required by CFR 21.4203). The information is used by the VA to determine whether or not an adjustment in the student's benefits is required.						
Application for Educational Assistance by a spouse of surviving spouse.	2900-0164, 22-5490W	Application	Indvl. or HH	None	6,000	2,000
ABSTRACT: No benefits may be paid unless a completed application form has been received (38 U.S.C. 1713). The information requested on the form is necessary to determine the eligibility of a Veteran's spouse or surviving spouse to Educational Benefits under Chapter 35, Title 38 U.S.C.						
Application and Enrollment Certification Individualized Tutorial Assistance.	2900-0171, VA22-1990T.	Application	Indvl. or HH, Government.	822	30,000	13,000
ABSTRACT: No payment may be made for tutorial assistance unless a completed application form has been received (38 U.S.C. 1692 and 1733). The information requested is necessary to determine the student's entitlement to tutorial assistance.						
Notice of Acceptance for Publication—Correspondence Course.	2900-0192, 22-8669	Prog. Plan	Government	941	500	100
ABSTRACT: Authorized by 38 U.S.C. 1772, the form reports information provided by the State Approving Agencies to VA Regional Offices regarding approved correspondence courses.						
Notice of Eligibility, Application and Enrollment Certification.	2900-0201, 22-1990V	Application	Indvl. or HH, IHE	822 and 824	250,000	93,750
ABSTRACT: No benefits may be paid unless a completed application form has been received (38 U.S.C. 1671). The form is computer-generated by VADS (Veterans Assistance Discharge System). Information requested on the form is used to determine a Veteran's eligibility to educational assistance under Ch. 34, Title 38, U.S.C.						
Veterans Application for Work-Study Allowance.	2900-0209, 20-8691	Application	Indvl. or HH	None	50,000	12,500
ABSTRACT: This form is needed to administer the Veteran-Student Services Program. The data collected is used to determine eligibility for the Work-Study Grants under authority of 38 U.S.C. Sec. 1685.						
Application for Education Loan	2900-0236, 22-8725	Application	Indvl. or HH	None	150,000	80,000
ABSTRACT: The information requested on this application (required by 38 U.S.C. 1798) is necessary to determine the student's entitlement to a VA Education Loan.						
Designation of Certifying Official	2900-0262, 22-8794	Prog. Plan	Government IHE	822 and 824	36,000	3,000
ABSTRACT: This report, authorized by 38 U.S.C. 1784, is used by a responsible official of the school or training establishment to designate certifying officials for that school or establishment. The VA subsequently accepts certification signed by the designated Certifying Officers.						
Certification of Delivery of Advance Payment and Enrollment.	2900-0325, VA 22-1999V.	Application	IHE	822 and 824	360,000	30,000

VETERANS ADMINISTRATION—Continued

Title of information collection	OMB and agency Nos.	Purpose	Respondent burden			
			Type	SIC code	Number of respondents	Hours
ABSTRACT: No further benefits can be paid unless this card is completed and filed as required by law (38 U.S.C. 1780). Information on card is used to confirm the student's receipt of advance payment of benefits and confirm enrollment.						
Alternate Full-Time Measurement Requirements for Undergraduate College Courses.	2900-0350	Application	IHE	822 and 824	225	225
ABSTRACT: Some Colleges offer nontraditional courses which do not provide regular weekly class instruction. Under certain limited circumstances these courses may be measured as fulltime for GI Bill Benefit purposes. The VA needs certain information from schools to determine if the requirements for full-time measurement are met.						
Statement of Wages Paid to Trainee (Receiving Educational Benefits).	2900-0010, 22-1917	Prog. Plan	Businesses	824	300	333
ABSTRACT: This form, as required by 38 U.S.C. 1504, is needed for the purpose of determining or confirming the proper VA subsistence allowance rate payable to the trainee.						
Certification of Entrance into Training or Trainee Status.	2900-0014, 22-2905	Application	IHE, Businesses	822 and 824	11,250	2,813
ABSTRACT: Chapter 31, Title 38 U.S.C. Vocational Rehabilitation Training Authorization/Certification Form is used by VA for authorizing the School or Training Establishment to enter Veteran into training. Also used by school or training establishment to certify Veteran has entered training.						
School Attendance Report	2900-0057, 21-6748	Application	Indvl. or HH	None	39,500	3,300
ABSTRACT: This form is used to verify attendance in an authorized school or training program where benefits were authorized prior to entering the program. It is also used to report termination of any program with the specific information required to adjust benefit payments as appropriate for the particular VA Benefit Program. Authority is 38 CFR 3,667.						
Request for Training Supplies	2900-0061, 22-1905M	Application	Businesses	824	1,000	1,000
ABSTRACT: Title 38, U.S.C., Chapter 31, provides training supplies for Veterans in Vocational Rehabilitation Programs. This form requests training supplies certifying that the supplies are required by the establishment for training.						
Annual Farm and Home Plan for Institutional On-Farm Course of Training (Ch. 31).	2900-0062, 22-1905P	Application	Indvl. or HH, Farms	011, 013, 021, 024, and 025	100	300
ABSTRACT: Required by 38 CFR 21.201, this report provides information which is used in developing Instructional Programs in Farm Planning, Management and Operation and to assure reasonable satisfactory living under normal economic conditions.						
Farm Survey and Overall Farm and Home Plan Chapter 31, Title 38, U.S.C.	2900-0063, 21-E1905N	Application	Indvl. or HH, Farms 025	011, 013, 021, and 024	30	60
ABSTRACT: Required by 38 CFR 21.201, this report provides information used in assessing potential of facility as a suitable training site and to assure training will affect rehabilitation						
Request for Change of Program or Place of Training (Chapter 34, Title 38, U.S.C).	2900-0074, 22-1995	Application	Indvl. or HH	None	288,000	96,000
ABSTRACT: 38 U.S.C. 1671 requires a completed application form be received in order for benefits to be paid. The information requested on the form is used to determine eligibility to Chapter 34 Benefits when the student is changing programs or place of training.						
Compliance Report of Proprietary Institutions Apprenticeship Programs and on-the-Job Training Programs.	2900-0180, VA 27-4274	Regulatory	Businesses	824	11,260	5,630
ABSTRACT: Item is needed for program evaluation. Data is used to evaluate equal opportunity compliance of respondents. Data is collected per 28 CFR 42.406 (FR Vol. 41, No. 232, page 52669, December 1, 1976), to effectuate Title VI of the Civil Rights Act of 1964.						
Trainee Interview Sheet	2900-0189, 22-8662	Application	Indvl. or HH	None	20,000	3,200
ABSTRACT: This form is necessary to secure information by interview as required by Compliance Survey Procedures (Title 28, U.S.C.). The information secured helps to establish that the student is receiving the course (as approved) or that discrepancies exist and indicates areas for corrections.						
Title VI Compliance Review Report	2900-0210, 27-8734A	Regulatory	IHE, Businesses	822 and 824	1,979	9,075
ABSTRACT: Item is needed for Program Evaluation. Data is used to evaluate equal opportunity compliance of respondents. Data is collected per 28 CFR 42.406 (FR Vol. 41, No. 232, page 52669, Dec. 1, 1976), to effectuate Title VI of the Civil Rights Act of 1964.						
Designation of Certifying Official	2900-0262, 22-8794	Prog. Plan	IHE, Businesses	822 and 824	8,000	3,000
ABSTRACT: This report, authorized by 38 U.S.C. 1784, is used by a responsible official of the school or training establishment to designate certifying officials for that school or establishment. The VA subsequently accepts certification signed by the designated certifying officers.						
Application for Educational Assistance (for 22-8821 Post-Vietnam era Veterans—Ch. 32, Title 38, U.S.C.).	2900-0263, 22-8821	Application	Indvl. or HH	None	25,000	12,500
ABSTRACT: No benefits may be paid unless a completed application form has been received (38 U.S.C. 1671). The information requested on the form is necessary to determine the applicant's eligibility to Educational Assistance under Chapter 32, Title 38, U.S.C.						
Supplemental Information for Change of Program or Reenrollment after Unsatisfactory Progress or Conduct.	22-8873	Application	Indvl. or HH	None	55,000	11,000
ABSTRACT: Information obtained on this form will be used to determine whether or not the applicant's proposed training program (either the applicant's request for a second or subsequent program change, or, request for reenrollment following termination because of unsatisfactory progress or conduct) is suitable to the aptitudes, interests and abilities of the applicant (as required by 38 U.S.C. 1791, 1674 and 1724).						
Verification of Pursuit of Course Leading to a Standard College Degree (Chs. 34 and 35, Title 38 U.S.C.).	76-R0405, 22-6553	Prog. Plan or Mgmt	Indvl. or HH/IHE	822	500,000	41,667
ABSTRACT: Certifying school official for Institutions of higher learning complete and submit this card to certify the student's actual attendance for the enrollment period (38 U.S.C. 1780)						
Quarterly Certification of Attendance for Courses not Leading to a Standard College Degree and Farm Cooperative Courses Under Chs. 34 and 35, Title 38, U.S.C.	76-R0547, 22-6553A	Prog. Plan or Mgmt	Govt/Indvl/or IHE	941 and 822	800,000	133,333
ABSTRACT: No further benefits may be paid unless this certification of attendance report is completed by the certifying school official and submitted to the VA (38 U.S.C. 1780). Information is used to determine the student's continuing eligibility to benefits and the proper amount payable.						

VETERANS ADMINISTRATION—Continued

Title of information collection	OMB and agency Nos.	Purpose	Respondent burden			
			Type	SIC code	Number of respondents	Hours
Certification of Lessons Completed (Chs. 34 or 35, Title 38, U.S.C.).	76-R0549, 22-6553B	Prog. Plan or Mgmt	Indvl/HH, IHE	941 and 822	800,000	133,333

ABSTRACT: No further benefits may be paid unless this certification (of lessons completed) is completed and filed as required by 38 U.S.C. 1780. Information is used to determine the student's continuing eligibility to benefits and the proper amount payable.

Total number of reports: 35; total burden hours: 1,085,619.

[FR Doc. 82-4390 Filed 2-22-82; 8:45 am]

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federal register

Tuesday
February 23, 1982

Part III

Department of Energy

Amendments to Guidelines for Compliance With the National Environmental Policy Act

DEPARTMENT OF ENERGY

Compliance With the National Environmental Policy Act (NEPA); Amendments to the DOE NEPA Guidelines

AGENCY: Energy Department.

ACTION: Amendments to Guidelines for Compliance with the National Environmental Policy Act.

SUMMARY: The Department is amending its guidelines for compliance with the National Environmental Policy Act (NEPA) by making additions and deletions to the guidelines' included list of classes of agency actions which normally do or do not require environmental assessments or environmental impact statements.

EFFECTIVE DATE: February 23, 1982.

FOR FURTHER INFORMATION CONTACT:

Dr. Robert J. Stern, Director, Environmental Compliance Division, Office of Environmental Programs, Office of the Assistant Secretary, Environmental Protection, Safety, and Emergency Preparedness, Forrestal Building, Room 4G–064, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–4600

Stephen H. Greenleigh, Esq., Assistant General Counsel for Environment, Forrestal Building, Room 6D–033, 1000 Independence Avenue SW., Washington, D.C. 20585, (202) 252–6947.

SUPPLEMENTARY INFORMATION:

A. Background

On March 28, 1980 (45 FR 20694), the Department of Energy published in the **Federal Register** final guidelines for implementing the procedural provisions of NEPA as required by the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500–1508). The guidelines are applicable to all organizational units of the Department of Energy, except the Federal Energy Regulatory Commission which is not subject to the supervision or direction of the other parts of the Department.

Section D of the Department's NEPA guidelines identifies typical classes of Department actions: Which normally do not require either an environmental assessment or an environmental impact statement; which normally require an environmental assessment but not necessarily an environmental impact statement; and which normally require an environmental impact statement. These classes of actions were identified pursuant to 40 CFR 1507.3(b)(2).

The Department's NEPA guidelines state that the Department of Energy may add to or remove actions from the categories in Section D based on experience gained during the implementation of the CEQ regulations and the guidelines. Pursuant to the guidelines, substantive revisions are to be published in the **Federal Register** and adopted only after opportunity for public review.

B. Adoption of Amendments Proposed on August 11, 1980 (45 FR 53199)

On August 11, 1980 (45 FR 53199), the Department of Energy proposed five (5) classes of exemption actions under Title II and Title III of the Powerplant and Industrial Fuel Use Act of 1978 for categorical exclusion status, i.e., actions which require neither an environmental assessment nor an environmental impact statement. These actions involve the grant or denial of a permanent exemption for: The use of certain fuel mixtures containing natural gas or petroleum; new peakload powerplants; limited operation for emergency purposes only; purposes of meeting schedules equipment outages; and limited use due to a lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum.

A 30-day period was established for public comment on the categorical exclusions. No comments were received during the public comment period. Accordingly, the Department hereby adopts the categorical exclusions as proposed.

C. Adoption of Amendments Proposed on July 16, 1981 (46 FR 36884)

On July 16, 1981 (46 FR 36884), the Department of Energy proposed the addition of eleven (11) typical classes of action and the modification of three (3) existing typical classes of action.

Typical classes of action proposed for categorical exclusion, i.e., actions which require neither an environmental impact statement nor an environmental assessment included: General plant projects located within previously developed areas and not part of a project that is or may be the subject of an EA or EIS; installation of meteorological towers and associated activities to assess potential wind energy resources; emergency repair of transmission lines; additions or modifications to transmission facilities; grant or denial of requests for multiple-use of DOE transmission line rights-of-way; execution of contracts for short-term or seasonal allocation of excess power; and the renewal of existing power contracts in kind.

The following typical classes of action were proposed for addition as actions which normally require environmental assessments but not necessarily environmental impact statements: Construction and operation of wind resource, low-head hydro, and solar energy pilot projects; allocation of power resources in a manner differing from existing contractual arrangements; implementation of a systemwide erosion control program; and the demonstration or implementation of intermediate-depth burial of low-level waste at DOE sites.

Typical classes of actions proposed for modification included: DOE actions which enable or result in engineering development activities, i.e., detailed design, development, fabrication, and test of energy system prototypes (**Note.**—Changed existing class of action normally requiring an environmental assessment but not necessarily an environmental impact statement by adding the word "fabrication."); DOE actions which are expected to result in the construction and operation of a large scale project (**Note.**—Modified an existing class of action normally requiring an environmental impact statement by substituting "large scale project" for "full-scale energy system project."); and DOE actions resulting in the site selection, construction, or operation of major treatment, storage and/or disposal facilities for transuranic and high level nuclear waste and/or spent nuclear fuel such as spent fuel storage facilities and geologic repositories (**Note.**—Clarified an existing class of action normally requiring an environmental impact statement.).

A 30-day period was established for public comment on these typical classes of action. No comments were received during the public comment period. Accordingly, the Department hereby adopts the typical classes as proposed.

D. Amendments Proposed on December 17, 1980 (45 FR 82987)

On December 17, 1980 (45 FR 82987), the Department of Energy proposed that "the grant of entitlements for petroleum substitutes where the facility using the petroleum substitute is existing and operating, and the receipt of entitlements will not cause an increase in size, product mix, or emission" be added to Section D as a categorical exclusion.

Executive Order 12287 (46 FR 9909), exempted all crude oil and refined petroleum products from the price and allocation regulations adopted pursuant to the Emergency Petroleum Allocation Act of 1973, as amended (Pub. L. 93–159), including those regulations concerning entitlements for petroleum substitutes.

Therefore, the Department of Energy withdraws the previously proposed amendment to Section D for the grant of entitlements.

E. Other Actions

Activities under the Emergency Petroleum Allocation Act such as those associated with the Propane Allocation Program and the Synethetic Natural Gas Feedstock Allocation Program no longer represent typical classes of action for the Department. Therefore, the Department is deleting from Section D the following classes of actions: Assignments and allocations of propane to retail and wholesale outlets for commercial and residential use; assignments and allocations of propane to gas utilities for peak shaving or Btu enrichment which do not involve new construction or a substantial change in operation and where DOE has determined that such actions will not impact the supplies available for competing uses; assignments and allocations of propane to gas utilities for peak shaving, Btu enrichment or supplemental gas supplies involving new construction or a substantial change in operations or potential impact on competing users of propane; new assignments and allocations of propane feedstock to enable operation of or increases in operation of petrochemical plants; changes in regulatory status such as the decontrol of propane; approval/disapproval of an application for supplier assignment and feedstock allocation which involves continuation of SNG production at historical levels, and where DOE has determined that the requested assignment will not adversely impact competing users due to the projected availability of supply; issuance of an Order which reduces SNG production below historical levels and where the probability of fuel switching or other impacts caused by the reduction is unknown; issuance of an Order for an existing plant which increases the SNG production above historical levels; approval/disapproval of an application for supplier assignment and feedstock allocation which involves the construction of a new SNG plant or a major modification at an existing plant; and issuance of an Order which significantly reduces the feedstock allocation to an existing plant in cases where the gas supply/demand outlook indicates significant fuel switching or economic hardship may occur as a result of the curtailment of SNG feedstock.

Section D of the Department's NEPA guidelines is being reprinted in its entirety. Typical classes of actions added or modified since March 28, 1980, are so noted. Issued in Washington, D.C., February 1, 1982.

William A. Vaughan,

Assistant Secretary, Environmental Protection, Safety, and Emergency Preparedness.

SECTION D.—TYPICAL CLASSES OF ACTION

Normally do not require either EA's or EIS's	Normally require EA's but not necessarily EIS's	Normally require EIS's
Classes of Actions Generally Applicable to All of DOE		
Administrative procurements (e.g., general supplies) Contracts for personal services Personnel actions Reports or recommendations on legislation or proposed rulemaking which was not initiated by DOE. Compliance actions, including investigations, conferences, hearings, notices of probable violations and remedial orders. Interpretations and rulings, or modification or rescissions thereof. Promulgation of rules and regulations which are clarifying in nature, or which do not substantially change the effect of the regulations being amended. Actions with respect to the planning and implementation of emergency measures pursuant to the International Energy Program. Information gathering, analysis, and dissemination Actions in the nature of conceptual design or feasibility studies Actions involving routine maintenance of DOE-owned or operated facilities. Actions in the nature of analytic energy supply/demand studies which do not result in a DOE report or recommendation on legislation or other DOE proposals. Adjustments, exceptions, exemptions, appeals, stays or modifications or rescissions of orders issued by the Office of Hearings and Appeals. Rate increases for products or services marketed by DOE, and approval of rate increases for non-DOE entities, which do not exceed the rate of inflation in the period since the last rate increase. Actions that are substantially the same as other actions for which the environmental effects have already been assessed in a NEPA document and determined by DOE to be clearly insignificant and where such assessment is currently valid. General Plant Projects such as road and parking area resurfacing, modifications to heating-ventilating-air conditioning systems, minor alterations of existing buildings, and other similar projects where: (1) The projects are located within previously developed areas and will not affect environmentally sensitive areas such as floodplains, wetlands, archeological sites, and critical habitats, and (2) the projects are not part of a proposed action that is or may be the subject of an EA or EIS. (NOTE.—Proposed on July 16, 1981, 46 FR 36884).	DOE actions which enable or result in engineering development activities, i.e., detailed design, development, fabrication, and test of energy system prototypes. NOTE.—Modifies existing class of action by adding the word "fabrication". DOE actions which provide grants to state and local governments for energy conservation programs. Rate increases for products or services marketed by DOE, and approval of rate increases for non-DOE entities which exceed the rate of inflation in the period since the last increase.	DOE actions which are expected to result in the construction and operation of a large scale project. (NOTE.—Modifies existing class of action by substituting "large scale project" for "full-scale energy system project.") DOE actions which cause energy conservation on a substantial scale.

SECTION D.—TYPICAL CLASSES OF ACTION—Continued

Normally do not require either EA's or EIS's	Normally require EA's but not necessarily EIS's	Normally require EIS's
Installation of meteorological towers and associated activities to assess potential wind energy resources where the installation has no impacts on environmentally sensitive areas such as archeological sites, critical habitats, etc., and where the installation does not prejudice future site selection decisions for large wind turbines. (NOTE.—Proposed on July 16, 1981, 46 FR 36884).		
Classes of Actions Applicable to Licenses to Import/Export Natural Gas Pursuant to Section 3 of the Natural Gas Act		
	Approval/disapproval of a new license or amendment to an existing license which does not involve new construction, but which requires operational changes which may or may not be significant, such as an increase in LNG throughput, change in transportation or storage operations.	Approval/disapproval of applications involving the construction of new liquid natural gas terminal, regasification or storage facilities, or a significant expansion of an existing LNG terminal, regasification or storage facility. Approval/disapproval of an application involving a significant operational change, such as a major increase in the quality of LNG imported or exported.
Classes of Action Applicable to International Activities		
Approval of DOE participation in international "umbrella" agreements for cooperation in energy R&D which do not commit the U.S. to any specific projects or activities. Approval of technical exchange arrangements for information, data or personnel with other countries or international organization. Approval of technical exchange arrangements for information, data or personnel with other countries or international organization. Approval of export of small quantities of special nuclear materials or isotopic material in accodance with the Nuclear Non-Proliferation Act of 1978 and the "Procedures Established Pursuant to the Nuclear Non-Proliferation Act of 1978" (FEDERAL REGISTER, Part VII, June 9, 1978).		
Classes of Actions Applicable to Power Marketing Administrations (PMA)		
Minor additions to a substation, transformer additions, or changes in transformer assignments that do not affect the area beyond the previously developed substation area. Emergency repair of transmission lines including replacement or repair of damaged equipment as well as the removal and replacement of downed transmission lines. (NOTE.—Proposed on July 16, 1981, 46 FR 36884).	Upgrading (reconstructing or reconductoring) an existing transmission line. Construction of new service facilities such as tap lines and substations. Modifications of existing facilities (e.g., substations, storage yards) where impacts extend beyond the previously developed facility area. Annual vegetation management program (system-wide) Construction and operation of wind resource, low-head hydro, and solar energy pilot projects. (NOTE.—Proposed on July 16, 1981, 46 FR 36884).	Main Transmission System Additions—additions of new transmission lines, main grid substations and switching stations to PMA's main transmission grid. Integrating Transmission Facilities—transmission system additions for integrating new sources of generation into PMA's main grid.
Classes of Actions Applicable to Power Marketing Administrations (PMA)		
Additions or modifications to transmission facilities which do not affect the environment beyond the previously developed facility area, including tower modifications, changing insulators, replacement of poles and crossarms, and similar actions. (NOTE.—Proposed on July 16, 1981, 46 FR 36884). Grant or denial of requests for multiple use of DOE transmission line rights-of-way, such as grazing permits and crossing agreements including electric lines, water lines, and drainage culverts. (NOTE.—Proposed on July 16, 1981, 46 FR 36884). Execution of contracts for the short term or seasonal allocation of excess power resources to customers who can receive these resources over existing transmission systems. (NOTE.—Proposed on July 16, 1981, 46 FR 36884). The renewal of existing power contracts in kind. (NOTE.—Proposed on July 16, 1981, 46 FR 36884).	The allocation of power resources to customers in a manner differing from existing contractual arrangements. (NOTE.—Proposed on July 16, 1981, 46 FR 36884). Implementation of an erosion control program that is system-wide. (NOTE.—Proposed on July 16, 1981, 46 FR 36884).	
Classes of Actions Generally Applicable to Nuclear Waste Management Program.		
	Exploratory and site charactrization actiities which by virtue of resource commitment or elapsed time for completion may foreclose reasonable site alternatives. Land acquisition activities solely for the purposes of reserving possible candidate sites and which do not prejudice future programmatic site selection decisions. The demonstration or implementation of intermediate-depth burial of low-level waste at DOE sites. (NOTE.—Proposed on July 16, 1981, 46 FR 36884).	DOE actions resulting in the site selection, construction, or operation of major treatment, storage and/or disposal facilities for transuranic and high level nuclear waste and/or spent nuclear fuel such as spent fuel storage facilities and geologic repositories. (NOTE.—Clarifies an existing class of action.)
Classes of Action Generally Applicable to DOE Implementation of Powerplant and Industrial Fuel Use Act of 1978 (FUA)		
The grant or denial of any temporary exemption for any electric powerplant or major fuel-burning installation.	D	

SECTION D.—TYPICAL CLASSES OF ACTION—Continued

Normally do not require either EA's or EIS's	Normally require EA's but not necessarily EIS's	Normally require EIS's
The grant of denial of any permanent exemption of any existing electric powerplant or major fuel-burning installation, other than an exemption (1) under section 312(c), relating to cogeneration; (2) under section 312(1), relating to scheduled equipment outages; (3) under section 312(b), relating to certain State or local requirements; and (4) under section 312(g), relating to certain intermediate load powerplants.	D	
The grant of denial of a permanent exemption from the Prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (Act) (Pub. L. 95-620) for any new electric powerplant or major fuel burning installation to permit the use of certain fuel mixtures containing natural gas or petroleum. (NOTE.—Proposed on August 11, 1980, 45 FR 53199).	D	
The grant or denial of a permanent exemption from the prohibitions of Title II of the Act for any new peakload powerplant. (NOTE.—Proposed on August 11, 1980, 45 FR 53199).	D	
Classes of Action Generally Applicable to DOE Implementation of Powerplant and Industrial Fuel Use Act of 1978 (FUA)		
The grant of denial of a permanent exemption from the prohibitions of Title II of the Act for any new electric powerplant or major fuel burning installation to permit operation for emergency purposes only. (NOTE.—Proposed on August 11, 1980, 45 FR 53199).	D	
The grant or denial of a permanent exemption from the prohibitions of Titles II and III of the Act for any new or existing major fuel burning installation for purposes of meeting scheduled equipment outages not to exceed an average of 28 days per year over a three-year period. (NOTE.—Proposed on August 11, 1980, 45 FR 53199).	D	
The grant or denial of a permanent exemption from the prohibitions of title II of the Act for any new major fuel burning installation which, in petitioning for an exemption due to lack of alternate fuel supply at a cost which does not substantially exceed the cost of using imported petroleum, certifies that it will be operated less than 600 hours per year. (NOTE.—Proposed on August 11, 1980, 45 FR 53199).	D	

[FR Doc. 4703 Filed 2-22-82; 8:45 am]

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federal register

Tuesday
February 23, 1982

Part IV

Department of Housing and Urban Development

Office of the Assistant Secretary for Community Planning and Development

Community Development Block Grants; Urban Development Action Grants; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 570

[Docket No. R-82-960]

Community Development Block Grants; Urban Development Action Grants

AGENCY: Assistant Secretary for Community Planning and Development, HUD.

ACTION: Final rule.

SUMMARY: This rule amends regulations governing the Urban Development Action Grant program to reflect changes made pursuant to the Housing and Community Development Act of 1980 and the Omnibus Budget Reconciliation Act of 1981.

EFFECTIVE DATE: March 31, 1982.

FOR FURTHER INFORMATION CONTACT: Patricia Burke, Regions 1 and 4 (202–755–7362), Stanley Newman, Region 2 (202–755–6193), Wally May, Regions 3 and 10 (202–755–0268), William Hammer, Region 5 (Illinois, Indiana, and Minnesota (202–755–6035)), and David Sowell (Michigan, Ohio, and Wisconsin (202–755–6284)), Charles Kendrick, Regions 6 and 8 (202–755–5620), Phil Comeau, Regions 7 and 9 (202–755–8227). (These are not toll-free numbers.) The above persons are located in the Office of Urban Development Action Grants, Department of Housing and Urban Development, 451 7th Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Subpart G of 24 CFR Part 570 contains requirements for Urban Development Action Grants made under Section 119 of Title I of the Housing and Community Development Act of 1974, as amended ("Title I"). Legislative changes to Section 119, dealing principally with Historic Preservation Act requirements, were made by the Housing and Community Development Act of 1980 (the "1980 Amendments"). Additional, broader changes, principally to streamline the application requirements, emphasize the program's primary objective of revitalizing distressed communities through the creation or retention of jobs and the expansion of tax base, and to emphasize rigorous program administration to minimize the amount of Federal dollars needed to stimulate private investment in individual projects, were enacted by the Omnibus Reconciliation Act of 1981 (the "Reconciliation Act").

By this final rule, the Department is implementing the statutory changes and certain other simplifying or clarifying changes to the program requirements and procedures. Because these changes are not being submitted to public comment in order that applicants may enjoy the benefit of the statutory changes without further delay, substantive changes not dictated by the legislative enactment are not being effected at this time. The Department, however, may propose further changes in administratively imposed requirements of the program, by separate rulemaking procedures, in the near future.

In summary, the regulation is amended as follows:

Purpose

Section 570.450 is modified to emphasize economic distress and recovery in accord with the emphasis of the changes made by the Reconciliation Act.

Definitions

In § 570.451 the definition of "small city" is expanded to include Indian Tribes, Guam and Virgin Islands for eligibility purposes, in accordance with the 1980 Amendments. References in § 570.451 to types of projects have been deleted as the criterion of a reasonable balance between types of projects in § 570.459 (criteria for selection) have also been deleted.

Distressed Communities

Reflecting a change in the Reconciliation Act, § 570.452 is modified to provide that, "where available," job lag and unemployment data shall be used to determine distress. Further, definition of Indian Tribe eligibility is also added to the section.

Eligible Applicants

Section 570.453 is modified to delete the reference to the Housing Assistance Plan in accordance with the Reconciliation Act and to clarify the performance expected of the applicant in providing housing.

Other Actions

Section 570.454 is modified to change citizen participation requirements and to delete references to delete paragraph (d) which specified a modified OMB Circular A–95 procedure for applications. The statutory requirement for such a procedure was eliminated by the Reconciliation Act.

Eligible Activities

Section 570.455 has been modified to permit grant assistance for any eligible activity which supports economic recovery, rather than the prior requirement that the activity supports "a commercial, industrial, or neighborhood project." The change is consistent with general language changes made by the Reconciliation Act. Section 119(t) of Title I provides that activities assisted by UDAG grants may include such activities, in addition to those made eligible by Section 105(a) of Title I, "as the Secretary determines to be consistent with the purposes of" Section 119.

Full Applications

In § 570.458 the requirements for a community development plan and a Housing Assistance Plan have been deleted since these requirements were eliminated by the Reconciliation Act. Other changes have been made to reflect legislative language, streamline burdensome requirements, or clarify specific requirements.

Certification requirements specified in the Section have been changed to conform to the Act. Required certifications cover, among other things, compliance with historic preservation, civil rights, relocation and citizen's participation requirements. For the sake of brevity in the regulations and in conformance with the Community Development Block Grant program, other applicable laws have been cited but descriptive material has been deleted.

Criteria for Selection

The selection criteria in § 570.459 have been modified to remove reference to reasonable balance among types of projects, in accordance with a Reconciliation Act change. The primary criterion for project selection is the comparative degree of economic distress among applicants. The substance and order of the other factors have also been changed to reflect Reconciliation Act changes.

Under prior statutory and regulatory provisions, an applicant was required to include, in its application, a statement analyzing the impact of the proposed program on the residents, particularly those of low and moderate income, of the residential neighborhood, and on the neighborhood in which the program is to be located. The Reconciliation Act eliminated this statement as a mandatory application requirement in favor of a certification by the applicant that it carried out such an analysis prior to submission of its application. This requirement is reflected in § 570.454(b) of the revised rule.

Notwithstanding the statutory change, the Department has elected to retain a requirement that a full application contain a statement analyzing the impact of the proposed program "on the residents of any affected residential neighborhood, particularly low- and moderate-income persons and members of minority groups." This impact analysis has been retained in order to better enable the Department to fulfill its obligation to administer its urban development programs in a manner consistent with the requirements of applicable civil rights mandates, including Section 109 of Title I, Title VI of the Civil Rights Act of 1964, and Title VIII of the Civil Rights Act of 1968. It also is designed to match, in major part, the analysis already required to be made by the applicant prior to submission of its application.

Project Closeout

A new § 570.464 is added which is called "project closeout". It refers to the closeout procedures of § 570.512 and to applicable HUD guidelines which are to be followed by recipients in the UDAG program.

The subject matter of this rulemaking action relates to grants, and is therefore exempt from the notice and public comment requirements of Section 553 of the Administrative Procedure Act. As a matter of policy, the Department submits many rulemaking actions dealing with such subject matter to public comment, either before or after effectiveness of the action, notwithstanding the statutory exemption. However, because the substantive changes made by this rule have been limited to changes consistent with legislative amendments, and in view of a Reconciliation Act requirement that the Secretary "as soon as practicable, but not later than January 1, 1982 * * * shall issue such final rules and regulations as the Secretary determines are necessary to carry out" the amendments . The Secretary has determined that notice and public procedure on this rulemaking action are impracticable, unnecessary, and contrary to the public interest, and that the rule should be published for final effect.

In order to afford applicants time to adjust their procedures to the revised regulations, the Department has determined not to waive the 30-day delay of effectiveness provided by the Administrative Procedure Act (5 U.S.C. 553(d)) or to request waiver of the deferral of effectiveness for 30 calendar days of continuous session of Congress provided by Section 7(o)(3) of the Department of HUD Act (42 U.S.C. 3535(o)(3)). Based on current expectation of Congressional schedules, the rule could become effective as early as March 23, 1982. In order to provide greater advance notice and certainty, the Department has determined that the final rule should become effective March 31, 1982.

Pursuant to Section 308(c) of the Reconciliation Act, the amendments to Section 119 of Title I made by the Reconciliation Act will become effective upon the effective date of this final rule.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of the Executive Order on Federal Regulation issued by the President on February 19, 1981. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implement Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection and copying (at a cost of ten cents per page) during regular business hours in the Office of the Rules Docket Clerk at the address listed above.

Pursuant to Section 605(b) of the Regulatory Flexibility Act, the undersigned certifies that this rule does not have a significant economic impact on a substantial number of small entities.

The Department's review of the existing Subpart G regulation was listed as Item D)15 (CPD–36–81) in the Department's Semiannual Agenda of Regulations published on August 17, 1981 (46 FR 41708) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

The program number for Urban Development Action Grants in the Catalog of Federal Domestic Assistance is 14.221.

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Accordingly, the Department amends Part 570, Subpart G to read as follows:

Subpart G—Urban Development Action Grants

570.450 Purpose.
570.451 Definitions.
570.452 Distressed communities.
570.453 Eligible applicants.
570.454 Other actions which must be taken prior to submission of a full application.
570.455 Eligible activities.
570.456 Ineligible activities and limitations on eligible activities.
570.457 Relocation and land acquisition.
570.458 Full applications.
570.459 Criteria for selection.
570.460 HUD review and action on applications.
570.461 Post preliminary approval requirements.
570.462 Incurring costs for project activities after preliminary approval.
570.463 Project amendments and revisions.
570.464 Project Closeout.
570.465 Applicability of rules and regulations.
570.466 Specific provisions for cities and urban counties containing pockets of poverty.

Authority: Title I, Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 et seq); Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Subpart G—Urban Development Action Grants

§ 570.450 Purpose.

(a) The purpose of urban development action grants is to assist cities and urban counties which are experiencing severe economic distress to help stimulate economic development activity needed to aid in economic recovery.

(b) HUD will allocate grant funds throughout the year to ensure that assistance is available for each calendar quarter. Not less than twenty-five percent of the funds made available under this subpart shall be used for small cities.

(c) Specific provisions for cities and urban counties containing Pockets of Poverty are found in § 570.466.

§ 570.451 Definitions.

The following definitions apply only to this subpart:

(a) A "large city" means any metropolitan city pursuant to § 570.3(t) and any city with a population of 50,000 or more.

(b) A "small city" means any city under fifty thousand which is not a central city of a metropolitan area.

(c) A "distressed community" is a city or urban county which meets the criteria in § 570.452.

(d) A "Pocket of Poverty" means a severely distressed area meeting the requirements of § 570.466(a) which is

located in a city or urban county which does not meet the distress criteria of § 570.452. As used in this subpart, a "Pockets of Poverty Community" is a city or urban county which contains a pocket of poverty.

(e) An "eligible applicant" is a city or urban county which meets the eligibility requirements of § 570.453 and either the requirements of § 570.452 on distress or the requirements of § 570.466(a) for Pockets of Poverty.

(f) "Activities" mean all activities of the project, unless otherwise specified.

(g) A "project" means the group of integrally related activities which are to be carried out by the applicant or an agent or agency of the applicant and all public and private participating parties, as listed in the grant agreement.

(h) A "participating party" is any person, firm, corporation, or entity so identified in the grant agreement which has agreed to perform activities.

(i) A "firm private commitment" means the agreement by which the private participating party in the action grant program agrees to perform an activity specified in the application and demonstrates the financial capacity to deliver the resources necessary to carry out the activity, and commits the resources to the project. No project will be considered for funding unless it contains a firm private commitment. Although a firm private commitment need not be legally binding at the time preliminary funding decisions are made, it must be legally binding before action grant funds may be expended. In documenting a firm private commitment, the private participating party must:

(1) specify the authority by which the commitment is made, the amount of the commitment and the use of the funds. If the committed activity or a portion of it is to be self-financed, the private participating party must evidence its financial capability through a corporate or personal financial statement or through other appropriate means. If any portion of it is to be financed through a lending institution, the participant must submit evidence of the institution's commitment to fund the loan;

(2) state the amount and use of the action grant, and the relationship of the action grant to the proposed investment, and the number of net new permanent and construction jobs to be created by the activity;

(3) affirm that its investment is contingent upon receipt of the total action grant or other public money (or a specified portion thereof), include a statement that but for the receipt of the public funds requested, this project would not be built, and state a willingness on the part of the signatory to sign a legally binding commitment upon preliminary approval of the action grant.

(j) A "firm public commitment" means the agreement by which a public participating party in the action grant program agrees to perform the activity specified in the application and commits the necessary resources to the project. No project containing a requirement for other public financing will be considered for funding unless it contains a firm public commitment. Documentation of a firm public commitment will generally take the form of a city or county council resolution or a letter from a federal or state agency stating the amount and purpose of the funding available, and that the funds are committed to the project.

(k) A "legally binding commitment" means a legally enforceable written obligation made by a private or public participating party to complete a specified activity or set of activities which is approved as part of the action grant project.

(l) The "leveraging ratio" is defined as the total amount of firm private commitment generated by the project divided by the amount of action grant funds awarded to the project.

(1) In calculating the amount of firm private commitment, HUD will only consider new investments which are contingent upon the receipt of action grant funds and which are necessary to make a new permanent capital improvement. For example, expenditures for land assembly, new construction or rehabilitation will be included in the calculation of the private commitment for a project. Working capital and inventory will not be included.

(2) A hypothetical example illustrates how the leveraging ratio is derived. A private industry agrees to build a widget factory. The company agrees to put $2 million in equity into the plan ($1 million into the construction of the plant and $1 million into working capital), borrows $5 million in a first mortgage from a bank, and says that but for the receipt of Action Grant funds in the amount of $1 million to be used as a second mortgage, the company will not be able to build this project. The applicant agrees to use $500,000 in community development block grant funds to provide offsite improvements. The leveraging ratio would be obtained by adding the $1 million in capital equity, the $5 million first mortgage, plus the discounted value of the action grant second mortgage which (for the purpose of this example) equals $700,000. The total amount of firm private commitments equals $6.7 million for a 6.7 to 1.0 leveraging ratio. The $1 million of working capital is not counted for purposes of calculating the leveraging ratio. Inventory would likewise be excluded from calculation in the ratio.

§ 570.452 Distressed communities.

(a) *General.* Distressed communities are those cities and urban counties which meet the appropriate criteria of economic distress as specified in this section. Cities participating in the Community Development Block grant program in cooperation with an urban county, as provided in § 570.105, are potential applicants under this subpart if they meet the requirements of this section. Such cities may at the same time continue as cooperating units of government in the urban county's entitlement grant. Towns and Townships, pursuant to § 570.3(f), may apply. Towns and townships which do not qualify under the closely settled requirement of that section may request that the Secretary waive this requirement.

(b) *Minimum standards of economic distress.* (1) From time to time, HUD will publish in Notice form the specific minimum standards of economic distress used in determining which cities and urban counties are potentially eligible applicants for action grant funds. These standards will be derived by using the best and most recent available data for the community as a whole, allowing for comparisons between cities and urban counties of the same size class in the following categories: (i) Percentage of housing constructed prior to 1940, (ii) per capita income change, (iii) percentage of poverty, (iv) population growth lag/decline and, where available, (v) job lag/decline, and (vi) unemployment.

(2) Any city or urban county which no longer qualifies on the basis of distress due to a change in applicable data will have up to two calendar quarters to submit full applications following the announcement of that change. HUD will establish a date by which such applications will no longer be accepted and will publish the date in the Notice.

(c) *Large cities and urban counties.* (1) In order to qualify as distressed communities, large cities and urban counties must meet three of the six currently applicable minimum standards of distress specified in paragraph (b) (1) of this section.

(2) If the city or urban county's percentage of poverty is less than one-half of the HUD established standard, then it must meet four of the six minimum standards.

(d) *Small Cities.* In order to qualify as distressed communities, small cities must meet the minimum standards of economic distress for the categories appropriate to their size class as outlined below.

(1) Cities of less than 25,000 population.

(i) If the percentage of poverty is at least one-half of the HUD established standard the city must meet standards in three of the following four areas:

(A) Percentage of housing constructed prior to 1940.

(B) Per capita income change.

(C) Percentage of poverty.

(D) Population growth lag/decline.

(ii) If the percentage of poverty is twice the HUD established standard, the city must meet only one other minimum standard.

(iii) If the percentage of year-round housing units constructed prior to 1940 is twice the HUD established standard, the city must meet only the poverty standard.

(2) Cities of 25,000 population, but not greater than 50,000 population.

(i) Must meet the minimum standards in three of the following five areas:

(A) Percentage of housing constructed prior to 1940.

(B) Per capita income change.

(C) Percentage of poverty.

(D) Population growth lag/decline.

(E) Job lag/decline.

(ii) If the percentage of poverty is less than one-half of the HUD established standard, the city must meet all four other minimum standards.

(iii) If the percentage of poverty is twice the HUD established standard, the city must meet only one other minimum standard.

(iv) If the percentage of year-round housing units constructed prior to 1940 is twice the HUD established standard, the city must meet only the poverty standard.

(e) *Indian Tribes.* Indian Tribes shall be presumed to meet the minimum standards of distress unless data made available to the Secretary establish that a Tribe's distress is not comparable to that of potentially eligible small cities.

§ 570.453 Eligible applicants.

(a) *Eligibility.* Cities and urban counties which qualify as distressed communities, pursuant to § 570.452 or Pocket of Poverty communities pursuant to § 570.466, by meeting the appropriate distress criteria must be determined eligible in order to submit a full application.

(1) *Pre-application request for a determination of eligibility.* Distressed communities and Pocket of Poverty communities must request a determination of eligibility prior to submission of their first full application. The request for a determination of eligibility must be submitted to the appropriate HUD Area Office on Standard Form 424, as modified by HUD, at least 60 days prior to the deadline for submission of the full application (or at a later time as authorized by the Secretary pursuant to § 570.4). To qualify as an eligible applicant, a city or urban county must meet the requirements of paragraphs (a), (b) and (c) of this section.

(2) *Duration of Eligibility.* Once an applicant has been determined eligible, a preapplication need not be filed again; however, in order to remain eligible, the city or urban county must continue to demonstrate results in providing low- and moderate-income housing and equal opportunity in housing and employment as described in this section. Large cities and urban counties shall submit their most recent EEO–4 form by November 30 each year to the HUD Area Office. Small cities shall submit their most recent EEO–4 forms or recent comparable data by November 30 each year to the HUD Area Office. The Area Office will review this information along with other data concerning results in providing housing and equal opportunity described in paragraphs (b) and (c) of this section received by the Area Office.

(3) *Withdrawal of Eligibility.* Eligibility status may be withdrawn at any time if the distressed community or Pocket of Poverty community fails to continue to demonstrate results in providing housing or equal opportunity.

(b) *Results in Providing Housing.* In order to qualify, the distressed community or Pocket of Poverty community must demonstrate that it has achieved results in providing housing for persons of low- and moderate-income. Among the factors HUD will consider are the number of federally or other assisted housing units provided for low- and moderate-income households especially since 1974, and whether the city has accepted, or taken steps to accept, the housing units made available by HUD.

(c) *Results in Providing Equal Opportunity.* In order to qualify, the distressed community or Pocket of Poverty community must demonstrate that it has achieved results in providing equal opportunity in housing and employment for low- and moderate-income persons and members of minority groups. Among the factors which HUD will consider are: (1) The location and occupancy characteristics of federally or other assisted housing units provided for families, and the extent to which the use of these programs promotes and shows progress in promoting a greater choice of housing opportunity for low- and moderate-income persons in areas outside of low income and minority concentration; (2) whether the distressed community or Pocket of Poverty community is actively engaged in promoting housing choice in all of its neighborhoods through participation in an area-wide affirmative marketing effort, a New Horizons Fair Housing Assistance Project, or other fair housing actions designed to eliminate and prevent discrimination in the private housing market throughout the distressed community's or Pocket of Poverty community's jurisdiction; (3) whether relocation as a result of federally assisted programs has resulted in expanded housing opportunities for minorities outside areas of minority or low-income concentration; (4) whether the distressed community or Pocket of Poverty community is a participating jurisdiction in an approved Housing Opportunity Plan, where such plan includes the community's jurisdiction; (5) whether the distressed community's or Pocket of Poverty community's performance reports to HUD and/or the Equal Employment Opportunity Commission indicate significant progress in hiring, training, and promoting minorities and lower-income persons.

§ 570.454 Other actions which must be taken prior to submission of a full application.

(a) *Citizen Participation.* Prior to submission of a full application, applicant must hold public hearings to obtain the views of citizens, particularly residents of the area in which the proposed activities are to be carried out.

(1) Nothing in these requirements, however, shall be construed to restrict the responsibility and authority of the applicant for the development of the application and the execution of the urban development action grant program.

(b) *Impact Analysis.* Prior to submission of a full application, the applicant must analyze the impact of the proposed activities both on the residents, particularly those of low and moderate income, of any residential neighborhood in which such activities are to be carried out and on the neighborhood in which they are to be carried out. (1) Hold public hearings to obtain the views of citizens

(c) *Environmental Assessment.* (1) Cities and urban counties must have a level of clearance finding in accordance with § 58.15(d) of 24 CFR

Part 58. Applications will not be accepted for funding consideration, unless a level of environmental clearance finding is made by the time of submission of the application. HUD encourages applicants requesting joint Federal funding to include the other involved agencies when distributing their notice of assessment.

(2) Cities and urban counties must comply with historic preservation identification and review procedures in accordance with § 570.458(c)(14)(vii). Applicants are encouraged to consult with the State Historic Preservation Officer early in the planning process when a property of historical, archeological, or architectural significance may be involved.

(d) *Flood and Drainage Facilities.* If the project involves flood and drainage facilities, the application must include evidence that the requirements of § 570.607 have been satisfied. That is, the applicant must have submitted a request to an appropriate public agency for funds, received notification of rejection from that agency or notification that the funds are not available for at least 90 days, and the applicant must notify HUD of the results of this request.

§ 570.455 Eligible activities.

(a) Except as specified in § 570.456, grant assistance will be made available for any eligible activity specified in Subpart C which supports economic recovery.

(b) If permissible under State and local law, the applicant may undertake activities outside of the applicant's jurisdiction where the benefits of the project accrue to the applicant.

§ 570.456 Ineligible activities and limitations on eligible activities.

(a) Large cities and urban counties may not use assistance under this subpart for planning the project or developing the application. However, they may use entitlement community development block grant funds for this purpose. Any small city which submits a project application which is selected for preliminary approval and for which legally binding commitments have been approved consistent with the terms of the grant agreement and for which a release of funds pursuant to 24 CFR Part 58 has been issued may devote up to three (3) percent of the approved amount of its action grant to defray its actual costs in planning the project and preparing its application.

(b) Assistance under this subpart may not be used for public services as described in § 570.201(e).

(c) Except as specified herein, no assistance will be provided for projects intended to facilitate the relocation of industrial or commercial plants or facilities from one area to another, unless the Secretary finds that such relocation does not significantly and adversely affect the level of unemployment or the economic base of the area from which such industrial or commercial plant or facility is to be relocated. However, moves within a metropolitan area shall not be subject to this provision.

§ 570.457 Relocation and land acquisition.

(a) *Application of the Uniform Act.* The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) and HUD implementing regulations at 24 CFR Part 42 (Uniform Relocation Assistance and Real Property Acquisition) apply to the acquisition of real property by any State agency (as defined at 24 CFR 42.85) for a project assisted under this subpart and to any displacement that results from such acquisition. More specific instructions about the applicability of the Uniform Act are contained in § 570.602(a).

(b) *Displacement not subject to the Uniform Act.* The provisions of this paragraph apply to activities not subject to the Uniform Act. HUD has determined that requirements identical to those set forth at 24 CFR Part 42, as modified by the following provisions of this paragraph, shall apply to each tenant (not an owner-occupant) who occupies the site of an activity.

(1) *Issuance of notice to residential tenant.*

(i) Within 30 days after preliminary funding approval is announced or at such later date agreed to by HUD, the applicant shall issue each residential tenant either a notice of displacement (described at § 42.205) that is effective immediately or a notice of right to continue in occupancy (described at § 42.207). If the tenant is not issued either of these notices within the prescribed time, he or she shall automatically be eligible for relocation assistance as described at 24 CFR 42.205(b).

(ii) Any tenant required by the owner to move from the property before issuance of a notice as described under paragraph (b)(1)(i) of this section, but after submission of the action grant application to HUD, shall also be issued a notice of displacement, unless he or she was required to move because of his/her breach of an obligation under the terms and conditions of the tenancy. The notice shall be effective on the date the tenant vacated the property. If the tenant chooses to relocate again, the one-year period (see § 42.451(c)) within which the tenant must purchase/rent and occupy a replacement dwelling (if he or she chooses to relocate again) and the 18-month period for filing relocation payment claim(s) shall not begin until after the tenant has been provided a reasonable choice of opportunities to relocate to a comparable replacement dwelling. If the tenant does not choose to relocate again, he/she shall be given at least six months in which to file relocation payment claim(s).

(2) *Issuance of notice to nonresidential tenants.* Wherever the applicant, at its sole discretion, determines it would be equitable to provide relocation assistance to a non-residential tenant, it may issue the tenant a notice of displacement (described at § 42.205).

(3) *"Initiation of negotiations."* For purposes of determining eligibility for a replacement housing payment under Subpart G of 24 CFR Part 42, the effective date of the notice of displacement shall be considered to be the "initiation of negotiations."

(4) *Replacement housing payment.* A displaced residential tenant who meets the eligibility conditions at § 42.451 is entitled to a replacement housing payment to help him or her rent or buy a replacement dwelling. Any such tenant who chooses to buy a replacement dwelling is entitled to receive a downpayment assistance payment computed under § 42.455. Any such tenant who elects to rent a replacement dwelling is entitled to a rental assistance payment computed in accordance with § 42.453, unless a Public Housing Agency administering the Section 8 Existing Housing Program (24 CFR Part 882) determines, in accordance with the Section 8 eligibility criteria in 24 CFR Part 889 and selection criteria described in its Administrative Plan approved by HUD, that the displaced tenant can be issued a Certificate of Family Participation under that program. Assistance under the Certificate can only occur when (i) the tenant has voluntarily selected a replacement dwelling which meets the housing quality standards and other requirements of that program and (ii) the landlord of the replacement dwelling unit is willing to participate in the program. If the tenant elects to rent a replacement dwelling that cannot be assisted under the Section 8 Existing Housing Program, he/she must be offered the rental assistance payment described at § 42.453. (If an eligible tenant voluntarily selects a rental unit that meets the Section 8 requirements

and the owner is willing to participate in the Existing Housing Program but the tenant refuses the Section 8 assistance, the tenant is not entitled to a rental assistance payment. However, the tenant remains eligible for a moving expense payment computed as described at § 42.303 or § 42.353).

(5) *Maximum rent under notice of right to continue in occupancy.* A residential tenant who receives a notice of right to continue in occupancy (described at § 42.207) is assured, among other things, that he or she will have the right to occupy the property for a period of at least four years after the activity is completed. The terms and conditions of continued occupancy must be set forth in a lease which is offered to the tenant. The lease, including renewal options, if any, shall run for a continuous period of at least four (4) years. The rent under such lease shall be in accordance with this paragraph, and the other terms and conditions of the lease shall be as customary in the jurisdiction. In addition, the lease shall give the tenant the unilateral right to cancel the lease on thirty (30) days advance written notice if he or she wishes to vacate, unless State or local law requires a longer period. In order to benefit from the protections of this rule, the tenant must agree to enter into the lease within a reasonable period after completion of the activity. The procedures for an automatic notice of displacement described at § 42.205(b)(2) and § 42.207(a)(4) shall not apply. In addition, the provisions at § 42.207(a)(2) governing the tenant's maximum monthly housing cost (rent and estimated utility charges) during the four-year period are modified to read as follows:

(i) During the first year of the four-year period, the tenant's monthly housing cost shall be established at a level that does not exceed the greater of:

(A) Twenty-five percent (25%) of the gross income of all adult members of the household, or

(B) 105% of the tenant's monthly housing cost for the unit six months prior to issuance of the notice of right to continue in occupancy. However, this provision does not preclude the owner of the building from requiring the tenant to pay directly to the utility company the cost of utilities which are separately metered after completion of the activity. The cost of any such separately metered, tenant-paid utilities shall be excluded from the 105% computation.

(ii) At the end of the first, second and third years, the monthly housing cost may be increased. The monthly increase, however, shall not exceed the sum of (A) the average monthly increase in the owner's costs for utility charges and property taxes over the previous year, plus (B) five percent (5%) of the monthly contract rent (exclusive of utility costs) charged during the prior year.

(6) *Waiver of right to continue in occupancy.* Nothing in these regulations shall prevent a fully informed tenant, who will not be required to relocate permanently, from waiving his/her right to be issued a notice of right to continue in occupancy. The waiver shall be in a format prescribed by HUD.

(7) *Ineligible tenants.* Under the following circumstances, the tenant is neither entitled to a notice of displacement nor a notice of right to continue in occupancy, nor will he or she receive relocation assistance.

(i) The action grant funded or non-action grant funded activity is limited to residential rehabilitation work for which the cost allocable to the tenant's unit does not exceed $2,500 and the recipient determines that the tenant will not be required to move because of the rehabilitation. In a building of two or more units, the cost allocable to the tenant's unit included the pro rata share of the cost of work done to common elements of the property.

(ii) The tenant moves to the property after submission of the action grant application and is notified prior to occupancy about the proposal and its effect on him/her.

(c) *Responsibility of the Applicant.* The applicant is responsible for assuring compliance with the requirements of paragraph (b) of this section. To pay the cost of relocation assistance, including rental assistance payments, the applicant may use local public funds, action grant or entitlement community development block grant funds (24 CFR Part 570) or the applicant may secure a commitment from any participating party in the action grant program to provide the necessary funds. In order to use block grant funds, the applicant must adopt a written policy in accordance with 24 CFR 570.602(c). Where a notice of right to continue in occupancy is to be provided (see paragraph (b)(4) of this section), the applicant is responsible for making the participating party aware of its obligations.

§ 570.458 Full applications.

(a) *Application scope.* Applicants must submit a separate application for each proposed project as defined in § 570.451(g).

(b) *Scope of the proposed project.* The proposed project must be able to be carried out in a timely fashion, which HUD generally expects not to exceed four years from the date of the announcement of preliminary approval. The applicant shall apply for action grant funds in an amount which, together with other public and private resources, will be adequate to complete the project without additional action grant funds. While a recipient may remain eligible for action grant funding for other projects, no additional funding will be available in the future to complete a project already approved. Should additional funding be required to complete a previously approved project, the applicant, or private developer must provide such funding from another source.

(c) *Submission requirements.* Applications must be submitted on HUD forms and must consist of the following:

(1) Standard Form 424, prescribed by OMB Circular No. A-102 and the urban development action grant application.

(2) A description of the project to be undertaken, how the property involved is controlled, and the nature of the project. The applicant must substantiate the market and economic feasibility of the proposed project, and must analyze the economic benefits which the activities are expected to produce, and must show how the proposed activities will take advantage of unique opportunities to attract private investment. The applicant must identify the public and private participating parties in the proposed project and must clarify the relationship of each to the request for action grant funds. Information provided shall include proposed cost and methods of financing.

(3) A clear description of the use of the action grant funds and a justification for the amount, which must be the least amount necessary to make the project feasible.

(4) The status of environmental review of the proposed project, the steps taken to notify other involved federal agencies if joint funding is requested, and a proposed timetable for the completion of any required environmental actions as described in 24 CFR Part 58.

(5) Documentation of private and public commitments which are necessary for completing the project as outlined in § 570.451 may be in the form of a firm private, firm public or legally binding commitment between the applicant and the public and private entities. No application will be considered feasible and effective unless there is evidence of at least a firm private commitment and if necessary, a firm public commitment.

(6) A statement analyzing the impact of the proposed urban development action grant program on the residents of

any affected residential neighborhood, particularly low- and moderate-income persons and members of minority groups.

(7) A summary of all proposed expenditures to be undertaken to complete the project and a breakdown of the individual public and private expenditures.

(8) A detailed schedule for accomplishing each part of the proposed project.

(9) Maps, aerial photos, site plans or other graphic descriptions of the applicant's jurisdiction, the location of the project, access to the project, surrounding land uses, and related property information. Site plans must show: (i) Present conditions, land uses, and ownership, (ii) proposed private and public development including clear identification of where the action grant funds are proposed to be spent.

(10) A summary of the net new tax revenues to be generated by the project.

(11) Data on anticipated involuntary displacement and relocation of residents by household type, income level, and minority status and/or businesses displaced and jobs lost due to displacement. The following must be included: A description of the efforts made to minimize involuntary displacement, including an analysis of the feasibility of undertaking any rehabilitation of occupied properties in stages in order to minimize displacement; a description of the efforts which will be made to provide opportunities to low- and moderate-income and minority persons to relocate outside areas of low income and minority concentration; and of the opportunities to be provided to displaced persons and businesses to relocate within the project area.

(12) Data specifying the number and types of jobs to be created by the private participating parties, and the proportion of permanent jobs accessible to lower income persons and minorities. The applicant also shall include an employment plan to assure that the jobs created by the proposed project will be available to the long-term unemployed and underemployed. The use of job training programs and consultations with the CETA provider should be detailed.

(13) The record of the applicant in carrying out similar projects. If the applicant has no related experience, it should provide information concerning its abilities to successfully complete the project.

(14) Certifications. The applicant shall submit certifications, in such form as HUD may prescribe, providing assurances that:

(i) Prior to submission of its application, it has met the citizen participation requirements of § 570.454(a) and has made the impact analysis required by § 570.454(b).

(ii) The applicant's chief executive officer and the private participating party must certify that in his or her opinion, the private development would not occur unless the public funding on which the development is based becomes available.

(iii) The applicant's chief executive officer must certify that the action grant funds will not substitute for local public funds which are available and which are committed by line item specified in the applicant's local budget to the project described in the action grant application.

(iv) It possesses legal authority to apply for the grant and to execute the proposed program.

(v) Its governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

(vi) Its chief executive officer or other officer of the applicant approved by HUD:

(A) Consents to assume the status of a responsible Federal official for environmental review, decision making and action pursuant to the National Environmental Policy Act of 1969, and the other authorities listed in 24 CFR 58.1(a)(3) insofar as the provisions of such Act or other authorities apply to this part;

(B) Is authorized and consents on behalf of the applicant and himself/herself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his/her responsibilities as such official.

(vii) It will comply with the requirements for historic preservation identification and review set forth in Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469a, et seq.), regulations of the Advisory Council on Historic Preservation at 36 CFR 801, and any other regulations promulgated pursuant to section 121 of the Housing and Community Development Act of 1974, as amended.

(viii) It has identified all properties, if any, which are included on the National Register of Historic Places and which as determined by the applicant, will be affected by the project; it has identified all other properties, if any, which will be affected by the project and which, as determined by the applicant, may meet the criteria established by the Secretary of Interior for inclusion in the Register, together with the documentation relating to the inclusion of such properties on the Register; and it has determined the affect as determined by the applicant, of the project on the identified properties.

(ix) It will comply with:

(A) Title VI of the Civil Rights Act of 1964 (Pub. L. 88–352) and implementing regulations issued at 24 CFR Part 1;

(B) Title VIII of the Civil Rights Act of 1968 (Pub. L. 90–284) and implementing regulations;

(C) Section 109 of the Housing and Community Development Act of 1974, as amended; and the regulations issued pursuant thereto (24 CFR 570.601);

(D) Section 3 of the Housing and Urban Development Act of 1968, as amended, and implementing regulations at 24 CFR Part 135;

(E) Executive Order 11246, as amended by Executive Orders 11375 and 12086 and implementing regulations issued at 41 CFR Chapter 60;

(F) Executive Order 11063, and implementing regulations at 24 CFR Part 107;

(G) Section 504 of the Rehabilitation Act of 1973, as amended, (Pub. L. 93–112) and implementing regulations when published for effect;

(H) The Age Discrimination Act of 1975, as amended, (Pub. L. 94–135) and implementing regulations (when published for effect);

(I) The relocation requirements of Title II and the acquisition requirements of Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, implementing regulations at 24 CFR Part 42, and the special provisions of § 570.457 concerning the relocation of residential tenants not covered by the Uniform Act;

(J) The labor standards requirements as set forth in § 570.605 and HUD regulations issued to implement such requirements;

(K) The flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, (Pub. L. 93–234);

(L) The regulations, policies, guidelines and requirements of OMB Circular Nos. A–102, Revised and A–87 as they relate to the acceptance and use of Federal funds under this Part;

(M) All requirements imposed by HUD concerning special requirements of

law, program requirements and other administrative requirements approved in accordance with OMB Circular No. A–102, Revised:

(x) It will establish safeguards to prohibit employees from using positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.

(xi) It will comply with the provisions of the Hatch Act which limits the political activity of employees.

(xii) It will give HUD and the Comptroller General through any authorized representatives, access to and the right to examine all records, books, papers, or documents related to the grant.

(xiii) It will insure that the facilities under its ownership, lease, or supervision which shall be utilized in the accomplishment of the program are not listed on the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify HUD of the receipt of any communication from the Director of EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

(xiv) It certifies that it has not knowingly and willfully made or used a document or writing containing any false, fictitious, or fraudulent statement or entry. 18 U.S.C. 1001 provides that whoever does so within the jurisdiction of any department or agency of the United States shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

(xv) It will not, in carrying out the project, discriminate against any employee because of race, color, religion, sex, handicap, or national origin. It will take affirmative action to insure that applicants for employment are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, handicap, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The applicant shall post in conspicuous places, available to employees and applicants for employment, notices to be provided by HUD setting forth the provisions of this non-discrimination clause. The applicant will in all solicitations or advertisements for employees placed by or on behalf of the applicant state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, handicap or national origin. The applicant will incorporate the foregoing requirements of this paragraph in all of its contracts for project work, except contracts for standard commercial supplies or raw materials or contracts covered under subsection (c)(16)(xiv)(E) of this section, and will require all of its contractors for such work to incorporate such requirements in all subcontracts for work done with funds provided under 24 CFR Part 570.

§ 570.459 Criteria for selection.

(a) *General.* Each calendar quarter, HUD shall review all new proposals received and all proposals pending consideration and shall determine which among such proposals are both feasible and effective. The nature and purpose of the proposed project will determine the extent to which each of the selection criteria in paragraphs (e) through (q) of this section will apply.

(b) *Requirements which must be met to be considered for project selection.* (1) *A firm private commitment.* No projects will be funded under this subpart unless there is a firm private commitment to finance and carry out the proposed project. The private commitment must have a clear, direct relationship to the activities for which funding is being requested.

(2) *Leveraging ratio.* Each project considered for selection for funding must have a leveraging ratio of at least 2.5 to 1.0.

(3) *A firm commitment of public resources.* If a project requires a commitment of other public resources, then it must be a firm public commitment.

(c) *Selection of Projects for Preliminary Funding Approval: Large cities and urban counties.* Projects shall be selected on the following bases:

(1) As the primary criterion, the comparative degree of economic distress among applicants, as measured by the differences in the factors set forth below, which shall be assigned the following relative weights: (i) The percentage of their total housing stock that was built prior to 1940: 0.5; (ii) The extent of poverty: 0.3; and (iii) The degree to which their population growth rate lags behind that of all metropolitan cities: 0.2.

(2) The comparative degree of distress as measured by per capita income, unemployment, and job lag/decline, and

(3) The factors contained in paragraphs (e) through (q) of this section.

(d) *Selection of Projects for Preliminary Funding Approval: Small cities.* Projects shall be selected on the following bases:

(1) As the primary criterion, the comparative degree of economic distress as measured by the distress standards in § 570.452(b)(2);

(2) the factors contained in paragraphs (e) through (q) of this section.

(e) *The impact of the proposed project on the employment base of the community.* In evaluating the employment impact of a proposed project, HUD will consider such factors as the net number of new permanent or temporary jobs to be created within the distressed community.

(1) Specifically HUD will consider whether the project includes a greater number of net new permanent jobs in relation to the amount of action grant funds requested than other type projects. For example, a project creating 1,000 new permanent jobs requiring a million dollar investment of action grant funds will have an action grant cost of $1,000 per job. A similar project having an action grant cost of $10,000 per job will compare less favorably on this factor than the project having a $1,000 cost per job. Job retention and construction jobs will receive some consideration but will be given less weight in selection than the creation of new permanent jobs.

(2) HUD will consider whether the project includes a greater percentage of net new permanent jobs accessible to lower income persons and minorities including those who are unemployed than other similar projects.

(3) HUD will consider whether the project contains a greater number of jobs on a percentage basis for CETA eligible persons (the structurally unemployed, underemployed or for persons from low- and moderate-income households) than other similar projects.

(f) *The amount of the leveraging ratio.* In selecting projects to stimulate economic recovery for funding, HUD will consider whether the amount of private leverage to be generated by a given project is greater than that of other projects. In other words, the higher the leveraging ratio, the more likely it is that the project will be selected for preliminary approval. Recapture of Action Grant funds for a second use increases the private leverage thereby making a project more competitive.

(g) *The impact of the proposed project on the fiscal base of the community.* The

fiscal impact of the proposed project will be measured by the annualized increase in real estate and other taxes such as corporate, sales or income taxes accruing to the applicant's jurisdiction which the applicant will receive due to the proposed project. In selecting projects for funding, HUD will consider whether a given project will generate a greater amount of net new annual tax revenues in relationship to the requested action grant amount than other projects. A project generating a $500,000 annual increase in property taxes for a million dollar action grant investment will fare better on this factor than a project generating a $100,000 increase in property taxes plus a $50,000 increase in city sales tax for a $2 million action grant investment. The respective ratios will be 50 cents per action grant dollar compared to 7.5 cents per action grant dollar. In addition, other revenues which the applicant will receive will be considered.

(h) *The impact of the proposed project on the physical conditions of the community.* (1) HUD will assess the impact of each project in relation to other uses within the applicant's jurisdiction.

(2) HUD will also consider whether or not the private developments in a given proposal include, where possible, a minimum one percent of total development costs for expenditures on the arts, such as sculptures, murals, etc.

(3) The physical impact of the project will be measured by comparing the present physical development of the project area and other areas with the future improvements proposed in the action grant project. For example, if the project is to make those public improvements necessary to attract private industry to the site, then HUD will review the project in terms of the current land use and the potential created by the location of the particular industry at this particular site. HUD will also review the proposal to ascertain that other necessary services are available to support the project. Applicants are expected to consider the quality of the design of the project.

(i) *The impact of the proposed project on the economic conditions of the community.* HUD will consider the effect of the project on the economic base of the community by evaluating such factors as the mitigation of the impact of a major military base closing and the degree to which the proposal will assist areas experiencing a loss of businesses, jobs, and population.

(j) *The likelihood of accomplishing the project in a timely fashion within the total resources which will be provided.* HUD will consider such factors as the status of land assembly, zoning, building permits, and preparation of any necessary historic preservation clearances, as well as the applicants administrative and legal capability for accomplishing the project. HUD will also consider the private participating parties' capability of completing the project within the proposed time schedule. Proposals will be considered to have a lesser degree of feasibility if they involve substantial additional planning, lengthy start-up time, or may be subject to major obstacles due to environmental or legal concerns. HUD expects projects to be completed within a four year period from the date of the announcement of preliminary funding approval.

(k) *The demonstrated performance of the applicant in carrying out housing and community development programs.* Performance shall be evaluated using such considerations as past compliance with HUD regulations and statutory requirements, progress in carrying out programs as planned, and the ability to complete programs in a timely fashion.

(l) *Extent of relocation caused by the project.* (1) Projects which will cause minimal involuntary displacement and disruption of occupants and jobs will be considered more favorably than those involving a substantial amount of involuntary displacement and disruption.

(2) If the project includes activities which generate relocation, HUD will consider how the applicant's relocation plans and processes, including any proposed relocation advisory services, are to operate and whether they provide the opportunity for those displacees to relocate outside areas of low-income or minority concentration.

(3) A project which involves the relocation of industrial and commercial facilities within the applicant's jurisdiction will be reviewed to determine the impact of the relocation on low- and moderate-income and minority persons.

(4) The extent to which displaced businesses and low- and moderate-income residents and minorities will be given the opportunity to relocate to the project area upon completion will be considered.

(m) *Extent of minority business participation.* HUD will more favorably consider projects in which minorities are participants in the project. For example, they may be prime or subcontractors during development, major suppliers of construction goods, or equity investors, or they may participate in the project through leasing, ownership, or rehabilitation of property, on-going vendors and suppliers of goods and services, or as private participating parties.

(n) *Extent of assistance to be made available by the State.* HUD will consider the extent of assistance to be provided by the State in the project either through funding for activities included in the project or special economic incentives that were of assistance in stimulating private investment in the project.

(o) Extent of assistance to be made available by the applicant. HUD will consider the extent to which the applicant will provide funding for activities included in the project either from its own funds or funding available to it from the State or other Federal sources. HUD also will consider other special economic incentives being provided by the applicant to stimulate private investment in the project.

(p) *The impact of the proposed project in increasing energy efficiency or conserving scarce fuels.* HUD will consider more favorably those projects which will increase energy efficiency or conserve scarce fuels (measured in barrels of crude oil saved or the equivalent).

(q) *Secretary's determination that the project requires action grant funds.* Preliminary funding approvals will only be made if the Secretary determines—

(1) based on the assurances made by the chief executive officer of the applicant that the action grant funds will not substitute for local funds § 570.458(12)(iii);

(2) that in his/her opinion, the private development would not occur unless the public funding becomes available pursuant to § 570.458(12)(iii);

(3) that the statements made by the private participating parties, that but for the receipt of the public funds requested, this project would not be built;

(4) that the grant amount requested is the least amount necessary;

are satisfactory.

§ 570.460 HUD review and action on applications.

(a) *Submission and Review Schedule.* The following chart indicates dates for submission of pre-application requests for determination of eligibility, the full application, HUD review and consultation with the applicant, and the date by which the decision for preliminary approval will be made. Public announcements of preliminary funding approvals will be made shortly after the decision date.

Determination of eligibility (pre-application; SF-424) to be submitted by	Application period	Review period	Decision date
Metro cities:			
Nov. 30	Jan. 1-31	Feb. 1-Mar. 31	Mar. 31.
Feb. 28	Apr. 1-30	May 1-June 30	June 30.
May 31	July 1-31	Aug. 1-Sept. 30	Sept. 30.
Aug. 31	Oct. 1-31	Nov. 1-Dec. 31	Dec. 31.
Small cities:			
Dec. 31	Feb. 1-28	Mar. 1-Apr. 30	Apr. 30.
Mar. 31	May 1-31	June 1-July 31	July 31.
June 30	Aug. 1-31	Sept. 1-Oct. 31	Oct. 31.
Sept. 30	Nov. 1-30	Dec. 1-Jan. 31	Jan. 31.

(1) HUD will accept applications from large cities and urban counties postmarked no later than the last day of the month during January, April, July, and October.

(2) HUD will accept applications from small cities postmarked no later than the last day of the month during February, May, August, and November.

(3) However, HUD encourages all cities and urban counties to submit their applications no later than the tenth day of the month in order to allow sufficient time for the community to enact suggestions made by HUD in preliminary reviews.

(4) Applications postmarked after the last day of the month in which they are to be submitted will not be considered until the following quarter.

(5) The original and one copy of the application must be submitted to the appropriate HUD Area Office or Office of Indian Programs and one copy submitted to HUD's Office of Urban Development Action Grants.

(b) *HUD Area Office Review.* Area Offices or the Office of Indian Programs shall forward a copy of each application meeting the criteria of § 570.458 together with a position paper setting forth the Area Office or the Office of Indian Programs comments and the Area Manager's or Director, Office of Indian Programs recommendation to HUD Central Office. HUD Central Office shall evaluate applications on a comparative basis in accordance with the criteria for selection specified in § 570.459.

(c) *Central Office Action on Applications.* (1) Preliminary approval decisions will be made by HUD Central Office within two months after the deadline for submission of applications as shown in paragraph (a) of this section.

(2) Preliminary approval constitutes the first step in a process which may result in a signed grant agreement between the recipient and HUD and legally binding commitments between the recipient and the private sector. The terms of the preliminary approval are not finalized until the recipient and HUD have executed a grant agreement setting forth the terms and conditions of the approved project and the responsibilities of all participating parties. Preliminary approval does not become final until legally binding commitments between the recipient and the private and public participating parties have been submitted and approved by HUD. Release of grant funds is contingent upon the recipient's meeting each and every condition set forth in the grant agreement.

(3) Any application not receiving preliminary funding approval in the first round in which it is accepted for consideration may be reconsidered for funding in the subsequent quarter, if HUD determines there is a likelihood that the project will be funded in the next funding quarter.

(4) Any application not receiving preliminary funding approval after the second round will not receive further consideration, unless HUD and the applicant are actively negotiating the terms of the project. HUD shall use its discretion in making a determination whether to consider the application in a later funding round.

(5) Shortly after the decision date for preliminary approval, the Secretary will notify the applicant in writing of the action taken on its application and if not approved, the conditions under which the application may be reconsidered.

§ 570.461 Post preliminary approval requirements.

(a) *Execution of a grant agreement.* HUD and the recipient must sign a legally binding grant agreement (contract) which finalizes the terms and conditions of the action grant preliminary approval.

(b) *Submission of legally binding private commitments.* Recipients must submit for approval to HUD Central Office evidence of legally binding commitments from participating parties identified in the grant agreement. Copies must also be submitted to the Area Office or Office of Indian Programs. Recipients must also submit an opinion of counsel that the commitments are legally binding under State and local law and conform to the grant agreement executed by HUD and the recipient. The drawdown of grant funds is conditioned upon the written acceptance by HUD of the legally binding commitments as specified in the grant agreement.

(c) *Release of funds pursuant to HUD Environmental Review Procedures.* Recipients must comply with the provisions of § 570.603 concerning the release of funds for projects requiring environmental review. Except for administrative costs, environmental studies and certain relocation costs, no costs which are to be reimbursed or paid with grant funds may be incurred until the environmental requirements have been met. However, the applicant should note that such costs will not be reimbursed if the legally binding commitments are not approved.

(d) *Performance according to schedule.* Action grant funding shall be conditioned upon the performance of the recipient in meeting the schedule set forth in its grant agreement. Failure to meet such schedule may result in the termination of the grant agreement or other remedial action.

(e) *Program Income.* Notwithstanding any other provisions of this part and unless otherwise provided in the grant agreement, program income received by the Recipient under this Subpart prior to completion of construction of all action grant funded activities shall be used to reimburse costs incurred for the Recipient activities. Such income shall be used instead of any draw under the letter of credit to the extent adequate to reimburse costs so incurred. Upon completion of the activities, program income shall be retained by the recipient and governed by the grant agreement. Program income received subsequent to the completion of the action grant funded activities shall be used for the purposes specified in the grant agreement, and as such is considered miscellaneous revenue, the use of which is not governed by the provisions of this part.

(f) *Reporting requirements.* Commencing upon the date the applicant's preliminary funding approval is announced by HUD, applicants shall submit quarterly progress reports as specified by the Secretary of HUD. Failure to file such reports may be a basis for termination of previously approved action grants and shall be considered in the selection of future projects submitted by the applicant under demonstrated performance under § 570.459(e). Copies of the reports shall be submitted to the HUD area office and simultaneously to the Office of Action Grants in HUD Central Office no more than 10 days following the end of each calendar quarter, using the HUD quarterly progress report form.

Reports will be required following the completion of construction of a project, and until project completion is reached. They shall consist of information to be specified at a later date concerning the project's construction costs, its use of program income, tax revenues generated, etc. They shall also include data by job category and pay level, the number of jobs filled by unemployed

and low income persons and by minorities.

§ 570.462 Incurring costs for project activities after preliminary approval.

(a) The use of grant funds is conditioned upon the Recipient incurring costs to be paid in accordance with the grant agreement or as otherwise approved by the Secretary in writing. The incurring of costs to be paid out of grant funds shall be governed by the following:

(1) Except for the cost of application preparation for small cities as specified in § 570.456(a), no costs incurred prior to the preliminary approval date may be paid out of grant funds.

(2) After the preliminary approval date, eligible administrative costs, including but not limited to costs of environmental studies, may be incurred before or after the effective date of the grant agreement (the date it is executed by the Recipient), and the satisfaction of environmental conditions.

(3) Except as permitted by 24 CFR Part 58, no other costs to be paid out of grant funds may be incurred by the recipient or any participating party until after the effective date of the grant agreement, all environmental conditions of 24 CFR Part 58 have been fully satisfied and the Secretary has issued the environmental releases required by 24 CFR Part 58.

(4) After the recipient has satisfied all of the environmental conditions and the Secretary has issued the required environmental releases, then at any time after the preliminary approval date for the project, the recipient and the participating parties may incur eligible costs to be paid out of grant funds.

(b) The authorization to incur costs in paragraph (a) of this section is not an authorization to reimburse those costs and does not mean or imply that such costs will be reimbursed out of grant funds. The recipient and participating parties may voluntarily, at their own risk, and upon their own credit and expense, incur costs as authorized in paragraph (a) of this section, but their authority to reimburse or to be reimbursed out of grant funds shall be governed by the provisions of the grant agreement applicable to the payment of costs and the release of funds by the Secretary.

(c) Neither the Recipient nor any Participating Party shall incur any costs in connection with any activity to be paid for, in whole or in part, with grant funds, even though such costs will not be reimbursed out of grant funds, unless such costs could be incurred pursuant to paragraph (a) of this section if such costs were to be paid out of grant funds.

(d) Prior to the issuance by the Secretary of the environmental releases required by 24 CFR Part 58, the Recipient may not use any funds, including local funds, to take any action with respect to the Project where such action might have an adverse environmental effect, would limit choices among competing alternatives, or might alter the environmental premises on which the pending clearance is based in such a fashion that the validity of the conclusions to be reached would be affected.

(e) Any time after the Preliminary Approval Date, a Participating Party may incur costs for any activity which is not to be paid for, in whole or in part, with grant funds.

§ 570.463 Project amendments and revisions.

(a) *Pre-approval revisions to the application.* Applicants must submit to the HUD Area Office and to Central Office all revisions to the application. A revision is considered significant if it alters the scope, location, or scale of the project or changes the beneficiaries' population.

The applicant must hold at least one public hearing prior to making a significant revision to the application according to the procedures of § 570.454(a).

(b) *Post Preliminary Approval Amendments.* Applicants receiving preliminary approval must submit to the HUD Central Office, a request for approval of any significant amendment. A copy of the request must also be submitted to the Area Office. A significant amendment involves new activities or alterations thereof which will change the scope, location, scale, or beneficiaries of such activities or which, as a result of a number of smaller changes, add up to an amount that exceeds ten percent of the grant. HUD approval of amendments may be granted to those requests which meet all of the following criteria:

(1) New or significantly altered activities must meet the criteria for selection applicable at the time of receipt of the program amendment.

(2) The recipient must have complied with all requirements of this subpart.

(3) The recipient may make amendments other than those requiring prior HUD approval as defined in paragraph (b) of this section but each recipient must notify both the Area and Central Offices of such changes.

§ 570.464 Project closeout.

HUD will advise the recipient to initiate closeout procedures when HUD determines, in consultation with the recipient, that there are no impediments to closeout. Closeout shall be carried out in accordance with § 570.512 and applicable HUD guidelines.

§ 570.465 Applicability of rules and regulations.

The provisions of Subparts A, B, C, J, K, and O of this Part 570 shall apply to this subpart except to the extent that they are modified or augmented by this subpart.

§ 570.466 Specific provisions for cities and urban counties containing pockets of poverty.

Action Grants may also provide funding for economic development and neighborhood revitalization projects targeted to severely distressed areas called Pockets of Poverty in communities which do not meet Action Grant Program distress criteria. Cities and urban counties eligible under this provision will not meet the minimum standards of economic distress defined in § 570.452, but must meet the eligibility criteria of paragraph (a) of this section in this context, Action Grants for Pockets of Poverty projects are intended to provide increased public and private assistance principally and directly to aid the geographically defined Pocket of Poverty and its low- and moderate-income inhabitants through the provision of jobs, and a revitalized economic environment. Up to, but no more than, 20 percent of all Action Grant assistance made available after October 1, 1979 may be used for Pockets of Poverty. The following paragraphs set forth rules applying only to communities containing pockets of poverty. All other provisions of subpart G apply to these communities except as modified herein.

(a) *Determining Eligibility for Communities Containing Pockets of Poverty.*

(1) *Preapplication Request for a Determination of Eligibility.* Each applicant for Pockets of Poverty assistance must submit a request for a determination of eligibility to the appropriate HUD area office as specified in §§ 570.453 and 570.454 and as modified here. In addition to meeting the criteria of this section, each applicant must have demonstrated reasonable results in providing housing for persons of low- and moderate-income explained in § 570.453(b), must have achieved reasonable results in providing equal opportunity in housing and employment for low- and moderate-income persons and members of minority groups as in 570.453(c), and each applicant must provide comparable services to and for Pockets of Poverty

residents (see paragraph (a)(6) of this section).

(2) *Cities of above 50,000 Population or more and Urban Counties.* A city with a population over 50,000 or urban county which does not meet the minimum standards of physical and economic distress based on data for the community as a whole may qualify as an applicant for Action Grants if it contains a "pocket" consisting of a specifically defined geographic area meeting all of the following criteria:

(i) *Area.* The Pocket of Poverty must be an area composed of contiguous census tracts, enumeration districts or block groups. The defined geographic area must contain at least 10,000 persons or 10 percent of the jurisdiction's population. In other words, a city with a population of 100,000 or more must have a Pocket of at least 10,000. A city of less than 100,000 population must have a Pocket of at least 10 percent of its population. Enumeration districts and block groups with median income levels greater than 120 percent of the median income of the jurisdiction must be excluded in defining the Pocket Poverty.

(ii) *Income.* At least 70 percent of the families and unrelated individuals residing in the Pocket of Poverty must have incomes below 80 percent of the jurisdiction's median income.

(iii) *Poverty.* At least 30 percent of the residents residing in the Pocket of Poverty must have incomes below the national poverty level pursuant to criteria provided by the Office of Management and Budget.

(3) *Small Cities below 50,000 Population.* A small city with a population below 50,000 which does not meet the minimum standards of physical and economic distress based on data for the community as a whole may qualify as an applicant for Action Grants if it contains a specifically defined geographic area meeting all of the following criteria:

(i) *Area.* The Pocket of Poverty must be an area defined by contiguous census tracts, enumeration districts, block groups, or other areas defined by the U.S. Bureau of the Census or for which data certified by the U.S. Bureau of the Census is available. The defined geographic area must contain at least 2,500 persons or 10 percent of the jurisdiction's population, whichever is more. Enumeration districts and block groups with median income levels greater than 120 percent of the median income of the jurisdiction must be excluded in defining the Pocket of Poverty.

(ii) *Income and Poverty.* Small cities must meet the criteria specified in paragraph (a)(2) (ii) and (iii) of this section.

(4) *Use of Census Data in Documenting a Pocket of Poverty.* Applicants should use the 1970 Fifth Count Block Group/Enumeration District computer tape file available from Census summary tape processing centers and from the HUD Area Office, special Census surveys or data verified by the Census and should use comparable data from the 1980 Census as soon as it is available, to establish population, income and poverty levels.

(5) *Certification of the Preapplication Eligibility Data.* The applicant's chief executive officer must certify that to the best of his knowledge the Pocket of Poverty defined in the application meets the population, income and poverty criteria described in this paragraph (a) and that the data provided in the application to establish eligibility are true and correct.

(6) *Comparable Services.* The applicant's chief executive officer must certify in the preapplication request for a determination of eligibility that the applicant is now providing basic services (police, fire, road repair and sanitation) over which it has control to the designated Pocket of Poverty which are at least equivalent to the basic services which it provides to more affluent residential areas of its jurisdiction (areas similar in population numbers to the pocket but with median incomes above the jurisdiction's median income). The certification must indicate that services in the pocket reflect adjustments based on needs resulting from the physical characteristics of the area (e.g., land use pattern, density, housing type).

(i) The preapplication should indicate that the applicant has on file data and analyses comparing basic services, over which it has control, provided to more affluent areas of the jurisdiction to the level and type of basic services which are provided to the Pocket of Poverty. To the extent practicable, the applicant must document that per capita expenditures are at least equivalent in the Pocket of Poverty when compared to the more affluent area. If comparisons of per capita expenditures of basic services are not practicable, the data and analyses on file should use similar units of measurement, which approximate per capita costs, to compare the level and type of basic services provided in the pocket to those provided in more affluent residential areas. For example, if the police department's standard for response to calls requesting assistance in the more affluent areas is "x" minutes, then the applicant must have documentation in its files that it provides the Pocket of Poverty at least this level of service. Similarly, if the standard for sanitation is "x" trash pickups in the more affluent areas, the applicant must have data and analyses in its file that demonstrate that it provides the Pocket of Poverty at least this level of service, etc.

(ii) The data and analyses on file must also indicate that the compared basic services reflect adjustments to the needs resulting from the physical characteristics of the Pocket of Poverty; they must reflect reasonable local efforts to adjust to the service needs resulting from such physical factors as density, housing types, and land use patterns. For example, a relatively high level of density in the pocket would be expected to generate more frequent trash pickups or shorter scheduled trips for trash pickups than in a lower density area.

(b) *Location of the Project and Related Requirements for Communities Containing Pockets of Poverty.* The proposed project must be located within the severely distressed area defined in the eligibility criteria of paragraphs (a) (2) and (3) of this section. However, in limited instances, HUD will approve a project on a site directly adjacent to the Pocket of Poverty if the applicant demonstrates in the application that there is no other suitable site for the project in the Pocket of Poverty. To do this, the applicant must provide in the application data and analyses that indicate that the project would not be economically feasible if located on a site in the pocket or that its location on a site in the pocket would cause harm to low- and moderate-income residents of the pocket and the area's overall economic development. All assisted projects directly adjacent to the pocket must substantially contribute to the development of the pocket, and must meet the minimum requirements described in paragraph (c) of this section.

(c) *Application Submission Factors in Addition to Those of § 570.458*—(1) *General.* Applicants for Action Grants under the Pockets of Poverty provision must meet the requirements of this section in addition to those described in § 570.458.

(2) *Provision of Local Matching Funds.* Applicants applying for Action Grants under Pockets of Poverty must make available a cash contribution, equal to 20 percent of the amount of the grant requested, to be used as a local match. The amount of the grant requested equals the amount of money which the private participating party states is necessary in order to build the

project. The statement that "but for the receipt of the public funds requested * * *" is further described under "firm private commitment" in § 570.451(h). The local share is then calculated by taking 20 percent of the "but for" amount. Such funds may be derived from local funding sources, State funds or from any Federal program which permits the use of financial assistance to meet the non-Federal share requirement of Federal grant-in-aid programs. Revenue bonds, however, may not be used as the source of the local match.

(i) *Use of the Local Match.* The 20 percent share must be in cash and must be spent on direct costs resulting from the project and occurring because of the project. For example, the match may be used to provide sewer and water facilities required by the project or roads specifically needed by the project.

(ii) *Provision of a Firm Commitment of the Local Matching Funds.* If the source of the funds to be used as the match is from own source revenues or locally derived revenues, the chief executive officer must submit evidence with the application that a city or county council resolution or other appropriate action has been taken approving the allocation of these funds. If the source of such funds is a State or Federal agency which must approve their utilization, then a letter of commitment from that agency must be submitted with the application.

(3) *Direct Benefits to the Low- and Moderate-Income Inhabitants of the Pocket of Poverty.* Applicants must demonstrate that the proposed project will provide direct benefits to the low- and moderate-income residents of the Pocket of Poverty and substantially contribute to the physical and economic development of the Pocket of Poverty, particularly those areas occupied by low- and moderate-income residents of the pocket of poverty. Applications must address the following categories of benefits and impacts.

(i) *Employment Opportunities.* The application must describe the number and, to the extent possible, the types of new jobs (construction and permanent) which will be provided to the low- and moderate-income residents of the Pocket of Poverty as a direct result of the proposed project. If the application calls for job training programs (such as those related to the CETA program) or job recruiting services for the pocket's residents, then such proposed activities must be clearly and fully explained. HUD requires applicants to ensure that at least 75 percent of whatever permanent jobs initially result from the project are provided to low- and moderate-income persons and that at least 51 percent of whatever permanent jobs initially result from the project are provided to low- and moderate-income residents from the pocket. HUD encourages applicants to ensure that at least 20 percent of all permanent jobs are filled by persons from the pocket qualified to participate in the CETA program on a continuous basis. HUD requires all applicants to continuously use best efforts to ensure that at least 75 percent of all permanent jobs resulting from any Action Grant-assisted project are provided to low- and moderate-income persons and that at least 51 percent of all permanent jobs resulting from any Action Grant-assisted project are provided to low- and moderate-income residents from the pocket. The application should clearly describe how the applicant intends to meet initial and continuous job requirements. Applicants are referred to § 570.461(b) concerning legally binding commitments. Private participating parties must meet these employment requirements in the aggregate. To enable the private participants to do so, lease agreements executed by a private participating party shall include: (i) Provisions requiring lessees to follow hiring practices which the private participating party has determined will enable it to meet these requirements in the aggregate and (ii) provisions which will enable the private participating party to declare a default under the lease agreement if the lessees do not follow such practices.

(ii) *Services and Physical Improvements.* If relevant, the application should describe the services and physical improvements to be provided by the project and their specific relationship to the needs of the low- and moderate-income inhabitants of the Pocket of Poverty.

(iii) *Repayment by Private Sector.* HUD requires the applicant to utilize proceeds from any repayment of Action Grant funds or local match funds by the private sector for the direct benefit of low- and moderate-income residents of the pocket's area.

(iv) *Tax Increment.* HUD encourages the applicant to allocate local revenues equal to a significant portion of the applicant's tax increment (net increase in property tax revenues over current revenues) resulting from the project to the Pocket of Poverty for economic or community development purposes within the pocket, particularly the areas occupied by low- and moderate-income residents of the Pocket of Poverty. The activities for which the funds may be used must directly benefit the low- and moderate-income residents of the Pocket of Poverty. The funds may not be used to meet comparable service requirements defined in paragraph (a)(7) of this section or to substitute for applicant resources normally made available to the pocket's area or their residents.

(v) *Minority Entrepreneurs.* HUD encourages the applicant to provide opportunities for minority entrepreneurs, including minority entrepreneurs from the pockets, in all aspects of the project (planning, design, construction and operation of the project).

(vi) *Minority Jobs.* HUD encourages the applicant to provide job opportunity to low- and moderate-income minorities equivalent, at a minimum, to their proportion of the population in the pocket.

(d) *Criteria for Project Selection for Communities Containing Pockets of Poverty*—(1) *General.* Applications from eligible Pockets of Poverty communities will be considered separately from those of distressed communities. However, each project submitted by jurisdictions eligible on the basis of its Pockets of Poverty must compare favorably on its own merits with any other Action Grant project to be selected for funding. Criteria for the selection of projects for preliminary funding approval are set forth in § 570.459 (a) and (b), and (e) through (r) with the additions and modifications set forth in paragraph (d)(2) of this section.

(2) *Additional Factors for the Selection of Projects for Funding.* HUD shall in each calendar quarter review all proposals received and pending consideration and shall determine which among such proposals shall receive preliminary funding approval on the following bases:

(i) The comparative degree of distress in the Pocket of Poverty as measured by the percent of residents below the national poverty level and the percent of residents with incomes below 80 percent of the median income.

(ii) The comparative degree of benefits to be provided to low- and moderate-income persons residing in the area. For example, given two equally feasible and effective proposals, HUD will select that proposal which provides the greatest overall benefits to low- and moderate-income persons living in the pocket of poverty.

(iii) HUD shall also consider:

(A) The extent to which the project provides jobs to CETA-eligible residents of the Pocket of Poverty;

(B) the extent to which a significant portion of the tax increment, or an equivalent thereof, is allocated for economic or community development purposes within the pocket for activities

which directly benefit low- and moderate-income residents of the pocket;

(C) the extent to which low- and moderate-income minorities are employed in the project in excess of their proportion of the population of the Pocket of Poverty;

(D) the extent to which minority entrepreneurs, including minority entrepreneurs from the pocket, are provided opportunities to participate in all phases of the project; and

(E) the extent of support for the project from bona fide groups representing low- and moderate-income residents of the pocket and from pocket's residents themselves.

Authority: Title I, Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); Title I, Housing and Community Development Act of 1977 (Pub. L. 95–128); and Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

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Stephen J. Bollinger,

Assistant Secretary for Community Planning and Development.

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
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DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
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DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
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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.

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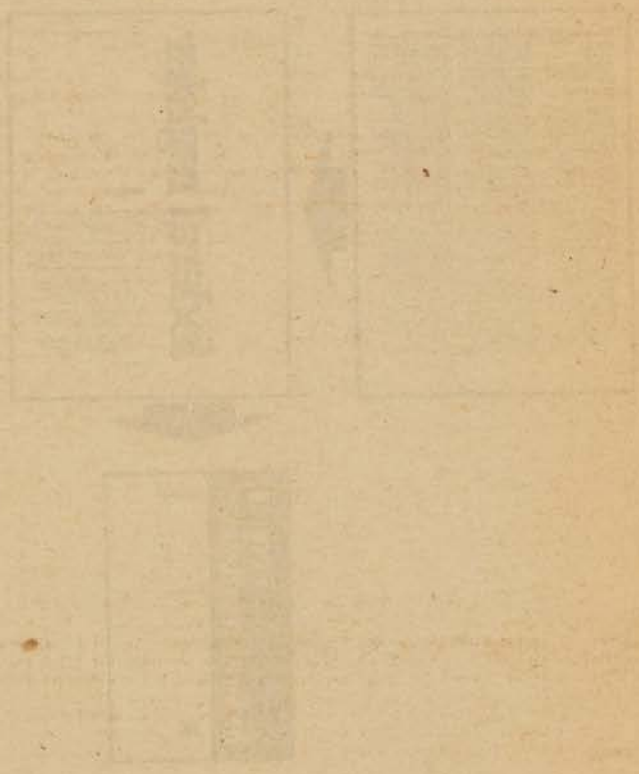

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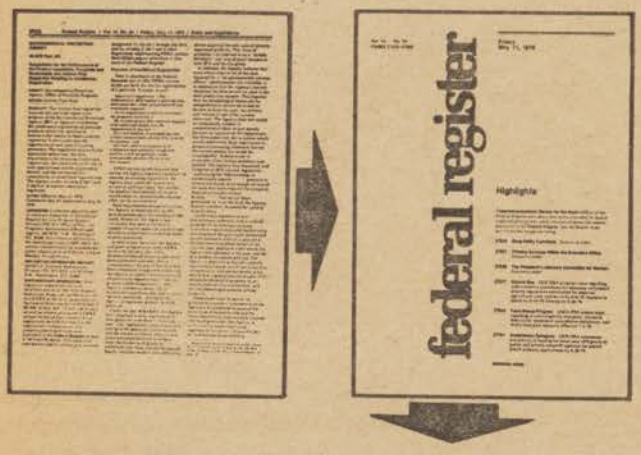

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