AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

OK.

7-13-82
Vol. 47 No. 134
Pages 30229-30448

Federal Register

Tuesday
July 13, 1982

Selected Subjects

Administrative Practice and Procedure
Forest Service

Air Rates and Fares
Civil Aeronautics Board

Animal Diseases
Animal and Plant Health Inspection Service

Animal Drugs
Food and Drug Administration

Biologics
Animal and Plant Health Inspection Service

Coal Mining
Surface Mining Reclamation and Enforcement Office

Commodity Futures
Commodity Futures Trading Commission

Endangered and Threatened Wildlife
Fish and Wildlife Service

Flood Insurance
Federal Emergency Management Agency

Food Additives
Food and Drug Administration

Government Property Management
Farmers Home Administration

Hazardous Materials
Environmental Protection Agency

Health Professions
Federal Trade Commission

CONTINUED INSIDE



Selected Subjects

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers, free of postage, for $300.00 per year, or $150.00 for six months, payable in advance. The charge for individual copies is $1.50 for each issue, or $1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the **Federal Register.**

Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

Health Records
Occupational Safety and Health Administration

Marketing Agreements
Agricultural Marketing Service

Motor Vehicles
Federal Trade Commission

Nuclear Power Plants and Reactors
Nuclear Regulatory Commission

Trade Practices
Federal Trade Commission

Veterans
Veterans Administration

Wages
Personnel Management Office

Contents

Federal Register
Vol. 47, No. 134
Tuesday, July 13, 1982

Agricultural Marketing Service
PROPOSED RULES
30258 Filberts/hazelnuts grown in Oreg. and Wash.
30257 Onions grown in Idaho and Oreg.

Agriculture Department
See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Farmers Home Administration; Forest Service; Soil Conservation Service.

Alaska Natural Gas Transportation System, Office of Federal Inspector
NOTICES
30271 Rate base determination audit report; Northwest Alaskan Pipeline Co. expenditures; tentative determination; inquiry

Animal and Plant Health Inspection Service
RULES
Animal and poultry import restrictions:
30230 Chlortetracycline treatment of psittacosis in birds in USDA quarantine stations; medicated feeding requirement
PROPOSED RULES
Viruses, serums, toxins, etc.:
30259 Salmonella and pasteurella bacterins, standard requirements revision

Antitrust Division
NOTICES
Competitive impact statements and proposed consent judgments:
30311 C. Itoh & Co., Ltd., et al.
30315 Pan-Alaska Fisheries, Inc., et al.

Civil Aeronautics Board
RULES
30236 Free and reduced rate transportation; carriers exemptions, barter transactions and promotional programs including employee fringe benefits

Civil Rights Commission
NOTICES
Meetings; State advisory committees:
30272 Illinois
30272 Indiana
30272 Maryland
30273 Virginia
30273 Washington

Commerce Department
See International Trade Administration; National Bureau of Standards; National Oceanic and Atmospheric Administration; National Telecommunications and Information Administration.

Commodity Futures Trading Commission
PROPOSED RULES
30261 Futures commission merchants; minimum financial and related reporting requirements; adjusted net capital requirement and safety factor charge or "haircut"

Consumer Product Safety Commission
NOTICES
30348 Meetings; Sunshine Act

Defense Department
See also Navy Department.
RULES
Vocational rehabilitation and education:
30247 Educational benefits; flight training
PROPOSED RULES
Vocational rehabilitation and education:
30269 Post-Vietnam era veterans' educational assistance program

Economic Regulatory Administration
NOTICES
Crude oil, domestic; allocation program, 1981; entitlement notices:
30279 Publication stay due to litigation; intent to conduct public proceedings
Natural gas exportation or importation petitions:
30279 Texas Eastern Transmission Corp.
30281 Transwestern Pipeline Co.
Powerplant and industrial fuel use; prohibition orders, exemption requests, etc.:
30280 Northwestern University

Employment and Training Administration
RULES
30238 Special unemployment assistance; revocation
NOTICES
Adjustment assistance:
30324 Brown Shoe Co., et al.

Energy Department
See also Economic Regulatory Administration; Energy Research Office; Federal Energy Regulatory Commission.
NOTICES
Committees; establishment, renewals, terminations, etc.:
30279 New Production Reactor Concept and Site Selection Advisory Panel

Energy Research Office
NOTICES
Meetings:
30282 Energy Research Advisory Board

Environmental Protection Agency
RULES
Hazardous waste:
30446 Treatment, storage, and disposal facilities, standards for owners and operators; liability coverage requirements for bodily injury and property damage; final rule and effective date extended
PROPOSED RULES
Toxic substances:
30270 Polychlorinated biphenyls (PCB's); American Society for Testing and Materials test methods; incorporations by reference; comment time reopened
NOTICES
Meetings:
30284 Interagency Toxic Substances Data Committee; cancellation
Water pollution control; safe drinking water, public systems designations:
30282 Massachusetts

Farmers Home Administration
RULES
30230 Property management; disposal of acquired property

Federal Aviation Administration
NOTICES
30347 Exemption petitions; summary and disposition

Federal Communications Commission
NOTICES
Common carrier services:
30284 Telephone network, nationwide; customer-provided telephone equipment; permanent exemption for Energy Department
30348 Meetings; Sunshine Act (2 documents)

Federal Emergency Management Agency
RULES
Flood insurance; communities eligible for sale:
30249 Alaska et al.
30253 California et al.
30251 Ohio et al.

Federal Energy Regulatory Commission
NOTICES
30349 Meetings; Sunshine Act

Federal Home Loan Bank Board
NOTICES
30351 Meetings; Sunshine Act

Federal Maritime Commission
RULES
30255 Reporting and recordkeeping requirements
NOTICES
30285 Agreements filed, etc.
Investigations and hearings, etc.:
30287 Mid-Gulf Seaports Marine Terminal Conference et al. (T–3856)
30285 Remolcadores y Chalanes, S.A. (USAMEX Hydro-Train); tariff filing exemption; denied

Federal Mine Safety and Health Review Commission
NOTICES
30351 Meetings; Sunshine Act (2 documents)

Federal Pay, Advisory Committee
NOTICES
30271 Meetings

Federal Prevailing Rate Advisory Committee
NOTICES
30288 Meetings

Federal Reserve System
NOTICES
30351 Meetings; Sunshine Act

Federal Trade Commission
RULES
Prohibited trade practices:
30237 Broward County Medical Association
30238 General Motors Corp.
30238 Godfrey Co.
PROPOSED RULES
30261 Premerger notification program; paperwork reduction; correction

Fish and Wildlife Service
RULES
Endangered and threatened species:
30440 McKittrick pennyroyal

Food and Drug Administration
RULES
Animal drugs, feeds, and related products:
30246 Hygromycin B
30242 Levamisole hydrochloride paste; correction
30244 Lincomycin with pyrantel tartrate
30242 Sulfabromomethazine sodium boluses
30241 Tylosin
30244 Tylosin and sulfamethazine
Food additives:
30241 Polymers; calcium bis[monoethyl(3,5-de-*tert*-butyl-4-hydroxybenzyl)phosphonate] use as antioxidant and/or stabilizer
30239 Polymers; di(*n*octyl)tin bis(2-ethylhexyl maleate) use as antioxidant and/or stabilizer
30240 Polymers; octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate use as antioxidant and/or stabilizer
Human drugs:
30241 Antibiotic drugs; update and technical changes; correction
PROPOSED RULES
Human drugs:
30266 Erythromycin estolate adult dosage forms; revocation of certification; withdrawn and petition denied; correction
NOTICES
Food additives, petitions filed or withdrawn:
30291 Fujimori Kogyo Co., Ltd.
30291 Mobay Chemical Corp.
30291 Monsanto Co.
30291 Velsicol Chemical Corp.
GRAS or prior-sanctioned ingredients:
30290 Glutaraldehyde cross-linked collagen used in manufacture of sausage casings
Human drugs:
30292 Prescription topical anti-infective drug products for dermatological use; drug efficacy study implementation; revocation of exemption; meeting

Medical devices; premarket approval:
30288 CooperVision, Inc.; CLERZ Lubricating and Rewetting Eye Drops
30289 Danker Laboratories, Inc.; DANSIL (dimefocon A) silicon contact lens
Meetings:
30292 Consumer information exchange

Forest Service
RULES
Grants and cooperative agreements:
30246 Cooperative aid recipients; advance of research funds; deletion

General Services Administration
RULES
Property management:
30248 Motor vehicle data reporting; temporary
30248 Supply activity report; extension of expiration date; temporary

Health and Human Services Department
See Food and Drug Administration; Health Care Financing Administration; Public Health Service.

Health Care Financing Administration
NOTICES
Medicaid; State plan amendments, reconsideration; hearings:
30292 Indiana

Indian Affairs Bureau
NOTICES
Judgment funds; plan for use and distribution:
30295 Blackfeet Tribe, Mont.
30295 Coeur d'Alene Tribe, Idaho
30296 Colorado River Indian Tribes
30296 Lac du Flambeau Band of Lake Superior Chippewa Indians, Wis.
30297 Three Affiliated Tribes of Fort Berthold Reservation

Interior Department
See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; National Park Service; Surface Mining Reclamation and Enforcement Office.

International Communication Agency
NOTICES
Meetings:
30300 Public Diplomacy, U.S. Advisory Commission

International Development Cooperation Agency
See also Overseas Private Investment Corporation.
NOTICES
30300 Agency forms submitted to OMB for review

International Trade Administration
NOTICES
Antidumping
30276 Pig iron from Romania
30276 Pig iron from U.S.S.R.
30275 Stainless steel sheeting and strip products from West Germany
Countervailing duties:
30273 Cotton sheeting and sateen from Peru
30274 Cotton yarn from Peru
30274 Stainless steel products from Brazil

International Trade Commission
NOTICES
30351 Meetings; Sunshine Act

Interstate Commerce Commission
NOTICES
30300 Bus legislation; implementation
30300 Long and short haul applications for relief
Motor carriers:
30301 Finance applications
30303, 30305 Permanent authority applications (2 documents)
30304 Permanent authority applications; restriction removals
Railroad services abandonment:
30308, 30309 Consolidated Rail Corp. (3 documents)
30309 Illinois Central Gulf Railroad Co.
30310 Missouri-Kansas-Texas Railroad Co.
30308 Norfolk & Western Railway Co.
30309, 30310 Northwestern Pacific Railroad Co. (2 documents)
30309 Oregon Short Line Railroad Co.
30309 Southern Pacific Transportation Co.

Justice Department
See also Antitrust Division; Juvenile Justice and Delinquency Prevention Office; Parole Commission.
NOTICES
Pollution control; consent judgments:
30321 Standard Metals Corp.
Senior Executive Service:
30310 Performance Review Board; membership

Juvenile Justice and Delinquency Prevention Office
NOTICES
National priority and discretionary program announcements:
30321 Serious and violent juvenile offender research plan; public comments summary and response and final plan

Labor Department
See also Employment and Training Administration; Mine Safety and Health Administration; Occupational Safety and Health Administration.
NOTICES
30362 Privacy Act; systems of records; annual publication

Land Management Bureau
NOTICES
Alaska native claims selection; applications, etc.:
30298 Salamatof Native Association, Inc., et al.; correction

Legal Services Corporation
NOTICES
30351 Meetings; Sunshine Act

Mine Safety and Health Administration
NOTICES
Petitions for mandatory safety standard modifications:
30324 Cardinal Resources, Inc.
30325 Clinchfield Coal Co.
30325 Jim Walter Resources, Inc.
30326 Van Mulvehill Coal Co., Inc.

30326 Sewell Coal Co.

National Bureau of Standards
NOTICES
Information processing standards, Federal:
30277 I/O channel level interface, etc.

National Oceanic and Atmospheric Administration
PROPOSED RULES
Fishery conservation and management:
30270 Spiny lobster; Western Pacific region; correction
NOTICES
Meetings:
30278 Gulf of Mexico Fishery Management Council

National Park Service
NOTICES
Historic Places National Register; pending nominations
30298 Hawaii et al.

National Science Foundation
NOTICES
30328 Antarctic Conservation Act of 1978; permit applications, etc.

National Telecommunications and Information Administration
NOTICES
Meetings:
30278 Frequency Management Advisory Council

Navy Department
NOTICES
30279 Environmental statements; availability, etc: Electric Generating Solar Pond (Five Megawatt); Salton Sea, Calif

Nuclear Regulatory Commission
RULES
Production and utilization facilities, domestic licensing:
30232 Emergency planning and preparedness
NOTICES
Applications, etc.:
30331 Carolina Power & Light Co.
30330 Commonwealth Edison Co.
30331, 30332 Pacific Gas & Electric Co. (3 documents)
Environmental statements; availability, etc.:
30331 Kerr-McGee Chemical Corp.; Rare Earth Facility, West Chicago, Illinois; extension of time
30330 Regulatory guides; issuance, availability, and withdrawal

Occupational Safety and Health Administration
PROPOSED RULES
Health and safety standards:
30420 Employee exposure and medical records, access; modification
NOTICES
State plans; standards approval, etc.:
30326 Connecticut
30327 Utah

Overseas Private Investment Corporation
NOTICES
30300 Agency forms submitted to OMB for review

Parole Commission
NOTICES
30351 Meetings; Sunshine Act

Personnel Management Office
See also Federal Prevailing Rate Advisory Committee.
RULES
30229 General Schedule employee; loss of merit pay status

Public Health Service
NOTICES
Organization, functions, and authority delegations:
30293 Food and Drug Administration

Securities and Exchange Commission
NOTICES
30346 Consolidated Tape Association plan; receipt of amendment
Hearings, etc.:
30333 Archer Money Market Fund of Government Securities, Inc.
30335 Great-West Life & Annunity Insurance Co. et al.
30335 Gulf Power Co.
30336 Harvard Small Business Investment Co.
30337 INA Annuity Fund, Inc.
30339 Jefferson-Pilot Money Market Fund, Inc.
30340 Southern Co.
30345 Southern Co. et al.
30341 Southwestern Electric Power Co. (2 documents)
Self/regulatory organizations; proposed rule changes:
30333, 30342 American Stock Exchange, Inc. (2 documents)
30342 Midwest Clearing Corp.
30343 Midwest Securities Trust Co.
30344 Philadelphia Stock Exchange, Inc.

Small Business Administration
NOTICES
Applications, etc.:
30346 Freshstart Venture Capital Corp.
Disaster loan areas:
30346 Kansas

Soil Conservation Service
NOTICES
Environmental statements; availability, etc.:
30271 Cedar Lane Public Drainage Association Flood Prevention and Drainage Measure, Maryland Eastern Shore RC&D Area

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Abandoned mine land reclamation program; plan submissions:
30267 Arkansas

Permanent and interim regulatory programs:
30267 Hydrology and geology permitting and performance standards and areas unsuitable for mining; meeting
30266 Permanent regulatory program; closing of public comment periods for certain proposals

Transportation Department
See Federal Aviation Administration

Veterans Administration
RULES
Vocational rehabilitation and education:
30247 Educational benefits; flight training
PROPOSED RULES
Vocational rehabilitation and education:
30269 Post-Vietnam era veterans' educational assistance program

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

5 CFR
531 30229

7 CFR
1955 30230

Proposed Rules:
958 30257
982 30258

9 CFR
92 30230

Proposed Rules:
113 30259

10 CFR
50 30232

14 CFR
223 30236

16 CFR
13 (3 documents) 30237, 30238

Proposed Rules:
801 30261
802 30261
803 30261

17 CFR

Proposed Rules:
1 30261

20 CFR
619 30238

21 CFR
178 (3 documents) 30239–30241
436 30241
440 30241
442 30241
444 30241
446 30241
510 30241
520 (2 documents) 30242
556 30242
558 (4 documents) 30241, 30244, 30246

Proposed Rules:
452 30266

29 CFR

Proposed Rules:
1910 30420

30 CFR

Proposed Rules:
Ch. VII 30267
700 30266
701 30266
715 30266
717 30266
736 30266
760 30266
762 30266
769 30266
770 30266
771 30266
772 30266
773 30266
775 30266
776 30266
778 30266
779 30266
780 30266
782 30266
783 30266
784 30266
785 30266
786 30266
787 30266
788 30266
815 30266
816 30266
817 30266
818 30266
819 30266
822 30266
823 30266
824 30266
826 30266
827 30266
843 30266
850 30266
904 30267

36 CFR
211 30246

38 CFR
21 30247

Proposed Rules:
21 30269

40 CFR
264 30446
265 30446

Proposed Rules:
761 30270

41 CFR
Ch. 101 (2 documents) 30248

44 CFR
64 (2 documents) 30249, 30253
65 30251

46 CFR
528 30255
537 30255

50 CFR
17 30440

Proposed Rules:
681 30270

Rules and Regulations

Federal Register
Vol. 47, No. 134
Tuesday, July 13, 1982

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.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 531

Pay Under the General Schedule

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: This regulation prescribes a rule for determining a General Schedule employee's rate of basic pay upon loss of merit pay status. Such a rule is necessary because the current regulations provide pay determination rules for position or appointment changes and for conversion *to* the Merit Pay System, but not for loss of merit pay status. This regulation will fill this gap in the current regulations.

EFFECTIVE DATE: August 12, 1982.

FOR FURTHER INFORMATION CONTACT: Donald J. Winstead, (202)–632–4634, or Peter G. Rymshaw, (202)–632–5626.

SUPPLEMENTARY INFORMATION: A proposed regulation was published in the Federal Register on August 14, 1981 (46 FR 41077), for a public comment period of 30 days. The Office of Personnel Management (OPM) received written comments from five agencies, three of which offered specific recommendations for clarifying or modifying the proposed regulation. No substantive changes are required in the proposed regulation. However, OPM has modified the proposed regulation slightly, as explained below.

One agency recommended a clarification of the proposed regulation to indicate that it applies to a change in merit pay status that has actually taken place, rather than to a change that is merely contemplated. The source of this confusion appears to be the term "prospective." To avoid such confusion, OPM has modified the proposed regulation to indicate that it applies only to a "prospectively effective" change—i.e., a change that, because it does not represent the correction of a merit pay coverage determination that has been found to be erroneous, has prospective, rather than retroactive, effect.

Note.—A change in coverage based solely on a bargaining unit clarification decision by the Federal Labor Relations Authority is considered to be a prospectively effective change.

Another agency noted that the proposed regulation applies only to prospectively effective changes and inquired about the possibility of retroactively effective changes. The proposed regulation applies only to prospectively effective changes because any retroactively effective change in an agency's merit pay coverage determination would require that the employee's rate of basic pay be adjusted to the rate to which he or she would have been entitled if the erroneous merit pay coverage determination upon which the change is based had not been made. If the correction of an erroneous merit pay coverage determination results in entitlement to back pay, the action must be processed under Subpart H, Part 550, of Title 5, Code of Federal Regulations. If the correction of an erroneous merit pay coverage determination results in an overpayment and the need for a reduction in pay, the overpayment may be considered for waiver under 5 U.S.C. 5584, and the reduction in pay is not considered to be an adverse action. (See 5 CFR 752.401(c)(10).)

A third agency recommended a change in the proposed regulation to indicate that if the existing rate of basic pay falls between two steps of the General Schedule, the employee shall be paid at the higher step. Such a change is unnecessary because the proposed regulation already accomplishes the same result. For example, a GS–13 employee with a rate of basic pay of $35,000 per year would be entitled to basic pay at the rate for GS–13, step 3 ($35,826 per year), because the rate for GS–13, step 3, is "the *lowest* rate of the grade of his or her position that is equal to *or greater than* his or her existing rate of basic pay." (Emphasis added.) This regulation does not permit an agency to set the employee's rate of basic pay at any higher rate.

Finally, one agency requested clarification concerning equivalent increase determinations for within-grade increase purposes when an employee loses his or her merit pay status. An adjustment in pay under 5 CFR 531.204(d) must be counted towards an equivalent increase even though it would not, by itself, constitute an equivalent increase. In addition, any merit pay increase received by the employee before the loss of merit pay status occurred must be counted towards an equivalent increase (except for that portion, if any, that was necessary to increase the employee's rate of basic pay to the new minimum rate for the grade). Therefore, it is likely that the pay adjustment under 5 CFR 531.204(d), together with the portion of the last merit pay increase that must be counted towards an equivalent increase, will result in an equivalent increase effective on the date the employee lost his or her merit pay status, at which time a new waiting period for a within-grade increase would begin.

E.O. 12291, Federal Regulation

OPM has determined that this is not a major rule as defined under section 1(b) of E.O. 12291, Federal Regulation.

Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities because the regulation concerns administrative practices and will affect only employees of the Federal Government.

List of Subjects in 5 CFR Part 531

Administrative practice and procedure, Government employees, Wages.

Office of Personnel Management.
Donald J. Devine,
Director.

PART 531—PAY UNDER THE GENERAL SCHEDULE

Accordingly, a new paragraph (d) is added to § 531.204 of Title 5, Code of Federal Regulations, to read as follows:

§ 531.204 Special provisions.

* * * * *

(d) *Pay determination upon loss of merit pay status.* When an employee loses his or her merit pay status as a result of a prospectively effective change in the agency's merit pay

coverage determination, the employee shall be entitled to basic pay at the lowest rate of the grade of his or her position that is equal to or greater than his or her existing rate of basic pay.

(5 U.S.C. 5334, 5402)

[FR Doc. 82-18824 Filed 7-12-82; 8:45 am]
BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1955

Disposal of Acquired Property

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulations regarding Disposal of Acquired Property. The intended effect of this action is to authorize the use of an exclusive listing agreement for the sale of Rural Housing acquired properties on a pilot basis as authorized by the Administrator and is needed to facilitate sales of inventory property.

EFFECTIVE DATE: July 13, 1982.

FOR FURTHER INFORMATION CONTACT: Ron Tharrington, Chief, Property Management Branch, Single Family Housing, Farmers Home Administration, USDA, Room 5309, South Agriculture Building, 14th and Independence Avenue, SW., Washington, DC 20250, Telephone: (202) 382-1452.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum 1512-1 to implement Executive Order 12291, and has been determined to be exempt from those requirements because it involves Agency management concerning contracts entered into for the disposal of Agency owned property.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comments notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This action, however, is not published for proposed rulemaking since the purpose of this change involves only Agency management and procurement and publication for comment is unnecessary.

This regulation does not directly affect any FmHA programs or projects which are subject to A-95 Clearinghouse review. This document has been reviewed in accordance with FmHA Instruction 1901-G, "Environmental Impact Statement." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment and, in accordance with the National Environmental Policy Act of 1969, Pub. L. 91-190, an Environmental Impact Statement is not required.

List of Subjects in 7 CFR Part 1955

Government acquired property, Sale of Government acquired property.

PART 1955—PROPERTY MANAGEMENT

Accordingly, Subpart C of Part 1955, Chapter XVIII, Title 7, Code of Federal Regulations is amended by revising § 1955.117(a)(2)(iii) and § 1955.118(c) to read as follows:

§ 1955.117 Sale of real estate that secured Rural Housing (RH) loans.* * *

(a) *Method of sale.* * * *

(2) *Sale by real estate brokers.* * * *

(iii) The broker listing acquired housing properties on a term basis or who agrees to list five or more acquired properties on an individual listing basis within a calendar year must submit Form HUD 935.2, "Affirmative Fair Housing Marketing Plan," or be signatory to a Voluntary Affirmative Marketing Agreement approved by FmHA. A signed copy of the approved marketing agreement will be attached to the original Form FmHA 1955-C-2, "Non-Exclusive Real Property Master Listing Agreement," or other listing agreement pursuant to § 1955.118(c).

* * * * *

§ 1955.118 Selection and use of real estate brokers.

* * * * *

(c) *Listing agreements.* Any real estate broker who agrees to list acquired property for sale will execute Form FmHA 1955-C-2, except where exclusive listing agreements are authorized by the Administrator on a pilot basis. The County Supervisor or the State Director within their contracting authority are authorized to execute listing agreements on behalf of the Government.

* * * * *

(42 U.S.C. 1480; 7 CFR 2.23; 7 CFR 2.70)

Dated: June 17, 1982.

Charles A. Jewell,

Acting Administrator.

[FR Doc. 82-18901 Filed 7-12-82; 8:45 am]
BILLING CODE 3410-07-M

Animal and Plant Health Inspection Service

9 CFR Part 92

[Docket No. 82-48]

Chlortetracycline Treatment of Psittacine Birds in USDA Quarantine Stations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends feeding requirements for prevention of psittacosis (chlamydiosis) in psittacine birds in USDA-approved quarantine stations, to allow the use of pelleted medicated feed ration in addition to medicated cooked grain mash presently recommended in the United States Public Health Service (USPHS) guidelines. The United States Department of Agriculture (USDA) currently requires quarantine stations to follow USPHS guidelines. This action is being taken because recent research conducted by USDA indicates that pelleted medicated feed ration which contains the proper percentages of ingredients is equally, if not more, effective than the cooked grain ration in the treatment and prevention of psittacosis (chlamdiosis).

This final rule will result in a medicated feeding requirement that will:

(1) Control and prevent the spread of psittacosis to other birds and animals; assure a high level of protection to USDA employees and others exposed to the birds by a diet that provides a uniform high blood level of chlortetracycline (CTC) in birds, and

(2) Allow the bird importer to choose the method of feeding that is most convenient or cost-effective for his or her operation.

EFFECTIVE DATE: August 13, 1982.

FOR FURTHER INFORMATION CONTACT: Dr. S. S. Richeson, USDA, APHIS, VS, Import-Export Staff, Room 817, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8170.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This document has been reviewed in conformance with Executive Order 12291, and has been determined to be not a "major rule." This final rule will not have a significant effect on the economy and will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

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.

Alternatives

The alternatives considered in making this decision were:

(1) *To make no change in the regulation*—Option 1 will require the quarantine stations to continue using cooked mash, although the Department is aware that an effective alternative method is available. Stations where labor is a limiting factor will be at a disadvantage if required to continue using this labor intensive method of preparing mash. All employees and USDA personnel at the station will still be protected from the disease.

(2) *To make the proposed change*—Option 2 will allow importers to choose a feeding method suitable to their operation. It is believed that some quarantine stations will switch to the pelleted feed because of the convenience of using it. Allowing flexibility in how CTC is administered should improve operations at these individual quarantine stations. The feed will be equally, if not more, effective in protecting those persons in contact with the birds from the disease. Should other feeds be developed which meet the new requirement, importers will be allowed to use these feeds as well. Withdrawing the requirement for CTC medicated feed was not considered a viable alternative because it is necessary to prevent disease spread to other birds and animals and because of the risk to USDA personnel and other individuals in contact with these birds in the quarantine stations. For these reasons, Option 2 has been selected.

Therefore, the Department is amending Title 9, Code of Federal Regulations, § 92.11(f)(3)(ii)(C) and in § 92.11(f)(8), paragraph A.13. of the Cooperative Agreement is amended by removing the reference to the USPHS guidelines, and thus, allow the feeding of chlortetracycline to psittacine birds in a pelleted form.

Regulatory Flexibility Act

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 it merely allows the oral antibiotic CTC which is fed to certain birds in quarantine facilities under USDA supervision to be administered in more than one form. The formulation currently required is available from only one company. Its sale to USDA-approved quarantine stations is not a significant part of that company's income. Two additional companies in California and Chicago, Illinois, have a pelleted CTC feed and are interested in obtaining approval for feeding their ration. The quarantine facilities will not be affected unless they choose to change their methods of feeding.

Background

On November 23, 1981, a document was published in the **Federal Register** (46 FR 57307–57308) which proposed to amend feeding requirements for psittacine birds to allow the use of pelleted medicated feed ration in addition to medicated cooked grain mash presently recommended in the United States Public Health Service (USPHS) guidelines.

A 60 day comment period was provided for receipt of comments which expired on January 22, 1982. Three comments were received.

One comment concerned the number of birds and species used in research on which USDA based this action and public health concerns with the psittacosis program in general.

USDA-approval of the pelleted feed is based on 3 trials using various sized psittacine species ranging from conures and amazon parrots to macaws in size. The total number of psittacines of all sizes which were used totaled nearly 70 birds. Three levels of CTC (1 percent, 1½ percent and 1¾ percent) were fed in the pelleted ration.

The results of the testing showed that the birds ate the feed, that the pelleted form is easily adaptable to the feeding program at the quarantine stations, and pellets left CTC in the blood at levels consistent enough to inhibit and destroy *Chlamydia psittaci*. Although psittacosis is at a relatively low incidence in poultry in the United States, it is frequently found in birds coming into the United States from other parts of the world. USDA has a responsibility to protect our personnel who work with these birds while the birds are in quarantine. Therefore, it is required that the birds be fed CTC while under USDA quarantine.

A second commenter conditionally supported this rule but asked USDA to reassess the efficacy data generated during our testing of the pelleted medicated feed ration. The data was analyzed by Department bio-statisticians using established scientific criteria. The results of the testing, as described above, indicated that the effectiveness of the medication in a pelleted form was comparable to using the medication in mash form and the Agency believes, as a result of this testing, that feeding birds CTC in a pelleted form is adequate to lower the incidence of the *Chlamydia psittaci* organism in the birds to a level which is safe for humans in contact with the birds in quarantine. This commenter also suggested that the final rule require CTC serum assays, facility sanitation standards, and microbiologic assessment of each lot of birds prior to release from quarantine in order to document efficacy of using the medication in a pelleted form to eradicate psittacosis in birds. This is not possible as USDA has no funding or manpower to handle such sampling and standards which would be part of a program to eradicate psittacosis in birds or research concerning the feasibility of eradicating psittacosis in birds. The CTC feeding requirement for birds in quarantine is imposed only to protect people in contact with the birds; it is not intended as a research for or program to eradicate psittacosis in birds.

A third comment recommended the proposal be adopted.

Based on the reasons set forth in the proposal and in this document, the provisions in the proposal are being adopted without change.

List of Subjects in 9 CFR Part 92

Animal diseases, Canada, Imports, Livestock & livestock products, Mexico, Poultry & poultry products, Quarantine, Transportation, Wildlife.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Accordingly, Part 92, Title 9, Code of Federal Regulations, is amended as follows:

1. Section 92.11 is amended by revising paragraph (f)(3)(ii)(C) to read:

§ 92.11 Quarantine requirements.

* * * * *

(f) * * *

(3) * * *

(ii) * * *

(C) Birds of the psittacine family shall receive a balanced, medicated feed ration treatment containing not less than 1% CTC with not more than 0.7% calcium for the entire quarantine period as a precautionary measure against chlamydiosis (psittacosis).

* * * * *

2. In § 92.11(f)(3)(ii)(C), footnote number 9 is removed and footnotes 10 through 16 and all references thereto are redesignated 9 through 15.

3. In § 92.11(f)(8) paragraph A.13 of the cooperative agreement, the first sentence is amended, to read: "To feed chlortetracycline to psittacine birds, upon their arrival in the facility, as prescribed in § 92.11(f)(3)(ii)(C)."

(Sec. 2, 32 Stat. 792, as amended; secs. 2 and 11, 76 Stat. 129 and 132; (21 U.S.C. 111, 134a and 134f); 37 FR 28464, 28477; 38 FR 19141)

Done at Washington, D.C., this 7th day of July 1982.

R. L. Rissler,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 82-18829 Filed 7-12-82; 8:45 am]

BILLING CODE 3410-34-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Emergency Planning and Preparedness

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to clarify: (1) That emergency preparedness exercises are part of the preoperational inspection and thus required prior to operation above 5% of rated power, but not for a Licensing Board, Appeal Board, or Commission licensing decision; and (2) that for issuance of operating licenses authorizing only fuel loading and low power operation (up to 5% of rated power), no NRC or Federal Emergency Management Agency (FEMA) review, findings and determinations concerning the state or adequacy of offsite emergency preparedness shall be necessary.

EFFECTIVE DATE: July 13, 1982.

FOR FURTHER INFORMATION CONTACT: Michael T. Jamgochian, Human Factors Branch, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 443-5942.

SUPPLEMENTARY INFORMATION: On December 15, 1981, the Commission published in the **Federal Register** two proposed rule changes (46 FR 61132 and 46 FR 61134). The proposed rule change in 46 FR 61134 was considered by the Commission as clarifying in nature. It proposed that 10 CFR 50.47(a)(1) be modified to clarify that the findings on emergency planning required prior to license issuance are predictive in nature and need not reflect the actual state of preparedness at the time the finding is made. The amendment to 10 CFR 50.47(a)(2) was proposed to emphasize the predictive nature of the review and to provide that licensing decisions need not include the results of an exercise. The Commission noted that preparedness connotes the actual state of implementation, is important during the life of the plant, and should be treated as an operational inspection matter. The proposed rule change would require that a full-scale exercise be conducted before operation above 5% of rated power and periodically thereafter.

The proposed rule change in 46 FR 61132 provided that in order to grant a low power license, only a finding as to the adequacy of onsite emergency planning and preparedness is required; that is, neither FEMA nor NRC must have evaluated the adequacy and capability of offsite preparedness organizations and plans prior to issuance of a low power license. While the proposed rule would eliminate the need to have any NRC or FEMA review, findings, or determinations on the adequacy of offsite agencies' emergency planning and preparedness, the NRC review of the licensees' onsite response mechanism would necessarily include aspects of some offsite elements: Communications, notification, assistance agreements with local law enforcement, fire protection, and medical organizations, and the like. Some examples, but not an exclusive list, where review of an applicant's emergency plan would involve aspects of some offsite elements may be found in pertinent portions of 10 CFR 50.47(b)(3), (5), (6), (9), and (12).

Extensive comments were received, all of which were evaluated and considered in developing the final rule.

Summary of Public Comments

The Commission received 40 letters commenting on the 46 FR 61134 proposed rule change and 66 letters commenting on the 46 FR 61132 proposed rule change. Many letters commented on both issues within the same letter. For 46 FR 61134, 27 letters opposed the rule change while 11 letters favored the rule change. In 46 FR 61132, 43 letters opposed the rule change, while 18 letters favored the rule change. For both rule changes, commenters favoring the rule changes were typically utilities, legal firms and consulting firms representing utilities, and one State health department. Commenters opposing the rule changes included private citizens, local elected officials from New Hampshire and Suffolk County, New York, an Assistant Attorney General of Massachusetts, an Assistant Attorney General of New Hampshire, and representatives of various public groups.

All of the significant comments favoring the rule changes basically reiterated the Commission's rationale for promulgation of the proposed rule changes that was put forth in the **Federal Register** Notices, 46 FR 61134 and 46 FR 61132.

The following major issues against changing the regulations were raised in specific comments received. These major issues reflect the areas of concern of many commenters.

Issue 1: The NRC's credibility was so undermined by the handling of the TMI accident that the Commission should take pains to avoid even the *appearance* of relaxing safety standards. By relaxing the current emergency preparedness regulations, far more than the prestige of the agency or the Commissioners is at stake; indeed, it is believed that the credibility of NRC is a vital component of emergency preparedness. If another serious accident were to occur, many lives may be saved if people have enough faith in the dedication and truthfulness of the NRC. As things stand, substantial segments of the population are still alienated and cynical in their feelings about the agency to interfere seriously with the workability of any plans for managing an emergency.

Commission Response: When the Commission published the upgraded emergency preparedness regulations in August 1980, the subject of low power operating licenses was not addressed. At that time the Commission did not differentiate as to what emergency planning requirements would be applicable to the period of fuel loading and low power testing. The Commission has now focused on the risks associated with this level of operation and has chosen a level of emergency preparedness appropriate to assure the health and safety of the public at the stage. In doing so, the Commission does not alter the high standards applicable to the review of emergency preparedness at full power.

Issue 2: During low power testing there are higher risks due to unfamiliarity of the plant operators with their particular plant and due to undiscovered design and construction defects.

Commission Response: The Commission agrees that there may be slightly higher risks due to the plant operators having less experience with the plant at this stage and with a

potential for undiscovered design and construction defects. However, in the Commission's view, this risk is significantly outweighed by several other factors. First, the fission product inventory during low power testing is much less than during higher power operation due to the low level of reactor power and short period of operation. Second, at low power there is a significant reduction in the required capacity of systems designed to mitigate the consequences of accidents compared to the required capacities under full-power operation. Third, the time available for taking actions to identify accident causes and mitigate accident consequences is much longer than at full power. This means the operators should have sufficient time to prevent a radioactive release from occurring. In the worst case, the additional time available (at least 10 hours), even for a postulated low likelihood sequence which could eventually result in release of the fission products accumulated at low power into the containment, would allow adequate precautionary actions to be taken to protect the public near the site. Weighing all risks involved, the Commission has determined that the degree of emergency preparedness necessary to provide adequate protection of the public health and safety is significantly less than that required for full-power operation.[1]

Issue 3: The rule changes would eliminate public participation in the review and assessment of exercises before a licensing board.

Commission Response: While it is true that the rule changes will have the likely effect of limiting litigation of the success of exercises in licensing hearings, it is the Commission's view that such assessments are not necessary to make the kind of predictive finding on emergency planning called for by the regulations prior to license issuance. The substantive emergency planning issues now being litigated in license hearings are largely focused on the 16 planning standards found in 10 CFR 50.47(b). These planning standards are unchanged by the rule changes and do not, in themselves, require a successful exercise. Thus the Commission does not regard the exclusion of the exercise generally from the Licensing Board process as affecting in any fundamental way the manner of public participation on prelicensing emergency planning issues. Finally, the rule changes do not preclude public observation of and participation in the exercises themselves (to the extent consistent with the rules and policies of the Commission and the objectives of the exercise) and in the review and assessment critique meetings held after the exercise. The rule changes clarify that the emergency preparedness exercises are not required for a Licensing Board, Appeal Board, or Commission licensing decision. Exercises will still be required before actual power above 5% and commercial operation. The conduct of full-scale exercises early enough in the licensing process to permit the outcome of the exercises to be fully litigated at the hearing is premature. Such exercises are best held at a later time, when the operating and management staff of the plant—who are central figures in an exercise—are in place and trained in emergency functions. The Commission believes that, while the actual exercise is not an issue in a hearing under these rules (except to the extent that an outline for the exercise may be involved), the exercise will be held before full power and all significant deficiencies will be properly addressed.

Issue 4: These rule changes would undermine public confidence in the adequacy of emergency planning, safe operation of the plant, and the licensing process.

Commission Response: As the Commission noted in the **Federal Register** notice which announced the upgraded emergency planning regulations on August 19, 1980 (45 FR 55403) that "The [TMI] accident also showed clearly that onsite conditions and actions, even if they do not cause significant offsite radiological consequences, will affect the way the various State and local entities react to protect the public from any dangers associated with the accident. In order to discharge effectively its statutory responsibilities, the Commission must know that proper means and procedures will be in place to assess the course of an accident and its potential severity, that NRC and other appropriate authorities and the public will be notified promptly, and that adequate protective actions in response to actual or anticipated conditions can and will be taken."

Given that no change is envisioned in the caliber of reviews for full-power licenses, and indeed, more resources in theory would be available, the Commission believes that the final rule changes announced herein do not change this responsibility or diminish in any respect the protection of the public health and safety. While the Commission understands the feelings expressed by these commenters, the Commission wants to state its continued commitment to the adequacy of emergency planning, safe operation of the plant, and in an efficient licensing process. These rule changes should not be cause for concern about this commitment.

Issue 5: Unlike some of the more technical issues, emergency planning is a subject upon which the average citizen is knowledgeable and can make a valuable contribution to the licensing proceedings. This is an important opportunity for public participation. Eliminating this consideration from licensing decisions in effect removes this vital experimental evidence from public scrutiny.

Commission Response: The proposed rule does not eliminate any important substantive aspect of emergency planning from the operating license hearings. Whether an applicant satisfies the requirements of 50.47(a) and 50.47(b) is still an issue that may be raised and litigated in those hearings. In cases where such issues are raised, applicants' and State and local jurisdictions' emergency plans should be available for examination in the hearing process prior to the issuance of an operating license. In addition, an outline of an exercise should also be available in order to assure that the requirement for the conduct of exercises (10 CFR Part 50, Appendix E, Section IV) can or will be met. Moreover, if the actual conduct of an exercise should identify fundamental defects in the way that the emergency plan is conceived such that it calls into question whether the requirements of 10 CFR 50.47 can or will be met, a party to a license proceeding may seek to reopen a concluded hearing or file a petition for action pursuant to 10 CFR 2.206 as appropriate. This is distinct from deficiencies identified by an exercise which only reflect the actual state of emergency preparedness on a particular day in question but which do not represent some basic flaw in emergency planning. Finally, it should be recalled that the full-scale exercises themselves involve participation by local and State governments. Both the NRC and FEMA attempt to make sure that all local and regional concerns expressed by representatives of these governments are fully addressed, and that any deficiencies brought to light are remedied before a full-power license is

[1] The level of risk associated with low-power operation has been estimated by the staff in several recent operating license cases: Diablo Canyon, Docket Nos. 275–OL, 323–OL, San Onofre, Docket Nos. 361–OL, 362–OL, and LaSalle, Docket Nos. 373–OL, 374–OL. In each case the Safety Evaluation Report concluded that low-power risk is several orders of magnitude less than full-power risk. These findings support the general conclusion in the text that a number of factors associated with low-power operation imply greatly reduced risk compare with full power.

issued. The underlying feelings expressed by these comments, however, are addressed in the Commission Responses to Issues 3 and 4.

Issue 6: The public knowledge that no offsite protection exists could cause chaos in the event of an incident during fuel loading or low power testing.

Commission Response: Prior to issuing an operating license authorizing low-power testing and fuel loading, the NRC will review the following offsite elements of the applicant's emergency plan:

(a) Section 50.47(b)(3). Arrangements for requesting and effectively using assistance resources have been made, arrangements to accommodate State and local staff at the licensee's near-site Emergency Operations Facility have been made, and other organizations capable of augmenting the planned response have been identified.

(b) Section 50.47(b)(5). Procedures have been established for notification, by the licensee, of State and local response organizations and for notification of emergency personnel by all organizations; the content of initial and followup messages to response organizations and the public has been established; and means to provide early notification and clear instruction to the populace within the plume exposure pathway Emergency Planning Zone have been established.

(c) Section 50.47(b)(6). Provisions exist for prompt communications among principal response organizations to emergency personnel and to the public.

(d) Section 50.47(b)(8). Adequate emergency facilities and equipment to support the emergency response are provided and maintained.[2]

(e) Section 50.47(b)(9). Adequate methods, systems, and equipment for assessing and monitoring actual or potential offsite consequences of a radiological emergency condition are in use.

(f) Section 50.47(b)(12). Arrangements are made for medical services for contaminated injured individuals.

(g) Section 50.47(b)(15). Radiological emergency response training is provided to those who may be called on to assist in an emergency.[2]

Knowing that the above elements of the applicants emergency plan have been reviewed by NRC should assure the public that, for low-power testing and fuel loading, adequate protective measures could and would be taken in the event of an accident.

Issue 7: The rule changes are fundamentally not in the best interest of the public health and safety but obviously in the interest of the utilities.

Commission Response: As explained in previous Responses, the Commission is convinced that the rule changes will not compromise the health and safety of the public. The Commission considers that the rule changes provide flexibility in its licensing procedures, thereby meeting its obligation to the public to conduct its business in a timely and efficient manner. This obligation includes the establishment of an efficient licensing process, while not adversely affecting the public health and safety.

Issue 8: The proposed rule changes contradict previous TMI policy statements.

Commission Response: In developing the upgraded emergency preparedness regulations (45 FR 55402 dated August 19, 1980) one of the policy statements that the Commission made was "that onsite and offsite emergency preparedness as well as proper siting and engineered design features are needed to protect the health and safety of the public [and] as the Commission reacted to the accident at Three Mile Island, it became clear that the protection provided by siting and engineered design features must be bolstered by the ability to take protective measures during the course of an accident."

This rulemaking will in no way deviate from previous policy statements but in fact will add flexibility and efficiency to the licensing process.

Issue 9: Include § 50.47(b)8 and § 50.47(b)15 in evaluating the coordination of offsite and onsite emergency preparedness. These elements require that:

(a)(8) Adequate emergency facilities and equipment to support the emergency response are provided and maintained, and

(b)(15) Radiological emergency response training is provided to those who may be called on to assist in an emergency.

Commission Response: The Commission agrees with this comment. See Commission Response to Issue #6.

Issue 10: The rule changes effectively exclude the public from the decisionmaking process on a matter of primary public concern, and create apprehension in the public mind as to whether "preparedness" will be a reality even after a full-scale exercise before operation above 5% of rated power. The public is unlikely to be granted a special hearing, before full-power operation is granted a utility, in order to assess the actual state of preparedness.

Commission Response: It is true that special hearings will not, in a typical case, be held following the full-scale exercise. The public should recognize that the Commission does not intend to authorize the issuance of a full-power operating license if there has been a full-scale exercise which raises serious and significant deficiencies which have not been compensated for and which go to the fundamental nature of the emergency plan itself. Such a deficiency calls into question whether reasonable assurance may be found that public health and safety will be adequately protected in a radiological emergency. However, some deficiencies may be found that only reflect the actual state of preparedness which may be easily remedied; these types of deficiencies should not delay licensing action. See 10 CFR 50.47(c).

Issue 11: No rationale sustains the requirement of offsite emergency preparedness for small research reactors possessing a fission product inventory equivalent to that generated up to 5% by a large reactor while eliminating offsite emergency preparedness for the large reactor.

Commission Response: Although research reactors present an inherently smaller risk than power reactors, they do not possess the accident mitigation features (e.g., large containments) required for power reactors. In addition, research reactors are often located in high population density areas. It is therefore prudent to have an offsite emergency plan for these reactors.

Summary: The Commission has evaluated all public comments, and has also fully considered the risks of operating a nuclear power reactor at low power. The risks of operating a power reactor at low power are significantly lower than the risks of operating at full power because: first, the fission product inventory during low power testing is much less than during higher power operation due to the low level of reactor power and short period of operation; second, at low power there is a significant reduction in the required capacity of systems designed to mitigate the consequences of accidents compared to the required capacities under full-power operation; and third, the time available for taking actions to identify accident causes and mitigate accident consequences is much longer than at full power. This means the operators should have sufficient time to prevent a radioactive release from occurring. In the worst case, the additional time available (at least 10 hours), even for a postulated low likelihood sequence which eventually results in release of

[2] Added in response to public comment.

the fission products accumulated at low power into the containment, would allow adequate precautionary actions to be taken to protect the public near the site. On balance, the Commission has concluded that the rule changes are technically justifiable and will enhance the efficiency of the licensing process, without adversely affecting the public health and safety and therefore should be promulgated.

Commissioner Gilinsky's Separate Opinion

I disapprove both parts of the proposed amendment.

One part of the rule provides that no NRC or FEMA findings whatsoever concerning the state or adequacy of offsite emergency preparedness shall be necessary prior to issuance of a low power license. As I stated in my disapproval of the proposed rule, there should be some offsite preparedness, especially if there is to be an extended period of low power operation. Moreover, emergency preparedness for full power should not be a hurried, last-minute affair. Some of the steps required for full-power should already be in place at the low power stage.

The other part of the rule excludes consideration of emergency exercises in an operating license proceeding, thereby eliminating an opportunity for public participation in this phase of decisionmaking. The exercises never completely follow the plan. And this area happens to be one in which the nuclear plant's neighbors have special competence, greater in some respects than that of NRC or FEMA. Their comments can be particularly useful. These need not be presented in formal hearings but we should have some means to receive and consider them. I would have modified the final rule to provide for such a brief comment period before NRC issuance of an operating license.

I would also note that the Simpson Report shows that FEMA findings will cause delays in only 2 plants: Shoreham and Byron 1. These delays are based on the applicants' construction dates. If NRC estimates are used, this amendment would have no effect on the dates for issuing operating licenses.

Commissioner Ahearne's Additional Views

In response to Commissioner Gilinsky's comment that "the rule provides that no NRC of FEMA findings whatsoever concerning the state or adequacy of offsite emergency preparedness shall be necessary prior to issuance of a low power license," I would note "the NRC review of the licensees' onsite response mechanism would necessarily include aspects of some offsite elements: communications, notification, assistance agreements with local law enforcement, fire protection, and medical organizations, and the like" (Statement of considerations for this rule at 2).

With respect to his other point concerning consideration in the operating license proceeding, (1) it is important to hold the exercise close to completion of the plant since the operating personnel will then be on site and be able to learn from the experience, and the exercise will be more realistic since hardware and procedures will be closer to completion; and (2) there are public meetings after each drill and the state, local government and other emergency people do participate in these meetings and do provide comments and criticism.

National Environmental Policy Act Consideration

Pursuant to 10 CFR 51.5(d)(3) of the Commission's regulations, an environmental impact appraisal need not be prepared in connection with the subject final amendment because there is no substantive or significant environmental impact.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Commission hereby certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The proposed rule changes concern a clarification of the elements and findings necessary for the issuance of an operating license for nuclear power plants licensed pursuant to Section 103 and 104b of the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2133, 2134b. The electric utility companies owning and operating these nuclear power plants are dominant in their service areas, and do not fall within the definition of a small business found in Section 3 of the Small Business Act, 15 U.S.C. 632, or within the Small Business Size Standards set forth in 13 CFR Part 121. Accordingly, there is no significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act of 1980.

Paperwork Reduction Act Statement

Pursuant to the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511), the NRC has made a preliminary determination that these rule changes do not impose new recordkeeping, information collection, or reporting requirements.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 552 and 553 of title 5 of the United States Code, notice is hereby given that the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 50 is published as a document subject to codification. These rules are made immediately effective because restrictions on applicants are being relieved.

List of Subjects in 10 CFR Part 50

Antitrust, Classified information, Fire prevention, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting critieria, and Reporting requirements.

PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

1. The authority citation for Part 50 reads as follows:

Authority: Secs. 103, 104, 161, 182, 183, 189, 68 Stat. 936, 937, 948, 953, 954, 955, 956, as amended (42 U.S.C. 2133, 2134, 2201, 2232, 2233, 2239); secs. 201, 202, 206, 88 Stat. 1243, 1244, 1246 (42 U.S.C. 5841, 5842, 5846), unless otherwise noted. Section 50.78 also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). Sections 50.80–50.81 also issued under sec. 184, 68 Stat. 954, as amended (42 U.S.C. 2234). Sections 50.100–50.102 issued under sec. 186, 68 Stat. 955 (42 U.S.C. 2236). For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), § 50.54(i) issued under sec. 161i, 68 Stat. 949 (42 U.S.C. 2201(i)), §§ 50.70, 50.71, and 50.78 issued under sec. 1610, 68 Stat. 950, as amended; (42 U.S.C. 2201(o)), and the laws referred to in Appendices.

2. In § 50.47, paragraph (a) is revised, the introductory text to paragraph (b) is revised, paragraph (c)(1) is revised, and a new paragraph (d) is added. All revisions to read as follows:

§ 50.47 Emergency plans.

(a)(1) Except as provided in paragraph (d) of this section, no operating license for a nuclear power reactor will be issued unless a finding is made by NRC that there is reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency.

(2) The NRC will base its finding on a review of the Federal Emergency Management Agency (FEMA) findings and determinations as to whether State and local emergency plans are adequate and whether there is reasonable assurance that they can be implemented, and on the NRC assessment as to whether the applicant's onsite emergency plans are adequate and whether there is

reasonable assurance that they can be implemented. A FEMA finding will primarily be based on a review of the plans. Any other information already available to FEMA may be considered in assessing whether there is reasonable assurance that the plans can be implemented. In any NRC licensing proceeding, a FEMA finding will constitute a rebuttable presumption on questions of adequacy and implementation capability. Emergency preparedness exercises (required by paragraph (b)(14) of this section and Appendix E, Section F of this part) are part of the operational inspection process and are not required for any initial licensing decision.

(b) The onsite and, except as provided in paragraph (d) of this section, offsite emergency response plans for nuclear power reactors must meet the following standards:

* * * * *

(c)(1) Failure to meet the applicable standards set forth in paragraph (b) of this section may result in the Commission declining to issue an operating license; however, the applicant will have an opportunity to demonstrate to the satisfaction of the Commission that deficiencies in the plans are not significant for the plant in question, that adequate interim compensating actions have been or will be taken promptly, or that there are other compelling reasons to permit plant operation.

* * * * *

(d) Notwithstanding the requirements of paragraphs (a) and (b) of this section, no NRC or FEMA review, findings, or determinations concerning the state of offsite emergency preparedness or the adequacy of and capability to implement State and local offsite emergency plans are required prior to issuance of an operating license authorizing only fuel loading and/or low power operations (up to 5% of the rated power). Insofar as emergency planning and preparedness requirements are concerned, a license authorizing fuel loading and/or low power operation may be issued after a finding is made by the NRC that the state of onsite emergency preparedness provides reasonable assurance that adequate protective measures can and will be taken in the event of a radiological emergency. The NRC will base this finding on its assessment of the applicant's emergency plans against the pertinent standards in paragraph (b) of this section and Appendix E of this Part.

3. Section 50.54(q) is revised to read as follows:

§ 50.54 Conditions of licenses.

* * * * *

(q) A licensee authorized to possess and/or operate a nuclear power reactor shall follow and maintain in effect emergency plans which meet the applicable standards in § 50.47(b) and the applicable requirements in Appendix E to this part. A licensee authorized to possess and/or operate a research reactor or a fuel facility shall follow and maintain in effect emergency plans which meet the requirements in Appendix E to this part. The nuclear power reactor licensee may make changes to these plans without Commission approval only if such changes do not decrease the effectiveness of the plans and the plans, as changed, continue to meet the applicable standards of § 50.47(b) and the applicable requirements of Appendix E to this part. The research reactor licensee and/or the fuel facility licensee may make changes to these plans without Commission approval only if such changes do not decrease the effectiveness of the plans and the plans, as changed, continue to meet the requirements of Appendix E to this part. Proposed changes that decrease the effectiveness of the approved emergency plans shall not be implemented without application to and approval by the Commission. The licensee shall furnish 3 copies of each proposed change for approval; and/or if a change is made without prior approval, 3 copies shall be submitted within 30 days after the change is made or proposed to the Administrator of the appropriate NRC regional office specified in Appendix D, 10 CFR Part 20, with 10 copies to the Director of Nuclear Reactor Regulation, or, if appropriate, the Director of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

* * * * *

Appendix E [Amended]

4. Section I of Appendix E to 10 CFR Part 50 is revised to read as follows [footnotes unchanged]:

I. Introduction

Each applicant for a construction permit is required by § 50.34(a) to include in the preliminary safety analysis report a discussion of preliminary plans for coping with emergencies. Each applicant for an operating license is required by § 50.34(b) to include in the final safety analysis report plans for coping with emergencies.

This appendix establishes minimum requirements for emergency plans for use in attaining an acceptable state of emergency preparedness. These plans shall be described generally in the preliminary safety analysis report and submitted as part of the final safety analysis report.

The potential radiological hazards to the public associated with the operation of research and test reactors and fuel facilities licensed under 10 CFR Parts 50 and 70 involve considerations different than those associated with nuclear power reactors. Consequently, the size of Emergency Planning Zones [2] (EPZs) for facilities other than power reactors and the degree to which compliance with the requirements of this section and sections II, III, IV, and V as necessary will be determined on a case-by-case basis.[3]

Notwithstanding the above paragraphs, in the case of an operating license authorizing only fuel loading and/or low power operations up to 5% of rated power, no NRC or FEMA review, findings, or determinations concerning the state of offsite emergency preparedness or the adequacy of and the capability to implement State and local offsite emergency plans, as defined in this Appendix, are required prior to the issuance of such a license.

5. Section F of Appendix E to 10 CFR Part 50, item (b) is revised to read as follows:

F. Training.

* * * * *

b. For each site at which a power reactor is located for which the first operating license for that site is issued after July 13, 1982, within one year before issuance of the first operating license for full power, and prior to operation above 5% of rated power of the first reactor, which will enable each State and local government within the plume exposure pathway EPZ and each State within the ingestion pathway EPZ to participate.

* * * * *

Dated at Washington, D.C. this 8th day of July, 1982.

For the Nuclear Regulatory Commission.

Samual J. Chilk,

Secretary of the Commission.

[FR Doc. 82-18898 Filed 7-12-82; 8:45 am]

BILLING CODE 7590-01-M

CIVIL AERONAUTICS BOARD

14 CFR Part 223

[ER-1296; Economic Regulations Amdt. No. 13]

Free and Reduced-Rate Transportation; Persons to Whom Free and Reduced-Rate Transportation May Be Furnished

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: The CAB amends its rules to clarify that transportation benefits received as compensation for goods or services rendered to an airline, including

fringe benefits, may be given to any third person if the airline so agrees.

DATES: Adopted: July 8, 1982; Effective: July 13, 1982.

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

SUPPLEMENTARY INFORMATION: By ER–1181, 45 FR 46797, July 11, 1980, the Board added a new paragraph (k) to § 223.2 of 14 CFR Part 223, *Free and Reduced-Rate Transportation* to allow airlines to provide air transportation free or at below-tariff rates in return for goods or services. This action was taken to further the mandate of the Airline Deregulation Act of 1978, Pub. L. 95–504, to place maximum reliance on competitive market forces. The Board intended to remove itself completely from this area so that airline management would have the discretion to decide whether to engage in in-kind transactions and what form those transactions should take.

Despite the broad permission granted by ER–1181, the Board has received many questions about the scope of its rules. In particular, people have asked whether employees of an airline may direct the transportation they receive, as incidents of their employment, to a third party. Some have noted that an older provision, paragraph (a) of § 223.2, appears to limit the provision of free and reduced rate transportation to the immediate families of airline employees.

In responding to these inquiries, the Board's Office of the General Counsel has interpreted § 223.2(k) consistently with the broad permission intended by ER–1181. It has stated that airlines may now, at their discretion, provide to their employees free or reduced-rate travel passes which those employees may use or dispose of in any way they please, including giving them to unrelated persons. Examples are letters from the General Counsel to Ms. Irene Ruefer of Douglaston, N.Y. (July 8, 1980) and to Mr. Bruce I. Waxman of the Association of Flight Attendants (January 23, 1981) and a letter from the Associate General Counsel, Rules and Legislation, to Ms. Pamela DeBisschop of the Independent Union of Flight Attendants (July 21, 1981) in Docket 35392. Thus the permission in paragraph (k) of § 223.2 overrides the narrower provision of paragraph (a) of that section. The Board did not eliminate paragraph (a) when it added paragraph (k) only because many organizations were accustomed to operating under the older provisions.

In order to eliminate any misconceptions about the scope of § 223.2(k), the Board is hereby adding some clarifying language. This amendment makes clear that any free or reduced-rate transportation benefits provided in return for goods or services may be passed on or extended to any third person(s). It also makes clear that the exemption covers any transportation given to an employee, whether characterized as compensation for some specific services or as an employee fringe benefit.

Although the inquiries were directed toward the issue of employees extending travel benefits under § 223.2(k) to travel companions, the principles set forth here apply equally in other situations. Thus, any person that provides goods or services to an airline for which it receives transportation benefits under § 223.2(k) may, as far as the Board is concerned, transfer them to a third party. The only exception is the unusual case of specific-flight tickets being given in return for goods or services. In that case further limitations apply to transfer of the tickets. See Order 81–1–107.

This amendment to § 223.2(k) is interpretative and clarifying in nature and involves no change in the intent or effect of that provision. The Board therefore finds that notice and public procedure are unnecessary and that it may take effect immediately.

List of Subjects in 14 CFR Part 223

Air rates and charges, Handicapped, Travel agents.

PART 223—FREE AND REDUCED-RATE TRANSPORTATION

Accordingly, the Civil Aeronautics Board amends 14 CFR Part 223, *Free and Reduced-Rate Transportation,* as follows:

1. The authority for Part 223 is:

Authority: Secs. 204, 403, 404, 405(j), 407, 416, Pub. L. 85–726, as amended, 72 Stat. 743, 758, 760, 766, 771, 49 U.S.C. 1324, 1373, 1374, 1375, 1377, 1386; sec. 2 of the Postal Reorganization Act, 84 Stat. 767, 39 U.S.C. 5007.

2. Paragraph (k) of § 223.2 is revised to read as follows:

§ 223.2 Persons to whom free and reduced-rate transportation may be furnished.

* * * * *

(k) Carriers are exempted from sections 403 and 404(b) of the Act and Part 221 of this chapter to the extent necessary to provide transportation (including free and reduced-rate transportation) in return for goods or services, whether the transportation is used by the person providing goods or services or any designees of such person. This exemption includes free or reduced-rate transportation furnished as an employee fringe benefit.

* * * * *

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 82–18904 Filed 7–12–82; 8:45 am]

BILLING CODE 6320–01–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket C–3091]

Broward County Medical Association; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violation of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement requires a Florida medical association to cease, among other things, inhibiting competition among health care providers by restricting its members from soliciting patients; advertising fees and services; and by declaring such activities unethical. The association is required to remove from its code of ethics, constitution and bylaws, any provision which is inconsistent with the prohibitions contained in the order; and publish revised versions of these documents. The order also requires that the association take no formal action against a party charged with violating an ethical standard without first providing that party with reasonable notice of the allegations and a hearing, as well as written findings and conclusions concerning the allegations. Further, for a period of ten years, the association is required to provide each new member with a copy of the order.

DATES: Complaint and order issued June 28, 1982.[1]

FOR FURTHER INFORMATION CONTACT: FTC/CS–8, Arthur N. Lerner, Washington, D.C. 20580. (202) 724–1303.

SUPPLEMENTARY INFORMATION: On Tuesday, March 16, 1982, there was published in the **Federal Register**, 47 FR 11285, a proposed consent agreement with analysis In the Matter of Broward County Medical Association, a corporation, for the purpose of soliciting public comment. Interested parties were

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

given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

A comment was filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered its order to cease and desist, as set forth in the proposed consent agreement, in disposition of this proceeding.

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Coercing and Intimidating: § 13.367 Members. Subpart—Combining or Conspiring: § 13.384 Combining or conspiring; § 13.472 To restrain cooperatives' activities. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533–45 Maintain records; 13.533–60 Release of general, specific or contractual constrictions, requirements, or restraints.

List of Subjects in 16 CFR Part 13

Doctors, Medical personnel, Physicians.

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

Carol M. Thomas,

Secretary.

[FR Doc. 82–18826 Filed 7–12–82; 8:45 am]

BILLING CODE 6750–01–M

---

16 CFR Part 13

[Docket No. C–3066]

Godfrey Company; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying order.

SUMMARY: This order reopens the proceeding and modifies the Commission's order issued on May 14, 1981 (46 FR 29458), by modifying Paragraph I(G) of the order to relieve respondent from the obligation of divesting a specified retail grocery store.

DATES: Final order issued May 14, 1981. Modifying order issued June 28, 1982.

FOR FURTHER INFORMATION CONTACT: FTC/CC, Selig S. Merber, Washington, D.C. 20580. (202) 634–4642.

SUPPLEMENTARY INFORMATION: In the Matter of Godfrey Company, a corporation. Codification appearing at 46 FR 29458 remains unchanged.

List of Subjects in 16 CFR Part 13

Retail grocery stores.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

The Order Modifying Cease and Desist Order Issued May 14, 1981 is as follows:

The Federal Trade Commission having considered respondent Godfrey Company's petition filed on March 12, 1982, to reopen this matter and to modify the consent to cease and desist issued by the Commission on May 14, 1981, and having determined that reopening and modification of the order is warranted:

IT IS ORDERED that this matter be, and it hereby is reopened and that Paragraph I(G) of the Commission's order be and it is hereby modified to read as follows:

(G) The "disposition stores" means the following Godfrey ("G") stores and Jewel ("J") stores:

1. G–427 (3045 S. 13th St., Milwaukee, WI.).
2. G–810 (3939 S. 76th St., Milwaukee, WI.).
3. J–1201 (1201 N. 35th St., Milwaukee, WI.).
4. J–729 (729 S. Layton Blvd., Milwaukee, WI.).
5. J–15182 (N81 W. 15182 Appleton Ave., Menomonee Falls, WI.).

By the Commission.

Issued: June 28, 1982.

Carol M. Thomas,

Secretary.

[FR Doc. 82–18825 Filed 7–12–82; 8:45 am]

BILLING CODE 6750–01–M

---

16 CFR Part 13

[Docket 9077]

General Motors Corporation; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Dismissal order.

SUMMARY: On June 25, 1982, the Commission dismissed its complaint charging a major car manufacturer with violating Section 5 of the Federal Trade Commission Act by its use of a selective distribution system for new crash parts for GM automobiles and light trucks.

DATES: Complaint issued March 22, 1976. Final Order issued June 25, 1982.[1]

[1]Copies of the Complaint, Initial Decision, Opinion of the Commission, Dissenting Statement of Commissioner Pertschuk, Concurring Statement of Commissioner Clanton and the Final Order filed with the original document.

FOR FURTHER INFORMATION CONTACT: FTC/CS–7, Donald K. Tenney, Washington, D.C. 20580. (202) 724–1136.

SUPPLEMENTARY INFORMATION: In the Matter of General Motors Corporation, a corporation.

List of Subjects in 16 CFR Part 13

Motor vehicle parts and accessories.

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

The Final Order is as follows:

Final Order

This matter has been heard by the Commission upon the appeals of complaint counsel and respondent from the initial decision and upon briefs and oral argument in support of and in opposition to the appeals. For the reasons stated in the accompanying Opinion, the Commission has determined to sustain respondent's appeal. Complaint counsel's appeal is denied. Accordingly,

It is ordered, That the complaint is dismissed.

By the Commission, Chairman Miller not participating; Commissioner Pertschuk dissenting.

Carol M. Thomas,

Secretary.

[FR Doc. 82–18827 Filed 7–12–82; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 619

Special Unemployment Assistance; Revocation of Regulations

AGENCY: Employment and Training Administration, Labor.

ACTION: Revocation.

SUMMARY: The Department of Labor revokes 20 CFR Part 619, originally established under Title II of the Emergency Jobs and Unemployment Assistance Act of 1974 (Pub. L. 93–567, approved December 31, 1974). The Special Unemployment Assistance (SUA) Program was a temporary program of unemployment assistance for workers not covered by permanent unemployment compensation programs. The SUA Program expired on June 30, 1978, and all benefit activities have ceased. There is no longer a need for the regulations.

EFFECTIVE DATE: July 13, 1982.

FOR FURTHER INFORMATION CONTACT:
Bert Lewis, Administrator, Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, 601 "D" Street, NW., Washington, D.C. 20213; telephone: (202) 376–2022 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The revocation of these regulations merely removes regulations that are no longer necessary because the program to which they applied ceased operating in July 1978. Subsection (b) of 5 U.S.C. 553 requires that a notice of proposed rulemaking be published in the **Federal Register**, except when the agency for good cause finds that notice and public procedures thereon are impracticable, unnecessary, or contrary to the public interest. I have determined that the notice and comment procedures of section 553(b) are unnecessary, since the purpose and effect of this rule is merely to remove regulations that are no longer useful. For the same reason, this revocation is made effective upon publication in the **Federal Register**, pursuant to 5 U.S.C. 553(d).

Drafting Information

This document was prepared under the direction and control of the Administrator of the Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, 601 "D" Street, NW., Washington, D.C. 20213; telephone: (202) 376–2022 (this is not a toll-free number).

Classification—Executive Order 12291

The rule in this document is not classified as a "major rule" under Executive Order 12291 on Federal Regulations, and therefore no regulatory impact analysis is required.

Regulatory Flexibility Act

Because notice of proposed rulemaking is not required for this rule under 5 U.S.C. 553(b), the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., pertaining to regulatory flexibility analyses, do not apply to this rule.

Words of Issuance

PART 619—[REMOVED AND RESERVED]

Accordingly, for the reasons set out in the preamble, 20 CFR Part 619 is hereby removed and reserved.

(Sec. 202, Pub. L. 93–567, 88 Stat. 1845, 1850 (26 U.S.C. 3304 note); Secretary's Order No. 4–75 (40 FR 18515))

Signed at Washington, D.C., on June 8, 1982.

Albert Angrisani,

Assistant Secretary of Labor.

[FR Doc. 82–18902 Filed 7–12–82; 8:45 am]
BILLING CODE 4510–30–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 76F–0347]

Indirect Food Additives; Adjuvants, Production Aids, and Sanitizers; Antioxidants and/or Stabilizers for Polymers; Di(n-Octyl)Tin Bis(2-Ethylhexyl Maleate)

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of di(*n*-octyl)tin bis(2-ethylhexyl maleate) as an antioxidant and/or stabilizer in acrylonitrile copolymers used in articles intended for food-contact use. This action responds to a food additive petition filed by the Borg-Warner Corp.

DATES: Effective July 13, 1982; objections by August 12, 1982.

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

FOR FURTHER INFORMATION CONTACT:
Rudolph Harris, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of September 10, 1976 (41 FR 38539), FDA announced that a food additive petition (FAP 6B3218) had been filed by Borg-Warner Corp., Washington, WV 26181, proposing to amend § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) to provide for the safe use of di(*n*-octyl)tin bis(2-ethylhexyl maleate) as an antioxidant and/or stabilizer in acrylonitrile copolymers intended for food-contact use.

Having evaluated data in the petition and other relevant material, FDA concludes that the proposed food additive use is safe and that § 178.2010 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in § 171.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the potential environmental effects of this regulation as announced in the notice of filing published in the **Federal Register**. No new information or comments have been received that would alter the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

List of Subjects in 21 CFR Part 178

Food additives; Food packaging; Sanitizing solutions.

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 178 is amended in § 178.2010(b) by alphabetically adding a new item in the list of substances, to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
* * * * *	
Di(*n*-octyl)tin bis(2-ethylhexyl maleate) [CAS Reg. No. 10039–33–5] having 12.5 to 15.0 percent by weight of tin (Sn) and having a saponification number of 260 to 280. The additive is made from di(*n*-octyl)tin oxide meeting the specifications of § 178.2650(a)(1)..	For use only at levels not to exceed 0.5 percent by weight of acrylonitrile copolymers complying with §§ 177.1020 and 177.1030 of this chapter and used in contact with all food types under conditions of use C through G described in Table 2 of § 176.170(c) of this chapter.
* * * * *	

Any person who will be adversely affected by the foregoing regulation may at any time on or before August 12, 1982 submit to the Dockets Management Branch (address above), written objections thereto and may make a writtren request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with

particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation is effective July 13, 1982.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: July 2, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-18861 Filed 7-12-82; 8:45 am]

BILLING CODE 4160-01-M

---

21 CFR Part 178

[Docket No. 80F-0211]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; Antioxidants and/or Stabilizers for Polymers

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to extend the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate as an antioxidant and/or stabilizer for styrene block polymers intended for food-contact use. This action responds to a petition filed by the Ciba-Geigy Corp.

DATES: Effective July 13, 1982; objections by August 12, 1982.

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

FOR FURTHER INFORMATION CONTACT: Vir D. Anand, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of June 27, 1980 (45 FR 43474) (correction published at 45 FR 45961; July 8, 1980), FDA announced that a petition (FAP 0B3514) had been filed by the Ciba-Geigy Corp., Three Skyline Drive, Hawthorne, NY 10352 (formerly Ardsley, NY 10502), proposing that the food additive regulations be amended to provide for the safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate as an antioxidant and/or stabilizer for styrene block polymers used as articles or components of articles intended for food contact.

FDA has evaluated data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below. In accordance with § 171.(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h)(2), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency has previously considered the potential environmental effects of this regulation as announced in the notice of filing published in the **Federal Register.** No new information or comments have been received that would alter the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

List of Subjects in 21 CFR Part 178

Food additives; Food packaging; Sanitizing solutions.

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 178 is amended in § 178.2010(b) by adding a new limitation for "Octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate" to read as follows:

§ 178.2010 Antioxidant and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
* *	* * * *
Octadecyl 3,5-di-*tert*-butyl-4-hydroxyhyrocinnamate (CAS Reg. no. 2082-79-3).	For use only: * * * 11. At levels not exceeding 0.3 percent by weight of styrene block polymers complying with § 177.1810 of this chapter when used in articles that contact food only of the types identified in § 176.170(c) of this chapter, table 1, under categories I, II, IV-B, VI, VII-B, and VIII, and under conditions of use D, E, F, and G described in table 2 of § 176.170(c) of this chapter.
* *	* * * *

Any person who will be adversely affected by the foregoing regulation may at any time on or before August 12, 1982 submit to the Dockets Management Branch (HFA–305), address above, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective July 13, 1982.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: July 6, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-18862 Filed 7-12-82; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 178

[Docket No. 81F-0244]

Indirect Food Additive: Adjuvants, Production Aids, and Sanitizers; Calcium Bis[Monoethyl (3,5-Di-Tert-Butyl-4-Hydroxybenzyl)Phosphonate]

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of calcium bis[monoethyl (3,5-di-*tert*-butyl-4-hydroxybenzyl) phosphonate] as an antioxidant and/or stabilizer for certain olefin polymers. Ciba-Geigy Corp. petitioned for this use.

DATES: Effective July 13, 1982; objections by August 12, 1982.

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

FOR FURTHER INFORMATION CONTACT: Garnett R. Higginbotham, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of September 25, 1981 (46 FR 47302), FDA announced that a petition (FAP 1B3571) had been filed by the Ciba-Geigy Corp., Ardsley, NY 10502, proposing that the food additive regulations be amended to provide for the safe use of calcium bis[monoethyl (3,5-di-*tert*-butyl-4-hydroxybenzyl) phosphonate] as an antioxidant and/or stabilizer for certain olefin polymers.

FDA has evaluated the data in the petition and other relevant material and concludes that the proposed food additive use is safe and that the regulations should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition, are available for inspection at the Bureau of Foods (address above) by appointment with the information contact person listed above. As provided in 21 CFR 171.1(h)(2), the agency will remove from the documents any materials that are not available for public disclosure before making the documents available for inspection.

The agency previously considered the potential environmental effects of this rule as announced in the notice of filing published in the **Federal Register.** No new information or comment has been received that would alter the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

List of Subjects in 21 CFR Part 178

Food additives; Food packaging; Sanitizing solutions.

PART 178—INDIRECT FOOD ADDITIVES: ADJUVANTS, PRODUCTION AIDS, AND SANITIZERS

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10), Part 178 is amended in § 178.2010(b) by alphabetically inserting a new item in the list of substances to read as follows:

§ 178.2010 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) * * *

Substances	Limitations
* * * *	
Calcium bis[monoethyl(3,5-di-*tert*-butyl-4-hydroxybenzyl) phosphonate] 65140-91-2)..	For use only: 1. At levels not to exceed 0.25 percent by weight of polypropylene that complies with § 177.1520(c) of this chapter, items 1.1, 1.2, and 1.3, and that is limited to use in contact with food only under conditions of use E, F, G, and H described in table 2 of § 176.170(c) of this chapter. 2. At levels not to exceed 0.2 percent by weight of polyethylene that complies with § 177.1520(c) of this chapter, items 2.1, 2.3, and 3.1, that has a density greater than 0.94 gram per cubic centimeter, and that is limited to use in contact with food only under conditions of use E, F, G, and H described in table 2 of § 176.170(c) of this chapter
* * * *	

Any person who will be adversely affected by the foregoing regulation may at any time on or before August 12, 1982 submit to the Dockets Management Branch (address above), written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularily the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis of any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above betwen 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective July 13, 1982.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: July 6, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-18863 Filed 7-12-82; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Parts 436, 440, 442, 444, and 446

[Docket No. 82N-0136]

Antibiotic Drugs; Updating and Technical Changes

Correction

In FR Doc. 14140 appearing at page 22513 in the issue of Tuesday, May 25, 1982, make the following changes:

(1) On page 22514, third column, under **"§ 436.102 [AMENDED]"**, first line, "a. In § 436.103" should be changed to read "a. In § 436.102".

(2) On page 22515, in the table at the top of the page, fifth column, "(milligrams)" should be removed; in the fifth column in the table, under "Final concentration units or milligrams per millimeter", "mg" should appear next to the number "1"; and in the sixth column in the table, under "Storage time under refrigeration", "days" should appear next to the number "14".

BILLING CODE 1505-01-M

21 CFR Parts 510 and 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 new animal drug application (NADA) sponsored by Gossett Nutrition, Inc., providing for safe and effective use of several tylosin

premixes for making complete feeds for certain uses in swine and to add the sponsor to the list of sponsors of approved NADA's.

EFFECTIVE DATE: July 13, 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: Gossett Nutrition, Inc., 1676 Cascade Dr., Marion, OH 43302, is sponsor of NADA 131–537 submitted on its behalf by Elanco Products Co. This NADA provides for use of premixes containing 0.36, 0.4, 0.72, 0.8, and 1 gram of tylosin (as tylosin phosphate) per pound for making complete swine feeds for increased rate of weight gain and improved feed efficiency. The 1-gram-per-pound premix also bears claims for prevention of swine dysentery and maintaining weight gains and feed efficiency in the presence of atrophic rhinitis.

Approval of this NADA relies upon safety and effectiveness data contained in Elanco's approved NADA 12–491. Elanco has authorized use of the data in NADA 12–491 to support this NADA. This approval does not change the approved use of the drug. Consequently, approval of this 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), approval of this NADA has been treated as would approval of a Category II supplement and does not require reevaluation of the safety and effectiveness data in NADA 12–491.

The application is approved and the regulations are amended to reflect approval of the NADA and to add the sponsor to the list of sponsors of approved NADA's.

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. A–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.

List of Subjects

21 CFR Part 510

Administrative practice and procedure; Animal drugs; Labeling; Reporting requirements.

21 CFR Part 558

Animal drugs; 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) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510 and 558 are amended as follows:

PART 510—NEW ANIMAL DRUGS

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

§ 510.600 Names, addresses, and drug labeler codes of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * *	
Gossett Nutrition, Inc., 1676 Cascade Dr., Marion, OH 43302	050972
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
* * * * *	
050972	Gossett Nutrition, Inc., 1676 Cascade Dr., Marion, OH 43302.
* * * * *	

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

2. In Part 558, § 558.625 is amended by adding new paragraph (b)(78), to read as follows:

§ 558.625 Tylosin.

* * * * *

(b) * * *

(78) To 050972: 0.36, 0.4, 0.72, and 0.8 gram per pound, paragraph (f)(1)(vi)(*a*) of this section; 1 gram per pound, paragraph (f)(1)(vi)(*a*), (*b*), and (*d*) of this section.

* * * * *

Effective date. This amendment is effective July 13, 1982.

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

Dated: July 6, 1982.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 82–18658 Filed 7–12–82; 8:45 am]

BILLING CODE 4160–01–M

---

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Levamisole Hydrochloride Paste

Correction

In FR Doc. 82–14069 appearing at page 22516 in the issue of Tuesday, May 25, 1982, make the following changes:

(1) On page 22516, third column, under **"EFFECTIVE DATE",** "May 25, 1980" should be changed to read "May 25, 1982".

(2) On page 22517, first column, in 520.1242f", second line from bottom of page, "dairy" should not appear before "cattle" but should instead appear before "animals" in the last line.

BILLING CODE 1505–01–M

---

21 CFR Parts 520 and 556

Oral Dosage Form New Animal Drugs Not Subject to Certification; Tolerances for Residues of New Animal Drugs in Food; Sulfabromomethazine Sodium Boluses

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 by Merck Sharp & Dohme Research Laboratories, providing revised labeling for use of sulfabromomethazine sodium boluses to treat certain bacterial infections in cattle. The revised labeling conforms to the conclusions of the National Academy of Sciences/National

Research Council (NAS/NRC) evaluation of the product. Tolerances for residues of sulfabromomethazine are also codified, and a withdrawal period is established.

EFFECTIVE DATE: July 13, 1982.

FOR FURTHER INFORMATION CONTACT: Charles E. Haines, Bureau of Veterinary Medicine (HFV-138), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3410.

SUPPLEMENTARY INFORMATION: Merck Sharp and Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, NJ 07065, has filed a supplemental new animal drug application (NADA 11-532) for Sulfabrom Boluses (sulfabromomethazine sodium boluses) providing revised labeling for use of the drug to treat cattle. The revised labeling reflects the recommendations of the NAS/NRC report for use of 2.5-gram and 15-gram sulfabromomethazine sodium boluses as published in the **Federal Register** of February 13, 1969 (34 FR 2147). The NAS/NRC report concluded, and the agency concurred, that Sulfabrom was probably effective for treating bacterial infections in cattle but extensive label revisions were needed. The NAS/NRC evaluation stated: (1) Each disease claim should be properly qualified as to causative pathogens sensitive to the drug; if not the claim must be dropped. (2) The labeling must contain a warning that the drug may produce abortion in pregnant animals. (3) The winter dysentery claim must be deleted. (4) Evidence must be presented to demonstrate that the bolus disintegrates in the gastrointestinal tract to produce the desired therapeutic effect.

On February 14, 1974, Merck requested elimination of the NAS/NRC recommended label warning concerning abortion in pregnant animals. Merck stated that the drug has been sold for 15 years without any reports alleging abortions in cattle. The firm also reported that it had searched the published literature and did not find any reports of abortions in cattle caused by the drug. The Bureau of Veterinary Medicine reviewed the information submitted and agreed, in its letter of October 8, 1974, that the label warning regarding use in pregnant animals was not required.

The firm submitted a supplement to NADA 11-532 that included data from published literature and other studies using sulfabromomethazine sodium boluses. The studies yielded acceptable blood levels of the drug, thereby demonstrating disintegration of the bolus in the gastrointestinal tract to produce the desired effect.

In response to other comments in the NAS/NRC evaluation, Merck provided revised labeling for the 15-gram bolus and copies of published literature which, together with data contained in the original NADA, supports the drug's effectiveness for use as indicated in the revised labeling. Merck did not submit revised labeling for the 2.5-gram bolus because marketing had been discontinued. Use of the 2.5-gram bolus is thereby no longer authorized.

Based on the data and information submitted, the supplemental NADA is approved and the regulations amended to reflect the approval.

The NAS/NRC evaluation was published to inform NADA sponsors of the NAS/NRC findings and to inform all interested persons that such articles may be marketed provided they are the subject of approved NADA's and otherwise comply with the requirements of the Federal Food, Drug, and Cosmetic Act. NADA's that pertain to identical products and reflect the same conditions of use do not require effectiveness data as specified by § 514.1(b)(8)(ii) (21 CFR 514.1(b)(8)(ii)) or § 514.111(a)(5)(ii)(*a*)(*4*) (21 CFR 514.111(a)(5)(ii)(*a*)(*4*)) of the animal drug regulations. In lieu of such data, approval may require bioequivalency or similar data as suggested in the guideline for submitting NADA's for NAS/NRC-reviewed generic drugs. The guideline is available from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

The NAS/NRC review concerned effectiveness of the drug and safety to the treated animal. It did not concern safety for food use of products derived from treated animals. The firm had previously submitted the results of 90-day oral studies in dogs and rats. Based on these studies, the agency assigned a tolerance of 0.1 part per million (ppm) for residues of sulfabromomethazine in edible tissues (0.01 ppm in milk). The tolerance has not been published, however. Therefore, the regulations in 21 CFR Part 556 are amended to provide for a tolerance for residues of the drug in the edible tissues and milk of cattle. Under these circumstances, the agency did not reevaluate the underlying human safety data.

In addition, the withdrawal time is established at 18 days, based on data submitted by the sponsor. The regulations are amended to reflect this new withdrawal time. Because residue levels in edible tissues of treated animals at the newly assigned withdrawal time are below those at the previously permitted withdrawal time, the approval poses no increased risk to people exposed to residues of the drug. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), the new withdrawal period has been treated as a Category II change which did not require a complete reevaluation of the underlying human safety data supporting the parent application.

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 (address above), 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.

List of Subjects in 21 CFR

Part 520

Animal drugs, Oral use.

Part 556

Animal drugs, Foods, Residues.

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) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 520 and 556 are amended as follows:

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

1. Part 520 is amended by adding new § 520.2170 to read as follows:

§ 520.2170 Sulfabromomethazine sodium boluses.

(a) *Specifications.* Each bolus contains 15 grams of sulfabromomethazine sodium.

(b) *Related tolerance.* See § 556.620 of this chapter.

(c) *Sponsor.* See No. 000006 in § 510.600(c) of this chapter.

(d) *NAS/NRC status.* These conditions of use are NAS/NRC reviewed and found effective. NADA's for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

(e) *Conditions of use: Cattle*—(1) *Amount.* 90 milligrams per pound body weight.

(2) *Indications for use.* Treatment of necrotic pododermatitis (foot rot) and calf diphtheria caused by *Fusobacterium necrophorum;* colibacillosis (scours) caused by *Escherichia coli;* bacterial pneumonia and bovine respiratory disease complex (shipping fever complex) associated with *Pasteurella* spp.; acute metritis and acute mastitis caused by *Streptococcus* spp.

(3) *Limitations.* Administer orally; repeat in 48 hours if necessary; milk taken from animals within 96 hours (8 milkings) of latest treatment must not be used for food; do not administer within 18 days of slaughter; discontinue use if hematuria, crystalluria or severe depression are noticed; if signs persist after 2 or 3 days consult a veterinarian.

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

2. Part 556 is amended by adding new § 556.620 to read as follows.

§ 556.620 Sulfabromomethazine sodium.

Tolerances for residues of sulfabromomethazine sodium in food are established as follows:

(a) In the uncooked edible tissues of cattle at 0.1 part per million (negligible residue).

(b) In milk at 0.01 part per million (negligible residue).

Effective date. This regulation shall become effective July 13, 1982.

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

Dated: July 7, 1982.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 82-18759 Filed 7-12-82; 8:45 am]

BILLING CODE 4160-01-M

---

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Tylosin and Sulfamethazine

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 new animal drug application (NADA) filed for Dale Alley Co. providing for safe and effective use of a premix containing 5 grams per pound each of tylosin and sulfamethazine for making complete swine feeds.

EFFECTIVE DATE: July 13, 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: Dale Alley Co. P.O. Box 444, St. Joseph, MO 64502, is the sponsor of NADA 129-645 submitted on its behalf by Elanco Products Co. This NADA provides for use of a premix containing 5 grams per pound each of tylosin (as tylosin phosphate) and sulfamethazine for making complete swine feeds used to maintain weight gains and feed efficiency in the presence of atrophic rhinitis, lower the incidence and severity of *Bordetella bronchiseptica* rhinitis, prevent swine dysentery (vibrionic), and control swine pneumonias caused by bacterial pathogens (*pasteurella multocida* and/or *Corynebacterium pyogenes).*

Approval of this application is based on safety and effectiveness data contained in Elanco's approved NADA's 12-491 and 41-275. Elanco has authorized use of the data in NADA's 12-491 and 41-275 to support approval of this application. This approval does not change the approved use of the drug. Consequently, approval of this 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), approval of this NADA has been treated as would approval of a Category II supplemental NADA and does not require reevaluation of the safety and effectiveness data contained in NADA's 12-491 and 41-275.

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.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.630 [Amended]

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) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), part 558 is amended in § 558.630 *Tylosin and sulfamethazine* by adding, in numerical sequence, drug sponsor code "018083" to paragraph (b)(9).

Effective date. July 13, 1982.

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

Dated: July 6, 1982.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 82-18859 Filed 7-12-82; 8:45 am]

BILLING CODE 4160-01-M

---

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Lincomycin With Pyrantel Tartrate

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 new animal drug application (NADA) filed by Pfizer, Inc., providing for safe and effective use of certain complete swine feeds manufactured by combining separately approved lincomycin and pyrantel tartrate premixes. The feeds are used (1) for treatment and control of swine dysentery, (2) as an aid in the prevention of migration and establishment of large roundworm infections, (3) as an aid in the prevention of establishment of nodular

worm infections, and (4) for removal and control of large roundworm and nodular worm infections.

EFFECTIVE DATE: July 13, 1982.

FOR FURTHER INFORMATION CONTACT: Charles E. Haines, Bureau of Veterinary Medicine (HFV-138), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3410.

SUPPLEMENTARY INFORMATION: Pfizer, Inc., 235 East 42d St., New York, NY 10017, filed an NADA (116-044) providing for combining separately approved premix formulations containing lincomycin and pyrantel tartrate to manufacture complete swine medicated feeds. The feeds are to contain fixed combinations of lincomycin and pyrantel tartrate at several concentrations. The resulting complete feeds are to be used (1) for treatment and control of swine dysentery, (2) as an aid in prevention of migration and establishment of large roundworm *(Ascaris suum)* infections, (3) as an aid in the prevention of establishment of nodular worm *(Oesophagostomum)* infections, and (4) for removal and control of large roundworm and nodular worm infections.

The firm submitted data to comply with the requirements of the Bureau of Veterinary Medicine's combination drug guidelines. The NADA is approved and the regulations are amended to reflect this approval.

Approval of this NADA relies in part upon safety and effectiveness data contained in Pfizer's NADA 43-290 for pyrantel tartrate and Upjohn's NADA 97-505 for lincomycin. Use of those data to support this NADA has been authorized by both firms.

This approval does not change the dosage levels or indications for use of the drugs but merely provides for combining them in complete swine feeds. Residues from each drug component in the combination are below their corresponding tolerances at withdrawal times currently established for their individual use. Therefore, it poses no increased human risk from exposure to residues of the drugs.

Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this NADA has been treated as would an approval of a Category II supplement and does not require reevaluation of the safety and effectiveness data in NADA's 43-290 and 97-505.

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)(ii) (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.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

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) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended as follows:

1. In § 558.325 by adding new paragraph (f)(4) to read as follows:

§ 558.325 Lincomycin.

* * * * *

(f) * * *

(4) Lincomycin may also be used for swine in combination with:

(i) Pyrantel tartrate as in § 558.485.

(ii) [Reserved]

2. In § 558.485 by adding new paragraphs (d)(2)(iv) and (e)(7), (8), (9), (10), and (11) to read as follows:

§ 558.485 Pyrantel tartrate.

* * * * *

(d) * * *

(2) * * *

(iv) Not more than 0.106 percent (960 grams/ton) pyrantel tartrate with not more than 1,000 grams per ton lincomycin when produced from a fixed combination supplement or from individual supplements and used as provided in paragraph (e)(7), (8), (9), (10), and (11) of this section.

* * * * *

(e) * * *

(7) *Amount per ton.* Pyrantel tartrate, 96 grams (0.0106 percent) and lincomycin, 40 grams, as lincomycin hydrochloride monohydrate.

(i) *Indications for use.* For control of swine dysentery; aid in the prevention of migration and establishment of large roundworm (*Ascaris suum*) infections; aid in the prevention of establishment of nodular worm (*Oesophagostomum* spp.) infections.

(ii) *Limitations.* Feed as sole ration; for use in swine on premises with a history of swine dysentery but where symptoms have not yet occurred; not to be fed to swine that weigh more than 250 pounds; withdraw 6 days before slaughter. Consult your veterinarian before feeding to severely debilitated animals and for assistance in the diagnosis, treatment, and control of parasitism.

(8) *Amount per ton.* Pyrantel tartrate, 96 grams (0.0106 percent) and lincomycin, 100 grams, then 40 grams, as lincomycin hydrochloride monohydrate.

(i) *Indications for use.* For treatment and control of swine dysentery; aid in the prevention of migration and establishment of large roundworm (*Ascaris suum*) infections; aid in the prevention of establishment of nodular worm (*Oesophagostomum* spp.) infections.

(ii) *Limitations.* Feed 100 grams per ton for 3 weeks or until signs of disease disappear, followed by 40 grams per ton; feed as sole ration; not to be fed to swine that weigh more than 250 pounds; withdraw 6 days before slaughter. Consult your veterinarian before feeding to severely debilitated animals and for assistance in the diagnosis, treatment, and control of parasitism.

(9) *Amount per ton.* Pyrantel tartrate, 96 grams (0.0106 percent) and lincomycin, 100 grams, as lincomycin hydrochloride monohydrate.

(i) *Indications for use.* For treatment of swine dysentery; aid in the prevention of migration and establishment of large roundworm (*Ascaris suum*) infections; aid in the prevention of establishment of nodular worm (*Oesophagostomum* spp.) infections.

(ii) *Limitations.* Feed 100 grams per ton 3 weeks or until signs of disease disappear, followed by 40 grams per ton; feed as sole ration; not to be fed to swine that weigh more than 250 pounds; withdraw 6 days before slaughter. Consult your veterinarian before feeding to severely debilitated animals and for assistance in the diagnosis, treatment, and control of parasitism.

(10) *Amount per ton.* Pyrantel tartrate, 96 grams (0.0106 percent) and lincomycin, 100 or 40 grams.

(i) *Indications for use.* For treatment and/or control of swine dysentery; for

removal and control of large roundworm (*Ascaris suum*) infections.

(ii) *Limitations.* Administer in accordance with paragraph (f)(2)(i), (ii), or (iii) of § 558.325 and paragraph (e)(2)(i) of this section.

(11) *Amount per ton.* Pyrantel tartrate, 800 grams (0.0881 percent) and lincomycin, 100 or 40 grams.

(i) *Indications for use.* For treatment and/or control of swine dysentery; for removal and control of large roundworm (*Ascaris suum*) and nodular worm (*Oesophagostomum* spp.) infections.

(ii) *Limitations.* Administer in accordance with paragraph (f)(2)(i), (ii), or (iii) of § 558.325 and paragraph (e)(3)(ii) of this section.

Effective date. July 13, 1982.

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

Dated: July 6, 1982.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 82-18860 Filed 7-12-82; 8:45 am]

BILLING CODE 4160-01-M

21 CFR Part 558

New Animals Drugs for Use in Animal Feeds; Hygromycin B

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 new animal drug application (NADA) filed for Carl S. Akey, Inc., providing for use of a 0.6-gram-per-pound hygromycin B premix for making complete swine feeds for control of large roundworm, nodular worm, and whipworm infections, and for making complete chicken feeds for control of large roundworms, cecal worms, and capillary worms.

EFFECTIVE DATE: July 13, 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., Lewisburg, OH 45338, is the sponsor of NADA 127-508 providing for use of a 0.6-gram-per-pound hygromycin B premix for making complete swine and chicken feeds. The complete swine feed is used as an aid in the control of large roundworm, nodular worm, and whipworm infections. The complete chicken feed is used as an aid in the control of large roundworms, cecal worms, and capillary worms. The NADA was filed by Elanco Products Co. for the sponsor Carl S. Akey, Inc.

Approval of this NADA is based on safety and effectiveness data contained in Elanco's approved NADA's 10-918 and 11-948. Elanco has authorized use of the data in NADA's 10-918 and 11-948 to support approval of this application. Satisfactory chemistry, manufacturing, and control information was also submitted. This approval does not change the approved use of the drug. Consequently, approval of the 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), approval of NADA 127-508 has been treated as would approval of a Category II supplemental NADA and does not require reevaluation of the safety and effectiveness data in NADA's 10-918 and 11-948. NADA 127-508 is approved, and the regulations are amended to reflect the approval.

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.

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

§ 558.274 [Amended]

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) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.274 *Hygromycin B* by adding, in numerical sequence, drug sponsor code "017790" to paragraph (a)(4) and to the "sponsor" column in paragraph (e)(1) (i) and (ii).

Effective date. July 13, 1982.

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

Dated: July 6, 1982.

Lester M. Crawford,

Director, Bureau of Veterinary Medicine.

[FR Doc. 82-18864 Filed 7-12-82; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 211

Advance of Funds for Cooperative Work

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: The Forest Service is deleting the existing regulation at 36 CFR 211.5 which provides for the advance of Forest Service research funds to recipients of cooperative aid. Section 211.5 is rendered unnecessary by Department of Agriculture regulations, 7 CFR 3015, Subpart L, published in the **Federal Register** on November 10, 1981 (46 FR 55636, 55650).

EFFECTIVE DATE: July 13, 1982.

FOR FURTHER INFORMATION CONTACT: Darold Foxworthy, Fiscal and Accounting Management Staff, Forest Service, USDA, 703-235-8359.

SUPPLEMENTARY INFORMATION: During the past several years, considerable changes have taken place in Federal financial assistance programs. Uniform administrative requirements and uniform cost principles have been promulgated by the Office of Management and Budget in the form of OMB circulars. These circulars (A-102, A-110, A-122, A-87, and A-21) are applicable to both grants and cooperative agreements. In addition, Pub. L. 95-224, the Federal Grant and Cooperative Agreement Act of 1977, as amended, distinguishes procurement from financial assistance and characterizes both grants and cooperative agreements as financial assistance transactions. Guidelines issued by OMB to implement the Act made the uniform administrative requirements and cost principles applicable to both grants and cooperative agreements.

Payment requirements are just one of several categories of administrative

requirements provided for by OMB Circulars A–102 and A–110. Also, advance payment by Treasury check is only one of the three payment methods prescribed. The other two methods are letter of credit and reimbursement by Treasury check.

The Office of Management and Budget directed agencies to issue appropriate regulations necessary to implement the provisions of OMB Circulars A–102, A–110, A–122, A–87, and A–21. The Department of Agriculture published final rules, 7 CFR Part 3015, in the Federal Register on November 10, 1981 (46 FR 55636), to implement these circulars. As a result, the Forest Service found its existing regulation at 36 CFR 211.5 to be made unnecessary by the Department's regulations.

36 CFR 211.5 provides for advances of funds for cooperative aid when such advances will stimulate or facilitate cooperative research. The elimination of 36 CFR 211.5 will not change the method or procedures of making advance payments to recipients of financial assistance awards for research. The number or amount of such advances will be neither increased nor decreased.

This rule has been reviewed under USDA procedures and Executive Order 12291. It has been determined that this action is not a major rule and does not require a regulatory impact analysis since it merely eliminates unnecessary duplication and will have no effect on the economy. For the same reason, this action will not affect costs, prices, competition, employment, investment, productivity, innovations, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Assistant Secretary of Agriculture for Natural Resources and Environment has determined that this action will not have a significant economic impact on a substantial number of small entities and does not require a regulatory flexibility analysis under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

In accordance with the exceptions to rulemaking procedures in 5 U.S.C. 533 and Department of Agriculture policy (36 CFR 13804), it has been found and determined that advance notice and request for comments are unnecessary. The Catalog of Federal Domestic Assistance number of the program to which the existing regulation is applicable is 10.652, Forestry Research.

List of Subjects in 36 CFR Part 211

Administrative practices and procedures, Fire prevention, Intergovernmental relations, National Forests.

PART 211—ADMINISTRATION

For the reasons set out in the preamble, 36 CFR Part 211 is amended as follows:

1. The authority citation for Part 211, Subpart A reads as follows:

Authority: 30 Stat. 35, as amended, sec. 1, 33 Stat. 628 (16 U.S.C. 551, 472).

§ 211.5 [Removed]

2. 36 CFR Part 211, Subpart A is amended by removing § 211.5.

John R. Block,

Secretary.

June 25, 1982.

[FR Doc. 82–18882 Filed 7–12–82; 8:45 am]

BILLING CODE 3410–11–M

VETERANS ADMINISTRATION

DEPARTMENT OF DEFENSE

38 CFR Part 21

Education Benefit Payments; Flight Training

AGENCIES: Veterans Administration and Department of Defense.

ACTION: Final regulation.

SUMMARY: This regulation, issued jointly by the Veterans Administration and the Department of Defense, implements some of the provisions of the Omnibus Budget Reconciliation Act of 1981 which affect people receiving educational assistance under VEAP (the Post-Vietnam Era Veterans' Educational Assistance Program).

The regulation places restrictions upon payments made to people in flight training. It should eventually result in the elimination of flight training from VEAP. This regulation implements changes in the law.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420 (202–389–2092).

SUPPLEMENTARY INFORMATION: On pages 11041 and 11042 of the Federal Register of March 15, 1982, there was published notice of intent to amend part 21 to gradually eliminate flight training from VEAP.

Interested people were given 30 days in which to submit comments, suggestions or objections regarding the proposal. The Department of Defense and the Veterans Administration received no comments. Accordingly, the agencies are adopting the proposal.

The agencies have determined that this regulation is not a major rule as that term is defined by Executive Order 12291, Federal Regulation. The annual effect on the economy will be less than $100 million. It will not result in any major increases in costs or prices for anyone. It will have no 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.

The Administrator of Veterans' Affairs and the Secretary of Defense hereby certify that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Under 5 U.S.C. 605(b), this final rule therefore is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that the regulation will regulate recipients of educational assistance under VEAP. It will have no significant impact on small entities (i.e. small businesses, small private and nonprofit organizations, and small governmental jurisdictions.)

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs—education, Loan programs—education, Reporting requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

The Catalog of Federal Domestic Assistance number for the program affected by this regulation is 64.120.

Approved: June 14, 1982.

Robert P. Nimmo,

Administrator.

Approved: June 24, 1982.

R. Dean Tice,

Deputy Assistant Secretary of Defense.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Section 21.5137 is added as follows:

§ 21.5137 Benefit payments—flight training.

(a) *Payments to individuals who enroll in flight training before September 1, 1981.* (1) The Veterans Administration will pay benefits to an individual who enrolls in an approved program of flight training before September 1, 1981, provided—

(i) The individual incurs no changes of program after August 31, 1981, and

(ii) The continuity of the enrollment is not broken.

(2) If after September 30, 1981, an individual, who enrolled in a program of flight training before September 1, 1981, breaks the continuity of his or her enrollment, the Veterans Administration will not pay for flight training which occurs after the date the continuity of enrollment was broken.

(3) The Veterans Administration will consider the continuity of an enrollment to be broken any time the individual receives no flight training for a period of six or more consecutive months. (Pub. L. 97–35, secs. 2003 and 2006)

(b) *Payments to individuals who enroll in flight training during September 1981.* If an individual enrolls in a flight course during September 1981 and this does not form part of a continuous enrollment begun before September 1, 1981, the Veterans Administration will make payment only for that portion of the course completed during September 1981. The Veterans Administration will make no payment for any portion of the course completed after September 30, 1981. (Pub. L. 97–35, secs. 2003 and 2006)

(c) *Payments to individuals who enroll in flight training after September 30, 1981.* The Veterans Administration will make no payment for flight training an individual receives if the individual enrolls in flight training for the first time after September 30, 1981. (Pub. L. 97–35, secs. 2003 and 2006).

[FR Doc. 82–18822 Filed 7–12–82; 8:45 am]
BILLING CODE 8320–01–M

GENERAL SERVICES ADMINISTRATION

41 CFR Ch. 101

[FPMR Temporary Reg. G–46]

Reporting Motor Vehicle Data

AGENCY: General Services Administration.

ACTION: Temporary regulation.

SUMMARY: FPMR 101–38.1 relating to reporting motor vehicle data is being revised to incorporate a revision to Standard Form 82, Agency Report of Motor Vehicle Data, and remove text concerning Standard Form 82D which was canceled by FPMR Temporary Regulation G–37. The Standard Form 82 data elements were revised by the Interagency Motor Equipment Management Committee in order to facilitate the reporting of data relating to agency-owned and -leased vehicles and to provide more relevant data for inclusion in the Federal Motor Vehicle Fleet Report.

DATES: Effective date: July 13, 1982.

Expiration date: February 28, 1983.

FOR FURTHER INFORMATION CONTACT: Mrs. Pat Padgett, Federal Fleet Management Division, Transportation and Public Utilities Service (202–275–1021).

SUPPLEMENTARY INFORMATION: The General Services Administration (GSA) has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs; and has maximized the net benefits to society.

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

Information collection requirements contained in this regulation have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1980 (Pub. L. 96–511) and have been assigned OMB approval number 3090–0081.

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

In 41 CFR Chapter 101, the following temporary regulation is listed in the appendix at the end of Subchapter G.

Federal Property Management Regulations

[Temporary Regulation G–46]

To: Heads of Federal agencies.

Subject: Standard Form 82—Agency Report of Motor Vehicle Data.

1. *Purpose.* This regulation issues a change to Subpart 101–38.1, Reporting Motor Vehicle Data, which includes the revised Standard Form 82, Agency Report of Motor Vehicle Data.

2. *Effective date.* This regulation is effective upon publication in the **Federal Register.**

3. *Expiration date.* This regulation expires February 28, 1983, unless revised or superseded sooner.

4. *Applicability.* This regulation is applicable to all Federal executive agencies operating commercially designed, Government-owned or -leased motor vehicles. Military designed motor vehicles are exempt from the provisions of this regulation.

5. *Background.*

a. FPMR 101–38.100–1 requires the use of Standard Form 82 by agencies for reporting motor vehicle management data to the General Services Administration (GSA). The data are used by GSA to evaluate and analyze the operations and management of the Federal motor vehicle fleet, and for publication in the Federal Motor Vehicle Fleet Report.

b. The Interagency Motor Equipment Management Committee (IMEMC) studied the motor vehicle reporting requirements and recommended changes to simplify the collection and reporting of the data. The IMEMC has recommended the following:

(1) Standard Form 82 be revised to simplify data elements and eliminate the requirement for calculating "Vehicle Years of Operation" and depreciation. Vehicle years of operation will now be calculated as a simple average inventory, and depreciation will be calculated by GSA.

(2) The revised Standard Form 82 will be made available for the fiscal year 1982 report.

6. *Agency action.* Agencies shall report data for fiscal year 1982 using revised Standard Form 82.

7. *Reports.* The report prescribed by this regulation has been cleared in accordance with Subpart 101–11.11 and assigned interagency report control number 1102–GSA–AN.

8. *Availability of forms.* Agencies may obtain supplies of Standard Form 82, Agency Report of Motor Vehicle Data, by submitting a FEDSTRIP requisition to the GSA regional office providing support to the requesting activity. Include National Stock Number 7540–00–634–4031 on the requisition for Standard Form 82.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 82–18791 Filed 7–12–82; 8:45 am]
BILLING CODE 6820–AM–M

41 CFR Ch. 101

[FPMR Temp. Reg. E–70, Supp. 2]

Supply Activity Report

AGENCY: Federal Supply Service, General Services Administration.

ACTION: Temporary regulation.

SUMMARY: This supplement extends to May 31, 1983, the expiration date of FPMR Temporary Regulation E–70, relating to supply activity reports, pending the development of a refined reporting system using more significant data elements.

DATES: Effective date: July 13, 1982.

Expiration date: May 31, 1983.

FOR FURTHER INFORMATION CONTACT: Robert A. Renner, Director, Regulations Division (703–557–7990).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; or major increase in costs to consumers or others; or significant adverse effects.

The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

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

In 41 CFR Chapter 101, this temporary regulation is listed in the appendix at the end of Subchapter E.

Note.—Supplement 2 to FPMR Temporary Regulation E–70 is filed with the orginal document, and its text does not appear in this volume.

Ray Kline,

Acting Administrator of General Services.

June 15, 1982.

[FR Doc. 82-18794 Filed 7-12-82; 8:45 am]

BILLING CODE 6820-24-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 6354]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP) and eligible for second layer insurance coverage. These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the regular program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda, Maryland 20034, Phone: (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (200) 287–0270, 500 C Street Southwest, Donohoe Building, Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the fourth column of the table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of Eligible Communities.

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Alaska:				
Wrangell-Petersburg	Petersburg, city of	020074	750725, emergency; 820601, regular	750614
Sitka Division	Sitka, city and borough of	020006	741108, emergency; 820601, regular	740628
Arizona: Navajo	Navajo County [2]	040066	750130, emergency; 820601, regular	740823
California:				
Humboldt	Eureka, city of	060062	750609, emergency; 820601, regular	740524
Solano	Suisun city, city of	060372	750523, emergency; 820601, regular	740322
Tehama	Tehama County [2]	065064	710423, emergency; 820601, regular	780307
Connecticut:				
Tolland	Stafford Springs, borough of	090113	750805, emergency; 820601, regular	740628
Do	Stafford, town of	090152	820112, emergency; 820601, regular	800725
Florida: Hernando	Brooksville, city of	120333	741030, emergency; 820601, regular	750221
Georgia: Tift	Tift County [2]	130404	791001, emergency; 820601, regular	780217
Iowa: Pottawattamie	Underwood, city of	190494	771028, emergency; 820601, regular	760326
Illinois:				
Rock Island	Carbon Cliff, village of	170584	750523, emergency; 820601, regular	740412
Kendall	Millington, village of	170343	750528, emergency; 820601, regular	731228
Do	Newark, village of	170344	750428, emergency; 820601, regular	731123
Do	Oswego, village of	170345	750416, emergency; 820601, regular	731123
Do	Yorkville, city of	170347	750403, emergency; 820601, regular	740329
Indiana:				
Dubois	Jasper, city of	180055	710624, emergency; 820601, regular	731026
Porter	Portage, city of	180202	750808, emergency; 820601, regular	740726
Kansas: Shawnee	Shawnee County [2]	200331	780623, emergency; 820601, regular	780221

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Massachusetts:				
Worcester	Douglas, town of	250301	750129, emergency; 820601, regular	740607
Berkshire	Hancock, town of	250025	750925, emergency; 820601, regular	740628
Do	Lee, town of	250028	741003, emergency; 820601, regular	740322
Norfolk	Stoughton, town of	250253	750304, emergency; 820601, regular	740802
Middlesex	Sudbury, town of	250217	750801, emergency; 820601, regular	740823
Worcester	Sutton, town of	250338	750529, emergency; 820601, regular	740809
Middlesex	Wayland, town of	250224	750321, emergency; 820601, regular	740726
Worcester	West Brookfield, town of	250346	740625, emergency; 820601, regular	740726
Berkshire	West Stockbridge, town of	250045	750723, emergency; 820601, regular	740726
Michigan:				
Monroe	Luna Pier, city of	260150	730126, emergency; 820601, regular	740628
Lenawee	Tecumseh, city of	260117	741217, emergency; 820601, regular	740524
Kent	Walker, city of	260110	730406, emergency; 820601, regular	731012
Minnesota: Nobles	Adrian, city of	270318	740502, emergency; 820601, regular	740503
Missouri:				
Jasper	Carl Junction, city of	290179	751028, emergency; 820601, regular	740208
Stoddard	Dexter, city of	290424	710813, emergency; 820601, regular	740510
Laclede	Lebanon, city of	290197	740830, emergency; 820601, regular	740331
Jasper	Webb City, city of	290187	750519, emergency; 820601, regular	740116
North Carolina: Wayne	Goldsboro, city of	370255	750529, emergency; 820601, regular	740607
New Jersey:				
Salem	Carney Point, township of	340424	750303, emergency; 820601, regular	761105
Bergen	Palisades Park, borough of	340061	750522, emergency; 820601, regular	731228
Gloucester	West Deptford, township of	340214	721222, emergency; 820601, regular	740308
Nevada: Lincoln	Caliente, city of	320015	750822, emergency; 820601, regular	750502
New York:				
Oswego	Cleveland, village of	360998	760113, emergency; 820601, regular	740531
Onondaga	Marcellus, village of	360586	740725, emergency; 820601, regular	740412
Cayuga	Port Byron, village of	360121	750804, emergency; 820601, regular	740503
Onondaga	Skaneateles, town of	360592	740919, emergency; 820601, regular	741108
Ohio: Hamilton	Hamilton County [3]	390204	730702, emergency; 820601, regular	780414
Oklahoma: Beckham	Elk City, city of	400010	750117, emergency; 820601, regular	740524
Oregon:				
Yamhill	Dayton, city of	410252	750604, emergency; 820601, regular	740123
Josephine	Josephine County [3]	414590	701231, emergency; 820601, regular	770816
Pennsylvania:				
Lehigh	Allentown, city of	420585	711015, emergency; 820601, regular	740726
Lawrence	Ellwood City, borough of	420567	741003, emergency; 820601, regular	740531
Blair	Hollidaysburg, borough of	420162	730330, emergency; 820601, regular	731012
Bucks	Milford, township of	422337	750617, emergency; 820601, regular	741213
Beaver	North Sewickley, township of	421161	740424, emergency; 820601, regular	741018
Do	Pulaski, township of	422328	751231, emergency; 820601, regular	741220
Juniata	Susquehanna, township of	421746	750627, emergency; 820601, regular	750124
Texas:				
Angelina	Lufkin, city of	480009	730620, emergency; 820601, regular	740222
Tarrant	Watauga, town of	480613	750513, emergency; 820601, regular	740308
Washington:				
King	Bothell, city of	530075	750620, emergency; 820601, regular	740524
Lewis	Centralia, city of	530103	741115, emergency; 820601, regular	740315
Wisconsin:				
Kenosha	Twin Lakes, village of	550211	750624, emergency; 820601, regular	740607
Walworth	Whitewater, city of	550200	750327, emergency; 820601, regular	740109
West Virginia:				
Kanawha	Cedar Grove, town of	540072	750626, emergency; 820601, regular	740308
Do	Dunbar, city of	540076	740806, emergency; 820601, regular	740301
Do	East Bank, town of	540077	750529, emergency; 820601, regular	740322
Fayette	Montgomery, city of	540029	750702, emergency; 820601, regular	760303
Georgia: Bartow	White, town of	130278	760618, emergency; 820604, regular	750404
Pennsylvania: Schuylkill	Branch, township of	421998	751202, emergency; 820604, regular	741115
Idaho: Twin Falls	Hansen, city of	160140	760629, emergency; 820608, regular	750627
Illinois: Kendall	Lisbon, village of	170342	820611, emergency; 820611, regular	741101
New York: Rensselaer	Schaghticoke, village of	361058	791227, emergency; 820611, regular	760123
Pennsylvania:				
Fulton	Bethel, township of	422429	760611, emergency; 820611, regular	770812
Washington	Buffalo, township of	421200	750407, emergency; 820611, regular	741101
Bradford	Canton, township of	421397	760510, emergency; 820611, regular	741018
Huntingdon	Tell, township of	421702	751015, emergency; 820611, regular	750124
Virginia: Charlotte	Drakes Branch, town of	510032	741018, emergency; 820611, regular	740809
California: Kern	Tehachapi, city of	060064	761001, emergency; 820615, regular	760730
Connecticut:				
New London	Colchester, borough of	090192	750521, emergency; 820615, regular	740628
Do	Colchester, town of	090095	750521, emergency; 820615, regular	740802
Litchfield	Litchfield, town of	090047	750606, emergency; 820615, regular	740621
Fairfield	Redding, town of	090141	740923, emergency; 820615, regular	740823
Tolland	Willington, town of	090159	760113, emergency; 820615, regular	741220
Illinois:				
Sangamon	Rochester, village of	170840	760302, emergency; 820615, regular	750321
Kane	Sleepy Hollow, village of	170331	750218, emergency; 820615, regular	740412
Massachusetts:				
Worcester	Barre, town of	250293	750812, emergency; 820615, regular	740517
Middlesex	Belmont, town of	250182	740906, emergency; 820615, regular	740726
Worcester	Clinton, town of	250300	770526, emergency; 820615, regular	740809
Do	Dudley, town of	250302	750623, emergency; 820615, regular	740405
Berkshire	Egremont, town of	250022	750703, emergency; 820615, regular	740628
Do	Lanesbrough, town of	250027	741118, emergency; 820615, regular	740329
Worcester	Lunenburg, town of	250315	750904, emergency; 820615, regular	740906
Do	Sterling, town of	250336	750709, emergency; 820615, regular	740719
Plymouth	West Bridgewater, town of	250284	750724, emergency; 820615, regular	740809
Middlesex	Wilmington, town of	250227	740701, emergency; 820615, regular	740301
Worcester	Winchedon, town of	250348	750806, emergency; 820615, regular	740823
Michigan:				
Calhoun	Albion, city of	260050	750701, emergency; 820615, regular	740628

State and county	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hazard area identified
Washtenaw	Ann Arbor, city of	260213	730419, emergency; 820615, regular	740628
Kalamazoo	Kalamazoo, township of	260429	771227, emergency; 820615, regular	770520
Washtenaw	Manchester, village of	260316	750626, emergency; 820615, regular	740222
Minnesota: Winona	Goodview, city of	270528	750623, emergency; 820615, regular	760319
Missouri:				
Franklin	Berger, city of	290132	751007, emergency; 820615, regular	740830
St. Louis	Valley Park, city of	290391	750623, emergency; 820615, regular	731217
North Carolina: Lenoir	Kinston, city of	370145	741107, emergency; 820615, regular	740315
New Hampshire: Coos	Berlin, city of	330029	750508, emergency; 820615, regular	740719
New Jersey:				
Passaic	Clifton, city of	340398	750219, emergency; 820615, regular	740531
Mercer	Hamilton, township of	340246	711203, emergency; 820615, regular	771104
Bergen	Little Ferry, borough of	340046	750721, emergency; 820615, regular	731228
Cumberland	Millville, city of	340173	750502, emergency; 820615, regular	770114
Nevada: Clark	Henderson, city of	320005	750114, emergency; 820615, regular	740628
New York: Tioga	Barton, town of	360832	750902, emergency; 820615, regular	740621
Oregon:				
Lane	Junction City, city of	410124	750502, emergency; 820615, regular	740510
Yamhill	Lafayette, city of	410254	750520, emergency; 820615, regular	731130
Multnomah	Multnomah County [2]	410179	720204, emergency; 820615, regular	0
Benton	Philomath, city of	410011	750606, emergency; 820615, regular	740222
Tennessee: Davidson	Nashville and Davidson Co., Metropolitan Gov	470040	740726, emergency; 820615, regular	741227
Texas:				
Liberty	Daisetta, town of	481101	791114, emergency; 820615, regular	760702
Ellis	Ennis, city of	480207	780213, emergency; 820615, regular	740628
Lampasas	Lampasas, city of	480430	750807, emergency; 820615, regular	740830
Utah: Weber	Harrisville, city of	490208	750929, emergency; 820615, regular	750808
Wisconsin:				
Trempealeau	Ettrick, village of	550442	750715, emergency; 820615, regular	731130
Waukesha	Pewaukee, village of	550489	750324, emergency; 820615, regular	760303
West Virginia:				
Kanawha	Glasgow, town of	540078	750609, emergency; 820615, regular	740308
Do	St. Albans, city of	540083	750716, emergency; 820615, regular	740308

Total is: 123.

[1] Key for reading 4th column (effective date): First two digits designate the year, middle two digits designate the month, last two digits designate the day.
[2] Disaster community.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: June 24, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-18671 Filed 7-12-82; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 65

[Docket No. FEMA 6353]

List of Communities With Special Hazard Areas Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule identifies communities with areas of special flood, mudslide, or erosion hazards as authorized by the National Flood Insurance Program. The identification of such areas is to provide guidance to communities on the reduction of property losses by the adoption of appropriate flood plain management or other measures to minimize damage. It will enable communities to guide future construction, where practicable, away from locations which are threatened by flood or other hazards.

EFFECTIVE DATE: The effective date shown at the top right of the table or August 12, 1982, whichever is later.

FOR FURTHER INFORMATION CONTACT: Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (200) 287–0270, 500 C Street Southwest, Donohoe Building, Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93–234) requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply in respect to conventional mortgage loans by federally regulated, insured, supervised, or approved lending institutions.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin August 12, 1982 or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin August 12, 1982 or the effective date of the Flood Hazard Boundary Map, whichever is later.

This identification is made in accordance with Part 64 of Title 44 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128)

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director, State and

Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information or regarding the completed stages of engineering tasks in delineating the special flood hazard areas of the specified community. This rule imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 65

Flood insurance, Flood plains.

Section 65.3 is amended by adding in alphabetical sequence a new entry to the table:

§ 65.3 List of communities with special hazard areas (FHBMs in effect).

1	2	3	4	5	6	7	8	9		10		11	12	13	14
State	Identification No.	Community name and county name	Panels printed (number and suffix)	Inland coastal	Hazard	60.3 code	Program status	Status of		Previous map dates		Revision code(s)	Rescission	Floodways panels printed	Location of map repository
								FHBM	FIRM	FHBM	FIRM				
Effective Date: June 4, 1982															
OH	390219	City of Greenhills, Hamilton County.	0001B	I	FL	B	1	3	1	1/25/74; 5/21/76	N/A	9 10 16	N/A	N/A	Ronald Otting, Mayor, 10 Burnham, Greenhills, OH 45218, (513) 825-2100.
VA	510249	Caroline County, unincorporated areas.	0001A through 0009A.	I	FL	B	1	3	1	4/25/75	N/A	9 10 16	N/A	N/A	L. Edward Ayers, County Administrator, P.O. Box 507, Bowling Green, VA 22427, 804-633-5380.
WV	540278	Monroe County, unincorporated areas.	0001A through 0010A.	I	FL	B	1	3	1	7/25/75	N/A	9 10 16	N/A	N/A	Randell Walace, President, Monroe Co. Commissioners, County Courthouse, Union, WV 24983, 304-772-3996.
NC	370040	Lenoir, city of, Caldwell County.	0005C, 0010C.	I	FL	B	1	3	1	12/3/76 2/2/79	N/A	10 9	N/A	N/A	Lewis Price, City Manager, P.O. Box 958, Lenoir, North Caroline 28645.
Effective Date: June 8, 1982															
OK	400497	Seminole County, unincorporated areas.	0001A through 0010A.	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	Max Dye, Chairman, Seminole Co. Commissioners, P.O. Box 457, Wewoka, OK 74884, 405-257-2450.
Effective Date: June 11, 1982															
OK	400475	Cleveland County, unincorporated areas, Index—0050A, 0075A, 0100A, 0125A, 0150A, 0175A, 0200A, 0225A, 0250A.		I	FL	B	1	2	1	N/A	N/A	N/A	N/A	N/A	L. L. Chandler, Chairman, County Commissioner Chairman, Cleveland, Co. Courthouse, Norman, OK 73069.
Effective Date: June 18, 1982															
KY	210077	Hickman, city of, Fulton County.	0005B	I	FL	B	1	3	1	6/28/74, 6/4/76	N/A	5, 8, 9, 10	N/A	N/A	Steve Fields, Mayor, City of Hickman, Route 4, Hickman, KY 42050.
Effective Date: June 22, 1982															
TX	481516	Town of Double Oak; Denton County.	0001B	I	FL	B	4	3	1	6/19/79	N/A	8	N/A	N/A	Bernard V. Carrico, Jr., P.O. Box 1396, Lewisville, TX 75067, 817-491-2271.
WY	560066	Town of Medicine Bow, Carbon County.	0001A	I	FL	B	4	3	1	6/25/76	N/A	8	N/A	N/A	Gerald Cook, P.O. Box 156, 319 Pine St., Medicine Bow, WY 82329.
Effective Date: July 2, 1982															
NY	361136	Stratford, town of, Fulton County.	0003A, 0004A, 0006A through 0010A.	I	FL	B	1	3	1	11/15/74	N/A	10 9	N/A	N/A	Ronald L. Aubin, Supervisor, Star Route, Stratford, NY 13470.
OH	390063	City of Springfield, Clark County.	0001B through 0004B.	I	FL	B	1	3	1	4/12/74 3/14/75	N/A	9 10 16	N/A	N/A	Thomas Bay, City Manager, 76 E. High Street, Springfield, OH 45502.
VA	510182	York County, unincorporated areas.	0001A through 0005A.	I	FL	B	1	3	1	11/29/74	N/A	9 10 16	N/A	N/A	John Richardsons, County Administrator, York Co. Administration Building, P.O. Box 532, Yorktown, VA 23690, 804-898-0200.

1	2	3	4	5	6	7	8	9		10		11	12	13	14
State	Identification No.	Community name and county name	Panels printed (number and suffix)	Inland coastal	Hazard	60.3 code	Program status	Status of		Previous map dates		Revision code(s)	Rescission	Floodways panels printed	Location of map repository
								FHBM	FIRM	FHBM	FIRM				
WV	540226	Hampshire County, unincorporated areas.	0001A through 0013A.	I	FL	B	1	3	1	1/31/75	N/A	9 10 16	N/A	N/A	George E. Herriott, President Co. Commissioner, P.O. Box 398, Romney, WV 26757, 304-822-5112.
Effective Date: July 9, 1982															
WV	540026	Fayette County, unincorporated areas.	0001A through 0008A, 0010A, 0011A.	I	FL	B	1	3	1	4/11/75	N/A	9 10 16	N/A	N/A	James E. Lively, President, Fayette Co. Commissioners, County Courthouse, Fayetteville, WV 25840, 304-574-1200.
Effective Date: July 13, 1982															
OK	400466	Oklahoma County, unincorporated areas.	0001A through 0003A, 0005A, 0006A, 0008A, 0009A.	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	S. G. Buchanon, Chairman, County Commissioners, 320 Robert S. Kerr Blvd., Oklahoma City, OK 73102, 405-236-2727.
Effective Date: July 16, 1982															
VT	500174	Weybridge, town of, Addison County.	0001A through 0004A.	I	FL	B	1	3	1	1/17/75	N/A	10	N/A	N/A	Paul Denis, Chairman, Board of Selectmen, R.D. #2, Middlebury, VT 05753.
PA	422456	Township of Greenfield, Lackawanna County.	0001A, 0002A, 0003A.	I	FL	B	1	3	1	1/10/75	N/A	9 10 16	N/A	N/A	Thomas Cerra, Chairman, Township Supervisors, R.D. #1, Carbondale, PA 18407, 717-282-2921.

Community Map Actions

(Codes: Where no entry is necessary use N/A)

Column Code:

1. Two letter state designator
2. FIA Community 6-digit identity number
3. Community name, County(ies) name
4. Four digit number and suffix of each FIRM or FHBM panel printed
5. INL/Coast:
   I=Inland; C=Coastal; W=Wave Height
6. Hazard:
   FL=Flood; MS=Mudslide; ER=Erosion; NF=Non Flood Prone; MF=Minimally Flood Prone
7. 60.3 Code:
   A=Special Hazard not defined, no elevation data (No FHBM)
   B=Special Hazard Designated, no elevation data (FHBM)
   C=FIRM, No Floodway or Coastal High Hazard
   D=FIRM, Regulatory Floodway Designated [1]
   E=FIRM, Coastal High Hazard[1]
8. Program status:
   1=Emergency; 2=Regular; 3=Not participating, no map; 4=Not participating, with map; 5=Withdrew; 6=Suspended
9. FHBM status:
   1=Never mapped; 2=Original; 3=Revised; 4=Rescinded; 5=Superceded by FIRM
10. FIRM status:
    1=Never mapped; 2=Original; 3=Revised; 4=Rescinded; 5=All zone C—no published FIRM; 6=All zone A and C—no elevations determined
11. Dates of all previous maps:
12. Revision codes:
    1. 67 BFE (Base Flood Elevation) Decrease
    2. 67 BFE Increase
    3. 65 SFHA (Special Flood Hazard Area) Change
    4. Change of Zone Designation; revised FIRM
    5. Curvilinear
    6. 64 Incorporation
    7. 64 Discorporation
    8. 64 Annexation
    9. SFHA Reduction
    10. Non-67 SFHA Increase Without Numbered Zones
    11. Non-67 SFHA Increase With Numbered Zones
    12. Drafting Correction; Printing Errors
    13. Suffix Change ONLY
    14. Change to Uniform Zone Designations (7/1/74)
    15. Revisions Withdrawn
    16. Refunds Possible
    17. Letter of Map Amendment (70)
    18. Letter of Map Amendment (70 without Federal Register publication)
    19. Federal Register Omission
    20. Attention. A previous map (or maps) has been rescinded or withdrawn for this community. This may have affected the sequence of suffixes.
    21. Miscellaneous
13. List of Numbered Floodway Panels Printed
14. Address of Community Map Repository

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: June 24, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-18670 Filed 7-12-82; 8:45 am]

BILLING CODE 6718-03-M

[1] Dual entry is available.

44 CFR Part 64

[Docket No. FEMA 6357]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended effective the dates listed within this rule because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard E. Sanderson, Chief, Natural Hazards Division, (202) 287–0270, 500 C

Street Southwest, Donohoe Building—Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date flood insurance is no longer available in the community.

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood prone areas, as shown on the Federal Emergency Management Agency's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 533(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

Pursuant to the provision of 5 U.S.C. 605(b), the Associate Director of State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in non-compliance of the Federal standards required for community participation.

In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance, Flood plains.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of Eligible Communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
California:					
Humboldt	Unincorporated areas	060060B	Sept. 11, 1974, emergency; July 19, 1982, regular; July 19, 1982, suspended.	Sept. 13, 1977	July 19, 1982.
Mendocino	Ukiah, city of	060186D	Oct. 30, 1974, emergency; July 19, 1982, regular; July 19, 1982, suspended.	Jan. 3, 1978, June 6, 1978, Aug. 9, 1974, Sept. 17, 1976.	Do.
Idaho: Bonneville	Ammon, city of	160028B	June 30, 1976, emergency; July 19, 1982, regular; July 19, 1982, suspended.	June 30, 1976	Do.
Illinois: Kendall	Unincorporated areas	170341C	July 5, 1973, emergency; July 19, 1982, regular; July 19, 1982, suspended.	Feb. 21, 1975, Jan. 13, 1978, Aug. 17, 1979.	Do.
Indiana: Bartholomew	Columbus, city of	180007B	Nov. 12, 1974, emergency; July 19, 1982, regular; July 19, 1982, suspended.	Dec. 7, 1973, July 23, 1976	Do.
Massachusetts:					
Bristol	Acushnet, town of	250048B	Apr. 3, 1981, emergency; July 19, 1982, regular; July 19, 1982, suspended.	Sept. 6, 1974, Oct. 15, 1976	Do.
Middlesex	Ayer, town of	250180B	Nov. 7, 1974, emergency; July 19, 1982, regular; July 19, 1982, suspended.	Mar. 22, 1974, Sept. 3, 1976.	Do.
Worcester	Charlton, town of	250299B	June 10, 1975, emergency; July 19, 1982, regular; July 19, 1982, suspended.	July 26, 1974, Nov. 19, 1976.	Do.
Berkshire	Cheshire, town of	250019B	Aug. 7, 1975, emergency; July 19, 1982, regular; July 19, 1982, suspended.	Sept. 13, 1974, Jan. 14, 1977.	Do.
Do	Great Barrington, town of	250024B	Sept. 24, 1974, emergency; July 19, 1982, regular; July 19, 1982, suspended.	Oct. 18, 1974, Nov. 12, 1976.	Do.
Worcester	Hopedale, town of	250310B	June 23, 1975, emergency; July 19, 1982, regular; July 19, 1982, suspended.	July 26, 1974, Oct. 15, 1976	Do.
Do	Mendon, town of	250316B	Jan. 22, 1976, emergency; July 19, 1982, regular; July 19, 1982, suspended.	Sept. 6, 1974, Nov. 19, 1976.	Do.
Do	Millville, town of	250319B	Mar. 7, 1975, emergency; July 19, 1982, regular; July 19, 1982, suspended.	June 28, 1974, Oct. 15, 1976.	Do.
Michigan:					
Lenawee	Adrian, city of	260115B	Apr. 1, 1975, emergency; July 19, 1982, regular; July 19, 1982, suspended.	May 31, 1974, Aug. 22, 1975.	Do.
Charlevoix	Boyne City, city of	260056B	Dec. 27, 1973, emergency; July 19, 1982, regular; July 19, 1982, suspended.	Mar. 29, 1974, June 11, 1976.	Do.
Monroe	Dundee, village of	260313	Mar. 10, 1975, emergency; July 19, 1982, regular; July 19, 1982, suspended.	Feb. 1, 1974, June 11, 1976	Do.
Charlevoix	East Jordan, city of	260372A	July 30, 1975, emergency; July 19, 1982, regular; July 19, 1982, suspended.	July 11, 1975	Do.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date [1]
Minnesota:					
Winona	Minnesota City, city of	270529B	Aug. 25, 1975, emergency; July 19, 1982, regular; July 19, 1982, suspended.	Aug. 2, 1974, Oct. 24, 1975	Do.
Winona	Rollingstone, city of	270530C	Sept. 4, 1975, emergency; July 19, 1982, regular; July 19, 1982, suspended.	Oct. 31, 1975, Sept. 15, 1978, Aug. 2, 1974.	Do.
New Mexico: Chaves	Roswell, city of	350006B	May 23, 1979, emergency; July 19, 1982, regular; July 19, 1982, suspended.	June 14, 1974, Dec. 10, 1976.	Do.
North Carolina: Wilson	Wilson, city of	370270B	Mar. 21, 1975, emergency; July 19, 1982, regular; July 19, 1982, suspended.	Nov. 29, 1974, Dec. 10, 1976.	Do.
North Dakota:					
Barnes	Kathryn, city of	380001A	June 4, 1975, emergency; July 19, 1982, regular; July 19, 1982, suspended.	Nov. 22, 1974	Do.
Traill	Portland, city of	380134B	Oct. 14, 1975, emergency; July 19, 1982, regular; July 19, 1982, suspended.	May 10, 1974, Dec. 19, 1975.	Do.
South Carolina:					
Pickens	Easley, city of	450167C	Mar. 4, 1974, emergency; July 19, 1982, regular; July 19, 1982, suspended.	June 28, 1974, Apr. 30, 1976, Mar. 24, 1978.	Do.
Fairfield	Unincorporated areas	450075B	Dec. 21, 1978, emergency; July 19, 1982, regular; July 19, 1982, suspended.	Nov. 25, 1977	Do.
Pickens	Unincorporated areas	450166B	Apr. 2, 1974, emergency; July 19, 1982, regular; July 19, 1982, suspended.	Feb. 14, 1975, Dec. 23, 1977.	Do.
Tennessee: Sullivan	Bristol, city of	470182B	July 7, 1975, emergency; July 19, 1982, regular; July 19, 1982, suspended.	Mar. 8, 1974, July 8, 1977	Do.
Washington:					
Benton	Unincorporated areas	530237B	Aug. 9, 1977, emergency; July 19, 1982, regular; July 19, 1982, suspended.	Apr. 11, 1974, Aug. 9, 1977	Do.
Jefferson	Unincorporated areas	530069B	Apr. 2, 1975, emergency; July 19, 1982, regular; July 19, 1982, suspended.	June 21, 1977	Do.
Skagit	Lyman, town of	530157B	May 16, 1975, emergency; July 19, 1982, regular; July 19, 1982, suspended.	Nov. 15, 1974, Dec. 19, 1975.	Do.
Pierce	Steilacoom, city of	530146B	June 4, 1975, emergency; July 19, 1982, regular; July 19, 1982, suspended.	Aug. 9, 1974, Jan. 23, 1976	Do.
Wisconsin:					
Waukesha	Elm Grove, village of	550578B	May 1, 1975, emergency; July 19, 1982, regular; July 19, 1982, suspended.	Dec. 23, 1977	Do.
Fond Du Lac	Unincorporated areas	550131A	Apr. 2, 1974, emergency; July 19, 1982, regular; July 19, 1982, suspended.	Dec. 13, 1974	Do.
Texas: Brazoria	Hillcrest Village, city of	485478C	Mar. 17, 1972, emergency; July 19, 1982, regular; July 19, 1982, suspended.	Mar. 18, 1972, July 1, 1974	Do.

[1] Date certain Federal assistance no longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: June 28, 1982.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 82-18672 Filed 7-12-82; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL MARITIME COMMISSION

46 CFR Parts 528 and 537

OMB Clearance Information

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: Rules containing OMB clearance information are amended to reflect OMB clearance for the reporting requirements contained therein and to delete reference to the expiration dates. The amendment is necessary to comply with the Paperwork Reduction Act of 1980.

EFFECTIVE DATE: July 13, 1982.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, (202) 523–5725.

SUPPLEMENTARY INFORMATION: 44 U.S.C. 3504 requires the Office of Management and Budget (OMB) to review information collection requests from 10 or more persons undertaken by Federal agencies.

This Commission has received an extension of clearance from OMB for General Orders 7 and 18, which are contained in 46 CFR Parts 528 and 537, respectively. 44 U.S.C. 3304(c)(3)(A) also requires that notice of OMB's clearance appear in the information collection requests.

The clearance information is presently included in General Orders 7 and 18; however, they must be amended to reflect OMB's latest clearance advice that expiration dates need not be shown in the Commission's General Orders.

List of Subjects in 46 CFR Parts 528 and 537

Maritime carriers.

Accordingly, Parts 528 and 537 are amended as follows:

PART 528—SELF POLICING REQUIREMENTS FOR SECTION 15 AGREEMENTS

1. The authority citation for part 528 reads as follows:

Authority: Secs. 14, 15, 16, 18(b), 21, 35, and 43 of the Shipping Act, 1916 (46 U.S.C. 812, 814, 815, 817(b), 820, 833a, and 841a).

2. Under the Authority citation remove the words "OMB Control Number 3072–0003. Expires February 28, 1982" and insert "OMB Control Number 3072–0003."

PART 537—CONFERENCE AGREEMENT PROVISIONS RELATING TO CONCERTED ACTIVITIES

1. The Authority citation for Part 537 reads as follows:

Authority: Secs. 15, 21, 43, 75 Stat. 763–764, 39 Stat. 736; 75 Stat. 766; 46 U.S.C. 814, 817, 822.

2. Under the Authority citation, remove the words "OMB Control

Number 3072–0013. Expires January 31, 1982" and insert "OMB Control Number 3072–0013."

Effective Date. Notice, public procedure and delayed effective date are not necessary for the promulgation of this amendment because of its nonsubstantive nature. Accordingly, this amendment shall be effective July 13, 1982.

By the Commission, June 28, 1982.

Francis C. Hurney,

Secretary.

[FR Doc. 82–18823 Filed 7–12–82; 8:45 am]

BILLING CODE 6730–01–M

Proposed Rules

Federal Register
Vol. 47, No. 134
Tuesday, July 13, 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.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 958

Onions Grown in Certain Designated Counties in Idaho and Malheur County, Oregon; Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed continuing regulation would require fresh market shipments of onions grown in certain designated counties in Idaho and Malheur County, Oregon, to be inspected and meet minimum quality and size requirements. The regulation should promote orderly marketing of such onions and keep less desirable qualities and sizes from being shipped to consumers.

DATE: Comments due July 15, 1982.

ADDRESS: Comments should be sent to: Hearing Clerk, Room 1077–S, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written comments shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Charles W. Porter, Chief, Vegetable Branch, F&V, AMS, USDA, Washington, D.C. 20250 (202) 447–2615. The Draft Impact Statement relating to this proposed rule is available upon request from Mr. Porter.

SUPPLEMENTARY INFORMATION: Paperwork Reduction Act Information collection requirements contained in this regulation (7 CFR Part 958) have been approved by the Office of Management and Budget under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB #0581–0087.

This proposed rule has been reviewed under Secretary's Memorandum 1512–1 and Executive Order 12291 and has been designated a "nonmajor" rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers.

Marketing Agreement No. 130 and Order No. 958, both as amended, regulate the handling of onions grown in certain designated counties in Idaho and Malheur County, Oregon. The program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The Idaho-Eastern Oregon Onion Committee, established under the order, is responsible for its local administration.

This proposed continuing handling regulation is based upon recommendations made by the committee at its public meeting in Ontario, Oregon, on June 22, 1982.

The grade, size, pack, maturity and inspection requirements recommended herein are similar to those which have been issued during past seasons. They are necessary to prevent onions of poor quality or undesirable sizes from being distributed to fresh market outlets. The specific proposals, hereinafter set forth, would benefit consumers and producers by standardizing and improving the quality of the onions shipped from the production area.

This regulation is designed to enable the Idaho-Eastern Oregon onion industry to better compete with other onion producing areas by establishing minimum quality standards for onions entering the fresh market. Exceptions would be provided to recognize special situations in which these requirements would be inappropriate or unreasonable.

Shipments would be permitted to certain special purpose outlets without regard to the grade, size, maturity, pack, and inspection requirements, provided that safeguards were met to prevent such onions from reaching unauthorized outlets. These special purpose shipments would include those for planting, livestock feed, charity, dehydration, extraction and pickling since such shipments do not normally enter commercial fresh market channels and no useful purpose would be served by regulating such shipments. Onions for canning and freezing are exempt under the legislative authority for this part.

Additionally, a minimum quantity exemption of one ton per day is proposed. This would relieve the burden on handling noncommercial quantities of onions.

It is proposed that requirements contained in this proposed handling regulation, effective August 1, 1982, would continue in effect from marketing season to marketing season indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the committee or other information available to the Secretary. Interested persons are invited to comment through July 15, 1982 with regard to the proposed handling regulation. Heretofore, regulations issued under the marketing order were made effective for a single marketing season. The proposed change to issue regulation which would continue in effect from marketing season to marketing season reflects the fact that regulations change infrequently from season to season and it is believed unnecessary to issue them for only a single season. In addition, the proposed action could result in a reduction in operational costs to the committee and the government. Although the final regulation would be effective for an indefinite period, the committee would continue to meet prior to or during each season to consider recommendations for modification, suspension, or termination of the regulation. Prior to making any such recommendations, the committee would submit to the Secretary a marketing policy for the season in accordance with § 958.50 of the order, including an analysis of supply and demand factors having a bearing on the marketing of the crop. Committee meetings are open to the public and interested persons may express their views at these meetings or may file comments with the Fruit and Vegetable Division before July 1 each year. The Department will evaluate committee recommendations and information submitted by the committee, comments filed, and other available information, and determine whether modification, suspension, or termination of the regulations on shipments of Idaho-Eastern Oregon onions would tend to effectuate the declared policy of the act.

List of Subjects in 7 CFR Part 958

Marketing agreements and orders, Onions, Idaho, Oregon.

PART 958—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

It is proposed that § 958.327 (46 FR 50044, October 9, 1981) be removed and a new § 958.328 be added as follows:

§ 958.328 Handling regulation.

During the period beginning August 1 and ending June 1 each season, no person may handle any lot of onions, except braided red onions, unless such onions are at least "moderately cured," as defined in paragraph (f) of this section, and meet the requirements of paragraphs (a) and (b) of this section, or unless such onions are handled in accordance with paragraphs (c) and (d) or (e) of this section.

(a) *Grade and size requirements.* (1) *White varieties.* Shall be either:

(i) U.S. No. 2, 1, inch minimum to 2 inches maximum diameter; or

(ii) U.S. No. 2, if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality, and at least 1½ inches minimum diameter; or

(iii) U.S. No. 1, at least 1½ inches minimum diameter.

However, none of these three categories of onions may be commingled in the same bag or other container.

(2) *Red varieties.* U.S. No. 2 or better grade, at least 1½ inches minimum diameter.

(3) *All other varieties.* Shall be either:

(i) U.S. No. 2 grade, at least 3 inches minimum diameter, if not more than 30 percent of the lot is comprised of onions of U.S. No. 1 quality; or

(ii) U.S. No. 1, 1½ inches minimum to 2¼ inches maximum diameter; or

(iii) U.S. No. 1, at least 2¼ inches minimum diameter.

However, none of these three categories of onions may be commingled in the same bag or other container.

(b) *Inspection.* No handler may handle any onions regulated hereunder unless such onions are inspected by the Federal-State Inspection Service and are covered by a valid applicable inspection certificate, except when relieved of such requirement pursuant to paragraphs (c) or (d) of this section.

(c) *Special purpose shipments.* The minimum grade, size, maturity, loading and inspection requirements of this section shall not be applicable to shipments of onions for any of the following purposes:

(1) Planting; (2) livestock feed; (3) charity; (4) dehydration; (5) canning; (6) freezing; (7) extraction; and (8) pickling.

(d) *Safeguards.* Each handler making shipments of onions for dehydration, canning, freezing, extraction or pickling pursuant to paragraph (c) of this section shall:

(1) First apply to the committee for or obtain a Certificate of Privilege to make such shipments;

(2) Prepare, on forms furnished by the committee, a report in quadruplicate on each individual shipment to such outlets authorized in paragraph (c) of this section;

(3) Bill or consign each shipment directly to the applicable processor; and

(4) Forward one copy of such report to the committee office and two copies to the processor for signing and returning one copy to the committee office. Failure of the handler or processor to report such shipments by promptly signing and returning the applicable report to the committee office may be cause for cancellation of such handler's Certificate of Privilege and/or the processor's eligibility to receive further shipments pursuant to such Certificate of Privilege. Upon cancellation of any such Certificate of Privilege the handler may appeal to the committee for reconsideraton.

(e) *Minimum quantity exemption.* Each handler may ship up to, but not to exceed, one ton of onions each day without regard to the inspection and assessment requirements of this part, if such onions meet minimum grade, size and maturity requirements of this section. This exception shall not apply to any portion of a shipment that exceeeds one ton of onions.

(f) *Definitions.* The terms "U.S. No. 1" and "U.S. No. 2" have the same meaning as defined in the United States Standards for Grades of Onions (Other Than Bermuda-Granex-Grano and Creole Types), as amended (7 CFR 51.2830–51.2854), or the United States Standards for Grades of Bermuda-Granex-Grano Type Onions (7 CFR 51.3195–51.3209), whichever is applicable to the particular variety, or variations thereof specified in this section. The term "braided red onions" means onions of red varieties with tops braided (interlaced). The term "moderately cured" means the onions are mature and are more nearly well cured than fairly well cured. Other terms used in this section have the same meaning as when used in Marketing Agreement No. 130 and this part.

(g) *Applicability to imports.* Pursuant to section 8e of the act and § 980.117 *"Import regulations; onions"* (43 FR 5499); onions imported during the effective period of this section shall meet the grade, size, quality and maturity requirements specified in the introductory paragraph and paragraph (a) of this section.

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

D. S. Kuryloski,

Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

July 8, 1982.

[FR Doc. 82-18883 Filed 7-12-82; 8:45 am]

BILLING CODE 3410-02-M

---

7 CFR Part 982

Handling of Filberts/Hazelnuts Grown in Oregon and Washington; Administrative Rules and Regulations; Proposed Establishment of Different Marketing Year Period

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: Notice is hereby given of a proposal to change the marketing year dates from May 1–April 30 to July 1–June 30. Under the current marketing year dates, compliance with any withholding obligation must occur no later than the last day of February. This proposed change would give handlers more time to meet their respective obligations and allow them more time to plan their packing and shelling operations for the coming season.

DATES: Comments must be received by August 30, 1982.

ADDRESS: Send two copies of comments to the Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, where they will be available for public inspection during regular business hours.

FOR FURTHER INFORMATION CONTACT: J. S. Miller, Chief, Specialty Crops Branch, Fruit and Vegetable Division, AMS, Washington, D.C. 20250 (202) 447–5697.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA guidelines implementing Executive Order 12291 and Secretary's Memorandum 1512–1 and has been classified a "non-major" rule under criteria contained therein.

William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would result in only minimal costs being incurred by the regulated nine handlers.

This proposal would amend Subpart—Administrative Rules and Regulations (7 CFR 982.432–982.471) by adding a new § 982.417 entitled "Marketing year". That section would change the definition of marketing year contained in § 982.17 to mean the 12-months from July 1 to the following June 30, both inclusive, except that the marketing year ending June 30, 1983, should begin May 1, 1982.

This subpart is issued under the marketing agreement and Order No. 982, both as amended (7 CFR 982; 46 FR 26037), regulating the handling of filberts/hazelnuts grown in Oregon and Washington. The marketing agreement and order, hereinafter referred to as the "order", are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal is based on a unanimous recommendation of the Filbert/Hazelnut Marketing Board, hereinafter referred to as the "Board", which works with USDA in administering the order.

When marketing percentages for inshell filberts are established for a marketing year, the inshell filberts that must be withheld from handling in the domestic inshell market are designated as "restricted filberts". Restricted filberts may be exported or shelled.

An order amendment effective May 11, 1981, changed the beginning date of the marketing year from August 1 to May 1 to permit handlers with excessive inventories of filberts to shell or export these filberts during the months of May, June, and July. Credit for the disposition in these restricted outlets would be available for use if volume regulations were established later for that marketing year. The purpose of the change was to encourage handlers to shell or export filberts during those months, thus lessening the chances of excessive inventory burdening new crop sales, and cutting handlers' inventory costs.

However, during the 1981–82 marketing year, some handlers experienced unanticipated problems in meeting their withholding obligations under the May 1–April 30 marketing year. Pursuant to § 982.54, a handler can defer meeting this withholding obligation up to 60 days prior to the end of the marketing year, by posting bonds as surety that the handler will have satisfied fully his withholding obligation by the date specified in the undertaking. Under the current marketing year period, compliance with any withholding obligation must occur no later than the last day of February.

Those handlers experiencing problems during the 1981–82 season had difficulty meeting this deadline because of limited processing facilities and the short time interval between the peak inshell shipping season and the last day of February. The marketing period for inshell filberts occurs primarily during the fall and winter holiday season. Consequently, handlers concentrate on shipping to this market, which is of comparatively short duration, before meeting their withholding obligations.

The proposed change in the marketing year period to July 1–June 30 would give handlers an additional two months to meet their withholding obligations when volume regulations are in effect for a marketing year. This additional time would allow handlers to schedule their processing operations more efficiently to take full advantage of the inshell marketing season and still meet their withholding obligations in timely fashion by shelling. This change would also lessen the chances of inadvertent noncompliance with seasonal withholding requirements.

The May 11 amendment also established a new marketing policy mechanism to reduce the chances of disorderly marketing. Under the former mechanism, there was a tendency toward overly optimistic trade demand estimates and/or underestimated crops, which resulted in excessive carryovers. It is anticipated that this mechanism can reduce the chances of excessive carryovers and foster orderly marketing conditions for filberts.

The current 1982–83 marketing year under the order began May 1, 1982, and ends April 30, 1983. Under the proposal, the next marketing year would begin July 1, 1983. Thus, the proposal, also provides for an extension of the current marketing year by an additional two months through June 30, 1983.

List of Subjects in 7 CFR Part 982

Marketing Agreement and Orders; Filberts; Hazelnuts; Oregon; and Washington.

PART 982—FILBERTS/HAZELNUTS GROWN IN OREGON AND WASHINGTON

Therefore, it is proposed to add § 982.417 to Subpart—Administrative Rules and Regulations as follows:

Subpart—Administrative Rules and Regulations

§ 982.417 Marketing year.

"Marketing year" means the 12-month period from July 1 to the following June 30, both inclusive, except that the marketing year ending June 30, 1983, shall begin on May 1, 1982.

Dated: July 8, 1982.

D. S. Kuryloski,

Acting Director, Fruit and Vegetable Division.

[FR Doc. 82-18900 Filed 7-12-82; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 113

[Docket No. 81-080]

Viruses, Serums, Toxins, and Analogous Products; Revision of Standard Requirements for Salmonella and Pasteurella Bacterins

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the testing criteria for a valid potency assay in the standards for Salmonella Typhimurium Bacterin, Pasteurella Multocida Bacterin, Salmonella Choleraesuis Bacterin, and Salmonella Dublin Bacterin. Presently, when mouse tests are performed and the Standard Bacterin meets the requirements for a valid assay but the lowest dilution of the three dilutions of the Unknown Bacterin fails to protect more than 50 percent of the mice, only the difference in the number of mice surviving the lowest dilution of the Standard Bacterin and those surviving the lowest dilution of the Unknown Bacterin are used in determining whether a serial can be retested. The proposed amendment would allow use of the accumulative mouse test results obtained in all three dilutions when making the determination for retest. Efficacious serials of bacterins may occasionally be found unsatisfactory using the present standard single step potency test because of variable mouse response to these products. These proposed amendments would increase the probability for valid initial potency tests and provide for additional potency testing of serials to compensate for variable mouse response.

DATE: Comments must be received on or before September 13, 1982.

ADDRESS: Interested parties are invited to submit written data, views, or arguments regarding the proposed regulations to: Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828–A, Federal Building, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. R. J. Price, Senior Staff Veterinarian, Veterinary Biologics Staff, USDA,

APHIS, VS, Room 827, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8245.

SUPPLEMENTARY INFORMATION: This proposed action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1512–1 to implement Executive Order 12291 and has been classified as a "non-major" rule.

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

Additionally, 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. There are currently 12 USDA licensed establishments producing one or more of these bacterins. Only one of these is considered a small entity; i.e., a business which is independently owned and operated and which is not dominant in the field of veterinary biologics manufacturing.

Some of the manufacturers and National Veterinary Services Laboratories (NVSL) are currently using the proposed testing procedures to determine serial release when specified in the Outline of Production. It has been estimated that the yearly cost to NVSL to conduct the additional tests involving licensees' products has been less than $1,000. Therefore, the cost for individual firms should be less. In addition, these amendments should result in an increased number of serials found satisfactory and released to market.

The Standards in §§ 103.105–113.108 of the regulations provide that when a serial of product fails to meet the relative potency value (RP value) requirements of the regulation it is unsatisfactory and cannot be released. An exception to this rule is when the 50 percent endpoint of an unknown cannot be calculated because the lowest dilution does not exceed 50 percent protection. The failure of a serial to meet the required RP value may sometimes be due to the variability of the responses of mice rather than to a substandard product. This lack of differentiation between low potency serial and mouse test variability would be corrected by changing the test criteria to include consideration of the difference in the cumulative number of mice which survived administration of the Standard Bacterin and of the Unknown Bacterin. Also, the proposed addition of two independent tests in paragraph (c)(10) of §§ 113.105–113.108 for serials found unsatisfactory in the initial test addresses the current lack of sensitivity in the testing procedure. In this manner, a more complete and accurate evaluation of potency would be achieved and assure that all efficacious serials are found eligible for release.

When standard requirements have been developed by Veterinary Services (VS) through experience with a number of Outlines of Production and/or through the development of scientific knowledge at NVSL or elsewhere, such requirements are codified in the regulations. Codification assures uniformity of requirements for licensees and makes information on regulatory standards generally available to the public. This proposed amendment would make uniform requirements for Salmonella Typhimurium Bacterin, Pasteurella Multocida Bacterin, Salmonella Choleraesuis Bacterin, and Salmonella Dublin Bacterin available to the general public and applicable to all licensees.

List of Subjects in 9 CFR Part 113

Animal biologics.

PART 113—STANDARD REQUIREMENTS

1. Section 113.105 would be amended by revising paragraph (c)(8) and adding paragraph (c)(10) to read:

§ 113.105 Salmonella Typhimurium Bacterin.

* * * * *

(c) * * *

(8) If the 50 percent endpoint of an Unknown cannot be calculated because the lowest dilution does not exceed 50 percent protection, that serial may be retested in a manner identical to the initial test; *Provided,* That, if the Unknown is not retested or if the protection provided by the lowest dilution of the Standard exceeds the protection provided by the lowest dilution of the Unknown by 6 mice or more; or, if the total number of mice protected by the Standard exceeds the total number of mice protected by the Unknown by 8 mice or more, the serial being tested is unsatisfactory.

* * * * *

(10) If the RP is less than the minimum required in paragraph (c)(7) of this section, the serial may be retested by conducting two independent replicate tests in a manner identical to the initial test. The average of the RP values obtained in the retests shall be determined. If the average RP is less than the required minimum, the serial is unsatisfactory. If the average RP obtained in the retests is equal to or greater than the required minimum, the following shall apply:

(i) If the RP obtained in the original test is one-third or less than the average RP obtained in the retests, the initial RP may be considered a result of test system error and the serial is satisfactory.

(ii) If the RP value obtained in the original test is more than one-third the average RP obtained in the retests, a new average shall be determined using the RP values obtained in all tests. If the new average is less than the minimum required in paragraph (c)(7) of this section, the serial is unsatisfactory.

2. Section 113.106 would be amended by revising paragraph (c)(8) and adding paragraph (c)(10) to read:

§ 113.106 Pasteurella Multocida Bacterin.

* * * * *

(c) * * *

(8) If the 50 percent endpoint of an Unknown in a valid assay cannot be calculated because the lowest dilution does not exceed 50 percent protection, that serial may be retested; *Provided,* That either the protection provided by the lowest dilution of the Standard does not exceed the protection provided by the lowest dilution of the Unknown by 6 mice or more or that the total number of mice protected by the Standard does not exceed the total number of mice protected by the Unknown by 8 or more. If the results do not meet these criteria or if the Unknown is not retested, the serial is unsatisfactory.

* * * * *

(10) If the RP is less than the minimum required in paragraph (c)(7) of this section, the serial may be retested by conducting two independent replicate tests in a manner identical to the initial test. The average of the RP values obtained in the retests shall be determined. If the average RP is less than the required minimum, the serial is unsatisfactory. If the average RP obtained in the retests is equal to or greater than the required minimum, the following shall apply:

(i) If the RP obtained in the original test is one-third or less than the average RP obtained in the retests, the initial RP may be considered a result of test system error and the serial is satisfactory.

(ii) If the RP value obtained in the original test is more than one-third the

average RP obtained in the retests, a new average shall be determined using the RP values obtained in all tests. If the new average is less than the minimum required in paragraph (c)(7) of this section, the serial is unsatisfactory.

3. Section 113.107 would be amended by revising paragraph (c)(8) and adding paragraph (c)(10) to read:

§ 113.107 Salmonella Choleraesuis Bacterin.

* * * * *

(c) * * *

(8) If the 50 percent endpoint of an Unknown in a valid assay cannot be calculated because the lowest dilution does not exceed 50 percent protection, that serial may be retested; *Provided,* That either the protection provided by the lowest dilution of the Standard does not exceed the protection provided by the lowest dilution of the Unknown by six mice or more or that the total number of mice protected by the Standard does not exceed the total number of mice protected by the Unknown by eight or more. If the results do not meet these criteria or if the Unknown is not retested, the serial is unsatisfactory

* * * * *

(10) If the RP is less than the minimum required in paragraph (c)(7) of this section, the serial may be retested by conducting two independent replicate tests in a manner identical to the initial test. The average of the RP values obtained in the retests shall be determined. If the average RP is less than the required minimum, the serial is unsatisfactory. If the average RP obtained in the retests is equal to or greater than the required minimum the following shall apply:

(i) If the RP obtained in the original test is one-third or less than the average RP obtained in the retests, the initial RP may be considered a result of test system error and the serial is satisfactory.

(ii) If the RP value obtained in the original test is more than one-third the average RP obtained in the retests, a new average shall be determined using the RP values obtained in all tests. If the new average is less than the minimum required in paragraph (c)(7) of this section, the serial is unsatisfactory.

4. Section 113.108 would be amended by revising paragraph (c)(8) and adding paragraph (c)(10) to read:

§ 113.108 Salmonella Dublin Bacterin.

* * * * *

(c) * * *

(8) If the 50 percent endpoint of an Unknown in a valid assay cannot be calculated because the lowest dilution does not exceed 50 percent protection, that serial may be retested; *Provided,* That either the protection provided by the lowest dilution of the Standard does not exceed the protection provided by the lowest dilution of the Unknown by six mice or more or that the total number of mice protected by the Standard does not exceed the total number of mice protected by the Unknown by eight or more. If the results do not meet these criteria or if the Unknown is not retested, the serial is unsatisfactory

* * * * *

(10) If the RP is less than the minimum required in paragraph (c)(7) of this section, the serial may be retested by conducting two independent replicate tests in a manner identical to the initial test. The average of the RP values obtained in the retests shall be determined. If the average RP is less than the required minimum, the serial is unsatisfactory. If the average RP obtained in the retests is equal to or greater than the required minimum, the following shall apply:

(i) If the RP obtained in the original test is one-third or less than the average RP obtained in the retests, the initial RP may be considered a result of test system error and the serial is satisfactory.

(ii) If the RP value obtained in the original test is more than one-third the average RP obtained in the retests, a new average shall be determined using the RP values obtained in all tests. If the new average is less than the minimum required in paragraph (c)(7) of this section, the serial is unsatisfactory.

(37 Stat. 832–833 (21 U.S.C. 151–158))

All written submissions made pursuant to this notice will be made available for public inspection at the address listed in this document during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 12.7(b)).

Done at Washington, D.C., this 6th day of July 1982.

Norvan L. Meyer,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 82-18776 Filed 7-12-82; 8:45 am]

BILLING CODE 3410-34-M

FEDERAL TRADE COMMISSION

16 CFR Parts 801, 802, and 803

Premerger Notification Program; Paperwork Burden; Correction

AGENCY: Federal Trade Commission.

ACTION: Correction.

SUMMARY: This document makes two technical corrections to Federal Trade Commission proposed rule on paperwork burden of the premerger notification program which was published in the **Federal Register** on July 2, 1982.

DATE: These corrections are effective. July 13, 1982.

FOR FURTHER INFORMATION CONTACT: Roberta S. Baruch, Attorney or Kenneth M. Davidson, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580. (202) 523–3404.

SUPPLEMENTARY INFORMATION: In FR Doc. 82–18035, appearing in the **Federal Register** issue for Friday, July 2, 1982, as separate Part V, 47 FR 29182, on page 29182, middle column, fourth paragraph, line 8, change "reality" to "realty."

On page 29192, in Table IX, the five columns under the heading "Second Request Issued" are misaligned. All five columns of numbers should be moved to the right one column so that the first line should read:

Number		Percentage of sales range group		
FTC	DOJ	FTC	DOJ	Total
2	1	2.2	1.1	3.3

The remaining numbers should be moved accordingly.

On page 21999, middle column, second paragraph under "C. *Should the Requirement* * **", line 8, change "16 CFR 804.7" to "16 CFR 803.7."

Carol M. Thomas,

Secretary.

[FR Doc. 82-18974 Filed 7-12-82; 8:45 am]

BILLING CODE 6750-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Minimum Financial and Related Reporting Requirements for Futures Commission Merchants

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rules.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is proposing to amend certain of its minimum financial and related reporting requirements for futures commission merchants ("FCMs"). The proposed

amendments would alter, for certain FCM's, the amount of adjusted net capital which must be maintained. The minimum adjusted net capital requirement for FCMs is currently the greatest of (1) the minimum dollar amount, or (2) four percent of all customer funds required to be segregated by the Commodity Exchange Act ("Act") and the Commission's regulations, or (3) for those FCMs which are also registered as brokers or dealers with the Securities and Exchange Commission ("SEC"), the amount of net capital required by Rule 15c3–1(a) of the SEC's rules. Under the proposals contained herein, an FCM could exclude the market value of exchange-traded commodity options purchased by the FCM's option customers when calculating segregation requirements for purposes of Commission Rule 1.17. The new minimum adjusted net capital requirement for most FCMs would therefore be the greater of the minimum dollar amount or four percent of the difference obtained by subtracting from all funds required to be segregated the market value of exchange-traded commodity options purchased by the FCM's option customers.

In conjunction with the proposed amendment to the minimum adjusted net capital requirement for FCM's the Commission is also proposing a new safety factor charge, or "haircut," which would be applied to the net capital of FCMs in computing adjusted net capital. The new haircut would be four percent of the market value of exchange-traded commodity options granted (sold) by the FCM's options customers.

The effect of the proposed amendments would be to require a greater amount of capital to be provided by FCMs for each short option customer position carried on its books, and to require less capital for each long option position. The Commission believes that these amendments would reflect more accurately the relative risks to the financial condition of an FCM resulting from carrying exchange-traded commodity option positions for option customers. The impact of the proposed amendments on the adjusted net capital requirement or on the actual adjusted net capital of any particular FCM would depend, of course, upon the option customer positions carried at any given point in time.

DATE: Comments must be submitted on or before August 13, 1982.

ADDRESS: Comments should be sent to: Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Daniel A. Driscoll, Deputy Director, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254–8955.

SUPPLEMENTARY INFORMATION:

I. Amendments To FCM Capital Requirements

The minimum adjusted net capital requirement for FCMs is set forth in § 1.17(a)(1) of the Commission's regulations, which reads as follows:

> Except as provided in paragraph (a)(2) of this section, each person registered as a futures commission merchant must maintain adjusted net capital equal to or in excess of the greatest of $50,000 ($100,000 for each person registered as a futures commission merchant who is not a member of a designated self-regulatory organization), or 4 percent of the funds required to be segregated pursuant to the Act and these regulations, or for securities brokers and dealers, the amount of net capital required by Rule 15c3–1(a) of the regulations of the Securities and Exchange Commission (17 CFR 240.15c3–1(a)).[1]

Thus, for any FCM whose minimum adjusted net capital requirement exceeds the minimum dollar amounts set forth in 1.17(a)(1) (*i.e.*, and exchange-member FCM with segregation requirements in excess of $1,250,000 and a non-member FCM with segregation requirements in excess of $2,500,000), as segregation requirements increase, the amount of adjusted net capital which must be maintained increases.[2] As the Commission has stated previously, a minimum financial requirement based upon the amount of funds required to be segregated reflects the volume of an FCM's customer business and helps to safeguard customer funds. The Commission has stated further that because one of the principal elements of the financial early warning system is also based upon the amount of funds required to be segregated, the system of early warning of the deterioration of an FCM's financial condition is enhanced.[3]

The Commission recently adopted regulations to govern a three-year pilot program under which commodity options on certain commodity futures contracts will be permitted to be traded on and through the facilities of domestic boards of trade designated by the Commission as contract markets for option trading.[4] The Commission has also recently proposed a limited expansion of the pilot program which would allow for exchange trading of options on physicals. The Commission's Division of Trading and Markets interprets an FCM's segregation requirements in connection with exchange-traded option transactions to require an option customer's account to be marked to the market. This interpretation means that FCMs must include the market value of each open commodity option purchased by an option customer in the customer's account equity, and deduct the market value of each open commodity option granted by an option customer from the customer's account equity, based on the contract market's daily settlement price. This interpretation assures that option customers are accorded the same protection as futures customers.

Under the current minimum financial requirement, that segregation interpretation will result in an increase in the minimum amount of adjusted net capital which must be maintained by an FCM for each open commodity option purchased by an option customer. The Commission believes that the financial risk to an FCM would be reflected more accurately if the FCM's financial condition were affected by the market value of each open commodity option granted by an option customer, rather than the market value of each open commodity option purchased by an option customer. The Commission believes that there is relatively less risk associated with a long option position than with a short option position because an option customer must pay the full premium at the time the option is purchased, while an option grantor margins his position. Accordingly, the Commission is proposing (1) to amend § 1.17(a)(1) to allow an FCM to exclude the market value of exchange-traded commodity options purchased by the FCM's option customers when calculating segregation requirements for purposes of § 1.17, and (2) to add a new safety factor charge, or "haircut," to an FCM's net capital of four percent of the market value of exchange-traded commodity options granted (sold) by the

[1] 17 CFR 1.17(a)(1) (1981), as amended, 47 FR 22352 (May 24, 1982).

[2] The remainder of this discussion assumes that any FCM referred to has segregation requirements in excess of the amounts cited in the text and that such an FCM's adjusted net capital requirement would be affected by option customer transactions. The Commission recognizes, however, that FCM/broker-dealers with such segregation requirements may have higher minimum net capital requirements than FCMs which are not broker-dealers due to the volume of their securities business.

[3] 45 FR 42633, at 42635 (June 25, 1980); 45 FR 79416, 79418 (December 1, 1980).

[4] 46 FR 54500 (November 3, 1981).

FCM's option customers (*see* proposed § 1.17(c)(5)(iii)).

The following example will demonstrate the effect of the proposed rule changes. Assume that there are two FCMs, Firm A and Firm B, which are clearing members of the same contract market, and that Customer C has an account at Firm A with a $5,000 cash ledger balance and Customer D has an account at Firm B with a $1,000 cash ledger balance. Customer C enters an order to buy a commodity option, and the order is executed with Customer D being the grantor. The premium is $5,000. As of the date of the option pruchase, Firm A transmits $5,000 to the clearing organization as full payment of the premium to purchase the option for its Customer C. The clearing organization in turn passes on the $5,000 to Firm B. As a result of this transaction, Firm A debits Customer C's account $5,000 for the purchase of the option, reducing Customer C's account to a cash ledger balance of $0, and Firm B credits Customer D's account with $5,000 which represents the proceeds of the grant of the option, increasing the cash ledger balance in Customer D's account to $6,000.

To determine the segregation requirements for Firm A and Firm B resulting from this hypothetical transaction, assume that the daily settlement price for the option in question was $5,000, the same as the premium paid to purchase the option. Firm A's customer, Customer C, has a zero cash ledger balance and an option with a market value of $5,000, so Firm A's segregation requirement is $5,000.[5] Firm B's customer, Customer D, has a $6,000 cash ledger balance and a $5,000 unrealized obligation with respect to the option which he granted, so Firm B's segregation requirement is $1,000.

The effect of this hypothetical option transaction on the financial position of Firms A and B would be as follows. Under the present minimum financial rules, Firm A's adjusted net capital requirement would be $200 (4% of $5,000) and Firm B's adjusted net capital requirement would be $40 (4% of $1,000). Under the proposed amendments, Firm A's adjusted net capital requirement would be $0, since Firm A could exclude the market value of the option ($5,000) when calculating four percent of segregation requirements. Also, Firm A's computation of its actual adjusted net capital would be the same under the proposed rules as it is under the current rules, since the new haircut would not apply, so Firm A's excess adjusted net capital would be enhanced by $200 under the proposed rules in comparison to the results under the current rules. On the other hand, Firm B's adjusted net capital requirement would still be $40 under the proposed amendments and, in addition, Firm B's computation of its actual adjusted net capital would be reduced by $200 based on the new haircut. As a result, the proposed rules would cause a decline in Firm B's adjusted net capital of $200. To sum up, the hypothetical option transaction would require additional capital of $240 between the two firms involved under the current rules as well as under the proposed rules. However, while the current rules would place a $200 burden on the firm whose customer purchased the option and a $40 burden on the firm whose customer granted the option, the proposed rules would shift the entire $240 burden to the latter firm.

[5] Firm A would not be required to use its own funds to meet the segregation requirement, because it has the long option position at the clearing organization worth $5,000.

II. Other Matters

A. *Conforming Amendments.* Several provisions of the Commission's minimum financial rules for FCMs, as well as one provision of the financial early warning system, make references to specified adjusted net capital levels. Certain actions are restricted, or, in the case of the early warning system, required, if those specified levels are breached. (In all cases, the specified adjusted net capital levels exceed the minimum adjusted net capital requirement.) Because the Commission is proposing to change the minimum adjusted net capital requirement contained in § 1.17(a)(1), conforming changes are also being proposed in the following provisions which refer to specified adjusted net capital levels: Paragraph (e) of § 1.17 (restricting withdrawal of equity capital); paragraphs (h)(2)(vi)(C), (h)(2)(vii), (h)(2)(viii), (h)(3)(ii) and (h)(3)(v) of § 1.17 (concerning subordinated debt); and § 1.12(b) (one component of the financial early warning system). Also, amendments would be made in Form 1–FR, the basic financial reporting form for FCMs. These include Items 22C and 25 of the Statement of the Computation of the Minimum Capital Requirements. In addition, a new item would be added to that Statement under the heading "Charges to Net Capital" for the new charge of four percent of the market value of commodity options granted (sold) by option customers on or subject to the rules of a contract market. The changes to the Form 1–FR which would be necessitated by the proposed amendments to the regulations discussed herein are not being published in this release since those changes are of a minor, technical nature and because Form 1–FR does not appear in the Code of Federal Regulations. Anyone interested in further information regarding the changes to Form 1–FR may contact Mr. Driscoll at the address or telephone number listed in this release. Form 1–FR is available upon request from the Commission.

B. *Contract Market Rules.* The Commission wishes to reiterate that central to the operation of the financial surveillance system for FCMs are the requirements in § 1.52(a) of the regulations (17 CFR 1.52(a)) that each contract market have in effect, and be responsible for enforcing, financial and reporting rules for their member FCMs which are at least as stringent as those contained in §§ 1.10 and 1.17 of the Commission's regulations, and that each contract market's definition of adjusted net capital be the same as that provided in § 1.17(c). Most of the contract markets' rules in this regard incorporate, by reference, the requirements of §§ 1.10 and 1.17 and, hence, any amendments to § 1.17 would be incorporated automatically into the rules of those contract markets upon the effective date of such amendments. Two contract markets do not follow this approach, however, and instead have detailed financial and reporting rules. If the proposed new safety factor charge based on four percent of the market value of exchange-traded commodity options granted by option customers (proposed § 1.17(c)(5)(iii)) is adopted by the Commission, the definition of adjusted net capital would be affected, and the rules of those two contract markets would have to be amended so that their definition of adjusted net capital would remain the same as the Commission's definition. Those two contract markets should begin the preparations necessary to effectuate an appropriate change in their rules in the event the Commission adopts this particular proposal.

C. *Certification Under the Regulatory Flexibility Act.* The Commission does not believe that the rule amendments discussed herein would have significant economic impact on small entities. As discussed above, the only regulated entities which would be affected by the rule amendments would be FCMs. The Commission has recently published its determination that a registered FCM not be considered a "small entity" within the meaning of the Regulatory Flexibility Act, Pub. L. 96–354, 94 Stat. 1165, 1166 (5 U.S.C. 601 (3) and (6)). 47 FR 18618, 18619 (April 30, 1982). Accordingly, pursuant to section 3(a) of the

Regulatory Flexibility Act, 94 Stat. 1168 (5 U.S.C. 605(b)), the Chairman, on behalf of the Commission, certifies that the rule amendments proposed herein, if promulgated, will not have a significant economic impact on a substantial number of small entities. However, the Commission particularly invites comments from any firms or other persons which believe that promulgation of these rule amendments might have a significant economic impact upon their activities.

List of Subjects in 17 CFR Part 1

Financial requirements, Futures commission merchants, Commodity options.

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

In consideration of the foregoing, the Commission, pursuant to the authority contained in sections 4c, 4d, 4f and 8a of the Act, 7 U.S.C. 6c, 6d, 6f and 12a (1976 and Supp. IV 1980), hereby proposes to amend 17 CFR Chapter I in the manner set forth below.

1. 17 CFR Part 1 is proposed to be amended by revising paragraph (b) of § 1.12 to read as follows:

§ 1.12 Maintenance of minimum financial requirements by futures commission merchants.

* * * * *

(b) Each person registered as a futures commission merchant, or who files an application for registration as a futures commission merchant, who knows or should have known that its adjusted net capital at any time is less than the greatest of 150 percent of the appropriate minimum dollar amount required by § 1.17, or 6 percent of the funds (exclusive of the market value of commodity options purchased by option customers on or subject to the rules of a contract market) required to be segregated pursuant to section 4d(2) of the Act and these regulations, or, for securities brokers or dealers, the amount of net capital specified in Rule 17a–11(b) of the Securities and Exchange Commission (17 CFR 240.17a–11(b)), must file written notice to that effect as set forth in paragraph (g) of this section within five (5) business days of such event. Such applicant or registrant must also file a Form 1–FR (or, if such applicant or registrant is registered with the Securities and Exchange Commission as a securities broker or dealer, it may file (in accordance with § 1.10(h)) a copy of its financial and Operational Combined Uniform Single Report under the Securities Exchange Act of 1934, Part II, in lieu of Form 1–FR) or such other financial statement designated by the Commission and/or the designated self-regulatory organization, if any, as of the close of business for the month during which such event takes place and as of the close of business for each month thereafter until three (3) successive months have elapsed during which the applicant's or registrant's adjusted net capital is at all times equal to or in excess of the minimums set forth in this paragraph (b) which are applicable to such applicant or registrant. Each financial statement required by this paragraph (b) must be filed within 30 calendar days after the end of the month for which such report is being made.

* * * * *

2. 17 CFR Part 1 is proposed to be amended further by revising paragraph (a)(1), by adding a new paragraph (c)(5)(iii), and by revising paragraphs (e), (h)(2)(vi)(C), (h)(2)(vii)(A), (h)(2)(vii)(B), (h)(2)(viii), (h)(3)(ii) and (h)(3)(v) of § 1.17 to read as follows:

§ 1.17 Minimum financial requirements—futures commission merchants.

(a)(1) Except as provided in paragraph (a)(2) of this section, each person registered as a futures commission merchant must maintain adjusted net capital equal to or in excess of the greatest of $50,000 ($100,000 for each person registered as a futures commission merchant who is not a member of a designated self-regulatory organization), or 4 percent of the funds (exclusive of the market value of commodity options purchased by option customers on or subject to the rules of a contract market) required to be segregated pursuant to the Act and these regulations, or, for securities brokers and dealers, the amount of net capital required by Rule 15c3–1(a) of the regulations of the Securities and Exchange Commission (17 CFR 240.15c3–1(a)).

* * * * *

(c) * * *

(5) * * *

(iii) Four percent of the market value of commodity options granted (sold) by option customers on or subject to the rules of a contract market;

* * * * *

(e) No equity capital of the applicant or registrant or a subsidiary's or affiliate's equity capital consolidated pursuant to paragraph (f) of this section, whether in the form of capital contributions by partners (including amounts in the commodities, options and securities trading accounts of partners which are treated as equity capital but excluding amounts in such trading accounts which are not equity capital and excluding balances in limited partners' capital accounts in excess of their stated capital contributions), par or stated value of capital stock, paid-in capital in excess of par or stated value, retained earnings or other capital accounts, may be withdrawn by action of a stockholder or partner or by redemption or repurchase of shares of stock by any of the consolidated entities or through the payment of dividends or any similar distribution, nor may any unsecured advance or loan be made to a stockholder, partner, sole proprietor, or employee if, after giving effect thereto and to any other such withdrawals, advances, or loans and any payments of payment obligations (as defined in paragraph (h) of this section) under satisfactory subordination agreements and any payments of liabilities excluded pursuant to paragraph (c)(4)(vi) of this section which are scheduled to occur within six months following such withdrawal, advance or loan, either adjusted net capital of any of the consolidated entities would be less than the greatest of (1) 120 percent of the appropriate minimum dollar amount required by § 1.17, or (2) 7 percent of the funds (exclusive of the market value of commodity options purchased by option customers on or subject to the rules of a contract market) required to be segregated pursuant to the Act and these regulations, or (3) for securities brokers or dealers, the amount of net capital specified in Rule 15c3–1(e) of the Securities and Exhange Commission (17 CFR 240.15c3–1(e)), or, in the case of any applicant or registrant included within such consolidation, if equity capital of the applicant or registrant (inclusive of satisfactory subordination agreements which qualify as equity under paragraph (d) of this section) would be less than 30 percent of the required debt-equity total as defined in paragraph (d) of this section: *Provided,* That this provision shall not preclude an applicant or registrant from making required tax payments or preclude the payment to partners of reasonable compensation. The Commission may, upon application of the applicant or registrant, grant relief from this paragraph (e) if the Commission deems it to be in the public interest or for the protection of nonproprietary accounts.

* * * * *

(h) * * *

(2) * * *

(vi) * * *

(C) The secured demand note agreement may also provide that, in lieu of the procedures specified in the

provisions required by paragraph (h)(2)(vi)(B) of this section, the lender, with the prior written consent of the applicant or registrant and the designated self-regulatory organization, or, if the applicant or registrant is not a member of a designated self-regulatory organization, then the Commission, may reduce the unpaid principal amount of the secured demand note: *Provided,* that after giving effect to such reduction the adjusted net capital of the applicant or registrant would not be less than the greater of 7 percent of the funds (exclusive of the market value of commodity options purchased by option customers on or subject to the rules of a contract market) required to be segregated pursuant to the Act and these regulations, or, for securities brokers or dealers, the amount of net capital specified in Rule 15c3–1d(B)(6)(iii) of the regulations of the Securities and Exchange Commission (17 CFR 240.15c3–1d(b)(6)(iii)): *Provided, further,* That no single secured demand note shall be permitted to be reduced by more than 15 percent of its original principal amount and after such reduction no excess collateral may be withdrawn. No designated self-regulatory organization shall consent to a reduction of the principal amount of a secured demand note if, after giving effect to such reduction, adjusted net capital would be less than 120 percent of the appropriate minimum dollar amount required by this section.

(vii) *Permissive prepayments and special prepayments.* (A) An applicant or registrant at its option, but not at the option of the lender, may, if the subordination agreement so provides, make a payment of all or any portion of the payment obligation thereunder prior to the scheduled maturity date of such payment obligation (hereinafter referred to as a "prepayment"), but in no event may any prepayment be made before the expiration of one year from the date such subordination agreement became effective: *Provided, however,* That the foregoing restriction shall not apply to temporary subordination agreements which comply with the provisions of paragraph (h)(3)(v) of this section nor shall it apply to "special prepayments" made in accordance with the provisions of paragraph (h)(2)(vii)(B) of this section. No prepayment shall be made if, after giving effect thereto (and to all payments of payment obligations under any other subordination agreements then outstanding, the maturity or accelerated maturities of which are scheduled to fall due within six months after the date such prepayment is to occur pursuant to this provision, or on or prior to the date on which the payment obligation in respect to such prepayment is scheduled to mature disregarding this provision, whichever date is earlier) without reference to any projected profit or loss of the applicant or registrant, the adjusted net capital of the applicant or registrant is less than the greater of 7 percent of the funds (exclusive of the market value of commodity options purchased by option customers on or subject to the rules of a contract market) required to be segregated pursuant to the Act and these regulations, or, for securities brokers or dealers, the amount of net capital specified in Rule 15c3–1d(B)(7) of the regulations of the Securities and Exchange Commission (17 CFR 240.15c3–1d(b)(7)), or its adjusted net capital is less than 120 percent of the appropriate minimum dollar amount required by this section. Notwithstanidng the above, no prepayment shall occur without the prior written approval of the designated self-regulatory organization and the Commission.

(B) An applicant or registrant at its option, but not at the option of the lender, may, if the subordination agreement so provides, make a payment at any time of all or any portion of the payment obligation thereunder prior to the scheduled maturity date of such payment obligation (hereinafter referred to as a "special prepayment"). No special prepayment shall be made if, after giving effect thereto (and to all payments of payment obligations under any other subordination agreements then outstanding, the maturity or accelerated maturities of which are scheduled to fall due within six months after the date such special prepayment is to occur pursuant to this provision, or on or prior to the date on which the payment obligation in respect to such special prepayment is scheduled to mature disregarding this provision, whichever date is earlier) without reference to any projected profit or loss of the applicant or registrant, the adjusted net capital of the applicant or registrant is less than the greater of 10 percent of the funds (exclusive of the market value of commodity options purchased by option customers on or subject to the rules of a contract market) required to be segregated pursuant to the Act and these regulations, or, for securities brokers or dealers, the amount of net capital specified in Rule 15c3–1d(c)(5)(ii) of the regulations of the Securities and Exchange Commission (17 CFR 240.15c3–1d(c)(5)(ii)), or its adjusted net capital is less than 200 percent of the appropriate minimum dollar amount required by this section, nor shall any special prepayment be made if pre-tax losses during the latest three-month period were greater than 15 percent of current excess adjusted net capital. Notwithstanding the above, no prepayment shall occur without the prior written approval of the designated self-regulatory organization and the Commission.

(viii) *Suspended repayment.* (A) The payment obligation of the applicant or registrant in respect of any subordination agreement shall be suspended and shall not mature if, after giving effect to payment of such payment obligation (and to all payments of payment obligations of the applicant or registrant under any other subordination agreement(s) then outstanding which are scheduled to mature on or before such payment obligation), the adjusted net capital of the applicant or registrant would be less than the greater of 6 percent of the funds (exclusive of the market value of commodity options purchased by option customers on or subject to the rules of a contract market) required to be segregated pursuant to the Act and these regulations, or, for securities brokers or dealers, the amount of net capital specified in Rule 15c3–1d(b)(8)(i) of the regulations of the Securities and Exchange Commission (17 CFR 240.15c3–1d(b)(8)(i)), or its adjusted net capital would be less than 120 percent of the minimum dollar amount required by this section: *Provided,* That the subordination agreement may provide that if the payment obligation of the applicant or registrant thereunder does not mature and is suspended as a result of the requirement of this paragraph (h)(2)(viii) of this section for a period of not less than six months, the applicant or registrant shall then commence the rapid and orderly liquidation of its business, but the right of the lender to receive payment, together with accured interest or compensation, shall remain subordinate as required by the provisions of this section.

* * * * *

(3) * * *

(ii) *Notice of maturity or accelerated maturity.* Every applicant or registrant shall immediately notify the designated self-regulatory organization and the Commission if, after giving effect to all payments of payment obligations under subordination agreements then outstanding which are then due or

mature within the following six months without reference to any projected profit or loss of the applicant or registrant, its adjusted net capital would be less than 120 percent of the minimum dollar amount required by this section, or its adjusted net capital would be less than the greater of 6 percent of the funds (exclusive of the market value of commodity options purchased by option customers on or subject to the rules of a contract market) required to be segregated pursuant to the Act and these regulations, or, for securities brokers or dealers, the amount of net capital specified in Rule 15c3–1d(c)(2) of the regulations of the Securities and Exchange Commission (17 CFR 240.15c3–1d(c)(2)).

* * * * *

(v) *Temporary Subordinations.* To enable an applicant or registrant to participate as an underwriter of securities or undertake other extraordinary activities and remain in compliance with the adjusted net capital requirements of this section, an applicant or registrant shall be permitted, on no more than three occasions in any 12-month period, to enter into a subordination agreement on a temporary basis which has a started term of no more than 45 days from the date the subordination agreement became effective: *Provided,* That this temporary relief shall not apply to any applicant or registrant if the adjusted net capital of the applicant or registrant is less than the greater of 7 percent of the funds (exclusive of the market value of commodity options purchased by option customers on or subject to the rules of a contract market) required to be segregated pursuant to the Act and these regulations, or, for securities brokers or dealers, the amount of net capital specified in Rule 15c3–1d(c)(5)(i) of the Securities and Exchange Commission (17 CFR 240.15c3–1d(c)(5)(i)), or its adjusted net capital is less than 120 percent of the appropriate minimum dollar amount required by this section, or the amount of equity capital as defined in paragraph (d) of this section is less than the limits specified in paragraph (d) of this section. Such temporary subordination agreement shall be subject to all the other provisions of this section.

* * * * *

Issued in Washington, D.C. on July 7, 1982, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 82–18997 Filed 7–12–82; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 452

[Docket No. 79N–0459]

Erythomycin Estolate: Withdrawal of Proposal to Revoke Provisions for Certification of Tablets and Capsules; Response to Petition; Labeling

Correction

In FR Doc. 14162 appearing at page 22547 in the issue of Tuesday, May 25, 1982, make the following change:

On page 22554, first column, in "(3)", thirteenth line, "developed" should appear after "(2.9 percent)" and before "abnormal".

BILLING CODE 1505–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 700, 701, 715, 717, 736, 760, 762, 769, 770, 771, 772, 773, 775, 776, 778, 779, 780, 782, 783, 784, 785, 786, 787, 788, 815, 816, 817, 818, 819, 822, 823, 824, 826, 827, 843, and 850

Permanent Regulatory Program; Closing of Public Comment Periods for Certain Proposed Rules.

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

ACTION: Notice of closing of public comment periods.

SUMMARY: The Office of Surface Mining (OSM) has published several proposed rules for public comment which would amend OSM's permanent regulatory program. For a listing of the specific proposed rules, see Supplementary Information. OSM has prepared a draft supplemental Environmental Impact Statement (EIS) on some of these proposed rules. The comment period on this draft EIS will close on August 25, 1982. On the same date OSM will also close the comment period on those rules covered by the EIS. The comment periods on all of these rules were previously left open indefinitely or reopened to allow the public to consider them concurrently with the draft EIS in the preparation of comments.

On May 13, 1982, OSM (47 FR 20631) reopened the comment period on portions of the proposed sedimentation pond rule, containing the Environmental Protection Agency (EPA) effluent limitation guidelines, which are not analyzed in the draft EIS. The comment period on these portions of the Sedimentation Pond rules will be closed on July 23, 1982.

DATES: The comment periods on the proposed rules listed in this notice will close at 5:00 p.m. on August 25, 1982. The comment period for specified portions of the sedimentation pond rule will close July 23, 1982.

FOR FURTHER INFORMATION CONTACT: Jerry R. Ennis, Office of Surface Mining, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, D.C. 20240, 202–343–7881.

SUPPLEMENTARY INFORMATION: As part of its regulatory reform effort, OSM has proposed the rules set forth below which are considered in a draft supplement to the Final Environmental Impact Statement on the Permanent Regulatory Program (OSM–EIS–1, January 1979). The comment periods on all of these rules were previously left open indefinitely or reopened to allow the public to consider them concurrently with the draft EIS in the preparation of comments.

The comment periods for both the draft supplemental EIS and the associated proposed rules will close at 5:00 p.m. on August 25, 1982. Comments received after that time will not necessarily be considered by OSM or incorporated in the Administrative Record.

The comment period for the following proposed rules or, with respect to the Sedimentation Pond and the Inspection and Enforcement rules, specified portions thereof will close on August 25, 1982:

Rule, Federal Register Citation and Date Published

Sedimentation Ponds, 46 FR 34784, July 2, 1981.
Inspection and Enforcement, 46 FR 58464, December 1, 1981.
Topsoil, 47 FR 10742, March 11, 1982.
Experimental Practices, 47 FR 12082, March 19, 1982.
Auger Mining, 47 FR 12088, March 19, 1982.
Revegetation, 47 FR 12596, March 23, 1982.
Blaster Certification, 47 FR 12779, March 24, 1982.
Fish and Wildlife, 47 FR 13466, March 30, 1982.
Postmining Land Use and Variances from approximate original contour, 47 FR 16152, April 14, 1982.
Roads, 47 FR 16592 April 16, 1982.
Subsidence and Concurrent Surface and Underground Mining, 47 FR 16604 April 16, 1982.

Prime Farmlands, 47 FR 19075, May 3, 1982.
Coal Exploration, 47 FR 21442, May 18, 1982.
Excess Spoil Fills, 47 FR 24954, June 8, 1982.
Lands Unsuitable, 47 FR 25278, June 10, 1982.
Alluvial Valley Floors, 47 FR 25486, June 11, 1982.
Coal Processing Waste, 47 FR 26598, June 18, 1982.
Impoundments, 47 FR 26754, June 21, 1982.
Backfilling and Grading, 47 FR 26760, June 21, 1982.
Support Facilities/Coal Processing Plants, 47 FR 27688, June 25, 1982.
Permitting, 47 FR 27694, June 25, 1982.
Hydrology, 47 FR 27712, June 25, 1982.
Remining, 47 FR 27734, June 25, 1982.

Sedimentation Ponds

OSM inadvertently reopened the comment period (47 FR 20631, May 13, 1982) on all sections of the proposed Sedimentation Pond rule. This was inappropriate since the following portions of that rule are comprised of the EPA effluent limitation guidelines and are not being considered in the EIS: 30 CFR 715.17(a), 717.17(a), 816.42 and 817.42. To rectify this action, the comment period on these portions of the Sedimentation Pond rule will close ten days after publication of this notice (July 26, 1982). The comment period for the following portions of the proposed Sedimentation Pond rule will close on August 25, 1982: 30 CFR 715.17(e), 717.17(e), 816.46 and 817.46.

Inspection and Enforcement

The comment period for proposed 30 CFR 843.12(a)(2) will close on August 25, 1982. The comment period for the remainder of the inspection and enforcement proposal was not reopened.

Effect on Federal Programs

If proposed revisions to the permanent program regulations are adopted as final rules, they will also modify those Federal programs which adopt those rules by cross-referencing the permanent program rules. Public comment is invited on the proposed rules as they would affect states which may have cross-referencing Federal programs. If it is determined that changes were needed as a result of conditions identified in a Federal program state, modification will be made to the Federal program for that state. States for which cross-referencing Federal programs have been proposed include Georgia, Michigan, Oregon and Washington. Others which may be proposed before the permanent program revisions are finalized include Federal programs for Idaho, California, South Dakota, Massachusetts, Rhode Island, Arizona, North Carolina, Nevada and Nebraska.

Dated: July 8, 1982.

Dean Hunt,

Assistant Director, Office of Surface Mining Reclamation and Enforcement.

[FR Doc. 82-18846 Filed 7-12-82; 8:45 am]
BILLING CODE 4310-05-M

---

30 CFR Ch. VII

Surface Mining; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSM) has scheduled a public meeting to discuss various revised rules proposed under Title V of the Surface Mining Control and Reclamation Act of 1977 (the Act), 30 U.S.C. 1201 et seq. This meeting is being conducted pursuant to the request of the Mining and Reclamation Council (MARC). Among other topics, OSM has agreed to discuss the proposed rules concerning Hydrology and Areas Unsuitable for Mining. The public is invited to attend the meetings.

DATES: July 22, 1982, 1:00 to 5:00 p.m.; July 23, 9:00 a.m. to 5:00 p.m.

ADDRESS: Best Western Motor Lodge, #7 Parkway Center, Pittsburgh, Pennsylvania. (Telephone: 412-922-7070)

FOR FURTHER INFORMATION CONTACT: Jerry R. Ennis, Office of Surface Mining, 1951 Constitution Ave. NW. Washington, D.C. 20240. (telephone: 202-343-7881)

SUPPLEMENTARY INFORMATION: OSM has agreed to convene a public meeting to discuss generally the revised rules which have been proposed by OSM and for which the public comment period will close on August 25, 1982. More specifically, MARC has requested an opportunity to discuss and present its views on the proposed Hydrology rule (47 FR 27712, June 25, 1982) during the afternoon of July 22, 1982 and the Areas Unsuitable for Mining proposed rule (47 FR 25278, June 10, 1982) during the meetings on July 23, 1982.

The meetings will be open to the public and appropriate entries will be made in the Administrative Record detailing the substance of the discussions.

Dated: July 8, 1982.

Dean Hunt,

Assistant Director, Office of Surface Mining.

[FR Doc. 82-18787 Filed 7-12-82; 8:45 am]
BILLING CODE 4310-05-M

---

30 CFR Part 904

Abandoned Mine Land Reclamation Plan for the State of Arkansas Under the Surface Mining Control and Reclamation Act of 1977

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

ACTION: Proposed rule.

SUMMARY: On July 7, 1982, the State of Arkansas submitted to OSM its proposed Abandoned Mine Land Reclamation Plan (Plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). OSM is seeking public comment on the adequacy of the State Plan.

DATES: Written comments on the Plan must be received on or before 5:00 p.m., August 12, 1982.

ADDRESSES: Copies of the full text of the proposed Arkansas Plan are available for review during regular business hours at the following locations:

State of Arkansas, Department of Pollution Control and Ecology, 8001 National Drive, Little Rock, Arkansas 72209
Office of Surface Mining Reclamation and Enforcement, Room 3432, 333 W. 4th Street, Tulsa, Oklahoma 74103
Office of Surface Mining Reclamation and Enforcement, Administrative Record—Rm. 5315, 1100 "L" Street, N.W., Washington, D.C. 20240

Written comments must be mailed or hand carried to: Office of Surface Mining Reclamation and Enforcement, Room 342, 333 W. 4th St., Tulsa, Oklahoma, 74103. Comments received after 5:00 p.m., (30 days from publication) will not necessarily be considered or included in the administrative record for this rulemaking.

The administrative record will be available for public review at the OSM Tulsa, Oklahoma office above, on Monday through Friday, 8:00 a.m. to 4:00 p.m. excluding holidays.

FOR FURTHER INFORMATION CONTACT: Duane Pearce, Abandoned Mine Land Reclamation, Office of Surface Mining Reclamation and Enforcement, Room 3432, 333 W. 4th St., Tulsa, Oklahoma 74103. Telephone: (918) 581-7927.

SUPPLEMENTARY INFORMATION: Title IV of the Surface Mining Control and

Reclamation Act of 1977 (SMCRA), Pub. L. 95–87, 30 U.S.C. 1201 *et seq.*, establishes an abandoned mine land reclamation program for the purposes of reclaiming and restoring lands and water resources adversely affected by past mining. This program is funded by a reclamamtion fee imposed upon the production of coal. Lands and water eligible for reclamation are those that were mined or affected by mining and abandoned or left in an inadequate reclamation status prior to August 3, 1977 and for which there is no continuing reclamation responsibility under State or Federal law.

Title IV provides that if the Secretary determines that a State has developed and submitted a program for reclamation of abandoned mines and has the ability and necessary State legislation to implement the provisions of Title IV, the Secretary may approve the State program and grant to the State exclusive reponsibility and authority to implement the approved program.

On July 7, 1982, OSM received a proposed Abandoned Mine Land Reclamation Plan from the State of Arkansas. The purpose of this submission is to demonstrate both the intent and capability to assume responsibility for administering and conducing the provisions of SMCRA and OSM's Abandoned Mine Land Reclamation (AMLR) Program (30 CFR Chapter VII, Subchapter R) as published in the **Federal Register** (FR) on October 25, 1978 (43 FR 49932–49952).

This notice describes the proposed program and sets forth information concerning public participation in the Assistant Secretary's determination of whether or not the submitted Plan may be approved. The public participation requirements for the consideration of a State Plan are found in 30 CFR 884.13 and 884.14 (43 FR 49948 (1978)). Additional information may be found under corresponding sections of the preamble to OSM's AMLR Program Final Rules (43 FR 49932–49940 (1978)).

The receipt of the Arkansas Plan submission is the first step in the process which will result in the establishment of a comprehensive program for the reclamation of abandoned mine lands in Arkansas.

By submitting a proposed Plan, Arkansas has indicated that it wishes to be primarily responsible for this program. If the submission is approved by the Assistant Secretary for Energy and Minerals of the Department of the Interior, the State will have primary responsibility of the reclamation of abandoned mine lands in Arkansas. If the program is disapproved and the State does not choose to revise the Plan, a Federal AMLR program will be implemented and OSM will have primary responsible for these activities.

OSM's State Office Director has determined that the public was provided adequate notice and opportunity to be heard on the Plan and that the record does not reflect any major unresolved controversies. Therefore, a public hearing will not be held.

Representatives of OSM's State Office Director will be available to meet Monday through Friday, excluding holidays, between 8:00 a.m. and 4:00 p.m. at OSM's office in Tulsa, Oklahoma, indicated above under "Addresses", at the request of members of the public to receive their advice and recommendations concerning the proposed State Abandoned Mine Land Reclamation Plan.

Persons wishing to meet with representatives of the State Director's Office during this time period may place such request with Duane Pearce, telephone 918/581–7927.

The Department intends to continue to discuss the State's Plan with representatives of the State throughout the review process. All contacts between Departmental personnel and representatives of the State will be conducted in accordance with OSM's guidelines on contacts with States published September 19, 1979 at 44 FR 54444.

The Office of Surface Mining has examined this proposed rulemaking under section 1(b) of Executive Order No. 12291 (February 17, 1981) and has determined that, based on available quantitative data, it does not constitute a major rule. The reasons underlying this determination are as follows:

1. Approval will not have an effect on costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; and

2. Approval will not have adverse effects on competition, employment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This proposed rulemaking has been examined pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, and the Office of Surface Mining has determined that the rule will not have significant economic effects on a substantial number of small entities. The reasons for this determination is that approval will not have demographic effects, direct costs, information collection and recordkeeping requirements, indirect costs, nonquantifiable costs, competitive effects, enforcement costs or aggregate effects on small entities.

Further, the Office of Surface Mining has determined that the Arkansas Plan will not have a significant effect on the quality of the human environment because the decision relates only to the policies, procedures and organization of the State's Abandoned Mine Land Reclamation Program. Therefore, under the Department of the Interior Manual DM 5162.3(A)(1), the Assistant Secretary's decision on the Arkansas Plan is categorically excluded from the National Environmental Policy Act requirements. As a result, no environmental assessment nor environmental impact statement (EIS) has been prepared on this action. It should be noted that a programmatic EIS was prepared by OSM in conjunction with the implementation of Title IV. Moreover, an environmental analysis or an EIS will be prepared for the approval of grants for the abandoned mine land reclamation projects under 30 CFR Part 886.

The Arkansas Abandoned Mine Land Reclamation Plan can be approved if:

1. The Assistant Secretary finds that the public has been given adequate notice and opportunity to comment, and the record does not reflect major unresolved controversies.

2. Views of other Federal agencies have been solicited and considered.

3. The State has the legal authority, policies and administrative structure to carry out the Plan.

4. The Plan meets all requirements of the OSM, AMLR Program Provisions.

5. The State has an approved Regulatory Program.

6. It is determined that the Plan is in compliance with all applicable State and Federal laws and regulations.

The Arkansas Department of Pollution Control and Ecology has been designated by the Governor of the State of Arkansas to implement and enforce the Abandoned Mine Land Reclamation Program in accordance with SMCRA. The Department has developed State regulations to carry out the State mandate. Contents of the State Plan submission include:

(a) Designation of authorized State Agency to administer the Program;

(b) State's chief legal officer's opinion on the authority of the designated agency to conduct the program in accordance with Title IV of the SMCRA;

(c) Description of the policies and procedures to be followed in conducting the Program including:

(1) Goals and objectives;

(2) Project ranking and selection procedures;

(3) Coordination with other reclamation projects;

(4) Land acquisition, management and disposal;

(5) Reclamation on private land;

(6) Rights of entry; and

(7) Public participation in the Program.

(d) Description of the administrative and management structure to be used in the Program including:

(1) Description of the organization of the designated agency and its relationship to other organizations that will participate in the Program;

(2) Personnel staffing policies;

(3) Purchasing and procurement systems and policies; and

(4) Description of the accounting system including specific procedures for operation of the reclamation fund;

(e) Description of the public's participation in the preparation of the Plan;

(f) A general description of activities to be conducted under the Plan including:

(1) Known or suspected eligible lands and water requiring reclamation, including a map;

(2) General description of the problems identified and how the Plan proposes to deal with them;

(3) General description of how the lands to be reclaimed and proposed reclamation relate to the surrounding lands and land uses;

(4) A table summarizing the quantities of land and water affected and an estimate of the quantities to be reclaimed during each year covered by the Plan;

(5) General description of the social, economic, and environmental conditions in the different geographic areas where reclamation is planned, including:

(i) The economic base;

(ii) Sociologic and demographic characteristics;

(iii) Significant aesthetic, historic or cultural, and recreational values;

(iv) Hydrology, including water quality and quantity problems associated with past mining;

(v) Flora and fauna, including endangered and threatened species and their habitat;

(vi) Underlying or adjacent coal beds and other minerals and projected methods of extraction; and

(vii) Anticipated benefits from reclamation.

List of Subjects in 30 CFR Part 904

Coal mining, Intergovernmental relations, Surface mining, Underground mining.

Dated: June 21, 1982.

James R. Harris,

Director, Office of Surface Mining.

Dated: June 29, 1982.

Daniel N. Miller, Jr.,

Assistant Secretary—Energy and Minerals.

[FR Doc. 82-18905 Filed 7-12-82; 8:45 am]

BILLING CODE 4310-05-M

VETERANS ADMINISTRATION

DEPARTMENT OF DEFENSE

38 CFR Part 21

Post-Vietnam Era Veterans' Educational Assistance Program

AGENCY: Veterans Administration and Department of Defense.

ACTION: Proposed regulations.

SUMMARY: These proposed regulations, issued jointly by the Veterans Administration and the Department of Defense, clarify that participants in VEAP (Post-Vietnam Era Veterans' Educational Assistance Program) may not receive an extended period of eligibility for benefits. The proposal also required State approving agencies to include on their monthly reports activities connected with schools which have students receiving benefits under VEAP. This proposal makes these minor corrections in the regulations governing VEAP.

DATES: Comments must be received on or before August 12, 1982. The Veterans Administration proposes to make these regulations effective on the date of final approval.

ADDRESS: Send written comments to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 am and 4:30 pm, Monday through Friday (except holidays) until August 23, 1982. Anyone visiting the Veterans Administration Central Office in Washington, D.C. for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Visitors to VA field stations will be informed that the records are available for inspection only in the Central Office and will be furnished the address and room number.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW., Washington, D.C. (202-389-2092).

SUPPLEMENTARY INFORMATION: Section 21.5030 is amended to state that the Veterans Administration will not apply § 21.1032(d) to claims for educational assistance allowance under VEAP. That subparagraph deals with claims for extended periods of eligibility. VEAP participants are not eligible for extended periods of eligibility.

Section 21.5150 is amended to show that State approving agencies must include in their monthly report activities connected with schools which have students training under VEAP.

The Veterans Administration has determined that these proposed regulations do not contain a major rule as that term is defined by Executive Order 12291, Federal Regulation. The annual effect on the economy will be less than $100 million. The proposal will not result in any major increases in costs or prices for anyone. It will have no 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.

The Administrator of Veterans' Affairs hereby certifies that these proposed regulations, if promulgated, will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. These regulations are exempt under 5 U.S.C. 605(b) from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. This certification is based on the fact that the proposed amendment to § 21.5030 will affect only individual benefit recipients. The proposed amendment to § 21.5150 will affect agencies of State government. States are not small entities according to the Regulatory Flexibility Act.

These amendments will have no significant impact on small entities, i.e. small businesses, small private and nonprofit organizations, and small governmental jurisdictions.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs—education, Loan programs—education, Reporting requirements, Schools, Veterans, Veterans Administration, Vocational education, Vocational rehabilitation.

The Catalog of Federal Domestic Assistance number is 64.120.

Approved: May 26, 1982.

By direction of the Administrator.

Charles T. Hagel,

Deputy Administrator.

Approved: June 24, 1982.

R. Dean Tice,

Deputy Assistant Secretary of Defense.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

The Veterans Administration proposes to amend 38 CFR Part 21 as follows:

1. In § 21.5030, paragraph (c)(3) is revised as follows:

§ 21.5030 Applications, claims, informal claims, and time limits.

* * * * *

(c) * * *

(3) Section 21.1032 (except paragraph (d))—Time limits.

(38 U.S.C. 1641, 1671)

2. I § 21.5150, paragraph (e) is added as follows:

§ 21.5150 State approving agencies.

* * * * *

(e) Section 21.4154—Report of activities.

(38 U.S.C. 1641, 1774)

[FR Doc. 82-18856 Filed 7-12-82; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 761

[OPTS-62024A; TSH-FRL 2168-4]

Polychlorinated Biphenyls; Extension of Comment Period on Incorporations by Reference Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule related notice.

SUMMARY: EPA is reopening the comment period on its proposal to incorporate by reference certain American Society for Testing and Materials (ASTM) test methods in its PCB regulations. This notice is unrelated to the proposed rule published in the Federal Register of June 8, 1982 (47 FR 24976) which would exclude PCBs produced in closed manufacturing processes and controlled waste manufacturing processes from the Toxic Substances Control Act (TSCA) ban on PCBs. This action is being taken to insure all interested persons an adequate opportunity to evaluate and comment on the proposed methodology.

DATE: Comments on this proposed amendment should be submitted by August 12, 1982.

ADDRESS: Address written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, D.C. 20460.

EPA requests that written comments be submitted in triplicate. Comments should include the docket number OPTS-62024A. Comments on this proposed amendment will be available for review from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding legal holidays, in Rm. E-107, Environmental Protection Agency, 401 M St. SW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Douglas G. Bannerman, Acting Director, Industry Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-511, 401 M. St., SW., Washington, D.C. 20460, Toll free: (800-424-9065), In Washington, D.C.: (554-1404), Outside the USA: (Operator-202-554-1404).

SUPPLEMENTARY INFORMATION: In the Federal Register of May 21, 1982 (47 FR 22123), EPA proposed revised test methodologies for incorporation by reference in its PCB regulations. These methodologies should not be confused with the protocols specified by EPA under the rule proposed in the Federal Register of June 8, 1982 (47 FR 24976). The revised tests are:

Old	New
ASTM D93-77	ASTM D93-80.
ASTM D482-74	ASTM D482-80.
ASTM D524-76	ASTM D524-81.
ASTM D808-63	ASTM D808-81.
ASTM D923-75	ASTM D923-81.
ASTM D1266-70	ASTM D1266-80.
ASTM D2158-65	ASTM D2158-80.
ASTM D2784-70	ASTM D2784-80.
ASTM D3278-73	ASTM D3278-78.

EPA invites comment on the revised material which is available for inspection from the Document Control Officer in Rm. E-107 at the address given above. Copies of individual test methods are available from ASTM, 1916 Race St., Philadelphia, PA 19103, (215-299-5585) at four dollars each.

(Sec. 6, 90 Stat. 2020 (15 U.S.C. 2065))

List of Subjects in 40 CFR Part 761

Environmental protection, Hazardous materials, Labeling, Polychlorinated biphenyls, Recordkeeping and reporting requirements.

Dated: June 30, 1982.

John A. Todhunter,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 82-18881 Filed 7-12-82; 8:45 am]

BILLING CODE 6560-50-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 681

[Docket No. 2517-97]

Western Pacific Lobster Fisheries

Correction

In FR Doc. 82-17661, appearing at page 28433 in the issue of Wednesday, June 30, 1982, the following corrections should be made:

1. On page 28436, first column, the ninth line of the definition of "*Interested parties*" should read, "681.27 and 681.28 and who has".

2. Also on page 28436, second column, the fifth line of the definition of "*Permit Area 2*" should read, "Islands: the FCZ of the Territory of".

3. On page 28437, first column, the sentence, "An application for a replacement permit is not considered a new application." should be added to paragraph (i) of § 681.4.

BILLING CODE 1505-01-M

Notices

Federal Register
Vol. 47, No. 134
Tuesday, July 13, 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.

ADVISORY COMMITTEE ON FEDERAL PAY

Federal Pay; Meeting

The Advisory Committee on Federal Pay announces that public discussions of the adjustment in Federal pay for October 1982 have been scheduled for Monday, August 23, in Suite 600, 1730 K Street, NW. They will start at 10:00 a.m.

These discussions are intended to give organizations representing Federal employees or any interested government officials an opportunity to express their views regarding the Pay Agent's proposals. Those wishing to discuss the Agent's proposals with the Committee should notify the Committee by August 18. The telephone number is 653–6193. Written comments should also reach the Committee by August 18—Suite 205, 1730 K Street, NW., Washington, D.C. 20006. Both written submissions and requests for an opportunity to dicuss the issues should include a telephone number where the organization or official can be reached.

The Advisory Committee on Federal Pay, established as an independent establishment by section 5306 of Title 5, United States Code (Pub. L. 91–656, the Federal Pay Comparability Act), is charged with assisting the President in carrying out the policies of section 5301 of Title 5, United States Code. The Committee's fundamental obligation is to afford the President an independent judgment respecting Federal pay. Section 5306 of Title 5 requires the Committee to make findings and recommendations to the President with respect to the annual adjustment in Federal pay, after considering the written views of employee organizations, the President's Agent, other officials of the Government of the United States, and such experts as the Committee may consult.

Jerome M. Rosow,

Chairman, Advisory Committee on Federal Pay.

[FR Doc. 82–18775 Filed 7–12–82; 8:45 am]

BILLING CODE 6820–43–M

DEPARTMENT OF AGRICULTURE

Soil Conservation Service

Cedar Lane Public Drainage Association, Flood Prevention and Drainage Measure, Maryland Eastern Shore RC&D Area, Maryland; Finding of No Significant Impact

The Cedar Lane Public Drainage Association Flood Prevention and Drainage Measure to be installed in the Maryland Eastern Shore RC&D Area is federally assisted action authorized under Pub. L. 91–343 and Section 102 of the Food and Agriculture Act of 1962 (Pub. L. 87–703). An environmental evaluation was conducted in consultation with local, state, and federal agencies as well as interested organizations and individuals.

Based on the environment assessment, there will be no significant adverse impacts on the quality of the human environment.

Planned Action. Project action includes excavation of 1.6 miles of outlet drainage and flood prevention channels. Construction specifications will require daily seeding of all channel side slopes. Sediment traps will be installed at outlets or other sensitive locations by undercutting channel bottom grade two feet for a distance of at least 10 percent of the system length above a given location. All channel berms will be seeded to permanent vegetation immediately after construction.

Environmental Impacts. The planned action will enable more efficient use of the 96 acres of cropland and pasture land. There will be no significant adverse environmental impacts. There will be a temporary increase in sedimentation during construction; however, sedimentation over the long term will be decreased.

Alternatives. A "no action" alternative was considered, but not selected by the sponsor because it was not consistent with their goals and objectives. The effects of this alternative are the continued loss of the use of existing cropland due to wetness.

Short-Term Uses Versus Long-Term Productivity. The Cedar Lane Public Drainage Association Flood Prevention and Drainage Measure is part of the Choptank River Basin. The flood prevention and drainage measure will increase the long-term productivity of the area.

Commitment of Resources. Labor, capital resources, and energy used in installing and maintaining this planned measure will be irreversibly committed. Approximately one acre of Type 1 and 2 wetlands will be lost due to the planned action.

Conclusion. I have reviewed the Environmental Assessment and have determined the flood prevention and drainage measures will not result in significant adverse impact on the human environment. I conclude that an Environmental Impact Statement is not necessary. The Environmental Assessment file is available for public inspection through the office of Gerald R. Calhoun, State Conservationist, 4321 Hartwick Road, College Park, Maryland 20740.

Gerald R. Calhoun,

State Conservationist.

July 1, 1982.

[FR Doc. 82–18921 Filed 7–12–82; 8:45 am]

BILLING CODE 3410–16–M

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

Report on Results of Audit for Purposes of Rate Base Determination Invitation for Comments and Granting Interventions

Issued: July 7, 1982.

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

ACTION: Tentative Determination.

DATES: Comments should be submitted on or before August 12, 1982; reply comments should be submitted on or before August 27, 1982.

ADDRESS: For filing comments: Marcia D. Connelly, Office of General Counsel, Office of the Federal Inspector, ANGTS, Room 3407, 1200 Pennsylvania Ave., NW., Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Marcia D. Connelly (202) 275–1144.

The Federal Inspector has received from the Office of Audit and Cost Analysis a Tentative Determination on the expenditures incurred by Northwest Alaskan Pipeline Company (NWA) related to the Alaskan segment of the Alaska Natural Gas Transportation System (ANGTS) during the period January 1, 1980 through September 30, 1981.[1] The report is based on three separate audit reports, copies of which can be acquired from the Office of the Federal Inspector (OFI) Public Affairs Office; telephone: (202) 275–0586.

The Northwest Alaskan Pipeline Company was formed in early 1978, and as a Partnership had 11 partners during the time of these audits.

The three audit reports cover expenditures charged to the gas plant accounts incurred by the Alaskan Northwest Natural Gas Transportation Company partners, including the Allowance for Funds Used During Construction (AFUDC), from January 1, 1980 through September 30, 1981. A Federal Energy Regulatory Commission (FERC) report covers the period January 1, 1980 through December 31, 1980, and the Office of the Federal Inspector (OFI) reports cover the period January 1, 1981 through September 30, 1981.

In accordance with established FERC procedures [2] and the OFI's Statement of Policy on General Standards and Procedures for Rate Base Audit and Approval for the ANGTS, the report expresses an opinion as to whether: expenditures are properly assignable to the project and of a nature that would qualify the expenditures for eventual inclusion in the rate base; the accounting used by the sponsors meets the Uniform System of Accounts and generally accepted accounting principles; the project sponsors are in compliance with other accounting and reporting regulations and requirements of the Natural Gas Act, the *Decision* and the certificate of public convenience and necessity; and the sponsor's management and cost control systems were in place and operating as planned during the period under review.

[1] ANGTS was authorized by the Alaska Natural Gas Transportation Act (ANGTA) 15 U.S.C. §§ 719–7190 and the *President's Decision and Report to Congress on the Alaska Natural Gas Transportation System* (Executive Office of the President, Energy Policy and Planning, September 1977) as enacted into law by H.J. Res. 621, Pub. L. No. 95–108 (November 2, 1977). The FERC by an order issued December 16, 1977, in Docket No. CP78–123, *et al.*, issued conditional certificates of public convenience and necessity to construct and operate the ANGTS.

[2] FERC Directive to the Office of the Chief Accountant, Administrative Order No. 4, dated April 18, 1981.

The Federal Inspector Solicits

(A) Within 30 days of the notice date the comments of any interested person as to why, or why not, for purposes of rate base determination pursuant to OFI Order No. 3,[3] the tentative determination should be made final.

(B) No later than 45 days after the notice date, any interested person may submit comments in response to any comment submitted within the 30-day period provided by paragraph (A) above.

Dated: July 7, 1982.

Peter L. Cook,

Acting Federal Inspector.

[FR Doc. 82–18793 Filed 7–12–82; 8:45 am]

BILLING CODE 6119–01–M

[3] 10 CFR, Chapter XV, Order No. 3, Statement of Policy on General Standards and Procedures for Rate Base Audit and Approval for the Alaska Natural Gas Transportation System, dated October 22, 1981.

COMMISSION ON CIVIL RIGHTS

Illinois Advisory Committee; Agenda and Open Meeting

Notice is hereby given pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Illinois Advisory Committee to the Commission will convene at 10:00a and will end at 2:00p, on August 6, 1982, at the Everett Dirksen Federal Building, in Room 204–A, 219 South Dearborn Street, Chicago, Illinois, 60604. The purpose of this meeting will be a report on the status of the Industrial Revenue Bond project, a report on the Regional SAC Conference, and a discussion of the difficulty Hispanics and Haitians are experiencing as unclassified entrants to the United States.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Thomas J. Pugh, 500 West Melbourne Avenue, Peoria, Illinois, 61604, (309) 686–3121 or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois, 60604, (312) 353–7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 6, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82–18851 Filed 7–12–82; 8:45 am]

BILLING CODE 6335–01–M

Indiana Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Indiana Advisory Committee to the Commission will convene at 3:00p and will end at 6:00p, on August 2, 1982, at the Gary Redevelopment Commission Office, on the Second Floor, 115 West Fifth Avenue, Gary, Indiana, 46402. The purpose of this meeting is to review information from staff on housing discrimination in Northwest Indiana and discuss future Committee activities.

Persons desiring additional information or planning a presentation to the Committee, should contact the Acting Chairperson, Lotte Meyerson, 650 North Tippecanoe Street, Gary, Indiana, 46403, (219) 938–1933 or the Midwestern Regional Office, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604, (312) 353–7479.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C. July 6, 1982.

John I. Binkley.

Advisory Committee Management Officer.

[FR Doc. 82–18774 Filed 7–12–82; 8:45 am]

BILLING CODE 6335–01–M

Maryland Advisory Committee; Agenda and Open Meeting

Notice is hereby given pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Maryland Advisory Committee to the Commission will convene at 7:00p and will end at 9:00p, on August 4, 1982, and will convene at 9:00a and will end at 5:00p, on August 5, 1982, at the Government Office Building, in Room 106, North Division Street and Route 50, Salisbury, Maryland, 21801. The factfinding meeting will be conducted to obtain information concerning the enforcement of the standards and conditions in migrant labor camps located in the state of Maryland.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Dr. Martha E. Church, Hood College, Frederick, Maryland, 21701, (301) 663–8038 or the Mid-Atlantic Regional Office, 2120 L Street, North West, Room 510, Washington, D.C., 20037, (202) 254–6670

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 8, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-18852 Filed 7-12-82; 8:45 am]

BILLING CODE 6335-01-M

Virginia Advisory Committee; Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Virginia Advisory Committee to the Commission will convene at 2:00p and will end at 9:00p, on August 3, 1982, at Central High School, in the Auditorium, Painter, Virginia 23420. The purposes of this meeting is to conduct a forum on, "The Design and Implementation of Federal Block Grant Programs to Meet the Needs of Migrant and Seasonal Farmworkers in Virginia."

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Rev. Curtis W. Harris, 209 Terminal Street, Hopewell, Virginia 23860, (804) 458-7404 or the Mid-Atlantic Regional Office, 2120 L Street, Room 510, Washington, D.C. 20037, (202) 254-6670.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 8, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-18853 Filed 7-12-82; 8:45 am]

BILLING CODE 6335-01-M

Washington Advisory Committee; Agenda and Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Washington Advisory Committee to the Commission will convene at 2:00p and will end at 5:00p, on July 30, 1982, at the Federal Building, in Room 2886, 915 Second Avenue, Seattle, Washington 98174. The purpose of this meeting is to discuss the status of reports for the state of Washington.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chirperson, Katharine M. Bullitt, 1125 Harvard Avenue East, Seattle, Washington 98102, (206) 447-9800 or the Northwestern Regional Office, 915 Second Avenue, Room 2852, Seattle, Washington 98174, (206) 442-1246.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., July 8, 1982.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 82-18854 Filed 7-12-82; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Countervailing Duty Investigation; Cotton Sheeting and Sateen From Peru

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of countervailing duty investigation.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether producers, manufacturers, or exporters in Peru of cotton sheeting and sateen receive benefits which constitute bounties or grants within the meaning of the countervailing duty law. If the investigation proceeds normally, a preliminary determination will be made not later than September 8, 1982.

EFFECTIVE DATE: July 13, 1982.

FOR FURTHER INFORMATION CONTACT: Mike Hudak, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230; Telephone (202) 377-3497.

SUPPLEMENTARY INFORMATION:

Petition

On June 15, 1982, we received a petition from the American Textile Manufacturers Institute on behalf of U.S. producers of cotton sheeting and sateen. In compliance with the filing requirements of the Commerce Regulations (19 CFR 355.26), the petition alleges that producers, manufacturers, or exporters in Peru receive subsidies from the government of Peru. Section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) ("The Act"), applies to this investigation because Peru is not a "Country under the Agreement" within the meaning of section 701(b) of the Act (19 U.S.C. 1671(b)) and, therefore, the domestic industry is not required to allege that, and the U.S. International Trade Commission (ITC) is not required to determine whether, imports of these products cause or threaten material injury to the U.S. industry in question.

Initiation of the Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation, and whether it contains information reasonably available to the petitioner supporting these allegations. We have examined the petition on cotton sheeting and sateen and have found that it meets these requirements.

Therefore, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Peru of cotton sheeting and sateen received benefits that constitute bounties or grants. If our investigation proceeds normally, we will make our preliminary determination by September 20, 1982.

Scope of Investigation

The merchandise covered by this investigation is: (1) Plain-woven cotton fabric sheeting, not fancy or figured and not napped, made of singles yarn, with an average yarn number between 3 and 26, imported in Textile and Apparel Category 313, currently classified in the *Tariff Schedules of the United States* ("TSUS") under numbers 320.36, 320.40 and 320.44, and (2) 100% carded cotton sateen fabrics woven with a sateen weave and not napped, imported in Textile and Apparel Category 317, and currently classified in TSUS under numbers 320.54 and 321.54.

Allegations of Bounties or Grants

The petition alleges that producers, manufacturers, and exporters of cotton yarn in Peru receive the following benefits that constitute bounties or grants: Tax rebates to exporters (Certex); preferential export financing under the Non-Traditional Exports Fund (FENT) of the Banco Industrial del Peru; and several benefits under "The Law for the Promotion of Exports of Non-Traditional Goods," including waiver of customs duties on the importation of capital goods, special depreciation rates, reinvestment tax incentives, income tax credits and deductions for increased work positions, income tax exemptions from capitalized earnings, and the Fund for the Promotion of Non-Tradtional Exports (FOPEX), whose functions include furnishing technical services.

Judith Hippler Bello,

Acting Deputy Assistant Secretary for Import Administration.

July 6, 1982.

[FR Doc. 82-18875 Filed 7-12-82; 8:45 am]

BILLING CODE 3510-25-M

Initiation of Countervailing Duty Investigation; Cotton Yarn From Peru

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of countervailing duty investigation.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating a countervailing duty investigation to determine whether producers, manufacturers, or exporters in Peru of cotton yarn receive benefits which constitute bounties or grants within the meaning of the countervailing duty law. If the investigation proceeds normally, a preliminary determination will be made not later then September 8, 1982.

EFFECTIVE DATE: July 13, 1982.

FOR FURTHER INFORMATION CONTACT: Mike Hudak, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, D.C. 20230; Telephone (202) 377–3497.

SUPPLEMENTARY INFORMATION:

Petition

On June 15, 1982, we received a petition from the American Yarn Spinners Association on behalf of the cotton yarn industry in the United States. In compliance with the filing requirements of the Commerce Regulations (19 CFR 355.26), the petition alleges that producers, manufacturers, or exporters in Peru receive bounties or grants from the government of Peru. Section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303) ("the Act"), applies to this investigation because Peru in not a "country under the Agreement" within the meaning of section 701(b) of the Act (19 U.S.C. 1671(b)) and, therefore, the domestic industry is not required to allege that, and the U.S. International Trade Commission (ITC) is not required to determine whether, imports of this product cause or threaten material injury to the U.S. industry in question.

Initiation of the Investigation

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of a countervailing duty investigation, and whether it contains information reasonably available to the petitioner supporting these allegations. We have examined the petition on cotton yarn and have found that it meets these requirements.

Therefore, we are initiating a countervailing duty investigation to determine whether manufacturers, producers, or exporters in Peru of cotton yarn received benefits that constitute bounties or grants. If our investigation proceeds normally, we will make our preliminary determination by September 20, 1982.

Scope of Investigation

The products covered by this investigation are various cotton yarns currently classifiable under the following *Tariff Schedules of the United States* numbers:

300.60, 301.01 to 301.60, 301.70, 301.80, 301.82, 301.84, 301.86, 301.88, 301.92, 301.94, 301.96, 301.98, 302.01 to 302.06, 302.70, 302.80, 302.84, 302.86, 302.88, 302.92, 302.94, 302.96 and 302.98.

These cotton yarns are of various counts. The count is a measure of fineness and refers to the number of 840-yard hanks of yarn in one pound.

Allegations of Bounties or Grants:

The petition alleges that producers, manufacturers, and exporters of cotton yarn in Peru receive the following benefits that constitute bounties or grants: tax rebates to exporters (Certex); preferential export financing under the Non-Traditional Exports Funds (FENT) of the Banco Industrial del Peru; and several benefits under "The Law for the Promotion of Exports of Non-Traditional Goods," including waiver of customs duties on the importation of capital goods, special depreciation rates, reinvestment tax incentives, income tax credits and deductions for increased work positions, income tax exemptions from capitalized earnings, and the Fund for the Promotion of Non-Traditional Exports (FOPEX), whose functions include furnishing technical services.

Judith Hippler Bello,

Acting Deputy Assistant Secretary for Import Administration.

July 6, 1982.

[FR Doc. 82–18874 Filed 7–12–82; 8:45 am]

BILLING CODE 3510–25–M

Initiation of Countervailing Duty Investigations; Certain Stainless Steel Products From Brazil

AGENCY: International Trade Administration, Commerce.

ACTION: Initiation of countervailing duty investigations.

SUMMARY: On the basis of a petition filed in proper form with the U.S. Department of Commerce, we are initiating countervailing duty investigations to determine whether manufacturers, producers, or exporters in Brazil of hot-rolled stainless steel bar, cold-formed stainless steel bar and stainless steel wire rod (hereinafter referred to as "certain stainless steel products") receive benefits which constitute subsidies within the meaning of the countervailing duty law. We are notifying the U.S. International Trade Commission ("ITC") of this action so that it may determine whether imports of these products are materially injuring, or threatening to materially injure, a U.S. industry. If these investigations proceed normally, the ITC will make its preliminary determinations on or before August 2, 1982, and we will make ours on or before September 9, 1982.

EFFECTIVE DATE: July 13, 1982.

FOR FURTHER INFORMATION CONTACT: Paul J. McGarr, Office of Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230; (202)/377–1167.

SUPPLEMENTARY INFORMATION:

Petition

On June 16, 1982, we received a petition from counsel for Al Tech Specialty Steel Corporation; Carpenter Technology Corporation; Colt Industries, Inc., Crucible Specialty Metals Division; Cyclops Corporation; Guterl Special Steel Corporation; Joslyn Stainless Steel and Republic Steel Corporation on behalf of the U.S. industry producing stainless steel bar and wire rod. In compliance with the filing requirements of § 355.26 of the Commerce Regulations (19 CFR 355.26), the petition alleges manufacturers, producers, or exporters in Brazil of certain stainless steel products receive subsidies within the meaning of section 771(5) of the Tariff Act of 1930, as amended (19 U.S.C. 1677(5)) (the "Act"), and that imports of these products are materially injuring, or threatening to materially injure, a U.S. industry.

Brazil is a "country under the Agreement" within the meaning of section 701(b) of the Act. Therefore, title VII of the Act applies and injury determinations are required.

Initiation of Investigations

Under section 702(c) of the Act, we must determine, within 20 days after a petition is filed, whether a petition sets forth the allegations necessary for the initiation of countervailing duty investigations and whether it contains information reasonably available to the petitioner supporting these allegations. We have examined the petition and

have found that it meets these requirements.

Therefore, in accordance with section 702(c) of the Act, we are initiating countervailing duty investigations to determine whether manufacturers, producers, or exporters in Brazil of certain stainless steel products as described in the "Scope of the Investigations" section of this notice received benefits that constitute subsidies within the meaning of section 771(5) of the Act. If these investigations proceed normally, we will make our preliminary determinations by September 9, 1982.

Scope of the Investigations

The products covered by these investigations are hot-rolled stainless steel bar, cold-formed stainless steel bar and stainless steel wire rod. For a further description of these products, see Appendix A to this notice.

Allegations of Subsidies

The petition alleges manufacturers, producers, or exporters in Brazil of certain stainless steel products benefit from the following subsidies: Preferential long-term loans and loan guarantees, preferential working capital financing, tax exemptions, investment subsidies from tax rebates, overrebate of indirect taxes, special amortization and tax-loss carry forward privileges for export-oriented projects, and transportation subsidies.

Notification of ITC

Section 702(d) of the Act requires us to notify the U.S. International Trade Commission of this action and to provide it with the information used to arrive at this determination. We will notify the ITC and make available to it all nonprivileged and nonconfidential information. We will also allow the ITC access to all privileged and confidential information in our files, provided it confirms it will not disclose such information either publicly or under an administrative protective order without the written consent of the Deputy Assistant Secretary for Import Administration.

Preliminary Determination by ITC

The ITC will determine by August 2, 1982, whether there is a reasonable indication that imports of certain stainless steel products from Brazil are materially injuring, or threatening to materially injure, a U.S. industry. If its determinations are negative, these investigations will terminate; otherwise, they will continue according to the statutory procedures.

Judith H. Bello,

Acting Deputy Assistant Secretary for Import Administration.

July 6, 1982.

Appendix A

For purpose of these investigations, the products are described below:

1. The term *"stainless steel wire rod"* covers a coiled, semi-finished, hot-rolled stainless steel product of solid cross section, approximately round in cross section, not under 0.20 inches nor over 0.74 inch in diameter, not tempered, not treated, and not partly manufactured as currently provided for in item 607.26 of the *Tariff Schedules of the United States (TSUS)* or if tempered, treated, or partly manufactured as provided for in item 607.43 of the TSUS.

2. The term *"hot-rolled stainless steel bars"* covers hot-rolled stainless steel products of solid section having cross sections in the shape of circles, segments of circles, ovals, triangles, rectangles, hexagons or octagons, not coated or plated with metal as currently provided for in item 606.9005 of the *Tariff Schedules of the United States Annotated.*

3. The term *"cold-formed stainless steel bars"* covers cold-formed stainless steel products of solid section having cross sections in the shape of circles, segments of circles, ovals, triangles, rectangles, hexagons or octagons, not coated or plated with metal as currently provided for in item 606.9010 of the *Tariff Schedules of the United States Annotated.*

Stainless steel is an alloy steel which contains by weight less than 1 percent of carbon and over 11.5 percent of chromium. Iron must predominate by weight and the alloy is malleable as first cast. Alloy steel is defined as a steel which contains one or more of the following elements in the quantity, by weight, respectively indicated:

Over 1.65 percent of manganese, or
Over 0.25 percent of phosphorus, or
Over 0.35 percent of sulphur, or
Over 0.60 percent of silicon, or
Over 0.60 percent of copper, or
Over 0.30 percent of aluminum, or
Over 0.20 percent of chromium, or
Over 0.30 percent of cobalt, or
Over 0.35 percent of lead, or
Over 0.50 percent of nickel, or
Over 0.30 percent of tungsten, or
Over 0.10 percent of any other metallic element.

[FR Doc. 82-18866 Filed 7-12-82; 8:45 am]

BILLING CODE 3510-25-M

Supplement to Notice of Initiation of Antidumping Investigation; Certain Stainless Steel Sheet and Strip Products From the Federal Republic of Germany

AGENCY: International Trade Administration, Commerce.

ACTION: Supplement to Notice of Initiation of Antidumping Investigation.

SUMMARY: On May 21, 1982 the Department of Commerce published the "Notice of Initiation of Antidumping Investigation" concerning certain stainless steel sheet and strip products from the Federal Republic of Germany (47 FR 22132–22133). The notice was published without its appendix on product description, which is printed below.

Appendix: Product Description of Certain Stainless Steel Sheet and Strip Products

For the purpose of this investigation, the term "certain stainless steel sheet and strip products" covers hot-rolled or cold-rolled stainless steel sheet or strip, excluding hot-rolled or cold-rolled stainless steel strip not over 0.01 inch in thickness, as currently provided for in items 607.7610, 607.9010, 607.9020, 608.4300, and 608.5700 of the *Tariff Schedules of the United States Annotated.*

Hot-rolled stainless steel sheet covers hot-rolled stainless steel sheet products whether or not corrugated or crimped and whether or not pickled; not cold-rolled; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal; and under 0.1875 inch in thickness and over 12 inches in width.

Hot-rolled stainless steel strip is flat-rolled stainless steel strip whether or not corrugated or crimped and whether or not pickled; not cold-rolled; not cut, not pressed, and not stamped to non-rectangular shape; and under 0.1875 inch in thickness and not over 12 inches in width. Hot-rolled stainless steel strip, including razor blade strip, not over 0.01 inch in thickness is not included.

Cold-rolled stainless steel sheet covers cold-rolled stainless steel sheet products whether or not corrugated or crimped and whether or not pickled; not cut, not pressed, and not stamped to non-rectangular shape; not coated or plated with metal; and under 0.1875 inch in thickness and over 12 inches in width.

Cold-rolled stainless steel strip is flat-rolled stainless steel strip whether or not corrugated or crimped and whether or not pickled; not cut, not pressed, and not stamped to non-rectangular shape; under 0.1875 inch in thickness and over 0.50 inch in width but not over 12 inches in width. Cold-rolled stainless steel strip, including razor blade strip, not over 0.01 inch in thickness is not included in this investigation.

EFFECTIVE DATE: May 21, 1982.

FOR FURTHER INFORMATION CONTACT: Mary S. Clapp, 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) 377–2438.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

July 6, 1982.

[FR Doc. 82-18796 Filed 7-12-82; 8:45 am]

BILLING CODE 3510-25-M

Pig Iron From Romania; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On April 22, 1982 the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on pig iron from Romania. The review covered the only known exporter of pig iron from Romania to the United States and the time period from October 1, 1980 through September 30, 1981. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

Interested parties were given an opportunity to submit oral or written comments on these preliminary results. We received no comments.

EFFECTIVE DATE: July 13, 1982.

FOR FURTHER INFORMATION CONTACT: Dennis U. Askey or David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–2923).

SUPPLEMENTARY INFORMATION:

Background

On October 29, 1968 a dumping finding with respect to pig iron from Romania was published in the **Federal Register** as Treasury Decision 68–264 (33 FR 15904). On April 22, 1982 the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 17321) the preliminary results of its second administrative review of the finding. The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of pig iron, which is used in steel production and in the iron foundry industry for making iron castings such as pipe, automobile castings, and machinery parts. Pig iron is currently classifiable under item numbers 606.1300 and 606.1500 of the Tariff Schedules of the United States Annotated (TSUSA).

The review covers the only known exporter of pig iron from Romania to the United States, Metalimport, and the period October 1, 1980 through September 30, 1981.

Final Results of the Review

Interested parties were invited to comment on the preliminary results. The Department received no written comments or requests for disclosure or a hearing. Therefore, the final results of our review are the same as those presented in the preliminary results of review. There were no known shipments to the United States during this period and there are no known unliquidated entries.

As provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the most recent margin calculated for the firm shall be required on all shipments of pig iron from Romania entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. Metalimport failed to respond to our questionnaire for the review period. The most recent margin calculated for Metalimport is the rate of 70 percent calculated during the original fair value investigation. This rate shall remain in effect until publication of the final results of our next administrative review. The Department intends to conduct the next administrative review by the end of September 1983. The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information in the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

July 7, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82–18868 Filed 7–12–82; 8:45 am]

BILLING CODE 3510–25–M

Pig Iron From the U.S.S.R.; Final Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of Final Results of Administrative Review of Antidumping Finding.

SUMMARY: On May 11, 1982 the Department of Commerce published the preliminary results of its administrative review of the antidumping finding on pig iron from the U.S.S.R. The review covered the only known exporter of pig iron from the U.S.S.R. to the United States and the time period from October 1, 1980 through September 30, 1981. There were no known shipments of this merchandise to the United States during the period and there are no known unliquidated entries.

Interested parties were given an opportunity to submit oral or written comments on these preliminary results. We received no comments.

EFFECTIVE DATE: July 13, 1982.

FOR FURTHER INFORMATION CONTACT: Dennis U. Askey or David R. Chapman, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–2923).

SUPPLEMENTARY INFORMATION:

Background

On October 29, 1968 a dumping finding with respect to pig iron from the U.S.S.R. was published in the **Federal Register** as Treasury Decision 68–261 (33 FR 15904). On May 11, 1982 the Department of Commerce ("the Department") published in the **Federal Register** (47 FR 20172–3) the preliminary results of its second administrative review of the finding. The Department has now completed that administrative review.

Scope of the Review

Imports covered by the review are shipments of pig iron, which is used in steel production and in the iron foundry industry for making iron castings such as pipe, automobile castings, and machinery parts. Pig iron is currently classifiable under item numbers 606.1300 and 606.1500 of the Tariff Schedules of the United States Annotated (TSUSA).

The review covers the only known exporter of pig iron from the U.S.S.R. to the United States, Promsyrioimport, and the period October 1, 1980 through September 30, 1981.

Final Results of the Review

Interested parties were invited to comment on the preliminary results. The Department received no written comments or requests for disclosure or a hearing. Therefore the final results of our review are the same as those presented in the preliminary results of review. There were no known shipments to the United States during this period and there are no known unliquidated entries.

As provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of estimated antidumping duties based on the most recent margin calculated for the firm shall be required on all shipments of pig iron from the U.S.S.R entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. Promsyrioimport failed to respond to our

questionnaire for the review period. The most recent margin calculated for Promsyrioimport is the rate of 70 percent calculated during the original fair value investigation. This rate shall remain in effect until publication of the final results of our next administrative review. The Department intends to conduct the next administrative review by the end of September 1983. The Department encourages interested parties to review the public record and submit applications for protective orders, if desired, as early as possible after the Department's receipt of the information in the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

July 7, 1982.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 82-18867 Filed 7-12-82; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

Revision To Federal Information Processing Standard 61, Channel Level Power Control Interface

Under the provisions of Pub. L. 89-306 (79 Stat. 1127; 40 U.S.C. 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce (Secretary) is authorized to establish uniform Federal automatic data processing standards. On July 20, 1981, notice of a proposed revision to Federal Information Processing Standard (FIPS) 61 was published in the Federal Register (46 FR 37304) for public comment and sent to Federal agencies for comment. This notice proposed that the Emergency Power Off (EPO) capability as specified in FIPS 61 be made optional. Interested parties were invited to submit written comments concerning the proposed revised standard to the National Bureau of Standards (NBS).

The written comments submitted by interested parties and other material available to the Department relevant to this proposed revision were reviewed by NBS. On the basis of this review, NBS recommended to the Secretary his approval of the revised standard as a FIPS, and prepared a detailed justification document for the Secretary's review in support of that recommendation. The purpose of this notice is to announce that the Secretary has approved this revised standard as a FIPS, and that the standard shall be published as FIPS Publication 61-1. The provisions of this standard became effective June 23, 1980, and continue to be in effect.

The detailed justification document which was presented to the Secretary, and which includes an analysis of the written comments received, is part of the public record and is available for inspection and copying in the Department's Central Reference and Records Inspection Facility, Room 6628, Main Commerce Building, 14th Street between Constitution Avenue and E Street, NW., Washington, D.C. 20230.

The original standard, FIPS 61, was approved by the Secretary on February 16, 1979 (44 FR 10098-10101) and was the subject of corrections and revisions announced in the Federal Register on August 27, 1979 (44 FR 50079-50080), August 31, 1979 (44 FR 51294), December 3, 1979 (44 FR 69317), and November 26, 1980 (45 FR 78746). This revised standard supersedes FIPS 61 in its entirety, including its subsequent corrections and revisions.

The approved FIPS contains two portions: (1) An announcement portion which provides information concerning the applicability, implementation, and maintenance of the standard and (2) a specifications portion which deals with the technical requirements of the standard. Only the announcement portion of the standard is provided in this notice. This revised standard incorporates by reference and modifies the technical specifications of ANSI document number X3T9/666, Rev. 2, Power Control Interface.

Interested parties may purchase either paper or microfiche copies of this revised standard, including the technical specifications portion, from the National Technical Information Service (NTIS). Specific ordering information from NTIS for this revised standard is set out in the Where to Obtain Copies section of the announcement portion of the standard.

Persons desiring further information about this revised standard may contact Mr. Michael Wong, Center for Computer Systems Engineering, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (301) 921-3723.

Dated: July 7, 1982.

Ernest Ambler,

Director.

Federal Information Processing Standards Publication 61-1

Announcing the Standard for Channel Level Power Control Interface

Federal Information Processing Standards Publications are issued by the National Bureau of Standards pursuant to section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended, Pub. L. 89-306 (79 Stat. 1127), Executive Order 11717 (38 FR 12315, dated May 11, 1973) and Part 6 of Title 15 Code of Federal Regulations (CFR).

Name of Standard. Channel Level Power Control Interface (FIPS PUB 61-1).

Category of Standard. Hardware Standard, Interface.

Explanation. This standard defines the functional, electrical, and mechanical interface specifications for a power control interface for use in connecting computer peripheral equipment as a part of automatic data processing (ADP) systems. This standard, together with a companion standard for I/O Channel Interface, defines the hardware characteristics for the I/O channel level interface.

The Government's intent in employing this Channel Level Power Control Interface Standard is to reduce the cost of satisfying the Government's data processing requirements through increasing its available alternative sources of supply for computer system components at the time of initial system acquisition, as well as in system replacement and augmentation and in system component replacement. This standard is also expected to lead to improved reutilization of system components.

When acquiring ADP systems and system components, Federal agencies shall cite this standard in specifying the power control interface for connecting computer peripheral equipment as a part of ADP systems.

Approving Authority. Secretary of Commerce.

Maintenance Agency. Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

Cross Index. American National Standards Institute document X3T9/666, Rev. 2, Draft Proposed American National Standard Specification for Power Control Interface.

Applicability. This standard is applicable whenever use of Federal Information Processing Standard I/O Channel Interface (NBS-FIPS-PUB-60-1) is required.

Verification of the correct operation of all interfaces that are required to conform to this standard shall, through demonstration or other means acceptable to the Government, be provided prior to the acceptance of all applicable ADP equipment.

Specifications. This standard incorporates by reference the technical specifications of ANSI document number X3T9/666, Rev. 2. Copies of the technical specifications section of the standard will be available from the National Technical Information Service as described in the Where to Obtain Copies section below.

Implementation. The provisions of this standard are effective June 23, 1980. All applicable equipment ordered on or after the effective date, or procurement actions for which solicitation documents have not been issued by that date, must conform to the provisions of this standard.

Regulations concerning the specific use of this standard in the Federal procurement will

be issed by the General Services Administration to be a part of the Federal Property Management Regulations.

This standard shall be reviewed by NBS within three years after its effective date, taking into account technological trends and other factors, to determine whether the standard should be reaffirmed, revised, or withdrawn.

Waivers. Heads of agencies desiring a waiver from the requirements stated in this standard so as to acquire ADP equipment that does not conform to this standard, shall submit a request for such a waiver to the Secretary of Commerce for review and approval. Approval will be granted if, in the judgment of the Secretary based on all available information, including that provided in the waiver request, a major adverse economic or operational impact would occur through conformance with this standard.

A request for waiver shall include: (1) A description of the existing or planned ADP system for which the waiver is being requested, (2) a description of the system configuration, identifying those items for which the waiver is being requested, and including a description of planned expansion of the system configuration at any time during its life cycle, and (3) a justification for the waiver, including a description and discussion of the major adverse economic or operational impact that would result through conformance to this standard as compared to the alternative for which the waiver is requested.

The request for waiver shall be submitted to the Secretary of Commerce, Washington, D.C. 20230, and labeled as a request for Waiver to a Federal Information Processing Standard. Waiver requests will normally be processed within 45 days of receipt by the Secretary. No action shall be taken to issue solicitation documents or to order equipment for which this is standard is applicable and which does not conform to this standard prior to receipt of a waiver approval response from the Secretary.

Where to Obtain Copies. Either paper or microfiche copies of this Federal Information Processing Standard, including the technical specifications, may be purchased from the National Technical Information Service (NTIS) by ordering Federal Information Processing Standards Publication 61–1 (FIPS–PUB–61–1), Channel Level Power Control Interface. Ordering Information, including prices and delivery alternatives, may be obtained by contacting the National Technical Information Service (NTIS), U.S. Department of Commerce, Springfield, VA 22161, Telephone: (703)557–4650.

[FR Doc. 82–18916 Filed 7–12–82; 8:45 am]

BILLING CODE 3510-CN-M

National Telecommunications and Information Administration

Frequency Management Advisory Council; Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that the Frequency Management Advisory Council (FMAC) will meet from 9:30 a.m. to 3:30 p.m. on July 29, 1982, in the Aspen Room at the National Telecommunications and Information Administration (NTIA), 1325 "G" Street, N.W., Washington, D.C. (Public entrance to the building is on "G" Street, between 13th Street and 14th Street, N.W.)

The Council was established on July 19, 1965. The objective of the Council is to advise the Secretary of Commerce on radio frequency spectrum allocation matters and means by which the effectiveness of Federal Government frequency management may be enhanced. The Council consists of 15 members whose knowledge of telecommunications is balanced in the functional areas of manufacturing, analysis and planning, operations, research, academia and international negotiations.

The principal agenda items for the meeting will be:

(1) Preparation for the 1982 ITU Plenipotentiary Conference
(2) Briefing and Discussion of NTIA EMC Activities and Capabilities
(3) Briefing on General Electric's New Consumer Mobile Radio Service—Mr. James D. Kearney
(4) Review and Discussion of Joint FMAC/ERMAC Statement on Non-Ionizing Radiation Effects
(5) Any Procedural Business of the Council.
(6) Scheduling of the next meeting.

The meeting will be open to public observation; and a period will be set aside for oral comments or questions by the public which do not exceed 10 minutes each per member of the public. More extensive questions or comments should be submitted in writing before July 27, 1982. Other public statements regarding Council affairs may be submitted at any time before or after the meeting. Approximately 15 seats will be available for the public on a first-come first-served basis.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to the Executive Secretary, FMAC, Mr. Charles L. Hutchison, National Telecommunications and Information Administration, Room 268, 1325 "G" Street, N.W., Washington, D.C. 20005, telephone 202–724–3301.

Dated: July 8, 1982.

Charles L. Hutchison,

Executive Secretary, FMAC National Telecommunications and Information Administration.

[FR Doc. 82–18855 Filed 7–12–82; 8:45 am]

BILLING CODE 3510-60-M

National Oceanic and Atmospheric Administration

Gulf of Mexico Fishery Management Council, Its Scientific and Statistical Committee, and Its Stone Crab Subpanel; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

SUMMARY: The Gulf of Mexico Fishery Management Council, established by section 302 of the Magnuson Fishery Conservation and Management Act (Pub. L. 94–265), has established a Scientific and Statistical Committee (SSC) and a Stone Crab Subpanel to assist the Council in carrying out its responsibilities under the Act. The Council, its SSC and Stone Crab Subpanel will hold separate public meetings.

Agendas

Council—review status reports on the development of fishery management plans (FMP's); consider foreign fishing applications, if any, as well as discuss other fishery management business.

SSC and Stone Crab Subpanel—discuss Tortuga Sanctuary provisions of the Shrimp FMP; monitor information on the Stone Crab fishery and discuss plan provisions of the Swordfish FMP.

ADDRESS: The Council meeting will convene on Wednesday, August 4, 1982, at approximately 9:30 a.m., and adjourn at approximately 5 p.m.; reconvene on Thursday, August 5, 1982, at approximately 8:30 a.m., and adjourn at approximately noon. The SSC meeting will convene on Monday, August 2, 1982, at approximately 1 p.m., and adjourn at approximately 5 p.m.; reconvene on Tuesday, August 3, 1982, at approximately 8 a.m., and adjourn at approximately noon. The Stone Crab Subpanel meeting will also convene on Tuesday, August 3, 1982, at approximately 1 p.m., and adjourn at approximately noon.

All public meetings will take place at the Key Wester Resort Inn, Copacabana Room, A1A on the Ocean, Key West Florida.

FURTHER INFORMATION: Gulf of Mexico Fishery Management Council, Lincoln Center, Suite 881, 5401 West Kennedy Boulevard, Tampa, Florida 33609; Telephone: (813) 228–2815.

Dated: July 8, 1982.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 82–18886 Filed 7–12–82; 8:45 am]

BILLING CODE 3510-22-M

DEPARTMENT OF DEFENSE

Department of the Navy

Intent To File a Draft Environmental Impact Statement for the Construction of a Five Megawatt Electric Generating Solar Pond at the Salton Sea

The U.S. Navy, with support from Southern California Edison, the Department of Energy, and the State of California, will prepare an Environmental Impact Statement (EIS) for construction of a five megawatt electric generating solar pond at the Salton Sea. This facility will be constructed on Navy land located at its Salton Sea Test Site, The Navy has been selected as the lead Federal agency for the EIS.

The purpose of this action is the construction of a prototype five megawatt electric generating plant at the western shore of the Salton Sea. As part of a national effort to develop alternative energy sources, a number of different applications of solar energy are currently being pursued. Among those now under consideration for development is the nonconvective, salinity-gradient solar pond. Because of recent improvements in state-of-the-art solar pond technology, it now appears feasible to apply this concept to large-scale energy production within the United States.

The Southern California Edison Company, the Department of Energy, and the State of California have initiated a program to study and implement the use of solar ponds at the Salton Sea in southern California. The initial effort nearing completion, consisted primarily of concept and feasibility studies. The proposed action consists of the design, construction, and testing of a prototype five megawatt (MWe) generating plant and would be dependent on the results of the concept and feasibility studies and on the approval of various regulatory bodies.

The EIS will consider the following impacts: Geology, hydrology and water quality, climatology and air quality, noise, biology, cultural, land use, socio-economic, visual, and public services.

A public sooping meeting will be held on the EIS to determine the issues of concern and to identify significant issues related to the proposed action. This meeting will be held at 7:30 p.m. on July 20, 1982, in the Imperial County Airport conference room in Imperial, California.

The meeting is open to the public for comment on the proposed action. Comments should summarize the viewpoint of the speaker and will be limited to five (5) minutes per speaker. Detailed comments may be submitted in writing for consideration. Written comments may be sent to the address shown below.

For information concerning the proposed EIS contact: Dr. Thomas McGill, Environmental Branch (Code 2632), China Lake, Calfironia 93555, Telephone (714) 939–3411, extension 383.

Dated: July 12, 1982.

F. N. Ottie,

Lieutenant Commander, JAGC, U.S. Navy, Alternate Federal Register, Liaison Officer.

[FR Doc. 82–19047 Filed 7–12–82; 9:49 am]

BILLING CODE 3810–AE–M

DEPARTMENT OF ENERGY

New Production Reactor Concept and Site Selection Advisory Panel; Determination To Establish

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), I hereby certify that the establishment of the New Production Reactor Concept and Site Selection Advisory Panel is in the public interest in connection with the performance of duties imposed on the Department of Energy by law.

The purpose of the New Production Reactor Concept and Site Selection Advisory Panel is to advise the Department of Energy on the selection of a New Production Reactor concept and site. The Panel will evaluate and rank the various reactor concepts and available sites. A report incorporating and explaining the ranking will be submitted to the Department of Energy by December 1, 1982.

Further information concerning this Panel can be obtained from Gloria Decker at (202) 252–5187.

Date: July 8, 1982.

James B. Edwards,

Secretary.

[FR Doc. 82–18780 Filed 7–12–82; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

January and Clean-up Entitlements Notices

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of intent to conduct public proceeding.

FOR FURTHER INFORMATION CONTACT: William Funk (Office of General Counsel), U.S. Department of Energy, Room 6A–141, 1000 Independence Ave., SW., Washington, D.C. 20585, (202) 252–6736.

SUPPLEMENTARY INFORMATION: On December 9, 1981, the Department of Energy (DOE) gave notice that DOE would not issue any further entitlements lists pending resolution of certain litigation involving the so-called tertiary incentive program. (46 FR 60231.) That litigation is presently pending before the Temporary Emergency Court of Appeals (TECA). Further, on March 17, 1982, DOE gave notice that before the Department of Energy issued any further entitlements lists it would by publication in the **Federal Register** provide thirty days notice of an intent to issue such a list. (47 FR 11549.)

This notice is to advise that DOE intends to seek through a public proceeding the views and comments of interested persons with respect to any changes in circumstances that may have occurred or other matters that might affect the publication of further entitlements lists. Only after consideration of such views and comments would DOE make a determination regarding publication of further entitlements lists.

Although the litigation concerning the tertiary incentive program concerns the lawfulness of prices that crude oil producers charged for certain crude oil sold before decontrol, TECA's decisions in that litigation could have a bearing on issues related to the entitlements program. Accordingly, DOE intends to initiate its proposed public proceeding only after TECA renders its decision in the now pending tertiary cases.

Dated: July 6, 1982.

Rayburn Hanzlik,

Administrator, Economic Regulatory Administration.

[FR Doc. 82–18878 Filed 7–9–82; 9:46 am]

BILLING CODE 6450–01–M

[ERA Docket No. 82–05–NG]

Texas Eastern Transmission Corp.: Application To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administation, DOE.

ACTION: Notice of Application to Import Natural Gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of the receipt on May 14, 1982, of the application of Texas Eastern Transmission Corporation (Texas Eastern) to import up to 100,000 Mcf per day of Canadian natural gas, and additional unspecified daily volumes to be delivered, upon request, on a best efforts basis. The imported volumes are

to be purchased from ProGas Limited (ProGas) beginning on November 1, 1982, or as soon as possible thereafter, and continuing for a period of twenty (20) years through October 31, 2002.

The application is filed with ERA pursuant to Section 3 of the Natural Gas Act and DOE Delegation Order No. 0204–54. Protests or petitions to intervene are invited.

DATE: Protests or petitions to intervene are to be filed no later than 4:30 p.m. on August 12, 1982.

FOR FURTHER INFORMATION CONTACT:

Earl D. Bragdon (Natural Gas Branch, Oil and Gas Imports Division), Economic Regulatory Administration, 12th & Pennsylvania Avenue, NW., Room 614, RG–631, Washington, D.C. 20461 (202) 633–9296

Sue D. Sheridan (Office of General Counsel, Natural Gas and Mineral Leasing), 1000 Independence Avenue, S.W., Forrestal Building, Room 6E–042; Washington, D.C. 20585 (202) 252–6667.

SUPPLEMENTARY INFORMATION: An October 29, 1981, Gas Sales Agreement (Agreement) between Texas Eastern and ProGas provides for the purchase of up to 100,000 Mcf of natural gas per day, and additional unspecified daily volumes to be delivered on a "best efforts" basis upon request by Texas Eastern. The Agreement specifies that the gas would be delivered at a point of interconnection between the facilities of ProGas and Texas Eastern's transporter at the Canadian-American border. The place of delivery will be either at a point near Niagara Falls, Ontario, or by mutual agreement between ProGas and Texas Eastern at a point near Emerson, Manitoba. Texas Eastern states that it is making arrangements for transportation of the gas from the Niagara Falls, Ontario, import point to its pipeline system in Pennsylvania.

The price for the imported natural gas wll be the authorized international border price, currently U.S. $4.94 per MMBtu. Texas Eastern also states that on April 2, 1982, ProGas filed an application with the Canadian National Energy Board (NEB) for authorization to export the gas for sale to Texas Eastern. The NEB has not yet approved ProGas' proposed export to Texas Eastern.

The Agreement obligates Texas Eastern to take or otherwise pay for a minimum annual quantity of gas equal to 75 percent of the maximum daily contract quantity of 100,000 Mcf times the number of days in the contract year, less the difference between the daily volumes of gas requested by Texas Eastern and actual amounts delivered. The price that Texas Eastern will be required to pay for the gas under the take-or-pay provision is the prevailing Canadian border price.

In any contract year after it has met its minimum annual purchase obligation, Texas Eastern may recover any gas paid for but not previously taken (prepaid gas).

The Agreement also provides a mechanism for reducing Texas Eastern's volume of prepaid gas if ProGas' contractual obligations to take gas from the Alberta producers which supply it are less than the total volume of prepaid gas of all of ProGas' customers. In that case, Texas Eastern's prepaid gas will be adjusted by its pro rata share of the difference (obtained by multiplying ProGas' prepaid volume by Texas Eastern's prepaid volume and dividing by the total prepaid volume).

In support of its application Texas Eastern asserts that the proposed import of natural gas is needed to meet future requirements of its customers at its current level of commitments to them.Texas Eastern also asserts that it continues to face the problem of a declining supply of gas from existing sources and must replace that gas from a variety of sources if it is to be able to continue to serve its customers' requirements. Texas Eastern concludes that the proposed import is in the public interest of the United States.

Texas Eastern requests that consideration of its application be expedited.

OTHER INFORMATION: Any person wishing to become a party to the proceeding, and thus to participate as a party in any conference or hearing which might be convened must file a petition to intervene.

Any person may file a protest with respect to this application. The filing of a protest will not serve to make the protestant a party to the proceeding. Protests will be considered in determining the appropriate action to be taken on the application.

All protests and petitions to intervene must meet the requirements specified in 18 CFR 1.8 and 1.10. They should be filed with the Natural Gas Branch, Economic Regulatory Administration, Room 6144, RG–631, 12th & Pennsylvania Avenue, N.W., Washington, D.C. 20461. All protests and petitions to intervene must be filed no later than 4:30 p.m., August 12, 1982.

A hearing will not be held unless a motion is made by a party or person seeking intervention and granted by the ERA, or if the ERA on its own motion believes that a hearing is necessary or required. A person filing a motion must demonstrate how a hearing will advance the proceedings. If a hearing is scheduled, the ERA will provide notice to all parties and persons whose petitions to intervene are pending.

A copy of Texas Eastern's application is available for inspection and copying in the Natural Gas Branch Docket Room, located in Room 6144, 12th & Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., on July 6, 1982.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82–18784 Filed 7–12–82; 8:45 am]

BILLING CODE 6450–01–M

[Docket No. ERA–FC–82–011; FC Case Number 65033–9218–01–12]

Order Granting Northwestern University an Exemption From Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Order Granting to Northwestern University an Exemption from the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On April 6, 1982, Northwestern University, hereinafter referred to as petitioner, filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) requesting a permanent site limitation exemption for a new major fuel burning installation (MFBI) from the prohibitions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act) that prohibit the use of petroleum and natural gas as a primary energy source in certain new MFBIs. The final rule containing the criteria and procedures for petitioning for exemptions from the prohibitions of Title II of FUA was published in the **Federal Register** at 46 FR 59872 (December 7, 1981). Criteria governing the site limitation exemption are contained in 10 CFR 503.33.

The petitioner requested a permanent site limitation exemption in order to burn natural gas or petroleum in a proposed new package boiler, identified as Unit #4, to be operated at the petitioner's Campus Central Utility Plant located in Evanston, Illinois. Unit #4 will have a design heat input rate of approximately 172 million Btu per hour.

Pursuant to section 212(a)(1)(B) of the Act and 10 CFR 503.33, ERA hereby grants the petitioner a permanent site

limitations exemption for the new MFBI identified as Unit #4. The basis for ERA's Order is provided in the **SUPPLEMENTARY INFORMATION** section, below.

DATE: In accordance with section 702(a) of FUA, this Order and its provisions shall take effect on September 12, 1982.

The public file containing a copy of this Order and other documents and supporting materials on this proceeding is available for inspection upon request at: Department of Energy, Freedom of Information Reading Room, 1000 Independence Avenue, SW., Room 1E–190, Washington, D.C. 20585, Monday through Friday, 8:00 a.m.–4:00 p.m.

FOR FURTHER INFORMATION CONTACT:

William H. Freeman, Office of Fuels Programs, Economic Regulatory Administration, Forrestal Building, Room GA–073, 1000 Independence Avenue SW., Washington, D.C. 20585, Phone (202) 252–2993.

Marya Rowan, Esq., Office of General Counsel, Department of Energy, Forrestal Building, Room 6B–178, 1000 Independence Avenue SW., Washington, D.C. 20585, Phone (202) 252–2967.

Jack Vandenberg, Office of Public Information, Economic Regulatory Administration, Room 7120, Federal Building, 12th & Pennsylvania Avenue NW., Washington, D.C. 20461, Phone (202) 633–8108.

SUPPLEMENTARY INFORMATION: The proposed MFBI for which the petition for exemption has been filed is a package boiler to be operated at the petitioner's Campus Central Utility Plant, Evanston, Illinois. Identified as Unit #4 by the petitioner, the MFBI will have a design heat input rate of approximately 172 million Btu's per hour using natural gas as a primary energy source.

The petitioner certified that, due to specific physical limitations, the criteria for a permanent exemption based upon a site limitation under 10 CFR 503.33(a)(1) and the mixtures use criteria in 10 CFR 503.33(a)(3) are satisfied by proposed Unit #4.

Documentary evidence submitted by the petitioner in support of its certification included an aerial photograph and a plant layout description demonstrating (a) that land expansion to accommodate alternate fuel facilities is extremely limited; (b) that facility reconstruction to accommodate storage of a 14-day supply of bulk fuel (2114 tons of coal) for a coal-fired unit is not practicable; and (c) that there is a lack of adequate rail or other transportation to bring bulk fuels to the plant site.

The petitioner also furnished ERA with appropriate data containing the basis for certifications under 10 CFR 503.33(a), as well as copies of the necessary environmental permits, required by federal, state, and local authorities to install and operate Unit #4.

In accordance with the procedural requirements of FUA and 10 CFR §501.3(b), ERA published its Notice of its Acceptence of Petition for Exemption and Availability of Certification relating to proposed Unit No. 4 in the **Federal Register** on May 12, 1982 (47 FR 20348), commencing a 45-day public comment period pursuant to section 701(c) of FUA. As required by sections 701(f) and (g) of the Act, ERA provided a copy of the petition to the Environmental Protection Agency and the Federal Trade Commission for their respective comments. During that period, interested persons were also afforded an opportunity to request a public hearing. The period for submitting comments and for requesting a public hearing closed on June 28, 1982. No comments were received and no hearing was requested.

ERA has determined that the granting of the requested exemption does not constitute a major federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act.

Decision and Order.

Based upon the entire record of this proceeding, ERA has determined that the petitioner has satisfied all of the eligibility requirements for the requested exemption as set forth in 10 CFR § 503.33 and section 212(a) of FUA and ERA hereby grants the petitioner a permanent site limitation exemption for the proposed Unit #4 to be located at its Campus Central Utility Plant, Evanston, Illinois.

Pursuant to section 702(c) of the Act and 10 CFR § 501.69 any person aggrived by this order may petition for judicial review thereof at anytime before the 60th day following the publication of this order in the **Federal Register.**

Issued in Washington, D.C. on July 2, 1982.

James W. Workman,

Director, Office of Fuels Programs Economic Regulatory Administration.

[FR Doc. 82–18783 Filed 7–12–82; 8:45 am]

BILLING CODE 6450–01–M

[ERA Docket No. 82–06–NG]

Transwestern Pipeline Co.; Application To Import Natural Gas From Canada

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of application to import natural gas from Canada.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice of receipt of an application from Transwestern Pipeline Company (Transwestern) to import from Canada up to 66,000 Mcf per day of natural gas, and additional unspecified daily volumes on a best efforts basis. The imported volumes are to be purchased from ProGas Limited (ProGas) beginning on November 1, 1982, or as soon as possible thereafter, and continuing for a period of up to twenty (20) years through October 31, 2002.

The application is filed with ERA pursuant to Section 3 of the Natural Gas Act and DOE Delegation Order No. 0204–54. Protests or petitions to intervene are invited.

DATE: Protests or petitions to intervene are to be filed no later than 4:30 p.m. on August 12, 1982.

FOR FURTHER INFORMATION CONTACT:

P. J. Fleming (Natural Gas Branch, Oil and Gas Imports Division), Economic Regulatory Administration, 12th and Pennsylvania Avenue NW., Room 6144, RG–631, Washington, D.C. 20461, (202) 633–9296.

Sue D. Sheridan (Office of General Counsel, Natural Gas and Mineral Leasing), 1000 Independence Avenue SW., Forrestal Building, Room 6E–042, Washington, D.C. 20585, (202) 252–6667.

SUPPLEMENTARY INFORMATION: On May 14, 1982, Transwestern filed an application to import up to 66,000 Mcf per day of Canadian natural gas, plus an additional unspecified amount on a best efforts basis, for a period of up to twenty years. The gas is to be purchased fron ProGas under a Gas Sales Agreement (Agreement) between Transwestern and ProGas dated October 29, 1981. The Agreement specifies that the gas will be delivered at a point of interconnection between the facilities of ProGas' transporter and the facilities of Transwestern's transporter on the international boundary at Kingsgate, British Columbia. Transwestern states it is currenty making transportation arrangements with Northwest Pipeline Corporation (Northwest) for delivery of the gas from Kingsgate to its pipeline system in the southwestern United States. Transwestern further states it anticipates that the gas will be transported through Northwest's existing pipeline facilities to Transwestern's transmission system by means of a new pipeline connecting the two systems at a point near Gallup, New Mexico. The proposed interconnecting

pipeline (Continental Divide Pipeline Company), which is the subject of an application before the Federal Energy Regulatory Commission, will be jointly owned by subsidiaries of Transwestern and Northwest.

The Agreement provides that the price Transwestern will pay ProGas for the imported natural gas will be the authorized international order price, currently U.S. $4.94 per MMBtu.

Transwestern also states that on April 2, 1982, ProGas filed an application with the National Energy Board of Canada (NEB) to export the gas for sale to Transwestern. The NEB has not yet approved ProGas' proposed export to Transwestern.

Transwestern is obligated under the Agreement to take or otherwise pay for a minimum annual quantity of gas equal to 75 percent of the maximum daily contract quantity times the number of days in the particular contract year, less the difference between the daily volumes requested by Transwestern and the actual amounts delivered. The price that Transwestern will be required to pay for the gas under the take-or-pay provisions is the prevailing Canadian border price.

In any contract year after it has met its minimum annual purchase obligation, Transwestern may recover any gas paid for but not previously taken (prepaid gas).

The Agreement also provides a mechanism for reducing Transwestern's volume of prepaid gas if ProGas' contractual obligations to take gas from the Alberta producers which supply it are less than the total volume of prepaid gas of all of ProGas' customers. In that case, Transwestern's prepaid gas will be adjusted by its pro rata share of the difference (obtained by mulitplying ProGas' prepaid volume by Transwestern's prepaid volume and dividing by the total prepaid volume).

In support of its application Transwestern asserts that it is experiencing a decline in its supply of natural gas from present sources and that it is making extensive efforts to secure replacement gas by various means in order to meet, in future years, its existing contractual supply commitments to its customers. Transwestern states the proposed import is one of several sources it intends to pursue to offset this decine, and that the import is in the public interest of the United States.

Transwestern requests that the processing of this application be expedited.

OTHER INFORMATION: Any person wishing to become a party to the proceeding, and thus to participate in any conference or hearing which might be convened, must file a petition to intervene. Any person may file a protest with respect to this application. The filing of a protest will not serve to make the protestant a party to the proceeding. Protests will be considered in determining the appropriate action to be taken on the application.

All protests and petitions to intervene must meet the requirements specified in 18 CFR 1.8 and 1.10. They should be filed with the Natural Gas Branch, Economic Regulatory Administration, Room 6144, RG–631, 12th & Pennsylvania Avenue NW., Washington, D.C. 20461. All protests and petitions to intervene must be filed no later than 4:30 p.m., August 12, 1982.

A hearing will not be held unless a motion for a hearing is made by a party or person seeking intervention and granted by ERA, or if ERA on its own motion believes that a hearing is necessary or required. A person filing a motion for hearing must demonstrate how a hearing will advance the proceedings. If a hearing is scheduled, ERA will provide notice to all parties and persons whose petitions to intervene are pending.

A copy of Transwestern's application is available for inspection and copying in the Natural Gas Branch Docket Room, located in Room 6144, 12th & Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on July 6, 1982.

James W. Workman,

Director, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 82–18782 Filed 7–12–82; 8:45 am]

BILLING CODE 6450–01–M

Office of Energy Research

Solar Panel Energy Research Advisory Board; Meeting

Notice is hereby given of the following meeting:

Name: Solar Panel of the Energy Research Advisory Board (ERAB). ERAB is a Committee constituted under the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770)

Date and time: August 2 and 3, 1982, 9 a.m. to 5 p.m.

Place: Room 4A–110, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585

Contact: William Woodard, Energy Research Advisory Board, Department of Energy, Forrestal Building, ER–6, 1000 Independence Avenue SW., Washington, DC 20585, Telephone: 202/252–8933.

Purpose of the parent board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative agenda:

Meet and discuss with solar technology and engineering and development community, including individuals from universities, industry, and the National Laboratories the draft report of the Solar R&D Panel.

Review draft of the Solar R&D Panel's report and obtain public comments thereon.

Public participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Energy Research Advisory Board at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW. Washington, DC, between 8:30 a.m. and 4 p.m. Monday through Friday, except Federal holidays.

Issued at Washington, DC, on July 7, 1982.

Ira M. Adler,

Acting Director for Management, Office of Energy Research.

[FR Doc. 82–18781 Filed 7–12–82; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY.

[W–1–FRL 2133–6]

Cape Cod Aquifer Determination

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final determination.

SUMMARY: Pursuant to Section 1424(e) of the Safe Drinking Water Act the Administrator of the U.S. Environmental Protection Agency (EPA) has determined that the Cape Cod aquifer is the sole or principal source of drinking water for Cape Cod, Massachusetts, and that the Cape Cod aquifer, if contaminated, would create a significant hazard to public health. As a result of this action, Federal financially assisted projects constructed anywhere on Cape Cod will be subject to EPA review to ensure that these projects are designed and constructed so that they do not

create a significant hazard to public health.

ADDRESSES: The data on which these findings are based are available to the public and may be inspectd during normal business hours at the U.S. Environmental Protection Agency, Region I, Drinking Water Branch, J.F. Kennedy Federal Building, Boston, Massachusetts, 02203.

FOR FURTHER INFORMATION CONTACT: Steven J. Koorse, Drinking Water Branch, Environmental Protection Agency, Region I, at (617) 223–6688.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to Section 1424(e) of the Safe Drinking Water Act (42 U.S.C. 300h–3(e), Pub. L. 93–523) the Administrator of the U.S. Environmental Protection Agency (EPA) has determined that the Cape Cod aquifer is the sole or principal source of drinking water for Cape Cod, Massachusetts. Pursuant to Section 1424(e), Federal financially assisted projects constructed anywhere on Cape Cod will be subject to EPA review.

I. Background

Section 1424(e) of the Safe Drinking Water Act states:

> If the Administrator determines, on his own initiative or upon petition, that an area has an aquifer which is the sole or principal drinking water source for the area and which, if contaminated, would create a significant hazard to public health, he shall publish notice of that determination in the **Federal Register**. After the publication of any such notice, no commitment for Federal financial assistance (through a grant, contract, loan guarantee, or otherwise) may be entered into for any project which the Administrator determines may contaminate such aquifer through a recharge zone so as to create a significant hazard to public health, but a commitment for Federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer.

On March 4, 1981, EPA received a petition from the Cape Cod Planning and Economic Development Commission requesting EPA to designate the Cape Cod aquifer as a sole source aquifer. In response to this petition, EPA published a notice in the **Federal Register** on November 16, 1981 (46 Fed. Reg. 56232), announcing a public comment period and setting a public hearing date. A public hearing was conducted on January 4, 1982, and the public was allowed to submit comments on the petition until February 12, 1982.

II. Basis for Determination

Among the factors to be considered by the Administrator in connection with the designation of an area under Section 1424(e) are: (1) Whether the aquifer is the area's sole or principal source of drinking water, and (2) whether contamination of the aquifer would create a significant hazard to public health.

On the basis of information available to this Agency, the Administrator has made the following findings, which are the bases for the determination noted above:

1. The Cape Cod aquifer is a single continuous aquifer which currently serves as the "sole source" of drinking water for the approximately 147,725 permanent residents and 424,445 peak seasonal residents of Cape Cod.

2. There is no existing alternative drinking water source, or combination of sources, which provides fifty percent or more of the drinking water to the designated area, nor is there any reasonably available alternative future source capable of supplying Cape Cod's drinking water demands.

3. The Cape Cod aquifer is glacial in origin and is composed of unconsolidated sand, gravel, silt and clay deposits. As a result of its highly permeable soil characteristics, the Cape Code aquifer is susceptible to contamination through its recharge zone from a number of sources, including but not limited to, chemical spills, highway runoff, septic tanks, leaking storage tanks, and leaching from open dumps. There is present evidence of localized contamination of the aquifer from chemical spills, individual disposal systems, leaking fuel tanks, and wastewater treatment systems. Since ground water contamination can be difficult or impossible to reverse, and since this aquifer is relied on for drinking water purposes by the general population, contamination of the aquifer would pose a significant hazard to public health.

III. Description of the Cape Cod Aquifer and Its Recharge Zone

Cape Cod, located within Barnstable County in southeastern Massachusetts, is a peninsula that extends 40 miles into the Atlantic Ocean. It is 440 square miles in area and is separated from the mainland by Cape Cod Canal. The area in which Federal financially assisted projects will be subject to review is the area that includes the Cape Cod aquifer, its streamflow source zone, and its recharge zone, which are one and the same.

For purposes of this designation, the Cape Cod aquifer is considered a single continuous aquifer, with the Cape Cod Canal, Cape Cod Bay, the Atlantic Ocean, Nantucket Sound and Buzzards Bay its lateral boundaries. Similarly, the recharge zone boundaries of the aquifer will be regarded as coterminous with the lateral boundaries of the aquifer.

IV. Information Utilized in Determination

The information utilized in this determination includes the petition, written and verbal comments submitted by the public, U.S. Environmental Protection Agency technical publications, and a ground water resources study conducted by the U.S. Geological Survey (Cape Cod Aquifer, Water-Resources Investigation 80–571). The above data is available to the public and may be inspected during normal business hours at the Environmental Protection Agency, Region I, Drinking Water Branch, J. F. Kennedy Federal Building, Boston, Massachusetts.

V. Project Review

EPA Region I is working with the Federal agencies that may in the future provide financial assistance to projects in the area of concern. Interagency procedures are being developed in which EPA will be notified of proposed commitments by Federal agencies for projects which could contaminate the Cape Cod aquifer. EPA will evaluate such projects and, where necessary, conduct an in-depth review, including soliciting public comments where appropriate. Should the Administrator determine that a project may contaminate the aquifer through its recharge zone so as to create a significant hazard to public health, no commitment for Federal financial assistance may be entered into. However, a commitment for Federal financial assistance may, if authorized under another provision of law, be entered into to plan or design the project to assure that it will not so contaminate the aquifer.

Although the project review process cannot be delegated, the U.S. Environmental Protection Agency will rely to the maximum extent possible on any existing or future State and local control mechanisms in protecting the ground water quality of the Cape Cod aquifer. Included in the review of any Federal financially assisted project will be coordination with the State and local agencies. Their comments will be given full consideration and the Federal review process will attempt to complement and support State and local ground water protection mechanisms.

VI. Summary and Discussion of Public Comments

Most of the comments received from Federal, State and local government agencies and from the public were strongly in favor of designation. Only three commenters expressed any reservations regarding the designation.

One commenter felt that EPA currently has sufficient ground water protection mechanisms, which together with State and local mechanisms, render a sole source designation unnecessary. Although a number of ground water protection measures are available at the Federal, State and local level, none of these, either individually or collectively, permit EPA to act as directly and comprehensively as would a sole source designation in the review and approval of Federal financially assisted projects. In addition, EPA feels that the sole source project review process will foster integration rather than duplication of environmental review efforts.

Two commenters, although generally in favor of the designation, expressed concern that sole source designation might preclude the use of land application as a wastewater treatment technique on Cape Cod. If properly sited, designed, operated and maintained, land application treatment can be an environmentally sound and cost effective waste management alternative. Sole source designation will not interfere with the development of any environmentally sound waste management solutions for Cape Cod municipalities. Federal financial assistance will only be withheld in those instances where it is determined that a proposed project may contaminate the aquifer so as to create a significant hazard to public health and no acceptable remedial measures are available to prevent the potential hazard.

VII. Economic and Regulatory Impact

Pursuant to the provisions of the Regulatory Flexibility Act (RFA), 5 U.S.C. 605(b), I hereby certify that the attached rule will not have a significant impact on a substantial number of small entities. For purposes of this Certification the term "small entity" shall have the same meaning as given in Section 601 of the RFA. This action is only applicable to Cape Cod. The only affected entities will be those Cape-based businesses, organizations or governmental jurisdictions that request Federal financial assistance for projects which have the potential for contaminating the aquifer so as to create a significant hazard to public health. EPA does not expect to be reviewing small isolated commitments of financial assistance on an individual basis, unless a cumulative impact on the aquifer is anticipated; accordingly, the number of affected small entities will be minimal.

For those small entities which are subject to review, the impact of today's action will not be significant. Most projects subject to this review will be preceded by a groundwater impact assessment required pursuant to other Federal laws, such as the National Environmental Policy Act, as amended (NEPA), 42 U.S.C. 4321, *et seq.* Integration of those related review procedures with sole source aquifer review will allow EPA and other Federal agencies to avoid delay or duplication of effort in approving financial assistance, thus minimizing any adverse effect on those small entities which are affected. Finally, today's action does not prevent grants of Federal financial assistance which may be available to any affected small entity in order to pay for the redesign of the project to assure protection of the aquifer.

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 will not have an annual effect of $100 million or more on the economy, will not cause any major increase in costs or prices, and will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States enterprises to compete in domestic or export markets. Today's action only affects Cape Cod. It provides an additional review of groundwater protection measures, incorporating State and local measures whenever possible, for only those projects which request Federal financial assistance. This regulation was submitted to OMB for review under EO 12291.

Dated: July 6, 1982.

Anne M. Gorsuch,

Administrator.

[FR Doc. 82-18830 Filed 7-12-82; 8:45 am]

BILLING CODE 6560-50-M

[OPTS-00034; TSH-FRL 2168-5]

Interagency Toxic Substances Data Committee; Cancellation of Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The August meeting of the Interagency Toxic Substances Data Committee has been cancelled.

DATE: The next meeting of the Committee has been scheduled for September 14, 1982.

FOR FURTHER INFORMATION CONTACT: Mary Belferman (TS-777), Executive Secretary, Interagency Toxic Substances Data Committee, Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, (202-554-1404).

SUPPLEMENTARY INFORMATION: The regular meetings of the Interagency Toxic Substances Data Committee usually take place on the first Tuesday of alternate months at 9:30 a.m. and are open to the public. The meetings are held in: Rtm. 2010, New Executive Office Building, 17th St. and Pennsylvania Ave., NW., Washington, D.C. 20006.

The August meeting has been cancelled, the next meeting of the Interagency Toxic Substances Data Committee will take place on the second Tuesday in September, September 14, 1982. The meeting after that will be held on November 2, 1982.

Dated: July 6, 1982.

Mary Belferman,

Executive Secretary, Interagency Toxic Substances Data Committee.

[FR Doc. 82-18880 Filed 7-12-82; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Interconnection of Customer-Provided Telephone Equipment With Nationwide Telephone Network; Grant of Request for Permanent Exemption

AGENCY: Federal Communications Commission.

ACTION: Grant of request for permanent exemption.

SUMMARY: Section 68.2(e) of the Commission's Rules and Regulations, 47 CFR 68.2(e), permits governmental departments, agencies or administrations to apply for exemption from the technical and legal requirements of Part 68 of the Commission's rules, in the interest of national defense and security. Part 68 governs the interconnection of customer-provided telephone equipment with the nationwide telephone network.

The Department of Energy has requested permanent exemption under § 68.2(e). The Commission hereby grants the Department of Energy's request.

FOR FURTHER INFORMATION CONTACT: James M. Talens, Senior Attorney, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554, (202) 634-1832.

SUPPLEMENTARY INFORMATION:

Adopted June 29, 1982.

Released July 1, 1982.

In the Matter of an Application of Federal Executive Agencies of Federal Executive Agencies of the United States Government, for authority to qualify for the interconnection of communications equipment for security devices to the Telephone Company-provided communications network pursuant to § 68.2(e) of the Commission's rules and regulations, for special temporary authority to qualify for the interconnection of communications equipment or security devices to the Telephone company-provided communications network pursuant to § 68.2(e) of the Commission's rules and regulations; Order.

1. Before the Commission is an Application to permit the Department of Energy (DOE) to act pursuant to § 68.2(e) of the Commission's Rules, 47 CFR 68.2(e). That section permits governmental departments, agencies or administrations to connect communications equipment or security devices to the public switched network without compliance with Part 68 of the rules where such compliance could result in the disclosure of communications equipment or security devices, locations, uses, personnel, or activities which would adversely affect the national defense and security. Entities seeking § 68.2(e) treatment must first obtain an exemption from the Commission.[1] Part 68 contains the technical and legal standards by which communications equipment may be directly connected to the telephone network.

2. On April 1, 1980, we granted ten governmental departments and agencies authority to act pursuant to § 68.2(e). They were the Department of State, Department of Defense, General Services Administration (GSA), Department of the Treasury, Central Intelligence Agency, Federal Bureau of Investigation, Department of Justice, Department of Commerce, Department of Transportation, and Federal Reserve Board. At that time, GSA performed communications equipment installations for DOE. Circumstances which had made it feasible for DOE to use GSA personnel for these purposes have changed, however. It is now necessary for DOE personnel to perform their own communications equipment installations. For example, DOE's Nuclear Emergency Search Teams carry and employ cryptographic and other privacy equipment which may be directly connected to the public switched telephone network. Accordingly, DOE Now requires independent authorization to act pursuant to § 68.2(e).

3. On March 25, 1982, the Commission published notice of DOE's rquest for permanent exemption in the **Federal Register** and granted DOE's request for special temporary authority for exemption for 90 days, pursuant to § 68.2 of the rules. *See* 47 FR 12,858. No comments were received in response to the notice.

4. We believe that DOE's request for permanent exemption should be granted. This action is consistent with the treatment accorded other governmental departments and agencies pursuant to § 68.2 of the rules. Accordingly, pursuant to the authority delegated under § 0.291 of the Commission's Rules and Regulations, 47 CFR 0.291, the Department of Energy's request for permanent exemption from Part 68 of the Commission's Rules and Regulations, 47 CFR Part 68, is granted.

5. It is ordered that notice of this action shall be published in the **Federal Register.**

Jack D. Smith,

Deputy Chief (Operations), Common Carrier Bureau.

[FR Doc. 82-18785 Filed 7-12-82; 8:45 am]

BILLING CODE 6712-01-M

[1] For each installation, the exempt entity must certify in writing to the appropriate common carrier that: (1) The connection is required in the interest of national defense and security; (2) the equipment or device to be connected either complies with the technical requirements of this part or will not cause harm to the nationwide telephone network or telephone company employees; and (3) the installation is performed by well-trained, qualified employees under the responsible supervision and control of a person who meets the qualifications stated in § 68.215(c). *See* Order (FCC 79-728), released November 14, 1979, 44 FR 66,825.

FEDERAL MARITIME COMMISSION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement and the justification offered therefor at the Washington office of the Federal Maritime Commission, 1100 L Street, NY., Room 10427; or may inspect the agreement at the Field offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, Chicago, Illinois, and San Juan, Puerto Rico. Interested parties may submit comments on the agreement, including request for hearing to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before July 23, 1982. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreement and the statement should indicate that this has been done.

Agreement No.: T-3463-1.

Filing Party: Mr. Carl S. Parker, Jr., Traffic Manager, Board of Trustees of the Galveston Wharves, P.O. Box 328, Galveston, Texas 77553.

Summary: Agreement No. T-3463-1 amends and supplements the basic agreement between the Board of Trustees of the Galveston Wharves, lessor (Port) and Farmers Export Co, lessee (FEC) and FEC's successor in interest FAR-MAR-CO., INC., sublessee (FMC) which provides for FEC's and subsequently FMC's lease and operation of the Galveston Public Elevator. The amendment/supplement agreement provides for the issuance and sale of revenue bonds of approximately $30,000,000 (thirty million dollars) to finance certain additions and improvements made to the grain elevator leased to FMC and also inceases rental payments in an amount equal to all principal of and interest; paying agents' and trustees' fees, and premium, if any, on the new bonds to be issued.

Dated: July 8, 1982.

By Order of the Federal Maritime Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 82-18924 Filed 7-12-8:45 am]

BILLING CODE 6730-01-M

Application of Remolcadores Y Chalanes, S.A. (USAMEX Hydro-Train) for Tariff Filing Exemption From the Shipping Act, 1916; Order Denying Application for Exemption

Remolcadores Y Chalanes, S.A. (USAMEX Hydro-Train) (USAMEX) has filed an application for an exemption from tariff filing requirements of the

Shipping Act, 1916 (46 U.S.C. 801 *et seq.*). [1]

A notice of the filing of the application was published in the **Federal Register** and comments were received from New Orleans Traffic and Transportation Bureau (NOTT), Sea-Land Service, Inc., (Sea-Land) and Houston Port Bureau (HPB).

USAMEX advises that it intends to transport loaded and empty rail cars between Pascagoula, Mississippi and Alvarado, Veracruz, Mexico, as part of a joint rail/water service between interior U.S. points and points in Mexico and that this joint service will be offered with the U.S. railroads and Ferrocarriles Nacionales de Mexico (FCNM), the Mexican railroad. [2]

USAMEX plans to publish joint through tariffs containing rates competitive with the all land route. These tariffs will name rail-water, water-rail, or rail-water-rail rates and will apply from or to interior U.S. points. The proposed tariffs will be filed at the Interstate Commerce Commission (ICC) in compliance with ICC tariff publishing rules. It is USAMEX's contention that it will be burdensome to also file a tariff with the Commission. USAMEX therefore seeks a tariff filing exemption under section 35 of the Shipping Act, 1916 (46 U.S.C. 833). In support of its application, USAMEX points out that the Commission has granted exemptions from tariff filing to two water carriers providing service in connection with joint through routes between the United States and Canada.

NOTT urges the Commission to deny the exemption or, in the alternative, set the matter for hearing. NOTT is concerned with the possibility of unfair and excéssive competition arising from the exemption of USAMEX, while regulation is retained over the rates and practices of the common carriers by water presently providing competitive service between New Orleans and the Mexican Gulf ports.

Sea-Land's main concern is the potential proliferation of exemptions for other trade areas. If the Commission grants the instant petition, Sea-Land fears it will encourage other carriers to seek the same exemption in other, high volume, trades. Sea-Land states that without the tariff filing the Commission cannot meet its statutory obligations.

HPB claims the exemption sought by USAMEX will impair the Commission's ability to regulate and will be detrimental to U.S. commerce. HPB points out that should the ICC find in favor of exempting box car traffic, potential problems of discrimination or even hidden rebates could result if no tariffs were on file. HPB states it is not protesting the proposed service, but only USAMEX's request to be exempted from filing a joint ICC–FMC tariff.

Discussion

Section 35 of the Shipping Act, 1916, authorizes the Commission to exempt activities otherwise subject to that Act which it finds "will not substantially impair effective regulation * * * be unjustly discriminatory, or be detrimental to commerce." Having considered USAMEX's application, the Commission finds that it fails to meet the section 35 criteria for exemption. Most particularly, USAMEX has not demonstrated that the requested tariff filing exemption will not impair FMC regulation.[3]

As the Courts have interpreted both the Shipping Act and the Interstate Commerce Act as applicable to through joint intermodal services, the FMC and ICC are expected to respectively regulate the activities of the parties subject to their Acts—see generally *Commonwealth of Pennsylvania* v. *Interstate Commerce Commission, et al.*, 561 F.2d 278 (D.C. Cir. 1977). In order to permit the Commission to meet its regulatory responsibilities under the Shipping Act, 1916, tariffs reflecting such joint through intermodal services must be filed with this Commission as well as with the ICC. USAMEX has not demonstrated any circumstances which are peculiar to its proposed operation that set it apart from the numerous other carriers that are presently required to file joint through intermodal tariffs. Although USAMEX emphasizes that, unlike other ocean carriers, it will only be dealing directly with railroads and not the ultimate shipper or consignee, this is not a valid distinction. By publishing a joint through tariff, USAMEX and the participating railroads will be jointly holding themselves out to the shipping public to provide the entire transportation.

The two alleged similar exemptions to which USAMEX refers in its application and upon which it relies, *Incan Superior Ltd.* (46 CFR 536.1(b)(4)) and *Foss Launch & Tug Co.* (46 CFR 536.1(b)(5)), are distinguishable.

The application of Incan for exemption was the culmination of a series of discussions between Incan and the staff of the Commission in regard to the difficulties of tariff compliance due to the unique operation of Incan. Incan operated a railcar ferry type service between Thunder Bay, Canada and Superior, Wisconsin, carrying primarily newsprint and wood pulp. Incan's tariff existed solely upon its ability to engage in a portion of a through rail service and accept a division of through rates filed with the Interstate Commerce Commission (ICC) and the Canadian Transportation Commission (CTC).

At the time of its application for exemption, Incan had a tariff on file and in effect with the FMC. The rates filed by Incan were proportional rates. While they had application only between the ports served by Incan, the rates varied depending upon the destination of the cargo. The rates filed with the FMC reflected the divisions accruing to Incan of through rates filed by the railroads with the ICC and the CTC. Whenever the railroads altered their rates Incan had to alter its rates to adjust to the new division it was to receive. This made it virtually impossible for Incan to file timely or meaningful port-to-port rates required by the Shipping Act, 1916. Incan could not obtain rail traffic if it were required to publish a single port-to-port rate for each commodity without regard to the through rail rate. The railroads would simply utilize an all rail routing whenever Incan's port-to-port rates exceeded the division attributable to the through movement.

The exemption was granted on the conditions that the through rates be contained in railroad tariffs filed with the ICC and/or the CTC and that Incan submit to the FMC certified copies of: (1) Its division sheets or tariffs; and (2) any and all agreements, arrangements, and concurrences entered into in connection with the transportation of cargo.

Foss operated a barge movement of rail cars between North Vancouver, British Columbia and Seattle and Tacoma, Washington. The barge movement connected with both U.S. and Canadian rail operations which were subject to regulation by the ICC. Foss served as a participant in a through route service. The railroad tariffs specified only the through railroad established rates and did not specify Foss' divisions which were set forth in

[1] USAMEX is a joint venture of Transportation Maritima Mexicana, S.A. and Crowley Maritime International S.A.

[2] USAMEX alleges that the ability of FCNM to move large volumes of rail traffic to and from the United States border through northern Mexico is limited. USAMEX's proposed service is intended as a supplement to the overland service of FCNM.

[3] USAMEX seeks to justify the exemption on the grounds that filing a tariff at the Commission would be "burdensome." Even if true, this does not constitute a ground for exemption under section 35. In any event, however, USAMEX has not demonstrated any undue difficulty in publishing a tariff jointly at both the ICC and this Commission. There are at present numerous intermodal tariffs which are jointly filed at both this Commission and the ICC.

joint division sheets. Foss, like Incan, often found it impossible to file port-to-port rates reflecting changes in its division in compliance with the Commission's thirty days' notice requirement for filing increases, or new and initial rates.

The Commission granted Foss' application under conditions similar to those imposed on Incan.

At the time the Incan and Foss exemptions were granted, ocean carriers participating in joint through intermodal arrangements with ICC carriers were required to publish port-to-port portions of the through rate in their FMC tariffs. This requirement has now been eliminated by the Commission with respect to joint through arrangements with rail carriers that have been exempted from tariff filing under the Interstate Commerce Act. (See 46 CFR 536.8). The Commission would entertain a request to exempt USAMEX from filing the port-to-port portion of the joint through rate. However, that is not what USAMEX seeks here. The application of USAMEX seeks an exemption which would permit it to avoid filing *any* tariff with this Commission.

In the view of the foregoing, the application for exemption of USAMEX is denied.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 82-18799 Filed 7-12-82; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 82-34; Agreement No. T-3856]

Order of Investigation and Hearing

Agreement No. T-3856 between Mid-Gulf Seaports Marine Terminal Conference (MGSMTC), Terminal Operators Conference of Hampton rRads (TOCOHR), and the South Atlantic Marine Terminal Conference (SAMTC) has been filed for approval pursuant to section 15 of the Shipping Act, 1916 (46 U.S.C. 814). [1] Agreement No. T-3856 supersedes Agreement No. T-2299 between TOCOHR and SAMTC, and provides that the parties may:

> * * * meet, confer, discuss, exchange information and make recommendations with respect to rates, charges, practices, legislation, port administration and on matters of concern to the marine terminal industry (Article 2).

Recommendations made pursuant to the Agreement are not binding on the members although each participating conference may adopt the recommendations under their respective conference agreements. No protests or comments regarding the Agreement were filed with the Commission.

The Commission conditionally approved the Agreement by Order issued April 16, 1981 on condition that:

1. The "Whereas" clause on page 2 of the Agreement be amended to read as follows:

Whereas, the members of said Conferences desire to meet, confer, discuss, exchange information and make recommendations from time to time on practices (other than rates and charges), legislation, port administration and procedures and matters of concern to the marine terminal industry (other than rates and charges);

2. The first sentence of Article 2, "Purposes," be amended to read as follows:

The members of MGSMTC, TOCOHR and SAMTC, acting by and through their Conferences, may, from time to time, meet, confer, discuss, exchange information and make recommendations with respect to practices (other than rates and charges), legislation, port administration and on matters of concern to the marine terminal industry (other than rates and charges).

3. The Commission receives, within 60 days of the date of this Order, a complete copy of Agreement No. T-3856, modified as required herein, signed by all the parties thereto or their duly authorized representatives.

The Commission imposed the above conditions because the discussion of matters relating to rates, even though the Agreement does not confer rate-making authority or bind the members to recommendations made pursuant to the Agreement, can be expected to affect the level of rates and charges or result in the establishment of uniform rates and charges in the relevant port areas. As such, the Agreement is anticompetitive and cannot be approved unless Proponents can demonstrate that the Agreement is required by a serious transportation need, necessary to secure public benefits, or is in furtherance of a valid regulatory purpose. *Federal Maritime Commission, et al., v. Aktiebolaget Svenska Amerika Linien, et al.,* 390 U.S. 238 (1968). *United States Lines, Inc. v. Federal Maritime Commission,* 584 F.2d 519 (1978).

The arguments submitted by Proponents in support of the Agreement did not constitute evidence demonstrating that the Agreement, insofar as it authorized the discussion of rates and charges, is required by legitimate transportation needs or other public interest objectives.

The Commission further ordered that if the Agreement was not so modified, then the Agreement was disapproved effective sixty-one days from the date of the Order, unless, on or before that date, any one of the parties thereto filed with the Secretary of the Commission a request for further hearing accompanied by a detailed recital of the facts that the Proponents intend to prove, a description of the evidence to be used to prove such facts, and an explanation why the facts sought to be proven support the Agreement. The Commission further provided that if a further hearing request was submitted which did not allege specific facts which, if true, would justify approval of the Agreement, no such hearing would be held and a final disapproval order may be issued. The Commission subsequently extended the period for compliance with the above conditions, at Proponents' request, to August 26, 1981.

On August 17, 1981 Proponents filed a petition declining to amend the Agreement to comply with the conditions established by the Commission for approval, and requested a further hearing to determine whether the Agreement should be approved unconditionally by the Commission. In their petition for further hearing Proponents stated, *inter alia,* that they intended to prove that the Agreement as submitted, and specifically requested rate discussion authority, is required by a serious transportation need, is necessary to secure important public benefits, is in furtherance of a valid regulatory purpose, that intrusion into the anti-trust laws will be minimal or nonexistent, and that the intrusion, if any, will be far outweighed by benefits to shippers and the public.

The Commission has determined that Proponents have met the requirements established by its April 16, 1981 Order to support a request for a further hearing. Accordingly, Proponents' request for a further hearing to determine whether Agreement No. T-3856 should be approved as filed is granted.

Therefore it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916 (46 U.S.C. 814 and 821) an investigation and hearing is instituted to determine if Agreement No. T-3856 should be approved, disapproved or modified;

It is further ordered, That the parties to Agreement No. T-3856, Mid-Gulf Seaports Marine Terminal Conference, Terminal Operators Conference of Hampton Roads, and South Atlantic Marine Terminal Conference, are

[1] The members of Agreement No. T-3856 are marine terminal conferences operating under approved section 15 agreements (Nos. T-2002, T-8435, and T-8455 respectively). Each conference has authority to establish rates, rules and regulations within the geographic scope of its basic agreement.

designated as Proponents in this proceeding;

It is further ordered, That pursuant to Rule 42 of the Commission Rules of Practice and Procedure (46 CFR 502.42), the Commission's Bureau of Hearings and Field Operations (Hearing Counsel) shall be a party to this proceeding;

It is further ordered, That this matter is assigned to an Administrative Law Judge for public hearing and decision at a date and place to be hereafter determined by the Administrative Law Judge. This hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents, or that the nature of the matters in issue otherwise requires an oral hearing and cross-examination for the development of an adequate record;

It is further ordered, That Proponents shall submit two copies of their direct case to the Secretary of the Commission, and one copy to each of the parties to this proceeding, on or before a date to be determined by the Administrative Law Judge;

It is further ordered, That discovery shall be in accordance with the process set forth in Rule 201 of the Commission's Rules of Practice and Procedure (46 CFR 502.201), but shall not commence until the receipt by the Commission of Proponents' direct case;

It is further ordered, That persons other than those already parties to this proceeding who desire to be parties to this proceeding and to participate herein shall file a petition for leave to intervene pursuant to Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72);

It is further ordered, That after completion of such discovery, all parties shall have an opportunity to submit written rebuttal testimony in accordance with a procedural schedule to be established by the Administrative Law Judge;

It is further ordered, That notice of this Order be published in the **Federal Register**, and a copy thereof be served upon all parties named herein;

It is further ordered, That hearing in this procedure shall commence no more than six months from the date of publication of this order in the **Federal Register**; and

It is further ordered, That, all documents submitted by any party in this proceeding be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure (46 CFR Part 502.118), as well as being mailed directly to all parties of record.

By the Commission.

Francis C. Hurney,

Secretary.

[FR Doc. 82-18800 Filed 7-12-82; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Open Committee Meetings

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Adivisory Committee will be held on:

Thursday, August 5, 1982
Thursday, August 12, 1982

These meetings will convene at 10 a.m., and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E. Street, NW., Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership of the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsiblility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Director of the Office of Personnel Management under the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C. 522b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contracting the Committee Secretary, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street, NW, Washington, D.C. 20415 (202-632-9710).

William B. Davidson, Jr.,

Chairman, Federal Prevailing Rate Advisory Committee.

July 7, 1982.

[FR Doc. 82-18871 Filed 7-12-82; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 82M-0124]

CooperVision Inc.; Premarket Approval of CLERZ® Lubricating & Rewetting Eye Drops

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the CLERZ® Lubricating & Rewetting Eye Drops sponsored by CooperVision, Inc., Mountain View, CA. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by August 12, 1982.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles H. Kyper, Bureau of Medical Devices (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: On June 3, 1981, CooperVision, Inc., Mountain View, CA, submitted to FDA an application for premarket approval of the CLERZ® Lubricating & Rewetting Eye Drops for use with all soft (hydrophilic) contact lenses. The applications was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, an FDA advisory committee, which recommended approval of the application. On April 2, 1982, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

Before enactment of the Medical Divice Amendments of 1976 (the amendments) (Pub. L. 94–295, 90 Stat. 539–583), soft contact lens solutions were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), soft contact lens solutions are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or solutions comply with the records and reports provisions of Part 310 (21 CFR Part 310), Subpart D, until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file with the Dockets Management Branch (address above), and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Bureau of Medical Devices. Contact Charles H. Kyper (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of the CLERZ® Lubricating & Rewetting Eye Drops states that the solution is designed for daily use as a lubricating and rewetting solution for use with all conventional hard contact lenses and all soft (hydrophilic) contact lenses. Sponsors of any soft (hydrophilic) contact lenses that have been approved for marketing are advised that whenever FDA publishes a notice in the **Federal Register** of the agency's approval of a new solution for use with an approved soft contact lens, the sponsor of each lens shall correct its labeling to refer to the new solution at the next printing or at such other time as FDA prescribes by letter to the sponsor. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41–58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93–637). Furthermore, failure to update the restrictive labeling to refer to new solutions that may be used with an approval lens may be grounds for withdrawing approval of the application for the lens, under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)).

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before August 12, 1982, file with the Dockets Management Branch (address above), four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 17, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82–18700 Filed 7–12–82; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 82M–0195]

Danker Laboratories, Inc.; Premarket Approval of DANSIL (Dimefocon A) Silicone Contact Lenses

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the DANSIL (dimefocon A) Silicone Contact Lens, sponsored by Danker Laboratories, Inc., Parsippany, NJ. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, FDA notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by August 12, 1982.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, Bureau of Medical Devices (HFK–402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301–427–7445.

SUPPLEMENTARY INFORMATION: On September 2, 1980, Danker Laboratories, Inc., Parsippany, NJ, submitted to FDA an application for premarket approval of DANSIL (dimefocon A) Silicone Contact Lenses for aphakic extended wear up to 30 days between cleaning and disinfection. The lenses are to be worn by persons with nondiseased eyes who have had cataract surgery (aphakic) and have astigmatism of 2.00 diopters or less. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, and FDA advisory committee, which recommended approval of the application. On May 28,

1982, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94–295, 90 Stat. 539–583), soft contact lenses and solutions were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), soft contact lenses and solutions are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to ensure continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or solutions comply with the records and reports provisions of Part 310 (21 CFR Part 310), Subpart D, until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file with the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Bureau of Medical Devices. Contact Charles Kyper (HFK–402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of an approved contact lens states that the lens is to be used only with certain solutions for disinfection and other purposes. The restrictive labeling informs new users that they must avoid using certain products, such as solutions intended for use with hard contact lenses. But the restrictive labeling needs to be updated periodically to refer to new lens solutions that FDA approves for use with an approved contact lens. A sponsor who fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41–58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 96–637). Furthermore, failure to update the restrictive labeling to refer to new solutions that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens, under section 515(e)(1)(F) of the Act (21 U.S.C. 360e(e)(1)(F)). Accordingly, whenever FDA publishes a notice in the **Federal Register** of the agency's approval of a new solution for use with an approved lens, the sponsor of the lens shall correct its labeling to refer to the new solution at the next printing or at any other time FDA prescribes by letter to the sponsor.

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA;s action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition, supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register.** If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitions may, at any time on or before August 12, 1982, file with the Dockets Management Branch (address above) four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 2, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82–18701 Filed 7–12–82; 8:45 am]

BILLING CODE 4160–01–M

[Docket No. 82G–0178]

Devro, Inc., and Teepak, Inc.; Filing of Petition for Affirmation of GRAS Status

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Devro, Inc., and Teepak, Inc., have filed a petition (GRASP 2G0280) proposing affirmation that glutaraldehyde cross-linked collagen used in manufacture of sausage casings is generally recognized as safe (GRAS) as a direct human food ingredient.

DATE: Comments by September 13, 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: Leo F. Mansor, Bureau of Foods (HFF–335), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202–426–8950.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))) and the regulations for affirmation of GRAS status (21 CFR 170.35), notice is given that a petition (GRASP 2G0280) has been filed by Devro, Inc., Somerville, NJ 08876, and Teepak, Inc., 915 N. Michigan Ave., Danville, IL 61832, proposing that glutaraldehyde cross-linked collagen used in the manufacture of sausage casings is GRAS as a direct human food ingredient.

The petition has been placed on display at the Dockets Management Branch (address above).

Any position that meets the format requirements outlined in § 170.35 is filed by the agency. There is no prefiling review of the adequacy of data to support a GRAS conclusion. Thus, the filing of a petition for GRAS affirmation should not be interpreted as preliminary indication of suitability for affirmation.

Interested persons may, on or before September 13, 1982, review the petition and/or file comments (two copies, identified with the docket number found in brackets in the heading of this document) with the Dockets Management Branch. Comments should include any available information that would be helpful in determining whether the substance is, or is not, GRAS. A copy of the petition and received comments may be seen in the Dockets Management Branch, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: June 28, 1982.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 82-18702 Filed 7-12-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82F-0174]

Velsicol Chemical Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Velsicol Chemical Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of 2,2'-oxy-bis(ethanol)dibenzoate as a plasticizer in polymeric substances in the manufacture of paper and paperboard in direct contact with dry food.

FOR FURTHER INFORMATION CONTACT: Julius Smith, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2B3632) has been filed by Velsicol Chemical Corp., 341 East Ohio St., Chicago, IL 60611, proposing that the food additive regulations be amended to provide for the safe use of 2,2'-oxy-bis(ethanol)dibenzoate as a plasticizer in polymeric substances in the manufacture of paper and paperboard for use in direct contact with dry food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that document will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: June 28, 1982.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 82-18703 Filed 7-12-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82F-0190]

Fujimori Kogyo Co., Ltd.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Fujimori Kogyo Co., Ltd., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of an aliphatic polyurethane laminating adhesive for fabricating retortable pouches and related high-temperature laminates for use in contact with food.

FOR FURTHER INFORMATION CONTACT: Terry C. Troxell, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2B3633) has been filed by Fujimori Kogyo Co., Ltd., 4-16, 1-Chome, Nihonbashi, Bakuro-Cho, Chuo-Ku, Tokyo, Japan, proposing that the food additive regulations be amended to provide for the safe use of a 2-component aliphatic polyurethane laminating adhesive based on 3-isocyanatomethyl-3,5,5-trimethylcyclohexyl isocyanate, 1,3-bis(isocyanatomethyl)benzene, and certain polybasic acids and polyhydric alcohols listed in § 175.300(b)(3)(vii) (21 CFR 175.300(b)(3)(vii)) for fabricating retortable pouches and other high-temperature laminates identified in § 177.1390(c) (21 CFR 177.1390(c)).

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petiton results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in acordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: July 5, 1982.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 82-18723 Filed 7-12-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 82F-0185]

Mobay Chemical Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Mobay Chemical Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of dimethyl dicarbonate as a cold sterilant in beverages and fruit juices.

FOR FURTHER INFORMATION CONTACT: John L. Herrman, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 USC 348(b)(5))), notice is given that a petition (FAP 2A3636) has been filed by Mobay Chemical Corp., Penn Lincoln Parkway West, Pittsburgh, PA 15205, proposing that the food additive regulations be amended to provide for the safe use of dimethyl dicarbonate as a cold sterilant in beverages and fruit juices.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: July 5, 1982.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 82-18779 Filed 7-12-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 77F-0261]

Monsanto Co.; Withdrawal of Petition for Food Additive

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal without prejudice of a petition (FAP 7B3305) proposing that the food additive regulations be amended to provide for the safe use of polyamine-epichlorohydrin resin as a component of paper and paperboard in contact with foods.

FOR FURTHER INFORMATION CONTACT: James B. Lamb, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786 (21 U.S.C. 348(b))), the following notice is issued:

In accordance with § 171.7 *Withdrawal of petition without prejudice* of the procedural food additive regulations (21 CFR 171.7), Monsanto Co., 800 N. Lindbergh Blvd.,

St. Louis, MO 63166, has withdrawn its petition (FAP 7B3305), notice of which was published in the **Federal Register** of November 4, 1977 (42 FR 57750), proposing that § 176.170 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 176.170) be amended to provide for the safe use of polyamine-epichlorohydrin resins having nitrogen, chlorine, and phosphorous contents differing from the currently regulated resins. The subject polyamine-epichlorohydrin resin is prepared by reacting hexamethylenediamine with 1,2-dichloroethane to form a prepolymer and further reacting this prepolymer with epichlorohydrin. The resulting resin optionally may be modified with nitrilotris (methylenephosphonic acid), pentasodium salt. The resin was to be used as a component of paper and paperboard in contact with foods.

Dated: July 5, 1982.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 82-18778 Filed 7-12-82; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 80N-0012; DESI Nos. 8884, 8924, 9049, 9405, 10367, 10826, 50168, 50234]

Certain Topical Anti-Infective Drug Products; Drugs for Human Use; Drug Efficacy Study Implementation; Revocation of Exemption; Notice of Public Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a public meeting on the effectiveness of certain prescription topical anti-infective drug products for dermatological use.

DATE: The meeting will be held from 10 a.m. to 12:30 on July 30, 1982.

ADDRESS: The meeting will be held in Conference Rm. D in the Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

FOR FURTHER INFORMATION CONTACT: Kenneth H. Flieger, Office of Health Affairs (HFY-1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6143.

SUPPLEMENTARY INFORMATION: On September 25, 1981, the Director of the Bureau of Drugs of FDA issued a notice of opportunity for a hearing on whether the approval of certain prescription topical anti-infective drug products for dermatologic use should be withdrawn. FDA now gives notice of a public meeting at which a medical group's report concerning the effectiveness of these products will be discussed.

The Drug Efficacy Study Implementation (DESI) program is FDA's vehicle for implementing the 1962 amendments to the Federal Food, Drug, and Cosmetic Act. The amendments require that drugs approved for marketing before 1962 on the basis of safety be reviewed for effectiveness. Drugs not shown to be effective are removed from the market.

As part of the DESI review, the Bureau of Drugs published in the **Federal Register** of September 25, 1981 (46 FR 47408), a notice pertaining to 122 prescription topical anti-infective drugs products for dermatologic use. The notice also applies to identical, similar, or related products (46 FR 47419). The National Center for Drugs and Biologics is now carrying out the responsibilities formerly assigned to the Bureau of Drugs. (See the **Federal Register** of June 22, 1982 (47 FR 26913).)

The September 25 notice provided manufacturers of these drug products an opportunity to request a hearing on whether the products have been shown to be effective. The notice informed the manufacturers that a hearing would be held only if adequate and well-controlled clinical investigations showing effectiveness were submitted to FDA. Public meetings were held on September 24, 1981, to explain the DESI review process. (See 46 FR 44506; September 4, 1981.)

Subsequently, the American Academy of Dermatology (the Academy) requested the opportunity to file a report that a study group was preparing concerning these topical anti-infective drug products. By letter dated December 31, 1981, the Commissioner of Food and Drugs invited the Academy to submit a timely report that would deal with the question of whether these drug products had been shown to be effective by adequate and well-controlled studies.

In a letter dated May 14, 1982, the Academy informed FDA that it expected that its report would be submitted in the middle of July. The Academy asked that a meeting be held to present an oral summary of its report.

FDA has agreed to hold such a meeting, which will be open to the public. This meeting will be from 10 a.m. to 12:30 p.m., July 30, 1982, in Conference Rm. D of the Parklawn Building, 5600 Fishers Lane, Rockville, MD. Any interested person may attend the meeting. It is requested that any person who wishes to make a presentation concerning this report inform the contact person listed above. The Academy's report will be placed on public display at the Dockets Management Branch, FDA, Rm. 4-62, 5600 Fishers Lane, Rockville, MD, and at the FDA Press Office, once it has been received by FDA. A limited number of copies of the report will also be made available at the meeting.

Dated: July 8, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-18928 Filed 7-9-82; 10:35 am]

BILLING CODE 4160-01-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the following consumer exchange meeting: New York District Office, chaired by George J. Gerstenberg, District Director.

DATE: Wednesday, July 21, 1982, 9:30 a.m. to 12 a.m.

ADDRESS: Hostos Community College, 475 Grand Concourse, Rm. 318, Bronx, NY 10451.

FOR FURTHER INFORMATION CONTACT: William E. Martinez or Carolyn L. Hommel, Consumer Affairs Officers, Food and Drug Administration, 850 Third Ave., Brooklyn, NY 11232; 212-965-5043.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance understanding and exchange information between consumers and FDA's District Offices, and to contribute to the agency's policymaking decisions on vital issues.

Dated: July 7, 1982.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 82-18865 Filed 7-12-82; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

Medicaid Program; Hearing; Reconsideration of Disapproval of Indiana State Plan Amendment

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on August 31, 1982 in Chicago, Illinois to reconsider

our decision to disapprove Indiana State Plan Amendment PCO–11–81–10.

CLOSING DATE: Request to participate in the hearing as a party must be received by July 28, 1982.

FOR FURTHER INFORMATION, CONTACT: Sharyn Smith, Docket Clerk, Bureau of Program Policy, G–20 East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207; Telephone (301) 594–8261.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to deny an Indiana State plan amendment.

Section 1116 of the Social Security Act and 45 CFR Parts 201 and 213 establish Department procedures that provide an administrative hearing for reconsideration of a denial of a State plan or plan amendment. HCFA is required to publish a copy of the notice to a State Medicaid agency that informs the agency of the time and place of the hearing and the issues to be considered. (If we subsequently notify the agency of additional issues which will be considered at the hearing, we will also publish that notice.)

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with additional requirements contained in 45 CFR 213.15(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins, in accordance with additional requirements contained in 45 CFR 213.15(c)(1).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

The issue in this matter relates to the treatment of an individual's income in determining eligibility for, and the extent of medical assistance, provided to that individual's spouse under Medicaid. The proposed Indiana State Plan Amendment PCO–11–81–10 would have required that income between spouses be deemed continuously for an indefinite period of time. It therefore violated our current regulation, which requires that a 209(b) State such as Indiana may be no more restrictive than the Supplemental Security Income (SSI) program when deeming income between spouses. (See 1902(a)(17)(B) of the Social Security Act and 42 CFR 435.734.)

The notice to Indiana announcing an administrative hearing to reconsider our denial of its State plan amendment reads as follows:

July 6, 1982.

Mr. Donald L. Blinzinger,

Administrator, Indiana Department of Public Welfare, 100 North Senate Avenue, Indianapolis, Indiana 46204

Dear Mr. Blinzinger: This is to advise you that your request for reconsideration of Indiana State Plan Amendment PCO–11–81–10 was received on June 7, 1982. The provision of the plan amendment upon which my disapproval determination was based provides for deeming of income between an institutionalized individual and his or her immediate family. You have requested a reconsideration of whether this plan amendment conforms to the Social Security Act and pertinent regulations.

I have scheduled a hearing on your request to be held on August 31, 1982 at 10:00 a.m. in the 8th floor conference room, 175 West Jackson Boulevard, Chicago, Illinois. If, however, you wish to postpone the hearing until a hearing date is rescheduled for reconsideration of Indiana State Plan Amendment PCO–11–79–9, which was disapproved on November 9, 1981 on the basis of the same deeming provision, we would be glad to set another time.

I have designated Mr. Stanley Krostar as the presiding official. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify Mrs. Sharyn Smith, Docket Clerk, of the names of the individuals who will represent the State of the hearing. Mrs. Smith can be reached on (301) 594–8261.

Sincerely yours,

Carolyne K. Davis, Ph.D.

(Sec. 1116 of the Social Security Act (42 U.S.C. 1316))

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: July 6, 1982.

Carolyn K. Davis,

Administrator, Health Care Financing Administration.

[FR Doc. 82–18906 Filed 7–12–82; 8:45 am]

BILLING CODE 4120–03–M

Public Health Service

Food and Drug Administration; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HF (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (35 FR 3685–92, February 25, 1970, as amended in pertinent parts at 41 FR 21507–508, May 26, 1976 and 47 FR 3608, January 26, 1982) is amended to reflect changes in the Bureau of Veterinary Medicine. The Divisions of Biometrics and Production Drugs, Drug Manufacturing and Controls, and Therapeutic Drugs for Food Animals are established; the Divisions of Drugs for Avian Species, Ruminant Species, and Swine and Minor Species are abolished; the Division of Drugs for Non-Food Animals is retitled the Division of Therapeutic Drugs for Non-Food Animals and its functions are revised accordingly. The functions of the Office of the Director are revised to show the transfer of the biometrics function to the new Division of Biometrics and Production Drugs. Functional statements for the Division of Compliance are revised to show the transfer of veterinary drug review functions to the Division of Drug Manufacturing and Controls, and administrative document review to the Office of the Director.

These changes will improve operating efficiency by equalizing workload in the scientific evaluation divisions. This will allow the Bureau of Veterinary Medicine to be more responsive to the consumer and regulated industry.

Section HF–B, Organization and Functions, is amended as follows:

. Delete subparagraph (m-1) *Office of the Director* in its entirety, and substitute a new paragraph as follows:

(m-1) *Office of the Director (HFV1).* Directs overall Bureau activities and coordinates and establishes Bureau policy in the areas of research, management, scientific evaluation, compliance, and surveillance.

Directs systems for planning, programming, and budgeting and provides administrative and information support for the Bureau.

Approves new animal drug application and issues notices of withdrawal of new animal drug approvals when the opportunity for a hearing has been waived.

Authorizes, for use as edible products, animals treated with investigational drugs and terminates exemption for investigational trials.

In conjunction with the Bureau of Foods, provides FDA policy development and direction on environmental impact matters.

2. Delete subparagraph (m-6) *Division of Drugs for Avian Species* in its entirety, and substitute a new paragraph as follows:

(m-6) *Division of Biometrics and Production Drugs (HFVQ).* Evaluates, for animal safety and efficacy, applications for new animal drugs used at production levels in domestic food animals.

Determines the adequacy of information submitted for proposed use of investigational production drugs and additives in food animals; evaluates proposed labeling to assure that it clearly indicates the use and limitations of the product and provides other required information.

Determines the safety and efficacy of production drugs and feed additives proposed for use in food animals as that use relates to the safety of food from these animals and their effect on the environment; recommends procedures to establish the safety and efficacy of production drugs and feed additives for food animals and provides such information to investigators and manufacturers of the product.

Provides technical and biometrical support and expert testimony in legal proceedings relative to the approval or withdrawal of approval of new animal drugs or feed additives.

Recommends, and may participate in, intramural and extramural research projects to be conducted or coordinated by the Bureau's research division to gain further information on production drugs and feed additives for food animals.

Provides bureauwide biometrical, statistical, mathematical, and scientific computational support to the regulatory and research activities of the Bureau and serves as a consultant to the Agency and Federal and State organizations regarding biometrical issues.

Evaluates the statistical validity and adequacy of proposed and current experiments and studies submitted by sponsors in support of proposed and marketed animal drugs, feed additives, and devices for animal use; designs, develops, and applies new mathematical and statistical methods when existing techniques are inadequate.

Participates in the development and implementation of regulations and policies pertaining to production drugs and feed additives intended for use in food animals.

3. Delete subparagraph (m-7) *Division of Drugs for Ruminant Species* in its entirety and substitute the following:

(m-7) *Division of Drug Manufacturing and Controls (HFVR).* Evaluates chemistry and manufacturing control information submitted in Investigational New Animal Drug Applications, New Animal Drug Applications, Supplemental New Animal Drug Applications, Master Files, Food Additive Petitions and other documents for pharmaceuticals (drug dosage forms), medicated premixes, certain medicated feed preparations, other dosage forms, and certificable antibiotics.

Evaluates the total manufacturing and control operations of a veterinary drug manufacturer.

Evaluates raw material specifications to determine that the ingredients are adequate to insure the identity, strength, quality, and purity of the drug product; reviews the drug product formulation for composition, characteristics, and accuracy.

Evaluates assay methodology for the drug product and its components in its dosage forms and as residues in tissues to ascertain accuracy, precision, and specificity.

Evaluates stability data to establish product expiration dates; reviews adequacy of proposed labeling for conformance to labeling regulation requirements.

Provides technical support and expert testimony in legal proceedings relative to the approval of new animal drugs or feed additives.

Coordinates methods validation trials for drug dosage forms and tissues and evaluates the environmental impact of the drug manufacturing process.

Determines the Good Manufacturing Practices and regulatory posture of a drug firm prior to recommending approval of a new animal drug application.

Provides scientific or technical review of information as requested.

4. Delete subparagraph (m-8) *Division of Drugs for Swine and Minor Species* in its entirety and substitute a new paragraph as follows:

(m-8) *Division of Therapeutic Drugs for Food Animals (HFVS).* Evaluates, for animal safety and efficacy, applications for new animal drugs used at therapeutic levels in domestic food animals.

Determines the adequacy of information submitted for proposed use of investigational drugs and feed additives in food animals.

Determines the safety and efficacy of drugs proposed for use in food animals as that use relates to the safety of food from these animals and their effect on the environment.

Evaluates proposed labeling to assure that it clearly indicates the use and limitations of the product and provides other required information.

Recommends procedures to establish the safety and efficacy of drugs and feed additives for food animals and provides such information to investigators and manufacturers of the product.

Recommends, and may participate in, intramural and extramural research projects to be conducted or coordinated by the Bureau's research division to gain further information on drugs and feed additives for food animals.

Participates in the development and implementation of regulations and policies pertaining to drugs and feed additives intended for use in food animals.

Provides technical support and expert testimony in legal proceedings relative to the approval of new animal drugs or feed additives for food animals.

5. Delete subparagraph (m–9) *Division of Drugs for Non-Food Animals* in its entirety and substitute a new paragraph as follows:

(m–9) *Division of Therapeutic Drugs for Non-Food Animals (HFVL).* Evaluates, for animal safety and efficacy, applications for new animal drugs and petitions for feed additives in domestic non-food animals.

Determines the adequacy of information submitted for proposed use of investigational drugs and feed additives in non-food animals.

Determines the effect on the environment of drugs and feed additives proposed for use in non-food animals.

Evaluates proposed labeling to assure that it clearly indicates the use and limitations of the product and provides other required information.

Recommends procedures to establish the safety and efficacy of drugs and feed additives for non-food animals and provides such information to investigators and manufacturers of the product.

Recommends, and may participate in, intramural and extramural research projects to be conducted or coordinated by the Bureau's research division to gain further information on drugs and feed additives for non-food animals.

Participates in the development and implementation of regulations and policies pertaining to drugs and feed additives intended for use in non-food animals.

Provides technical support and expert testimony in legal proceedings relative to the approval of new animal drugs or feed additives for non-food animals.

6. Delete subparagraph (m–10) *Division of Compliance* in its entirety and substitute a new paragraph as follows:

(m–10) *Division of Compliance* (HFVM). Recommends Bureau policy concerning FDA's regulatory responsibilities for all animal drugs, feeds, devices, and non-drug substances.

Develops and evaluates compliance and surveillance programs for regulated industries in animal drugs, feeds, feed additives, devices, and related areas.

Develops and reviews regulations and standards for good manufacturing practices in animal feed and drug industries.

Reviews proposed regulatory actions submitted by the Field/District Offices and recommends whether such actions should be pursued further by the agency.

Provides support and guidance to the Field/District Offices on regulatory actions and provides Headquarters

support in case development, coordination, and contested case assistance.

Coordinates replies to routine inquiries from consumers, State governments, and industry and answers to complicated veterinary medical questions after consultation with appropriate professionals.

Issues informal opinions and drafts formal advisory opinions regarding the regulatory status of marketed products.

Coordinates requests and activities pertaining to the Freedom of Information Act, Privacy Act, and the Executive Order on Inflationary Impact Statements.

Coordinates the investigative and regulatory followup of all compliance programs, recalls, and drug residue reports.

Develops, reviews, and coordinates all Federal Register publications pertaining to Bureau functions.

Advises on regulatory and administrative issues involving drugs, medicated feeds, feed additives, and other veterinary medical matters.

Dated: July 1, 1982.

Richard S. Schweiker,

Secretary.

[FR Doc. 81-18888 Filed 7-12-82; 8:45 am]

BILLING CODE 4160-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Blackfeet Tribe; Plan for the Use and Distribution of Blackfeet Tribe Judgment Funds in Dockets 309-74, 310-74, 649-80L and 279-D Before the United States Court of Claims

June 25, 1982.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated on May 20, 1981, June 30, 1981 and September 16, 1981, in satisfaction of the awards granted to the Blackfeet Tribe in United States Court of Claims Dockets 309-74, 310-74, 649-80L and 279-D. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated February 12, 1982, and was received (as recorded in the Congressional Record) by the House of Representatives on February 22, 1982, and by the Senate on February 23, 1982. The plan became effective on May 12, 1982, as provided by Section 5 of the 1973 Act since Congress did not adopt a resolution disapproving it.

The plan reads as follows:

"The funds appropriated on May 20, 1981, and September 16, 1981 in satisfaction of awards granted to the Blackfeet Tribe of the Blackfeet Reservation of Montana in Dockets 309-74, 310-74, 649-80L, and 279-D respectively before the United States Court of Claims, including all interest and investment income accrued, less attorney fees and litigation expenses, shall be distributed as herein provided.

A. *Per Capita Distribution.* The membership roll of the Blackfeet Tribe shall be brought current to include all eligible members born on or prior to and living on the effective date of this Plan.

Subsequent to the preparation and approval by the Secretary of this roll, the Secretary shall make a per capita distribution of eighty (80) percent of the funds, in a sum as equal as possible, to each enrollee. the Secretary's determination concerning eligibility to share in the per capita payment shall be final.

The per capita shares of living competent adults shall be paid directly to them. The per capita shares of legal incompetents shall be handled pursuant to 25 CFR 115.5. The per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D. The per capita shares of minors shall be handled pursuant to 25 CFR 87.10(a) and (b)(1) and 115.4 (25 CFR 104 redesignated to 25 CFR 115 and 25 CFR 60 to 87, as published in Federal Register of March 30, 1982,page 13327).

B. *Programing.* Twenty (20) percent of these funds shall be invested by the Secretary for the tribe. The governing body of the Blackfeet Tribe is authorized to use the interest and investment income accrued on such twenty (20) percent portion, on an annual budgetary basis, subject to the approval of the Secretary, as follows:

(1) Fifty (50) percent of the interest and investment income accrued to be used for the purchase of land within the exterior boundaries of the Blackfeet Indian Reservation.

A land purchase committee will be formalized by the members of the Blackfeet Tribal Business Council and will consist of enrolled members of the Blackfeet Tribe representing each of the districts on the Blackfeet Reservation to prioritize purchase of land based on best return according to the following priorities: land with water; land with mineral rights; land with timber; land with recreation capabilities; land with existing or obtainable rights of way; shares of undivided interests.

This portion of interest off the principal can be used for collateral in borrowing money toward the purchase of land within the exterior boundaries of the Blackfeet Indian Reservation. Such borrowing will be by the Tribal Business Council with the approval of the land purchase committee. All funds generated from the land purchased shall revert back to the principal for investment.

(2) Fifty (50) percent of the interest and investment income accrued to be used by the governing body of the Blackfeet Tribe for the purpose of an annual interest payment to all enrolled members of the Blackfeet Tribe.

These interest payments will be distributed on an annual basis to all enrolled members born on or prior to and living on November 15 of each year.

C. *General Provisions.* None of the funds distributed per capita or held in trust under the provisions of this Act shall be subject to Federal or State income taxes, and the per capita payments shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act."

Kenneth Smith,

Assistant Secretary-Indian Affairs.

[FR Doc. 82-18915 Filed 7-12-82; 8:45 am]

BILLING CODE 4310-02-M

Coeur d' Alene Tribe; For the Use of the Judgment Funds awarded to the Coeur d'Alene Tribe of Indians of Idaho in Dockets 523-71 and 524-71 Before the United States Court of Claims

June 25, 1982.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated on March 24, 1981, in satisfaction of the award granted to the Coeur d' Alene Tribe in United States Court of Claims Dockets 523-71 and 524-71. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated December 2, 1981, and was received (as recorded in the Congressional Record) by the House of Representatives on

January 25, 1982, and by the Senate on January 28, 1982. The plan became effective on April 27, 1982, as provided by Section 5 of the 1973 Act since Congress did not adopt a resolution disapproving it.

The plan reads as follows:

"The funds appropriated on March 24, 1981, in satisfaction of an award granted to the Coeur d'Alene Tribe of Indians of Idaho in Dockets 523–71 and 524–71 before the United States Court of Claims, including all interest and investment income accrued, less attorney fees and litigation expenses, shall be distributed as herein provided.

The funds shall be invested by the Secretary and shall be available to the Coeur d'Alene Tribal Council as a financial reserve to be utilized for any or all of the following purposes, subject to the approval of the Secretary.

1. To supplement important land purchases

2. For reservation economic development programs

3. To provide funds, including the payment of legal fees, to protect the Tribe's resources, rights, jurisdiction and sovereignty."

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 82–18803 Filed 7–12–82; 8:45 am]

BILLING CODE 4310–02–M

Colorado River Indian Tribes; Plan for the Use and Distribution of Colorado River Indian Tribes' Judgment Funds in Docket 343–70 Before the United States Court of Claims

June 25, 1982.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Pub. L. 93–134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian Tribe. Funds were appropriated on March 24, 1981, in satisfaction of the award granted to the Colorado River Indian Tribes in United States Court of Claims Docket 343–70. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated December 11, 1981, and was received (as recorded in the Congressional Record) by the House of Representatives on January 25, 1982, and by the Senate on January 28, 1982. The plan became effective on April 27, 1982, as provided by Section 5 of the 1973 Act since Congress did not adopt a resolution disapproving it.

The plan reads as follows:

"The funds appropriated on March 24, 1981, in satisfaction of an award granted to the Colorado River Indian Tribes in Docket 343–70 before the United States Court of Claims, including all interest and investment income accrued, less attorney fees and litigation expenses, shall be distributed as herein provided.

A. *Per Capita Distribution.* The Colorado River Indian Tribes' latest approved membership roll shall be brought current to include all eligible members born on or prior to and living on the effective date of this Plan.

Subsequent to the preparation and approval by the Secretary of this roll, the Secretary shall make a per capita distribution of eighty (80) percent of the funds, in a sum as equal as possible, to each enrollee. The Secretary's determination concerning eligibility to share in the per capita payment shall be final. Any amount remaining after the per capita payment to the enrollees shall be utilized pursuant to the provisions of Part B of this Plan.

The per capita shares of living competent adults shall be paid directly to them. The per capita shares of legal incompetents shall be handled pursuant to 25 CFR 115.5. The per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D. The per capita shares of minors shall be handled pursuant to 25 CFR 87.10(a) and (b)(1) and 115.4 (25 CFR Part 104 redesignated to 25 CFR Part 115 and 25 CFR Parts 60 to 87, as published in **Federal Register** of March 30, 1982, page 13327).

B. *Programing.* The remaining twenty (20) percent of these funds shall be invested by the Secretary for the Tribe. The funds shall be utilized by the Tribe, subject to the approval of the Secretary for social and economic programs.

None of the funds distributed per capita or held in trust under the provisions of this Act shall be subject to Federal or State income taxes, and the per capita payments shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act."

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 82–18804 Filed 7–12–82; 8:45 am]

BILLING CODE 4310–02–M

Lac du Flambeau Band of Chippewa Indians; Plan for the Use and Distribution of the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin, Share of the Judgment Funds in Dockets Nos. 18–C and 18–T, Before the Indian Claims Commission to the Mississippi and Lake Superior Bands of Chippewa Indians

June 25, 1982.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

A plan for the use of certain judgment funds of the Lake Superior and Mississippi Bands of Chippewa Indians, pursuant to the provisions of the Act of October 19, 1973, 87 Stat. 466, became effective on February 1, 1979. Under Section (3) of the plan, the Lac du Flambeau Band's apportioned share of the funds were held and invested by the Secretary of the Interior under 25 U.S.C. 162a. A plan for the use and distribution of the funds was submitted to the Congress by a letter dated December 10, 1981, and was received (as recorded in the Congressional Record) by the House of Representatives on December 16, 1981, and by the Senate on January 25, 1982. The plan became effective on April 23, 1982, since Congress did not adopt a resolution disapproving it.

The plan reads as follows:

"The judgment funds in Dockets Nos. 18–C and 18–T, including the interest and investment income accruing thereon, apportioned to the Lac du Flambeau Band of Lake Superior Chippewa Indians of Wisconsin, pursuant to section 3 of the plan which became effective February 1, 1979 (published in the **Federal Register** March 14, 1979, 44 FR 15541), and vaidated by an Act of February 21, 1980, 94 Stat. 61, and being held and invested by the Secretary of the Interior (hereinafter 'Secretary'), shall be used and distributed as provided herein.

Per Capita Aspect

The Secretary shall make a per capita distribution of eighty (80) percent of such funds, including all interest and investment income accrued, in a sum as equal as possible, to each enrollee of the Lac du Flambeau Band born on or prior to and living on the effective date of this plan. The membership roll of the tribe shall be brought current under existing tribal procedures. Any amount remaining after the per capita payment to the enrollees shall revert to the tribe for use in the programing aspect of this plan.

Programing Aspect

The twenty (20) percent program funds, including the interest and investment income accrued, shall continue to be held and invested by the Secretary under 25 U.S.C. 162a until the tribal governing body develops specific program plans and tribal budgets for social and economic development programs and governmental operations, which shall be subject to approval by the Secretary.

General Provisions

The per capita shares of living competent adults shall be paid directly to them. The per capita shares of legal incompetents shall be handled pursuant to 25 CFR 115.5. The per capita shares of minor shall be handled pursuant to 25 CFR 87.10(a) and (b)(1) and 115.4. (25 CFR 104 redesignated to 25 CFR 115 and 25 CFR 60 to 87 as published in **Federal Register** of March 30, 1982, page 13327). The per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, subpart D.

None of the funds distributed per capita or held in trust under the provisions of this Act shall be subject to Federal or State income taxes, and the per capita payments shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act."

Kenneth Smith,

Assistant Secretary, Indian Affairs.

[FR Doc. 82-18917 Filed 7-12-82; 8:45 am]

BILLING CODE 4310-02-M

Three Affiliated Tribes of Fort Berthold Reservation; Plan for the Use and Distribution of Three Affiliated Tribes of Fort Berthold Reservation Judgment Funds in Dockets 350-G and 54-81L Before the United States Court of Claims

June 25, 1982.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 209 DM 8.

The Act of October 19, 1973 (Public Law 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated on June 9, 1981, and on August 25, 1981, in satisfaction of the respective awards granted to the Three Affiliated Tribes of Fort Berthold Reservation in United States Court of Claims Dockets 350-G and 54-81L. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated March 5, 1982, and was received (as recorded in the Congressional Record) by the Senate and by the House of Representatives on March 9, 1982. The plan became effective on May 26, 1982, as provided by Section 5 of the 1973 Act.

The plan reads as follows:

"The funds appropriated on June 9, 1981, and on August 25, 1981, in satisfaction of the respective awards in Docket 350-G and in Docket 54c-81L granted to the Three Affiliated Tribes before the United States Court of Claims, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall be utilized as herein provided.

Per Capita Payment Aspect

The Three Affiliated Tribes' latest approved membership roll shall be brought current to include all eligible members born on or prior to and living on the effective date of this plan. Subsequent to the preparation and approval of the membership roll, the Secretary of the Interior (hereinafter "Secretary") shall make a per capita distribution of eighty (80) percent of the funds, in a sum as equal as possible, to each tribal enrollee. Payment of the per capita is subject to the following conditions.

Those living enrollees who have delinquent tribal debts shall have their per capita shares placed in Individual Indian Money (IIM) accounts. Subject to the provisions of 25 CFR 115.9, the Agency Superintendent shall cause all or part of the delinquent tribal indebtedness of an enrollee to be paid to the tribe and any remainder of the per capita share in the IIM account shall be available to the enrollee subject to the provisions of 25 CFR, Part 115 governing IIM accounts. Living competent adult enrollees who have no delinquent tribal debts shall have their per capita shares paid directly to them. The ownership of the per capita shares of deceased individual enrollees shall be determined and the shares, subject to tribal claims, distributed in accordance with 43 CFR, Part 4, Subpart D. The per capita shares of legal incompetents who do not have delinquent tribal debts shall be handled pursuant to 25 CFR 115.5. The per capita shares of minors shall be handled pursuant to 25 CFR 87.10 (a) and (b)(1) and 115.4. (25 CFR Part 104 redesignated to 25 CFR Part 115 and 25 CFR Parts 60 to 87, as published in the **Federal Register** of March 30, 1982, page 13327).

Programing Aspect

Twenty (20) percent of the funds, and any amounts remaining after the per capita payment provided above, shall be invested by the Secretary and seventy-five (75) percent of the interest and investment income accrued shall be utilized on an annual budgetary basis, subject to the approval of the Secretary, for the following purposes:

1. *Land Acquisition and Consolidation.* Thirty (30) percent shall be utilized for land acquisition and consolidation, and may include the utilization of a portion of these funds as collateral to secure loans for land purchases.

2. *Business Development.* Twenty (20) percent shall be utilized, under a Plan of Operations developed by the tribal governing body and approved by the Secretary, for the establishment of tribal business ventures designed to provide employment for tribal members. Such ventures and projects may include, but are not limited to, Agri-Business Development, Irrigation Farming, Feedlost, Trailer Parks, Commercial Fisheries, Energy Development, Oil Refinery and Disposal Wells. A portion of these funds may be used as collateral for securing loans from private lending institutions for tribal members entering into business ventures, such loans to be fully secured. Under this program tribal membes may enter into business partnerships with the Tribes.

3. *Wake Fund.* Ten (10) percent shall be utilized for assistance to tribal members for the maintenance of traditional wakes and funerals, with the limit allowable per tribal member to be established by the tribal governing body in consideration of funds available under the existing tribal wake fund.

4. *Senior Citizens Assistance Program.* Ten (10) percent shall be used for assistance to senior tribal members under a Plan of Operations developed by the tribal governing body and approved by the Secretary.

5. *Higher Education.* Ten (10) percent shall be used for the furtherance of higher education, under a Plan of Operations developed by the tribal governing body and approved by the Secretary, and shall include college scholarships and the enhancement of the tribal Community College Fund.

6. *Communications Programs.* Seven and one-half (7.5) percent shall be used for tribal communications programs which may include, but are not limited to, a tribal newspaper and radio communications system.

7. *Alcoholism Treatment Programs.* Seven and one-half (7.5) percent shall be

utilized for programs designed to combat and treat alcoholism or any other form of chemical dependence.

8. *Child Welfare Program.* Five (5) percent shall be used in programs for the care of children with exceptional social, psychological, physiological or economic needs.

Should any funds in any of the above-cited program categories not be needed or be found in excess of programing goals in any given annual budget, such funds may be transferred by the tribal governing body, with the approval of the Secretary, to another of the above-cited program categories.

None of the funds distributed per capita or made available under this plan for programing shall be subject to Federal, State or local income taxes or be considered income or resources under the Social Security Act."

Kenneth Smith,

Assistant Secretary-Indian Affairs.

[FR Doc. 82-18802 Filed 7-12-82; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[AA-6698-E]

Alaska Native Claims Selection

Correction

In FR Doc. 82-16538, appearing at page 26461, in the issue of Friday, June 18, 1982, make the following change:

On page 26461, in the 3rd column, the land description for Seward Meridian, Alaska (Unsurveyed), T. 6N., R. 10W., the 4th line should read "Sec. 32, W½E½, W½;".

BILLING CODE 1505-01-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 July 2, 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 July 28, 1982.

Carol D. Shull,

Acting Keeper of the National Register.

HAWAII

Honolulu County

Makaha vicinity, *Ukanipo Heiau (Site 50-80-03-181)*, N. of Makaha on SR 90

IDAHO

Idaho County

Riggins vicinity, *Aitken Barn*, SW of Riggins on US 95

Valley County

Donnelly vicinity, *Mahala, Jacob and Herman, Homestead (Long Valley Finnish Structures, TR)*, ¼ mile north of Donnelly

LOUISIANA

Concordia Parish

Ferriday vicinity, *Canebrake*, NE of Ferriday on LA 901.

MICHIGAN

Genesee County

Flint, *Knight, Morris A., House*, 1105 Church St.

Washtenaw County

Ann Arbor vicinity, *Parker Mill Complex*, E of Ann Arbor at Geddes and Dixboro Rds.

Wayne County

Detroit, *Cathedral Church of St. Paul Complex (Religious Structures of Woodward Ave. TR)*, 4800 Woodward Ave.
Detroit, *Cathedral of the Most Blessed Sacrament (Religious Structures of Woodward Ave. TR)*, 9844-9854 Woodward Ave.
Detroit, *Central United Methodist Church (Religious Structures of Woodward Ave. TR)*, Woodward Ave.-E. Adams St.
Detroit, *Central Woodward Christian Church (Religious Structures of Woodward Ave. TR)*, 9000 Woodward Ave.
Detroit, *First Baptist Church of Detroit (Religious Structures of Woodward Ave. TR)*, 8601 Woodward Ave.
Detroit, *First Unitarian Church of Detroit (Religious Structures of Woodward Ave. TR)*, 2870 Woodward Ave.
Detroit, *Metropolitan United Methodist Church (Religious Structures of Woodward Ave. TR)*, 8000 Woodward Ave.
Detroit, *North Woodward Congregational Church (Religious Structures of Woodward Ave. TR)*, 8715 Woodward Ave.
Detroit, *St. John's Episcopal Church (Religious Structures of Woodward Ave. TR)*, Woodward Ave. at E. Fisher Freeway
Detroit, *St. Joseph's Episcopal (Religious Structures of Woodward Ave. TR)*, 8850 Woodward Ave.
Detroit, *St. Joseph's Episcopal Church (Religious Structures of Woodward Ave. TR)*, 5930 Woodward Ave.
Detroit, *Temple Beth-El (Religious Structures of Woodward Ave. TR)*, 8801 Woodward Ave.
Detroit, *Temple Beth-El (WSU Bonstelle Theatre) (Religious Structures of Woodward Ave. TR)*, 3424 Woodward Ave.
Detroit, *Woodward Ave. Baptist Church (Religious Structures of Woodward Ave. TR)*, 1464 Woodward Ave.
Detroit, *Woodward Ave. Presbyterian Church (Religious Structures of Woodward Ave. TR)*, 8501 Woodward Ave.
Highland Park, *First United Methodist Church (Religious Structures of Woodward Ave. TR)*, 16300 Woodward Ave.
Highland Park, *Grace Evangelical Lutheran Church (Religious Structures of Woodward Ave. TR)*, 12375 Woodward Ave.
Highland Park, *Highland Park Presbyterian Church (Religious Structures of Woodward Ave. TR)*, 14 Cortland St.
Highland Park, *Trinity United Methodist Church (Religious Structures of Woodward Ave. TR)*, 13100 Woodward Ave.

MISSISSIPPI

Warren County

Vicksburg *Feld House*, 2108 Cherry St.

NEW MEXICO

Bernalillo County

Albuquerque, *Werner-Gilchrist House*, 202 Cornell SE

Socorro County

Magdalena, *Aragon House (Magdalena MRA)*, 2nd and Oak Sts.
Magdalena, *Bank of Magdalena (Magdalena MRA)*, 1st and Main St.
Magdalena, *Dobson House (Magdalena MRA)*, 1st and Pine Sts.
Magdalena, *Gutierrez House (Magdalena MRA)*, 3rd and Poplar Sts.
Magdalena, *Hall Hotel (Magdalena MRA)*, 2nd and Spruce Sts.
Magdalena, *Hilton House (Magdalena MRA)*, US 60
Magdalena, *Ilfeld Warehouse (Magdalena MRA)*, Main St.
Magdalena, *Lewellen House (Magdalena MRA)*, 2nd and Chestnut Sts.
Magdalena, *MacTavish House (Magdalena MRA)*, Elm St.
Magdalena, *Magdaline House (Magdalena MRA)*, 3rd and Chestnut Sts.
Magdalena, *Main Street Commercial Building (Magdalena MRA)*, Main St.
Magdalena, *Salome Store (Magdalena MRA)*, 1st St.
Magdalena, *Salome Warehouse (Magdalena MRA)*, 1st St.

NEW YORK

Greene County

Catskill, *East Side Historic District*, Roughly bounded by Catskill Creek, Hudson River, River, Harrison, Bay, and Gardner Sts.

Onondaga County

Fayetteville, *Genesee Street Hill-Limestone Plaza Historic District*, Roughly both sides of Genesee St., from Chapel St. to Limestone Plaza
Baldwinsville, *Oswego-Oneida Streets Historic Districts*, Oswego, E. and W. Sts. and Sunset Terr.

Oswego County

Oswego, *Franklin Square Historic District,* Roughly bounded by 3rd, 6th, Van Buren, and Bridge Sts.

Westchester County

White Plains *Friedlander Leo Studio,* 825 W. Hartsdale Rd.
Yonkers, *St. John's Protestant Episcopal Church,* One Hudson St.
Yonkers, *Hart Eleazer House,* 243 Bronxville Rd.

NORTH CAROLINA

Alamance County

Mebane vicinity, *Cross Roads Presbyterian Church and Cemetery and Sainback Store,* N of Mebane at SR 1910 and SR 1912
Mebane vicinity, *White Furniture Company,* E. Center and N. 5th Sts.

Alleghany County

Whitehead vicinity, *Crouse Elbert Farmstead,* S of Whitehead on Blue Ridge Parkway

Chatham County

Pittsboro vicinity, *Aspen Hall,* W of Pttsboro on US 64

Forsyth County

Winston Salem, *Gilmer Building,* 416–424 W. 4th St.

Guilford County

Oak Ridge vicinity *Guilford Mill,* SE of Oak Ridge on NC 68

Haywood County

Lake Junaluska, *Lambeth Inn,* Lambeth Dr.

Macon County

Franklin, *Franklin Terrace Hotel,* 67 Harrison Ave.

Moore County

Aberdeen, *Blue John House,* 200 Blue St.

SOUTH CAROLINA

Charleston County

Battery LeRoy (Civil War Defenses of Charleston TR), Riverland Dr., James Island
Battery No. 1 (James Island Seige Line) (Civil War Defenses of Charleston TR), Riverland Dr., James Island
Battery No. 5 (Civil War Defenses of Charleston TR), James Island
Battery Tynes (Civil War Defenses of Charleston TR), Stono River, James Island
Fort Pringle (Civil War Defenses of Charleston TR) Riverland Dr. James Island
Fort Trenholm (Civil War Defenses of Charleston TR) John's Island Airport
Clark's Point vicinity, *Unnamed Battery No. 1 (Civil War Defenses of Charleston TR)* James Island
Clarks Point vicinity *Unnamed Battery No. 2 (Civil War Defenses of Charleston TR),* James Island
Fort Johnson Estates, *Battery Cheves (Civil War Defenses of Charleston TR),* James Island
Hamlin Sound vicinity, *Fort Palmetto (Civil War Defenses of Charleston TR),* Christ Church Parish
Longbranch Estates vicinity, *Battery Wilkes (Civil War Defenses of Charleston TR),* St. Andrew's Parish
Shaftsbury Townhouses vicinity, *Unnamed Battery Civil War Defenses of Charleston TR),* St. Andrew's Parish

TEXAS

Grimes County

Anderson vicinity, *Piedmont Springs Archeological Site,* NW of Anderson on Texas Farm Rd.

VERMONT

Orange County

Brookfield vicinity, *Stratton's Inn,* E of Brookfield on East St.

WASHINGTON

Adams County

Ritzville, *Ritzville Carnegie Library (Carnegie Libraries of Washington TR),* 302 W. Main St.

Asotin County

Clarkston, *Clarkston Public Library (Carnegie Libraries of Washington TR),* 6th and Chestnut Sts.

Chelan County

Wenatchee, *Wenatchee Carnegie Library (Carnegie Libraries of Washington TR),* 2 S. Chelan St.

Clark County

Vancouver, *Vancouver Public Library (Carnegie Libraries of Washington TR),* 1511 Main St.

Franklin County

Pasco, *Pasco Carnegie Library (Carnegie Libraries of Washington TR),* 305 N. 4th St.

Grays Harbor County

Hoquiam, *Carnegie Library (Carnegie Libraries of Washington TR),* 621 K St.

Jefferson County

Port Townsend, *Port Townsend Carnegie Library (Carnegie Libraries of Washington TR),* 1220 Lawrence St.

King County

Auburn, *Auburn Public Library (Carnegie Libraries of Washington TR),* 306 Auburn Ave.
Kirkland, *Dr. Trueblood House (Kirkland Land Improvement Company TR),* 127 7th Ave.
Kirkland, *Loomis House (Kirkland Land and Improvement Company TR),* 304 8th Ave. W.
Kirkland, *Masonic Lodge Building (Kirkland Land and Improvement Company TR),* 700 Market St.
Kirkland, *Sears, Joshua, Building (Kirkland Land and Improvement Company TR),* 701 Market St.
Seattle, *Ballard Carnegie Free Public Library (Carnegie Libraries of Washington TR),* 2026 NW Market St.
Seattle, *Seattle Public Library (Columbia Branch) (Carnegie Libraries of Washington TR),* 4721 Rainier Ave., S
Seattle, *Seattle Public Library (Fremont Branch) (Carnegie Libraries of Washington TR),* 731 N. 35th St.
Seattle, *Seattle Public Library (Green Lake Branch) (Carnegie Libraries of Washington TR),* 7364 E. Green Lake Dr., N
Seattle, *Seattle Public Library (Queen Anne Branch) (Carnegie Libraries of Washington TR),* 400 W. Garfield St.
Seattle, *Seattle Public Library (University Branch) (Carnegie Libraries of Washington TR),* 5009 Roosevelt Way, NE
Seattle, *Seattle Public Library (West Seattle Branch) (Carnegie Libraries of Washington TR),* 2306 42nd Ave. SW

Klickitat County

Goldendale, *Goldendale Free Public Library (Carnegie Libraries of Washington TR),* 131 W. Burgen

Pacific County

South Bend, *South Bend Carnegie Public Library (Carnegie Libraries of Washington TR),* W. 1st and Pacific Sts.

Skagit County

Anacortes, *Anacortes Carnegie Library (Carnegie Libraries of Washington TR),* 1305 8th St.
Burlington *Burlington Carnegie Library (Carnegie Libraries of Washington TR),* 1901 Fairhaven St.

Snohomish County

Edmonds, *Edmonds Carnegie Library (Carnegie Libraries of Washington TR),* 118 5th Ave., N
Everett, *Everett Carnegie Library (Carnegie Libraries of Washington TR),* 3001 Oakes Ave.

Spokane County

Spokane, *Spokane Public Library (Carnegie Libraries of Washington TR),* 10 S. Cedar
Spokane, *Spokane Public Library (East Side Branch) Carnegie Libraries of Washington TR),* 25 Altamont St.
Spokane, *Spokane Public Library (Heath Branch) (Carnegie Libraries of Washington TR),* 525 Mission St.
Spokane, *Spokane Public Library (North Monroe Branch) (Carnegie Libraries of Washington TR),* 925 W. Montgomery St.

Thurston County

Olympia, *Olympia Public Library (Carnegie Libraries of Washington TR),* S. Franklin and E. 7th St.

Walla Walla County

Walla Walla, *Walla Walla Public Library (Carnegie Libraries of Washington TR),* 109 S. Palouse St.

Whatcom County

Bellingham, *Fairhaven Library (Carnegie Libraries of Washington TR),* 1105 12th St.

WISCONSIN

Milwaukee County

Milwaukee, *Bay View Historic District,* Roughly bounded by Lake Michigan,

Meridith, Superior, Nock, Wentworth, Pryoi, RR tracks and Conway St.

[FR Doc. 82-18857 Filed 7-12-82; 8:45 am]

BILLING CODE 4310-70-M

INTERNATIONAL COMMUNICATION AGENCY

United States Advisory Commission on Public Diplomacy; Meeting

The U.S. Advisory Commission on Public Diplomacy is holding a rapidly-scheduled meeting on July 19, 1982 to discuss release of its report. The meeting will be held from 10 a.m. to 12:00 noon in the Commission office: Room 1008, 1750 Pa. Ave., NW., Washington, D.C.

Jane S. Grymes,

Management Analyst, Management Analysis/Regulations Staff, Associate Directorate for Management, International Communication Agency.

[FR Doc. 82-18925 Filed 7-12-82; 8:45 am]

BILLING CODE 8230-01-M

INTERNATIONAL DEVELOPMENT CORPORATION AGENCY

Overseas Private Investment Corporation

Public Information Collection Requirement Submitted to OMB for Review

The Overseas Private Investment Corporation has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This entry contains the following information: (1) Type of Submission; (2) Title of Information Collection and Form Number if applicable; (3) Abstract statement of the need for the uses to be made of the information collected; (4) Type of Respondent; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) To whom comments regarding the information collection are to be forwarded; and (8) The point of contact from whom a copy of the information proposal may be obtained.

Extension (Adjustment to burden only)

Application for Political Risk Insurance for Hydrocarbons Projects (OPIC-77) (OMB No. 3420-0003)

This application form is essential to elicit information from international petroleum companies necessary for drafting political risk insurance contracts.

International Petroleum Companies; 15 responses; 240 total reporting hours.

Telephone comments to David Reed, OMB Desk Officer, at (202) 395-7231.

A copy of the information collection may be obtained from Jacqueline Brent, Room 630, Overseas Private Investment Corporation, 1129 20th Street, NW., Washington, D.C. 20527.

Leo H. Phillips, Jr.,

Assistant General Counsel for Legislative and Administrative Affairs.

[FR Doc. 82-18828 Filed 7-12-82; 8:45 am]

BILLING CODE 3210-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Public Information Collection Requirements Submitted To OMB for Review

On June 9, 1982, the International Development Cooperation Agency submitted the following public information collection rquirement to OMB, for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission may be obtained from the Agency for International Development Clearance Officer by calling (202) 632-0084. Comments regarding this information collection should be addressed to the Reports Management Officer, Ms. Melita E. Yearwood, DM/IM, Room 714, SA-12, Washington, D.C. 20523; and to the OMB reviewer listed at the end of the entry.

Date Submitted: June 9, 1982.

Submitting Bureau: Agency for International Development.

OMB Number: 0412-0017.

Type of Submission: Extension (no change).

Title: Contractor's Certificate and Agreement with the Agency for International Development-Contractor's Invoice and Contract Abstract

Purpose: Forms are submitted by the contractor with each request for payment, ensuring that the contractor is complying with AID's requirements.

OMB Reviewer: David Reed (202) 395-7231, Office of Management and Budget, Room 3201, New Executive Office Building, Washington, D.C., 20503.

Dated: July 1, 1982.

Steven F. Renz,

Acting Chief, Information Management Division.

[FR Doc. 82-18919 Filed 7-12-82; 8:45 am]

BILLING CODE 6116-01-M

INTERSTATE COMMERCE COMMISSION

Washington; Long-and-Short-Haul Application for Relief (Formerly Fourth Section Application)

July 7, 1982.

This application for long-and-short-haul relief has been filed with the ICC.

Protests are due at the ICC within 15 days from the date of publication of the notice.

No. 43969, Southwestern Freight Bureau, Agent (No. B-160), reduced rates on rice and rice products from Estherwood, LA to stations in Central-Eastern, Southern, and Western Trunk Line (including Illinois) Territories, in Supplement No. 78 to its tariff ICC SWFB 4390-A, effective July 31, 1982. Grounds for relief: Market Competition.

By the Commission

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-18815 Filed 7-12-82; 8:45 am]

BILLING CODE 7035-01-M

[H.R. 3663]

Implementation of Bus Legislation

Notice is hereby given that the Interstate Commerce Commission intends to implement proposed bus legislation in an expedited manner.

Most provisions of the Senate bill, passed on June 30, 1982, are effective 60 days from date of enactment. The legislative history indicates that the purpose of the delayed effective date is to provide a period during which the Commission can promulgate rules as required by the new legislation, so that final rules can be in place by the effective date (128 Cong. Rec. S 7708, daily ed. June 30, 1982).

In order to have final rules adopted within a 60-day period, it will be necessary for the Commission to shorten the normal 30-day comment period in various rulemakings. Additionally, to meet the time constraints, it may be necessary to make implementing rules effective on less than 30 days' notice.

This notice is intended to alert interested parties to the fact that strict time deadlines will be imposed in proceedings implementing the "Bus Regulatory Reform Act of 1982," final passage of which is expected within the next several weeks. Accordingly, persons desiring to participate in rulemakings under the Act may wish to commence their review of the bus legislation at this time.

Dated at Washington, D.C. the 7th day of July, 1982.

Reese H. Taylor, Jr.,

Chairman.

[FR Doc. 82-18807 Filed 7-12-82; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

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.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect

It is Ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC-FC-79892. By decision of June 28, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1133, Review Board Number 3 approved the transfer to KINGS'S SKI TOURS, INC., D.B.A. THE KING COMPANY, of Lambertville, NJ, of License No. MC-130177, issued to MARGARET A. KING, D.B.A. THE KING CO., also of Lambertville, NJ, which authorizes operations as a *broker,* at Lambertville, NJ, of *passengers and their baggage,* in round-trip all-expense ski tours, in special charter operations, beginning and ending at points in Hunterdon, Mercer, Monmouth, Ocean and Somerset Counties, NJ, and points in that part of Middlesex County, NJ south of the Raritan river, and extending to points in CT, MA, NH, NY, PA, and VT. Representative: Thomas M. King, RD #2, Box 8H, Lambertville, NJ 08530.

Note.—Transferee is not a carrier.

MC-FC-79662. By decision of June 28, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to D. D. JACOBS, INC., of Walla Walla, WA, of Certificate No. MC-142866, issued to DONALD G. OLSON, of Port Townsend, WA, authorizing the transportation of *frozen fruits, berries and vegetables,* from Albany, OR, and Seattle, Kent, Arlington, and Stanwood, WA, to Los Angeles, CA. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055.

Notes.—TA has not been filed. Transferee is not a carrier.

MC-FC-79760. By decision of June 17, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to LARRY PAPE, of Pisgah, IA, of Certificate No. MC-72693 issued November 16, 1953, to FAY L. WILTSE, of Pisgah, IA, authorizing agricultural implements, binder tape, feed, coal, petroleum products, in containers building materials, and furniture over irregular routes, between Pisgah, IA, and points within 12 miles of Pisgah, on the one hand, and on the other, Omaha, NE. Representative: Larry Pape, Pisgah, IA. Phone 712-456-2502. TA lease is not sought. Transferee is not a carrier.

MC-FC-79777. By decision of June 29, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to MID-SOUTH TRANSORT, INC., of Certificate Nos. MC-121142 (Sub-Nos. 8, 14, and 20), issued to J & G EXPRESS, INC., of Jackson, MS, (S & W FREIGHT LINES, INC., Assignor) which authorize the transportation of (1) *general commodities* (with exceptions), over irregular routes, between Jackson, MS, on the one hand, and, on the other, points in northwestern MS on and north of MS Hwy 8 and on and west of Interstate Hwy 55 (except points in the Memphis, TN Commercial Zones); and (2) *general commodities* (with exceptions) over regular routes, (a) between Greenville and Jackson, MS, serving all intermediate points on U.S. Hwy 82 and off-route points in Washington County, MS, (b) between Jackson and Holly Springs, MS, serving all intermediate points, (c) between Grenada and Calhoun City, MS, serving all intermediate points, (d) between Memphis, TN and Jackson, MS, serving specified intermediate and off-route points, (e) between Memphis, TN, and Leland, MS, serving all intermediate points, and (f) between Jackson and Canton, MS, serving all intermediate points, and serving points in Madison County, MS, as off-route points. Representative: Roland M. Lowell, 5th Floor, 501 Union Street, Nashville, TN 37219.

Note.—Transferee is not a carrier.

MC-FC-79787. By decision of June 24, 1982, issued 49 U.S.C. 10924 and the transfer rules at 49 CFR 1133, Review Board Number 3 approved the control by BOSTON CONSOLIDATION SERVICE, INC., of Boston, MA, of License No. MC-130829 issued November 12, 1980, to BOSTON CONSOLIDATION SERVICE, INC., of Boston, MA, to engage in operations as a *property broker,* arranging for the transportation of *general commodities* (except household goods) between all points in the US. Representative: Robert T. Coyne, 31 Fargo Street, South Boston, MA 02127. Phone: 617-451-3400. TA lease is not sought. Transferee is not a carrier.

MC-FC-79783. By decision of May 4, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to J.S. HUNTER TRUCKING, INC., of Woodburn, OR, of Certificate No. MC-155162 issued to BRUCE J. HAWLEY, of Tualatin, OR, which authorizes the transportation of *food and related products,* between points in CA on the one hand, and, on the other, points in OR. Representative: Philip G. Skofstad, 529 S.E. Grand Avenue, Portland, OR 97214.

Note.—TA had not been filed. Transferee is not a carrier.

MC-FC-79798. By decision of June 24, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to WINTERS MOVERS

INCORPORATED of Certificate No. MC–33549 issued to EVA LOU JOHNSON d.b.a. WINTERS authorizing the transportation of *household goods* as defined by the Commission, and *plants and flowers*, between points in Philadelphia, Montgomery, Bucks, Delaware, Lancaster, and Chester Counties, PA, on the one hand, and, on the other, points in NJ, MD, DE, VA, and DC. Representative: Sidney Johnson, 17 Veterans Square, P.O. Box 140, Media, PA 19063.

Note(s).—(1) Transferee is a non-carrier; (2) The Commission records indicate this is the only certificate issued to EVA LOU JOHNSON d.b.a. WINTERS.

MC–FC–79799. By decision of June 18, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132. Review Board Number 3 approved the transfer to MYSTIC MOTOR EXPRESS, INC. of Farmingdale, NY of Certificate No. MC–80913 and Sub-Nos. 8, 9 and 10 issued to PRINTER BROS., INC. of Deer Park, NY authorizing general commodities (with exceptions), over described regular and irregular routes, serving named intermediate and off-route points between NY, NJ, and CT. Representative: Anthony F. Cilluffo, 2061 Deer Park Ave., Deer Park, NY 11729. TA lease is not sought. Transferee is not a carrier.

MC–FC–79838. By decision of June 22, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to CASCADE PACIFIC TRUCK LINES, INC., of Vancouver, WA, of Certificate No. MC–158244, issued to ALPHA TRANSPORT, INC., of Wilsonville, OR, which authorizes the transportation of *lumber and wood products*, between points in OR, WA, MT, ID, and CA, on the one hand, and, on the other, points in CA, CO, IL, IN, IA, KS, MN, MO, NE, ND, OH, SD, TX, UT, WI, and WY. Representative: Nancy J. Phelps, 9570 SW Barbur Blvd., Apt. 307, Portland, OR.

Note.—Transferee is not a carrier.

MC–FC–79846. By decision of June 17, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to BOWLING HEAVY HAULING, INC. of Bluefield, WV, of a portion of Certificate No. MC–73937 and Sub-No. 12 thereunder, issued to MOUNTAIN STATE TRANSPORT, INC. (Formerly Hogan Storage & Transfer Company, Inc.) of Huntington, WV authorizing: the transportation as a common carrier of (1) mine machinery and mining equipment requiring the use of special equipment between points in Mingo County, WV, on the one hand, and, on the other, defined portions of TN, OH, VA and PA; and (2) various commodities, including those requiring special equipment, between points in defined areas of WV, VA, OH and KY. Applicant's representative: Russell R. Sage, P.O. Box 11278, Alexandria, VA 22312. TA lease is sought. Transferee is not a carrier.

MC–FC–79856. By decision of June 15, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to JIMMIE D. OTT, RICHARD D. OTT, TERRI BRACAMONTE STONEBRAKER and CHUCK STONEBRAKER, a partnership, d.b.a. JIM OTT & SON TRUCKING of Certificate No. MC–151248 (Sub-No. 1F) issued to JIMMIE D. OTT d.b.a. JIM OTT & SON TRUCKING authorizing the transportation of *such commodities* as are used in the establishment, maintenance or dismantling of oil, gas, steam, and a water wells, pipe lines, refineries, and cracking and casinghead plants, between points in CA, on the one hand, and, on the other, points in AZ, CO, ID, KS, MT, NV, NM, OK, OR, TX, UT, WA, and WY. Representative: Earl N. Miles, 3704 Candlewood Drive, Bakersfield, CA 93306.

Note.—Transferee is a non-carrier.

MC–FC–79876. By decision of June 29, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to LOYD McCORD, INC., of Springdale, AR, of Certificate No. MC–150724 Subs 3 and 4 issued to DONALD SANTISI TRUCKING CO. (a corporation) of Youngstown, OH, authorizing *such commodities as are dealt in by wholesale and retail stores (except commodities in bulk)*, between points in Franklin County, OH; St. Joseph County, MI; and Campbell County, VA; on the one hand, and, on the other, points in the U.S. (except Alaska and Hawaii); and *farm products and food and related products* between the facilities of or facilities used by Kal Kan Foods, Inc. in the U.S., on the one hand, and, on the other, points in the U.S. Representative: Paul F. Beery, 275 E State Street, Columbus, OH 43215. TA lease is not sought. Transferee is not a carrier.

MC–FC–79879. By decision of June 23, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to WILLIAM C. CONFER of Certificate No. MC–11301 (Sub-Nos. 1 and 17) issued to JOSEPH KOFMAN, FREDA K. GAINES AND BENJAMIN KOFMAN d.b.a. KOFMAN'S authorizing the transportation of *brass products, brass scrap and rejected or refused brass products, brass billets, lead, copper scrap, brass bars and brass rods, and unfinished brass shapes, copper, brase, and bronze bars and rods, empty containers, aluminum bars, blanks, stampings, extensions, castings, forgings, moldings, rods, scrap, twinings, and borings, lead, zinc, metal articles and materials, equipment and supplies* used in the manufacture of metal articles, and *scrap metals, waste materials and metals, copper and copper products*, between various potins in PA, DE, MD, WV, VA, CT, DE, IL, IN, MA, MI, NJ, NY, OH, RI, and DC. Transferee is a non-carrier. Representative: John Fullerton, 407 N. Front St., Harrisburg, PA 17101.

MC–FC–79883. By decision of June 18, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to EDWARD. D. POHUTSKY, d.b.a. EDWARD POHUTSKY MOVERS, of Eynon, PA, of that portion of Certificate No. MC–13794, issued to SISSER BROS., INC., of Edison, NJ, which authorizes the transportation of *household goods* as defined by the Commission, between points in PA, on the one hand, and, on the other, points in CT, IL, IN, MA, RI, VA, OH, and WV. Representative: Edward Pohutsky, 104 Handley Street, Eynon, PA 18403

Note.—Transferee holds authority under MC–138200 and sub-numbers thereunder.

MC–FC–79884. By decision of June 24, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to PENNSYLVANIA ENERGY MANAGEMENT SYSTEMS, INC. of Permit No. MC–145844 issued to J.H. RUSSELL d.b.a. J. H. RUSSELL TRUCKING authorizing the transportation of *fertilizer, lime and agricultural chemicals*, between points in MD, NJ, OH, and PA under a continuing contract(s) with Helena Chemical Company of Memphis, TN. Representative: Warren R. Yocum, 104 Third Street, Huntington, PA 16642.

Note(s).—Transferee is a non-carrier.

MC–FC–79885. By decision of June 28, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to McCANDLESS TRANSPORT, INC. of Jacksonville, FL of a portion of Certificate No. MC–141941 issued J & S INTERMODAL SERVICE, INC. of Thomasville, GA authorizing *general commodities* (with certain exceptions), between points in the Jacksonville, FL, Commercial Zone, as defined by the Commission (including Jacksonville, FL),

and containing a term limitation with respect to the authority to transport Classes A and B explosives. Representative: Thomas McCandless, P.O. Box 3191, 2070 Talleyrand Ave., Jacksonville, FL 32206.

Note.—TA lease is not sought. Transferee is not a carrier.

MC–FC–79886. By decision of June 28, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to DANIEL SAMM of Pleasant Mount, PA of Permit No. MC–113408 issued to ROBERT DAVIS of Pleasant Mount, PA authorizing *livestock and poultry feed,* from Binghamton, NY, to (1) Lakewood, PA; and (2) Pleasant Mount, PA. (1) above is under contract with Grange League Federation. Representative: Richard Mulcahey, 345 Wyoming Ave., Scranton, PA 18503. TA lease is not sought. Transferee is not a carrier.

MC–FC–79877. By decision of June 30, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to MIDLAND TRANSPORT, INC. of Chicago Heights, IL of a portion of Certificate No. MC–98025 (Sub-No. 2) issued to LINCOLN TRANSFER COMPANY, INC. of Lincoln, IL authorizing *general commodities* (except classes A and B explosives), over regular routes, between specified points in Illinois. Representative: James C. Hardman, 33 N. La Salle Street, Chicago, IL 60602. TA lease is not sought. Transferee is a carrier.

MC–FC–79882. By decision of June 24, 1982, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3, approved the transfer to ROSS G. HOWE, d.b.a. HOWE TRUCKING CO., of Certificate No. MC–138076 (Sub-No. 24), issued February 17, 1982, to HEAVY HAULING, INC. authorizing *coal and coal products, clay products and minerals,* between points in Bowman County, ND; Big Horn and Weston Counties, WY; and Butte County, SD, on the one hand, and, on the other, Fort Smith, AR; points in Red Willow County, NE; and points in KS and OK. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS, 66601.

Note.—Transferee is not a carrier.

MC–FC–79891. By decision of June 29, 1982 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to JACK E. PROCTOR d.b.a. CUSTOM TRANSIT, INC. of Permit No. MC–136319 (Sub-No. 3) issued to CUSTOM TRANSIT, INC. authorizing the transportation of *mineral wool and mineral wool conduit,* from Dallas, TX, to points in OK under a continuing contract(s) with Certain-Teed Products Corporation, CSG Group, of Valley Forge, PA. Representative: Jack E. Proctor, 412 S. Jupiter, No. 108, Garland TX 75042.

Note.—Transferee is a non-carrier.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82–18816 Filed 7–12–82; 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 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 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.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

Agatha L. Mergenovich,

Secretary.

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. OP3–105

Decided: July 6, 1982.

MC 162654, filed June 25, 1982. Applicant: ILLINI WASTE BROKERS, 531 South Park Street, Sheffield, IL 61361. Representative: Carl E. Munson, 469 Fischer Building, P.O. Box 796, Dubuque, IA 52001 (319) 557–1320. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 162685, filed June 25, 1982. Applicant: EDWARD A. PETERSON d.b.a. STEEL CITY FREIGHT SERVICES, 565 Oxford Blvd., Pittsburgh, PA 15243. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219 (412) 471–1800. As a *broker* of *general commodities* (except household goods), between points in the U.S. (except HI).

MC 162695, filed June 28, 1982. Applicant: KAREN PAIGE GERMO, d.b.a. K. G. TRANSPORTATION, 18587 E. Colima Rd., Rowland Heights, CA 91748. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort

Worth, TX 76112 (817) 457–0804. 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. (except AK and HI).

MC 162705, filed June 28, 1982. Applicant: WALLY HUSE TRUCKING, 301 Delana, Sherburn, MN 56171. Representative: Wallace Huse (same address as applicant) (507) 764–7821. 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. (except AK and HI).

Volume No. OP3–107

Decide: July 6, 1982.

MC 149295 (Sub-3), filed June 30, 1982. Applicant: H & W HOTSHOT DELIVERY SERVICE, INC., P.O. Box 96503, Houston, TX 77015. Representative: John W. Carlisle, P.O. Box 967, Missouri City, TX 77459 (713) 437–1768. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials and sensitive weapons and munition), (2) *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, (3) as a *broker* of *general commodities* (except household goods), (4) *used household goods,* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, and (5) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs) *agricultural limestone, and fertilizer* and *other soil conditioners,* by the owner of the motor vehicle in such vehicle, between points in the U.S. (except AK and HI).

MC 151244 (Sub-2), filed June 28, 1982. Applicant: EDWARD YELLI, d.b.a. E & E TRUCKING, Ewing, NE 68735. Representative: James F. Crosby, 7363 Pacific Street, Suite 210B, Omaha, NE 68114 (402) 397–9900. 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. (except AK and HI).

MC 159544 (Sub-1), filed June 28, 1982. Applicant: LADNER TRANSFER (1980) LTD., 2620 Viscount Way, Richmond, B.C., Canada V6V 1N1. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 239, Renton, WA 98055, (206) 228–3807. Transporting, for or on behalf of the U.S. Government, *General commodites* (except used household goods, hazardous or secret materials and sensitive weapons and munitions), between points in the U.S. (except HI).

MC 162674, filed June 25, 1982. Applicant: RAPID TRANSIT, P.O. Box 1189, Oxnard, CA 93032. Representative: Victor Menashe (same address as applicant), (805) 485–5154. 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. (except HI).

MC 162665, filed June 25, 1982. Applicant: HOLMES TRUCKING CO., 1046 Katherwood Dr., Atlanta, GA 30310. Representative: Bennie R. Holmes (same address as applicant), (404) 753–6571. Transporting (1) *used household goods,* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI), (2) 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. (except AK and HI), (3) transporting, for or on 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. (except AK and HI), and (4) as a *broker of general commodities,* (except household goods), between points in the U.S. (except AK and HI).

MC 162715, filed June 28, 1982. Applicant: METRO WAREHOUSES, INC. d.b.a. METRO MOVING & STORAGE, 8300 Military Rd. S., P.O. Box 80305, Seattle, WA 98108. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235–1111. Transporting *used household goods,* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S. (except AK and HI).

[FR Doc. 82–18817 Filed 7–12–82; 8:45 am]

BILLING CODE 7035–01–M

[Volume No. 278]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: July 8, 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.

Canadian Carrier Applicants

In the event an application to transport property, filed by a Canadian domiciled motor carrier, is unopposed, it will be reopened on the Commission's own motion for receipt of additional evidence and further consideration in light of the record developed in Ex Parte No. MC–157. *Investigation Into Canadian Law and Policy Regarding Applications of American Motor Carriers For Canadian Operating Authority.*

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with the criteria set forth in 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 Shaffer, Ewing, and Williams.

Agatha L. Mergenovich,

Secretary.

MC 14743 (Sub-30)X, filed June 30, 1982. Applicant: E.L. POWELL & SONS TRUCKING CO., INC., 3777 South Jackson, Tulsa, OK 74101. Representative: J.G. Dail, Jr., P.O. Box 11, McLean, VA 22101. No. MC–141646 Sub-1F permit, broaden (1) asphalt, asphaltic emulsions, and fuel oils, in bulk, in tank vehicles to "ores and minerals, and petroleum, natural gas, and their products", and (2) to between points in the U.S. (except HI), under a continuing contract(s) with named shipper.

MC 120737 (Sub-101)X, filed April 6, 1982 and previously noticed in the **Federal Register** of May 4, 1982, republished as corrected, this isssue. Applicant: STAR DELIVERY & TRANSFER, INC., P.O. Box 39, Canton, IL 61520. Representative: James C. Hardman, 33 N. LaSalle Street, Chicago, IL 60602. Sub-Nos. E–1, E–2 and E–3: broaden as previously published and, in addition, in Sub E–2, from plastic articles to "rubber and plastic products." The purpose of this republication is to correct an inadvertent omission.

MC 126635 (Sub-7)X, filed July 2, 1982. Applicant: CHRISTIE-LAMBERT VAN & STORAGE CO., INC., 1010 6th Ave. N., Kent, WA 98031. Representative: Michael Duppenthaler, 211 S. Washington St., Seattle, WA 98104. Lead and Sub 3F: (1) broaden used household goods to "household goods," both certificates; and (2) remove restrictions to "prior or subsequent movement in containers beyond the points authorized" and to "pickup and deliver in connection with packing, crating, and containerization or unpacking of the traffic," both certificates.

MC 127610 (Sub-10)X, filed June 14, 1982. Applicant: J.P. NOONAN TRANSPORTATION, INC., 436 West Street, West Bridgewater, MA 02379. Representative: David F. McAllister (same as above). Sub 9 certificate: broaden to (A)(1) "food and related products" from (a) groceries, grocery-store supplies, canned goods and sugar, (not liquid sugar, in bulk, in tank vehicles) (part 1); and (b) malt and vinous beverages, in containers (parts 3 and 5); (2) "ores and minerals, and clay, concrete, glass or stone products" from (a) marble, marble products, limestone and/or ground limestone (except limestone slurries) and/or dry in bulk, in tank and hopper type vehicles (parts 2, 7, 8, and 9); and (3) "containers" from empty malt and vinous beverage containers, (parts 4 and 6); (B) county-wide authority: (1) Suffolk, Middlesex, Norfolk, Essex and Plymouth Counties, MA (Boston), part 1; (2) Franklin, Rutland and Addison Counties, VT (Swanton, Florence, Proctor, Center Rutland, West Rutland, Middlebury and Danby), part 2; (3) Essex County, NJ (Orange) and Rutland County, VT (Rutland), parts 3 and 4; (4) Hampden County, MA (Willimansett) and Rutland County, VT (Rutland), parts 5 and 6; (5) Rutland County, VT (Florence) and Cumberland, Androscoggin, York and Kennebec Counties, ME (Cumberland Mills, Lisbon, Sanford and Winthrop), part 7; (6) Addison and Rutland Counties, VT (New Haven Junction, Middleburry and Florence), part 8; and (7) Rutland and Addison Counties, VT (Florence and New Haven Junction) and Ashtabula County, OH (Ashtabula), part 9; and (C) radial authority, all parts.

MC 115523 (Sub-207)X, filed June 21, 1982. Applicant: CLARK TANK LINES COMPANY, 1450 N. Beck St., Salt Lake City, UT 84110. Representative: Melvin J. Whitear (same as above). Subs 52, 56, 61, 72, 98, 99, 117, 133, 139, 142, 144, 154, 155, 184F and E2 certificates: (A) broaden to (1) "food and related products" from Sub 52, dry potato flour; Sub 56, salt; Sub 61, (6) cottonseed meal, cottonseed cake and cottonseed pellets; (9) and (10) salt; (14) sugar; (15) sugar beet pulp and sugar beet pellets; (27) dehydrated alfalfa meal and alfalfa pellets; and (33) animal and poultry feeds; Sub 72, salt and salt products; Sub 98, beet pulp and beet pulp pellets; Sub 99, molasses; Sub 117, liquid sugar; Sub 139, hides; Sub 142, (1) animal and poultry feed, animal and poulty foods and ingredients used in the manufacture of both commodities; (2) hides, dry, green and salted; and (3) sheep pelts; Sub 144, materials and supplies used in the agricultural water treating, food processing, wholesale grocery and institutional supply industries; Sub 154, salt; Sub 155, animal and poultry feed; Sub 184F, sugar corn products and blends of sugar and corn; and Sub E2, salt; and (2) "chemicals and related products" from Sub 133, agricultural chemicals; (B) remove the (1) "in bulk," "in containers," "mixed loads," "tank vehicles," and/or "specified commodities" restrictions, all Subs except 72, 98, 133, 154 and E2; (2) "prior movement by rail" restriction, Sub 66; (3) restriction against movements from Salt Lake, UT to Idaho Falls, ID, in Sub 72, (4) restriction against transportation of commodities in containers to designations within incorporated cities or towns in Sub 61; (5) restriction to traffic originating at points within 10 miles of Brandon, Manitoba, Canada, Sub 133; (C) broaden to (1) county-wide authority: (a) Sub 52, Bonneville County, ID (Idaho Falls); (b) Sub 56, Salt Lake, Box Elder and Tooele Counties, UT (Salt Lake City and sites at Saline and Silsbee); (c) Sub 61, Tooele and Salt Lake Counties, UT (Saltaire and Lake Point); Grand County, UT (Moab), Page 2; Eddy County, NM (Carlsbad) Salt Lake, Box Elder, and Sanpete Counties, UT (West Jordan, Garland, and Gunnison), and Bonneville County, ID (Idaho Falls), page 3; Yuma County, AZ (Yuma), page 5; and Booneville County, ID (Idaho Falls), page 6; (d) Sub 72, Box Elder, Davis, Weber, Salt Lake, and Tooele Counties, UT (Saline, Silsbee and points within 10 miles thereof, and Salt Lake); (e) Sub 99, Grant and Yakima Counties, WA (plantsites Scalley and Toppenish); Booneville County, ID, and Box Elder, Sanpete and Salt Lake Counties, UT (plantsites-Idaho Falls, ID and Garland, Gunnison and West Jordon. UT); Malheur County, OR (plantsite-Nyssa); Canyon, Twin Falls, Minidoka, and Franklin Counties, ID, and Cache County, UT (plantsites-Nampa, Twin Falls, Rupert and Preston, ID and Lewiston, UT); (f) Sub 117, Canyon County, ID (Nampa) and Malheur County, OR (Nyssa); (g) Sub 142, Los Angeles and Orange Counties, CA (Los Angeles) and Multnomah County, OR (Troutdale); (h) Subs 144, 154, and E–2, Salt Lake County, UT (plantsite-Saltair); (i) 155, Yellowstone County, MT (Billings); and (j) Sub 184F, Canyon, Twin Falls, Minidoka Counties, ID (Nampa, Twin Falls and Paul) and Weber County, UT (Ogden); and, (2) radial authority, Subs 52, 56, 61 (in part), 72, 98, 99, 117, 133, 142, 144, 154, 155, 184F and E–2 (in part).

[FR Doc. 82–18818 Filed 7–12–82; 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 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 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.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams.

Agatha L. Mergenovich,

Secretary.

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. OP3–104

Decided: July 6, 1982.

MC 1515 (Sub-312), filed June 25, 1982. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Representative: L. J. Celmins (same address as applicant), (602) 248–2942). Over *regular routes,* transporting *passengers and their baggage and express and newspapers,* in the same vehicle with passengers, between Grand Rapids, MI and Chicago, IL: from Grand Rapids, over Interstate Hwy 196 to junction Interstate Hwy 94 near Millburg, MI, then over Interstate Hwy 94 to junction Interstate Hwy 90 near Gary, IN, then over Interstate Hwy 90 to Chicago, and return over the same route, serving all intermediate points.

Note.—Applicant intends to tack this authority with its existing regular route authority in MC–1515.

MC 15735 (Sub-49), filed June 25, 1982. Applicant: ALLIED VAN LINES, INC., P.O. Box 4403, Chicago, IL 60680. Representative: Richard V. Merrill (same address as applicant), (312) 681–8378. Transporting *general commodities* (except commodities in bulk and classes A and B explosives), between points in the U.S., under continuing contract(s) with the 3M Corporation, of St. Paul, MN.

MC 143315 (Sub-1), filed June 25, 1982. Applicant: RENT-A-BUS, INC., d.b.a. SUNWAY CHARTERS, Highway 17 South, Myrtle Beach, SC 29577. Representative: Bruce E. Mitchell, 3390 Peachtree Road, NE., Suite 520, Atlanta, GA 30326, (404) 262–7855. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, beginning and ending at points in SC and NC, and extending to points in the U.S. (except HI).

MC 143434 (Sub-6), filed June 25, 1982. Applicant: CHARLES McALPIN TRUCKING, INC., Route 4, Box 71–A, Decatur, AL 35601. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401, (205)578–3212. 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 149195 (Sub-21), filed June 25, 1982. Applicant: ARCADIAN MOTOR CARRIERS, 1100 Sierra St., Kingsburg, CA 93631. Representative: James F. Hauenstein (same address as applicant), (209) 897–4122. Transporting *paper and paper products,* between points in the U.S. (except AK and HI).

MC 156965 (Sub-1), filed June 25, 1982. Applicant: HARWARD & SONS FREIGHT, INC., R.R. #3, Fairfield, IA 52556. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244–2329. Transporting *metal products,* between points in Jefferson County, IA, on the one hand, and, on the other, points in Crosby and Lubbock Counties, TX.

MC 157195 (Sub-2), filed June 23, 1982. Applicant: DANIEL E. GAGAIN d.b.a. D & L TRUCKING, 5715 Angola Rd., P.O. box 7490, Toledo, OH 43615. Representative: Keith D. Warner, 5732 W. Rowland Rd., Toledo, OH 43613, (419) 474–6083.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), under continuing contract(s) with Expert Freight Brokerage, Inc., of Toledo, OH.

MC 160655, filed June 25, 1982. Applicant: COMMERCIAL MOTOR FREIGHT CO., 1309 Bergeline Ave., Union City, NJ 07087. Representative: Michael V. Petrole (same address as applicant), (201) 866–0197. Transporting *wearing apparel, piece goods, accessories and trimming,* between points in Hudson County, NJ, on the one hand, and, on the other, points in El Paso County, TX.

MC 161314 (Sub-1), filed June 25, 1982. Applicant: DONALD DEJNO d.b.a. DEJNO'S TRUCKING, 11121—63rd Avenue, Kenosha, WI 53142. Representative: Daniel R. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203, (414) 273–7410. Transporting *pulp, paper and related products,* between Chicago, IL, on the one hand, and, on the other, points in WI.

MC 162225, filed June 25, 1982. Applicant: DAILY JUICE PRODUCTS, INC., 1 Daily Way, Verona, PA 15147. Representative: Jack L. Schiller, 123–60 83rd Ave., Kew Gardens, NY 11415, (212) 263–2078. 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), under continuing contracts with (1) Dairyland Sales Company, of Pittsburgh, PA, (2) Foremost-McKesson, Inc., of San Francisco, CA, (3) Fox Grocery Company, of Belle Vernon, PA, (4) La Magna Cheese Company, of Verona, PA, and (5) Packaging Specialists, Inc., of Pittsburgh, PA.

MC 162394 (Sub-1), filed June 25, 1982. Applicant: MOVING CONSULTANTS OF NEBRASKA, INC., 7201 Main St., Ralston, NE 68127. Representative: Robert J. Gallagher, 1000 Connecticut

Ave., NW., Suite 1200, Washington, DC 20036, (202) 785–0024. As a *broker,* at Ralston, NE, in arranging for the transportation of *household goods,* between points in the U.S. (except AK and HI).

MC 162565, filed June 21, 1982. Applicant: DONALD R. STONE d.b.a PALO ALTO TRANSPORT, 3618 Louis Rd., Palo Alto, CA 94303. Representative: (Same as applicant), (415) 494–7456. To operate as a *broker,* at Palo Alto, CA, in arranging for the transportation of general commodities (except classes A and B explosives), between points in the U.S.

MC 162655, filed June 25, 1982. Applicant: LOUTEX, INC., 989 Terrace Place, Ontario, OR 97914. Representative: Raymond D. Givens, Box 2720, Boise, ID 83701, (208) 342–6571. Transporting *fertilizer,* between points in Benton County, WA, on the one hand, and, on the other, points in ID.

MC 162664, filed June 25, 1982. Applicant: ROGAL BOSTON, INC., 72 Langley Rd., Newton Centre, MA 02159. Representative: Hughan R. H. Smith, 26 Kenwood Pl., Lawrence, MA 01841, (617) 657–6071. As a *broker,* at Newton Centre, MA, in arranging for the transportation, by motor vehicle, of *passengers and their baggage,* in special and charter operations, between points in the U.S.

MC 162675, filed June 25, 1982. Applicant: ALASKA PACIFIC TRANSPORT, A DIVISION OF XTEE, INC., 2310 Sucess Dr., Anchorage, AK 99501. Representative: Harold O. Orlofske, 145 W. Wisconsin Ave., P.O. Box 368, Neenah, WI 54956, (414) 722–2848. Transporting (1) *commodities used for building, repairing, and/or support of pipeline used in exploration and/or distribution of oil or natural gas* and (2) *classes A, B and C explosives and blasting agents,* between points in AK, WA and Sweetgrass, MT, on the one hand, and, on the other, points in AK.

Note.—The authority granted in (2) above shall expire 5 years from the date of issuance.

MC 162684, filed June 25, 1982. Applicant: BUD MORGAN, d.b.a. BUD MORGAN TOWING & WRECKER, P.O. Box 864, 611 Mooney, Muskogee, OK 74401. Representative: Bud Morgan (same address as applicant), (918) 683–3776. Transporting *wrecked or disabled motor vehicles,* between points in the U.S. (except AK and HI).

Volume No. OP3–106

Decided: July 6, 1982.

MC 12945 (Sub-4), filed June 28, 1982. Applicant: THE TOLEDO AUTOMOBILE CLUB, 2271 Ashland Ave., Toledo, OH 43620. Representative: Keith D. Warner, 5732 West Rowland Rd., Toledo, OH 43613, (419) 474–6883. Transporting *passengers and their baggage,* in charter operations, between points in the U.S. (except AK and HI), under continuing contract(s) with The Toledo Automobile Club, Motorcoach Tour Department, of Toledo, OH.

MC 14314 (Sub-56), filed June 28, 1982. Applicant: DUFF TRUCK LINE, INC., P.O. Box 359, Lima, OH 45802. Representative: Ronald D. Mills (same address as applicant), (419) 222–8045. Transporting *General commodities* (except classes A and B explosives and commodities in bulk), between points in the U.S. (except AK and HI).

MC 96324 (Sub-47), filed June 29, 1982. Applicant: GENERAL DELIVERY, INC., P.O. Box 1816, Fairmont, WV 26554. Representative: Mel P. Booker, Jr., P.O. Box 1281, Old Town Station, Alexandria, VA 22313, (703) 836–6115. Transporting (1) *paper and paper products,* (2) *plastic and plastic products,* (3) *metal and metal products,* (4) *wood and wood products,* (5) *machinery,* and (6) *such commodities* as are dealt in and distributed by wholesale, retail and chain grocery stores and food business houses, between those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 114334 (Sub-98), filed June 28, 1982. Applicant: BUILDERS TRANSPORTATION COMPANY, 3710 Tulane Rd., Memphis, TN 38116. Representative: Dale Woodall, 6077 Primacy Parkway, Suite 209, Memphis, TN 38119, (901) 683–5400. Transporting *aluminum products,* between points in Rockwall County, TX and Lancaster County, PA.

MC 121234 (Sub-3), filed June 28, 1982. Applicant: A & A TRUCK LINES, INC., 1211 E. Cheyenne Rd., Colorado Springs, CO 80906. Representative: Nancy P. Bigbee, 745 E. 18th Ave. #101, Denver, CO 80203, (303) 839–0057. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CO.

MC 130654 (Sub-2), filed June 28, 1982. Applicant: PACIFIC RELOCATING SERVICES, INC., 1415 West Torrance Boulevard, Torrance, CA 90501. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW., Suite 1200, Washington, DC 20036. As a *broker,* in arranging for the transportation of *household goods,* between points in the U.S. (except AK and HI).

MC 133565 (Sub-23), filed June 28, 1982. Applicant: TRUE TRANSPORT, INC., P.O. Box 829, 15 Stockton St., Newark, NJ 07101. Representative: James T. White (same address as applicant), (201) 344–5400. Transporting *general commodities* (except classes A and B explosives, commodities in bulk, and household goods), between those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the U.S. and Canada.

MC 134134 (Sub-107), filed June 28, 1982. Applicant: MAINLINER MOTOR EXPRESS INC., 4202 Dahlman Ave., Omaha, NE 68107. Representative: James F. Crosby, 7363 Pacific St., Suite 210B, Omaha, NE 68114, (402) 397–9900. Transporting *such commodities* as are dealt in or used by manufacturers of aluminum and aluminum products, between points in Lebanon County, PA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, and NM.

MC 136225 (Sub-2), filed June 28, 1982. Applicant: PHILIPPS BUS SERVICE, INC., Route 3, Box 112, Winona, MN 55987. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956 (414) 722–2848. Transporting *passengers and their baggage* in special and chartered operations, beginning and ending at points in Dakota, Dodge, Fillmore, Freeborn, Goodhue, Houston, Mower, Olmsted, Rize, Scott, Steele, and Wabasha Counties, MN, and Buffalo, LaCrosse, Pepin, and Trempealeau Counties, WI, and extending to points in the U.S. (except AK and HI).

MC 149234 (Sub-4), filed June 28, 1982. Applicant: RIVER VALLEY OIL CO., INC., P.O. Box 526, Spring Green, WI 53588. Representative: Michael J. Collins, 17 West Mifflin St., Suite 310, P.O. Box 1042, Madison, WI 53701, (608) 231–258–8555. Transporting *glass and glass units* between Minneapolis, MN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 152414 (Sub-4), filed June 22, 1982. Applicant: PAUL M. MUNSEN, 120 E. Ogden Avenue, Hinsdale, IL 60521. Representative: James C. Hardman, 33 N. LaSalle Street, Chicago, IL 60602, (312) 236–5944. Transporting *passengers and their baggage,* in the same vehicle with passengers, in special and charter operations, between points in the U.S.

MC 153134 (Sub-6), filed June 29, 1982. Applicant: HI COUNTRY CARRIERS, INC., P.O. Box 1354, Englewood, CO

80150. Representative: Charles M. Williams, 1600 Shermand St., #665, Denver, CO 80203, (303) 839–5856. Transporting (1) *such commodities* as are dealt in or used by manufacturers and distributors of household appliances, televisions, air conditioners, audio systems and electronic sound equipment, between points in the U.S. (except AK and HI), under continuing contract(s) with Western Supply Co., Inc., of Salt Lake City, UT, (2) *printed material,* and *pulp, paper and related products,* between points in the U.S. (except AK and HI), under continuing contract(s) with Rocky Mountain Bank Note, of Denver, CO, and (3) *such commodities* as are dealt in or used by manufacturers and distributors of floor coverings, between points in the U.S. (except AK and HI), under continuing contract(s) with L. D. Brinkman, Inc., of Denver, CO.

MC 154705 (Sub-1), filed June 28, 1982. Applicant: MAC'S CUSTOMIZED DISTRIBUTION SERVICE, INC., 4150–B Pleasantdale Rd., Doraville, GA 30340. Representative: Kim G. Meyer, 235 Peachtree St. NE., Ste. 1200, Atlanta, GA 30303, (404) 522–2322. Transporting *sound recordings, sound discs, sound tape, video discs, musical instruments, tape recorders, stereos, phonograph stands and printed matter,* between points in Fulton County, GA, Marion County, IN and Dade County, FL, on the one hand, and, on the other, those points in the U.S. in and east of WI, IL, MO, AR, LA and TX.

MC 159434 (Sub-1), filed June 28, 1982. Applicant: FEDERAL TRANSPORT, INC., 5658 Elmore Rd., Bartlett, TN 38134. Representative: Thomas A. Stroud, 109 Madison Ave., Memphis, TN 38103, (901) 526–2900. Transporting *general commodities* (except classes A and B explosives, household goods and commodities in bulk), between points in Shelby County, TN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 160424, filed June 28, 1982. Applicant: JOHN T. LANCASTER, INC., Ervin Route, Hugo, OK 74743. Representative: William P. Parker, P.O. Box 54657, Oklahoma City, OK 73154, (405) 424–3301. Transporting *road construction materials,* between points in OK and TX.

MC 161995 (Sub-1), filed June 28, 1982. Applicant: D & D TRANSPORT OF WISCONSIN, INC., R. R. 2, Mondovi, WI 54735. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, (612) 927–8855. Transporting (1) *food and related products,* between points in MN and WI, on the one hand, and, on the other, points in the U.S. (except AK and HI), and (2) *rubber and plastic products,* between Ramsey County, MN, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 162444, filed June 28, 1982. Applicant: B.A.D. SERVICES, INC., P.O. box 32318, Oklahoma City, OK 73123. Representative: William P. Parker, P.O. box 54657, Oklahoma City, OK 73154, (405) 424–3301. Transporting *metal products and machinery,* between points in OK, on the one hand, and, on the other, points in CO, KS, LA, NM, TX and WY.

MC 162634, filed June 23, 1982. Applicant: UNITED SUPREME TRANSPORTATION, INC., Hwy 14, Greer, SC 29651. Representative: David L. Capps, P.O. box 924, Douglasville, GA 30133, (404) 949–7756. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) United Furniture Mfg., Inc., of Greer, SC, and (b) Nicolson Farms of Inman, SC.

MC 162704, filed June 28, 1982. Applicant: CRAIG A. SWITZER, d.b.a. WILD IRIS TRANSPORT, 3821 W. Pryor Ct., Visalia, CA 93277. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872–1106. Transporting *such commodities* as are dealt in or used by manufacturers of pre-stressed concrete articles, between points in the U.S., under continuing contract(s) with Kabo-Karr Corporation and Quail Enterprises, of Visalia, CA.

[FR Doc. 82–18819 Filed 7–12–82; 8:45 am]
BILLING CODE 7035–01–M

[Docket No. AB–167 (Sub-No. 186N)]

Conrail Abandonment Between Roaring Spring and End of Track and Between Martinsburg Junction and Martinsburg, PA; Notice of Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 1 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between Roaring Spring and end of Track and Martinsburg Junction and Martinsburg in the County of Blair, PA, a total distance of 6.8 miles effective on June 11, 1982.

The net liquidation value of this line is $114,948. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82–18805 Filed 7–12–82; 8:45 am]
BILLING CODE 7035–01–M

[Docket No. AB–167 (Sub-445N)]

Conrail Abandonment of Lines in Zanesville, OH; Notice of Findings

Notice is hereby given pursuant to Section 308(e) of the Regional Rail Reorganization Act of 1973 that the Commission, Review Board Number 1 has issued a certificate authorizing the Consolidated Rail Corporation to abandon its rail line between mileposts 19.4 and 22.5 the Zanesville Secondary Track; the Z&W Industrial Track between mileposts 45.8 and 57.5; the Roseville Secondary Track between mileposts 22.5 and 36.0 and the Fultonham Running Track between mileposts 0.1 and 3.1, a total distance of 31.3 miles effective on March 12, 1982.

The net liquidation value of this line s $540,000. If, within 120 days from the date of this publication, Conrail receives a bona fide offer for the sale, for 75 percent of the net liquidation value, of this line it shall sell such line and the Commission shall, unless the parties otherwise agree, establish an equitable division of joint rates for through routes over such lines.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 82–18806 Filed 7–12–82; 8:45 am]
BILLING CODE 7035–01–M

[AB 10 SDM]

Norfolk and Western Railway Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Norfolk and Western Railway Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 10 SDM. The Commission on June 30, 1982, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal

charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 10 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-18809 Filed 7-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-14 (Sub-3)]

Northwestern Pacific Railroad Co.; Abandonment in Marin County, CA; Notice of Findings

The Commission has found that the public convenience and necessity permit the Northwestern Pacific Railroad Company to abandon a 1.401 mile portion of its line of railroad between milepost 14.329 near Detour and milepost 15.730 south of San Rafael, in Marin County, CA. A certificate will be issued authorizing this abandonment unless within 15 days after this publication the Commission also finds that: (1) a financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Louis E. Gitomer, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. Any offer previously made must be resubmitted within this 10 day period.

Information and procedures regarding financial assistance for continued rail services are contained in 49 U.S.C. 10905 and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-18808 Filed 7-12-82; 8:45 am]

BILLING CODE 7035-01-M

[AB 36 SDM]

Oregon Short Line Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Oregon Short Line Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 36 SDM. The Commission on July 2, 1982, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 36 SDM

Agatha L Mergenovich,

Secretary

[FR Doc. 82-18870 Filed 7-12-82; 8:45 am]

BILLING CODE 7035-01-M

[AB 12 SDM]

Southern Pacific Transportation Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, Part 1121.23, that the Southern Pacific Transportation Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 12 SDM. The Commission on July 2, 1982, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 12 SDM

Agatha L. Mergenovich,

Secretary

[FR Doc. 82-18811 Filed 7-12-82; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-167 (Sub-364N)]

Conrail Abandonment in Jeannette, PA

AGENCY: Interstate Commerce Commission.

ACTION: Notice exemption.

SUMMARY: The Interstate Commerce Commission has exempted Elliott Turbomachinery Co, Inc., which will acquire and operate 0.7 miles of railroad in Jeannette, PA, from 49 U.S.C. Subtitle IV.

DATES: Exemption effective on July 13, 1982. Petitions to reopen must be filed by August 2, 1982.

ADDRESSES: Send pleadings to:

(1) Section of Finance, Room 5349, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioner's Representative, Charles F. Hildebrand, Senior Attorney, Elliott Turbomachinery Co., Inc., North Fourth Street, Jeannette, PA 15644

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer (202) 275-7245.

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision contact: TS Infosystems, Inc., Room 2227, 12th and Constitution Ave., NW., Washington, DC 20423, (202) 289-4357—DC metropolitan area; (800) 424-5403—Toll-free for outside the DC area.

Decided: June 30, 1982.

By the Commission, Chairman Taylor, Vice Chairman Gilliam, Commissioners Gresham, Sterrett, Andre, and Simmons, Commissioner Gresham dit not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-18820 Filed 7-12-82; 8:45 am]

BILLING CODE 7035-01-M

[AB 43 SDM]

Illinois Central Gulf Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the IILLINOIS CENTRAL GULF RAILROAD COMPANY has filed with the Commission its amended color-coded system diagram map in docket No. AB 43 SDM. The Commission on June 22, 1982, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 43 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-18813 Filed 7-12-82; 8:45 am]

BILLING CODE 7035-01-M

[AB 102 SDM]

Missouri-Kansas-Texas Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the MISSOURI-KANSAS-TEXAS RAILROAD COMPANY has filed with the Commission its amended color-coded system diagram map in docket No. AB 102 SDM. The Commission on June 28, 1982, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 102 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 82-18814 Filed 7-12-82; 8:45 am]

BILLING CODE 7035-01-M

[AB 14 SDM]

Northwestern Pacific Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Northern Pacific Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 14 SDM. The Commission on July 2, 1982, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 14 SDM

Agatha L. Mergenovich,

Secretary

[FR Doc. 82-18812 Filed 7-12-82; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Performance Review Boards; Membership

AGENCY: Department of Justice.

ACTION: Notice of the Department of Justice's 1982 Performance Review Boards.

SUMMARY: Pursuant to the requirement of 5 U.S.C. 4314(c)(4), the Department of Justice announces the membership of its Performance Review Boards. The purposes of the Performance Review Boards are to provide fair and impartial review of Senior Executive Service performance appraisals and to make recommendations to the Deputy or Associate Attorney General regarding the ratings.

FOR FURTHER INFORMATION CONTACT: Mr. Warren Oser, Director, Personnel Staff, Justice Management Division, Department of Justice, Washington, D.C. 20530. Telephone 633-3221.

Harry H. Flickinger,

Executive Secretary, Senior Executive Resources Board.

Board No. 1

Office of the Attorney General, Office of the Deputy Attorney General, Office of the Associate Attorney General, Justice Management Division—

Principal Members
- Anthony C. Liotta, Deputy Assistant Attorney General, Land and Natural Resources Division
- Gilbert L. Ingram, Assistant Director, Correctional Programs, Federal Prison System
- John L. Martin, Chief, Internal Security Section, Criminal Division

Alternate Members
- W. Ronald Bonds, Deputy Assistant Attorney General, Civil Division
- Donald J. Gavin, Special Litigation Counsel, Tax Division

Board No. 2

Criminal Division, Community Relations Service, Office of Professional Responsibility, Office of Intelligence Policy Review, Office of Legal Policy, Executive Office for U.S. Attorneys—

Principal Members
- Stanley M. Gorinson, Chief, Special Regulated Industries Section, Antitrust Division
- D. Patrick Mullarkey, Chief, Civil Trial Section, Northern Region, Tax Division
- Guy K. Zimmerman, Director, Audit Staff, Justice Management Division

Alternate Members
- Peter R. Steenland, Chief, Appellate Section, Land and Natural Resources Division
- Howard Safir, Assistant Director, Operations, U.S. Marshals Service

Board No. 3

Civil Division, Office of the Solicitor General, U.S. Marshals Service—

Principal Members
- David L. Rose, Chief, Federal Enforcement Section, Civil Rights Division
- David L. Milhollan, Chairman, Board of Immigration Appeals
- Richard E. Carter, Director, Office of Legal Education, Executive Office for U.S. Attorneys

Alternate Members
- Walter R. Burkhart, Director, Office of Research Programs, Office of Justice Assistance, Research and Statistics
- Robert J. D'Agostino, Deputy Assistant Attorney General, Civil Rights Division

Board No. 4

Antitrust Division, Office of Legal Counsel, Office of Legislative Affairs—

Principal Members
- Andrew J. Carmichael, Associate Commissioner, Examinations, Immigration and Naturalization Service
- Michael L. Paup, Chief, Appellate Section, Tax Division
- T. George Gilinsky, Senior Appellate Counsel, Criminal Division

Alternate Members
- Wade B. Houk, Assistant Director, Planning and Development Division, Federal Prison System
- D. Jerry Rubino, Director, Security Staff, Justice Management Division

Board No. 5

Immigration and Naturalization Service, Civil Rights Division—

Principal Members
- Kamal J. Rahal, Director, Procurement and Contracts Staff, Justice Management Division
- Elliott M. Seiden, Chief, Transportation Section, Antitrust Division
- Gilbert M. Leigh, Jr., Comptroller, Office of Justice Assistance, Research and Statistics

Alternate Members
- Stephen D. Ramsey, Chief, Environmental Enforcement Section, Land and Natural Resources Division
- Michael W. Dolan, Deputy Assistant Attorney General, Office of Legislative Affairs

Board No. 6

Tax Division, Land and Natural Resources Division—

Principal Members
Stuart E. Schiffer, Deputy Assistant Attorney General, Civil Division
Charles S. Stark, Chief, Foreign Commerce Section, Antitrust Division
Gerald M. Farkas, Associate Commissioner, UNICOR, Federal Prison Industries, Inc.
Alternate Members
Robert B. Levinson, Deputy Assistant Director, Correctional Programs Division, Federal Prison System
Edward S. G. Dennis, Jr., Chief, Naracotic and Dangerous Drug Section, Criminal Division

Board No. 7

Federal Prison System, Office of Justice Assistance, Research and Statistics, U.S. Parole Commission—
Principal Members
Stuart A. Smith, Tax Asssistant, Office of the Solicitor General
Richard K. Willard, Deputy Assistant Attorney General, Civil Division
Roger P. Brandemuehl, Assistant Commissioner, Border Patrol, Immigration and Naturalization Service
Alternate Members
Hugh J. Brien, Assistant Commissioner, Detention and Deportation, Immigration and Naturalization Service
James P. Turner, Deputy Assistant Attorney General, Civil Rights Division

[FR Doc. 82-18792 Filed 7-12-82:8:45 am]
BILLING CODE 4410-01-M

Antitrust Division

United States v. C. Itoh & Co., Ltd., et al.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16 (b) through (h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement, as set forth below, have been filed with the United States District Court for the Western District of Washington in *United States of America* v. *C. Itoh & Co., Ltd., et al.*, Civil Action No. C-82-810.

The complaint in this case alleged that eight Japanese corporations engaged in a combination and conspiracy to fix the price of processed Alaska tanner crab in violation of Section 1 of the Sherman Act, 15 U.S.C. 1.

The proposed Judgment would enjoin the defendants from fixing prices for processed Alaska seafood, and would require the defendants to establish an antitrust compliance program.

Public comment on the proposed Judgment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to Charles S. Stark, Chief, Foreign Commerce Section, Room 7115, Antitrust Division, Department of Justice, Washington, D.C. 20530 (telephone 202-633-2464).

Joseph H. Widmar,

Director of Operations, Antitrust Division, Department of Justice.

United States District Court Western District of Washington

United States of America, Plaintiff, v. *C. Itoh & Co., Ltd.; Kyokuyo Co., Ltd.; Mitsui & Co., Ltd.; Nippon Reizo Kaisha, Ltd.; Nippon Suisan Kaisha, Ltd.; Shinko Sangyo Trading Co., Ltd.; Taiyo Fishery Co., Ltd.; and Toshoku Ltd.*, Defendants.

No. C-82-810, Filed: June 30, 1982, Entered.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever and the making of this stipulation shall be without prejudice to plaintiff and defendants in this or other proceedings.

Dated:

For Plaintiff: William F. Baxter, *Assistant Attorney General;* Joseph H. Widmar, Charles S. Stark, *Attorneys, Department of Justice;* Joel E. Leising, Rangeley Wallace, Kenneth P. Freiberg, Carolyn G. Mark, Eric L. Wilson, *Attorneys, Department of Justice Antitrust Division 10th & Pennsylvania Ave., NW. Washington, D.C. 20530 Telephone: (202) 633-4428.*

For Defendants: D. Wayne Gittinger, *Attorney for C. Itoh & Co., Ltd.;* Hugh F. Bangasser, *Attorney for Kyokuyo Co., Ltd.;* D. Wayne Gittinger, *Attorney for Mitsui & Co., Ltd.;* Thomas H. S. Brucker, *Attorney for Nippon Reizo Kaisha, Ltd.;* Kenneth G. Kutler, *Attorney for Nippon Suisan Kaisha, Ltd.;* Stew Cogan, *Attorney for Shinko Sangyo Trading Co., Ltd.;* Sharon S. Armstrong, *Attorney for Taiyo Fishery Co., Ltd.,* Patrick D. McVey, *Attorney for Toshoku Ltd.*

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON

United States of America, Plaintiff, v. *C. Itoh & Co., Ltd.; Kyokuyo co., Ltd.; Mitsui & Co., Ltd.; Nippon Reizo Kaisha, Ltd.; Nippon Suisan Kaisha, Ltd.; Shinko Sangyo Trading Co. Ltd.; Taiyo Fishery Co., Ltd.; and Toshoku Ltd.*, Defendants.

No. C-82-801, Final Jugement Fled June 30, 1982.

Plaintiff, United States of America, having filed its complaint in this case, and plaintiff and defendants, by their respective attorneys having consented to waive, solely for the purpose of this Final Judgment, their rights to contest the jurisdiction of the Court over their persons, and having further consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein, and without this Final Judgment constituting any evidence against or an admission by any party with respect to any such issue;

Now, therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein, and upon consent of the parties hereto, it is hereby,

Ordered, adjudged, and decreed as follows:

I

This Court has jurisdiction of the subject matter of this action and of each of the parties consenting hereto. The Complaint states a claim upon which relief may be granted against each defendant under Section 1 of the Sherman Act (15 U.S.C. 1).

II

As used in this Final Judgment, the term:

(A) "Person" shall mean any individual, corporation, partnership, firm, association, or other business or legal entity;

(B) "Processed seafood" shall mean any fish or shellfish prepared in or off the shore of Alaska by any commercial process, including canning, packing, freezing, or the addition of chemical substances;

(C) "JMPIA" shall mean the Japan Marine Products Importers Association and includes any formal or informal committee or subcommittee thereof;

(D) "Importer" shall mean any person, including each of the defendants, that purchases processed seafood from U.S. persons for resale in Japan;

(E) "Japanese translation" shall mean an accurate Japanese language translation of this final Judgment.

III

This Final Judgment applies to the defendants, their successors and assigns and to their respective subsidiaries, officers, directors, agents and employees and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

Each defendant is enjoined from:

(A) Entering into, adhering to, maintaining, furthering, participating in, or enforcing any agreement, arrangement, understanding, combination, or conspiracy with any other

importer or group of importers to fix, maintain, establish, or adhere to the prices, range of prices, or other terms or conditions for the purchase of processed seafood from any U.S. person or persons;

(B) Communicating with any other importer or group of importers to exchange information or opinions concerning (i) current season or future prices for the purchase of processed seafood from any U.S. person or persons; (ii) current season or future price offers or counter offers made or received, to be made, or under consideration for the purchase of processed seafood from any U.S. person or persons; (iii) strategy, timing, or conduct of negotiations for the current season or future purchases of processed seafood from any U.S. person or persons; or (iv) quantity of processed seafood being or to be purchased from any U.S. person or persons; and

(C) Attending or participating in any meeting with any other importer or group of importers during which such defendant knows or has been advised that any importer will discuss any subject listed in paragraph IV(B) hereof.

V

Except to the extent undertaken for the purpose of circumventing the prohibitions of Section IV hereof, nothing contained in this Final Judgment shall prohibit:

(A) Any necessary communication or negotiation between a defendant and any other person in connection with a contemplated or actual purchase or sale of processed seafood between such persons;

(B) Transactions or communications between a defendant and its parent or subsidiary or between the officers, directors, agents or employees thereof when acting in such capacity;

(C) Joint ventures for purposes of processing, storing, shipping, or harvesting fish or shellfish, and such transactions or communication as are necessary to the operation, management or business thereof;

(D) A defendant from engaging in any conduct, action, activity or communication with any other person, if such conduct, action, activity or communication is required by statute, law, rule or regulation having the force of law in the jurisdiction in which such conduct, action activity or communication takes place;

(E) Any negotiation or communications between a defendant and any other person on questions of the definition of grading and quality standards; on-site inspection, grading and contract administration; shipping; packaging; and similar technical matters;

(F) Provision by a defendant of information on prices at which it has purchased processed seafood or on quantities of processed seafood purchased by, or delivered to, it to a privately operated system of data exchange under which the data is aggregated in such a way that neither the identity of the parties nor information relating to individual transactions is disclosed to or reasonably ascertainable by any other importer, and receiving of such aggregated information;

(G) Communication of information concerning existing contracts to the extent such information has already been publicly disseminated through regularly published newspapers, trade journals or trade periodicals;

(H) Participation in a meeting called and chaired or vice-chaired by an official of the Japanese Fisheries Agency at which participants discuss their estimates of the total amount of any processed seafood product or products that will be imported into the Japanese market during a particular period, provided that such meetings do not include discussions by individual firms of their own import plans; or

(I) Provisions by a defendent of any information concerning the purchase of processed seafood to the Government of Japan or any agency or department thereof, provided that in the course of transmitting such information it is not divulged to any other importer.

VI

For a period of five years from the date of entry of this Final Judgment, each defendant is ordered to file annually with the plaintiff an affidavit, prepared without direct or indirect communication with any other defendant, identifying each JMPIA meeting that defendant attended at which processed seafood was discussed and each meeting with any other importer or group of importers during which any subject listed in paragraph IV(B) was discussed. Such affidavit shall contain a detailed account of all discussions at such meetings related to the purchase and importation of processed seafood, the date of such meetings, and to the extent known, the names and company affiliation of each person in attendance. If the defendant attended no such meetings, the affidavit shall so state. Such affidavit, if in Japanese, shall be accompaned by an English translation. Nothing in this Section VI shall require reports of discussions permitted by Section V hereof.

VII

Unless otherwise provided, each defendant is ordered and directed to:

(A) Within thirty (30) days after the date of entry of this Final Judgment and annually thereafter for ten (10) years, furnish a copy of this Final Judgment (accompanied by a Japanese translation, where required) to its president or chief executive officer, and to each of its officers, directors, agents and employees (whether located in Japan or the United States) then responsible, in whole or in part, for making pricing decisions for, or purchases of, processed seafood;

(B) Furnish a copy of this Final Judgment (accompanied by a Japanese translation, where required) to each successor to those persons described in paragraph VII(A) hereof, within thirty (30) days after such successor assumes responsibility for pricing decisions for, or puchases of, processed seafood;

(C) Attach to each copy of this Final Judgment furnished pursuant to paragraphs VII (A) and (B) hereof a statement in Japanese advising each person of the nature, scope, and prohibitions of the U.S. antitrust laws and that it is the policy and the intent of the defendant to comply with the requirements of the antitrust laws and the Final Judgment. Such statement shall also include a instruction that each agent and employee is required to comply with the Final Judgment, describe the consequences, including possible civil or criminal penalties, to the defendant, and its agents and employees, of a failure to compy, and advise that the defendant's legal advisors are available at all reasonable times to confer regarding any compliance question or problem;

(D) Within thirty (30) days after the date of entry of this Final Judgment, furnish each member company of the JMPIA with a copy of this Final Judgment, together with a Japanese translation, by mailing a copy to the president or other appropriate officer of such member company or ascertaining that either the JMPIA or another defendant has done so; and

(E) File with this Court and serve upon the plaintiff, within sixyty (60) days from the date of entry of this Final Judgment, a statement as to the fact and manner of its compliance with paragraphs VII(A), (C) and (D) hereof, and the measures that it has taken to assure compliance with paragraph VII(B) hereof.

VIII

(A) For the purpose of determining or securing compliance with this Final Judgment:

(1) Upon receipt of a written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, each defendant shall, on reasonable notice and subject to any legally recognized privilege:

(a) Provide with sixty (60) days to the Department of Justice in Washington, D.C., copies of any books, ledgers, accounts, correspondence, memoranda, and other documents or records in the possession or under the control of such defendant relating to any subjects covered by this Final Judgment;

(b) Submit written reports, under oath if requested, in English or accompanied by an English translation, with respect to its compliance with this Final Judgment as may, from time to time, be requested; and

(c) Permit any duly authorized representative of the Department of Justice, subject to the reasonable convenience of each defendant and without restraint or interference from it, to interview officers, employees and agents of such defendant, who may have counsel present, regarding any subject covered by this Final Judgment. This paragraph shall not require international travel by the person to be interviewed. Such request and notice may be made by delivery to the person appointed pursuant to Section X of this Final Judgment to receive service of process on behalf of each defendant. Nothing in this paragraph VIII(A)(1) shall require any defendant to take any action in Japan which is prohibited by the Government of Japan pursuant to provisions of Japanese law, provided that the defendant has exercised good faith efforts to obtain permission of the appropriate person or governmental authority but such permission has not been secured.

(2) Each defendant shall provide written notice in English to plaintiff prior to engaging

in any transaction or activity that, but for the provisions of paragraphs V(D) and V(F) hereof, would be prohibited by this Final Judgment. Such notice shall describe the transaction or activity and identify, if applicable, the statute, law, rule or regulation that the defendant believes requires such transaction or activity to be undertaken. In the event that such defendant is unable, despite the exercise of good faith efforts, to provide such notice prior to engaging in the required transaction or activity, the defendant shall do so as soon as practicable but not later than thirty (30) days thereafter.

(B) No information or ducuments obtained by the means provided in this Section VIII shall be divulged by any representative of the Department of Justice to any person other than a duly authorized represenative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law. The defendant from which such documents or information was obtained shall be given twenty (20) days written notice prior to the disclosure of such documents or information in any legal proceeding (other than a grand jury proceeding) to which such defendant is not a party or pursuant to a request under the Freedom of Information Act.

IX

Jurisdiction is retained by this Court for the purposes of enabling any of the parties to this Final Judgment to apply to this Court at any time for such orders or directions as amy be necessary or appropriate for the construction or implementation of this Final Judgment, for the modification of any of its provisions, for the enforcement of compliance with its terms, and for the punishment of violations of its terms.

X

Each defendant shall appoint a person located in the United States as its agent for service of process in any proceeding for the purpose of the construction, implementation, modification, enforcement of compliance, or punishment of any violation of this Final Judgment. Each defendant shall maintain such agent for the life of this Final Judgment and, within ten (10) days from the date of entry of this Final Judgment, file with this Court and serve on plaintiff a statement identifying such agent. In the event of a need to appoint a successor agent, defendant shall immediately file with this Court and serve on plaintiff a statement identifying the successor agent.

XI

This Final Judgment shall expire ten (10) years from its date of entry.

XII

Entry of this Final Judgment is in the public interest.

It is so ordered.

Dated this — day of ——, 1982.

———, ———.

United States District Judge.

United States District Court Western District of Washington

United States of America, Plaintiff, v. *C. Itoh & co., Ltd.; Kyokuyo Co., Ltd.; Mitsui & Co., Ltd.; Nippon Reizo Kaisha, Ltd.; Nippon Suisan Kaisha, Ltd.; Shinko Sangyo Trading Co., Ltd.; Taiyo Fishery Co., Ltd.;* and *Toshoku Ltd.,* Defendants.

No. C–82–810, Competitive Impact Statement, Filed: June 30, 1982.

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), the United States files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I. Nature and Purpose of the Proceeding

The United States has filed a civil antitrust complaint under Section 4 of the Sherman Act (15 U.S.C. 4), alleging that the defendants violated Section 1 of the Sherman Act (15 U.S.C. 1). The complaint alleges a combination and conspiracy consisting of a continuing agreement, understanding, and concert of action among the defendants and various co-conspirators to fix the prices they paid for processed Alaska tanner crab.

The complaint seeks a judgment by the Court that the defendants engaged in an unlawful combination and conspiracy in restraint of trade in violation of the Sherman Act. It also seeks an order by the Court to enjoin and restrain the defendants from any such activities or other activities having a similar purpose or effect in the future.

II. Description of the Practices Giving Rise to the Alleged Violation of the Antitrust Laws

Tanner crab is an edible salt water crustacean indigenous to the waters along many parts of the Alaska shoreline, as well as several other parts of the world. The most commercially significant species of tanner crab harvested from Alaska's fishing grounds are the *C. bairdi* and the somewhat smaller *C. opilio* tanner crab. In 1980, U.S. fishermen harvested approximately 121 million pounds of tanner crab from waters within 200 miles of the Alaska shoreline and sold their catch to processing companies operating in various parts of Alaska, earning about $55 million.

Tanner crab is processed and packaged in several different ways. Frozen or canned crabmeat is produced by boiling the crab in its shell and then extracting the meat for canning or for freezing in blocks. Most commonly, however, the crabmeat is frozen while still in the shell and sold as crab "sections." Various methods are used in processing crab sections. The most common method is to freeze 80 to 100 pound bulk packs of boiled crab sections by immersing them in a continuous superchilled brine solution. Another method is to freeze 20 to 25 pound packs of boiled crab sections in an air blast freezer. A third method, recently developed for the Japanese market, is to freeze uncooked sections in water containing chemical preservatives.

The primary markets for processed tanner crab are the United States and Japan. In 1980, approximately two-thirds of the tanner crab harvested from waters off Alsaka were processed for export to Japan. Over twenty Japanese companies, principally through their U.S. subsidiaries, purchased such crab in 1980 paying a combined total of nearly $48 million.

In recent years, the defendants have purchased, directly or through their U.S. subsidiaries, large quantities of processed Alaska seafod, including processed tanner crab, from Alaska processors for importation to Japan. In 1980, the eight defendants accounted for more than fifty percent of the purchases made by Japanese firms of tanner crab processed in the Dutch Harbor-Akutan area of the Alaska peninsula, the most important tanner crab processing region of Alaska. In all, the defendants paid Alaska processors approximately $24 million in 1980 for processed tanner crab.

The defendants are members of the Japan Marine Products Importers Association ("JMPIA"), a trade association located in Tokyo, Japan, whose membership includes the major Japanese seafood importers. The JMPIA operates through a number of committees, including a crab committee that deals with processed crab imported from Alaska. Beginning at least as early as 1979, the defendants used the JMPIA crab committee as a forum to discuss, agree upon, and coordinate prices to be offered to Alaska processors for processed tanner crab. Defendants also communicated among themselves outside the context of JMPIA meetings to coordinate the conduct of price negotiations with, and the price offers to be made to, Alaska processors for the purchase of processed tanner crab.

The complaint alleges that the combination and conspiracy had the following effects, among others: (a) the prices paid for processed tanner crab were fixed at and depressed to artificial and non-competitive levels; (b) Alaska processors were deprived of the benefits of free and open competition in the purchase of processed tanner crab; and (c) competition in the purchase of processed tanner crab was restrained.

III. Explanation of Proposed Final Judgment

The United States and the defendants have stipulated that the Court may enter the proposed Final Judgment after compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h). The proposed Final Judgment provides that the entry of the Final Judgment does not constitute any evidence against, or an admission by, any party with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, the proposed Final Judgment may not be entered until the Court determines that entry is in the public interest.

1. *Prohibited Conduct.* Section IV of the proposed Final Judgment prohibits each defendant from entering into, adhering to, participating in, maintaining, furthering, or enforcing any agreement, understanding, arrangement, combination, or conspiracy with any other importer or group of importers to fix, depress, establish, or adhere to the prices, range of prices or other terms or

conditions for the purchase of processed seafood from any U.S. person or persons. "Processed seafood" is defined in the Judgment as any fish or shellfish prepared in or off the shore of Alaska by any commercial process, including canning, packing, freezing, or the addition of chemical substances.

Section IV also prohibits each defendant from communicating with any other importer or group of importers to exchange information or opinions about the following subjects: current-season or future prices for the purchase of processed seafood from any U.S. person or persons; current-season or future price offers or counteroffers made or received, to be made, or under consideration for the purchase of processed seafood from any U.S. person or persons; strategy, timing, or conduct of negotiations for current-season or future purchases of processed seafood from any U.S. person or persons; or the quantity of processed seafood being or to be purchased from any U.S. person or persons. Section IV further prohibits each defendant from attending or participating in any meeting with any other importer or group of importers during which such defendant knows or has been advised that any importer will discuss any of the above subjects.

2. *Permissible Business Conduct.* Section V of the proposed Final Judgment makes clear that the Judgment would not prohibit the defendants from engaging in certain business conduct, provided such conduct is not undertaken for the purpose of circumventing the Judgment's injunctive provisions. Specifically, each defendant may engage in (i) any necessary communication or negotiation with any other person in connecting with a contemplated or actual purchase or sale of processed seafood between such persons; (ii) transactions or communications with its parent or subsidiary or between the officers, directors, agents or employees thereof when acting in such capacity; (iii) joint ventures for purposes of processing, storing, shipping, or harvesting fish or shellfish, and such transactions or communications as are necessary to the operation, management or business thereof; or (iv) any negotiation or communications with any other person on questions of the definition of grading and quality standards; on-site inspection, grading and contract administration; shipping; packaging; and similar technical matters. A defendant may also engage in any conduct, action, activity or communication with any other person if such conduct, action, activity or communication is required by a statute, law, rule or regulation having the force of law in the jurisdiction in which such conduct, action, activity or communication takes place. As set forth in Attachment 1, the exclusion of any reference to Japanese governmental admnistrative guidance is not intended to prevent a defendant from arguing in any subsequent proceeding relating to this Judgment that conduct taken pursuant to administrative guidance was, in fact, conduct required by a "regulation having the force of law," or to preclude the Justice Department from arguing that it was not so required.

Under Section V, a defendant may provide (i) any information concerning the purchase of processed seafood to the Government of Japan or any agency or department thereof, provided that in the course of transmitting such information it is not divulged to any other importer; (ii) information on prices at which it has purchased processed seafood or on quantities of processed seafood purchased by or delivered to it to a privately operated system of data exchange, under which the data is aggregated in such a way that neither the identity of the parties nor information relating to individual transactions is disclosed to or reasonably ascertainable by any other importer; or (iii) information concerning existing contracts to any person to the extent such information has already been publicly disseminated through regulatory published newspapers, trade journals or trade periodicals.

Section V further permits participation by a defendant in (i) joint ventures for purposes of processing, storing, shipping or harvesting fish or shellfish, and such transactions or communications as are necessary to the operation, management or business thereof; and (ii) meetings called and chaired or vice-chaired by an official of the Japanese Fisheries Agency at which participants discuss their estimates of the total amount of any processed seafood product or products that will be imported into the Japanese market during a particular period, provided that such meetings do not include discussions by individual firms of their own import plans.

3. *Affirmative Obligations.* Section VI of the Final Judgment requires that each defendant file annually, for a period of five years, with the Justice Department an affidavit, prepared without direct or indirect communication with any other defendant, that identifies each JMPIA meeting it attended at which processed seafood was discussed and each meeting with any other importers during which any subject listed in Paragraph IV(B) of the Judgment was discussed. The affidavit must provide a detailed account of any discussions relating to the purchase and importation of processed seafood at the meeting, the date of the meeting, and to the extent known, the names and company affiliation of each person in attendance. Any communication permitted by Section V need not be reported in the affidavit.

Under Section VII, each defendant must furnish annually, for a period of ten years, a copy of the Final Judgment (accompanied by a Japanese translation, where required) to its president or chief executive officer, and to each of its current (or successor) officers, directors, employees and agents (whether located in Japan or the United States) who have responsibility for making pricing decisions for, or purchases of, processed seafood. Defendants are also obliged to advise such persons within their companies of the requirements of this Final Judgment, of the criminal and civil penalties which may be imposed upon such persons or the company for violation of the Final Judgment, and of the fact that the company's legal advisors are available to confer regarding compliance questions or problems.

Section VII further requires the defendants to provide each member company of the JMPIA with a copy of the Judgment. Finally, within sixty days after entry of the Final Judgment, each defendant must file an affidavit as to the fact and manner of its compliance with the obligations imposed by Section VII.

Section VIII provides the Justice Department with access, upon reasonable notice and subject to any legally recognized privilege, to each defendant's records and personnel in order to determine compliance with the Judgment. Any interview conducted in Japan by a Department representative is subject to the Japanese Government's approval, as indicated in Attachment 1.

Under Section VIII, each defendant is required to provide the Justice Department with notice prior to engaging in any transaction or activity that, but for the provisions of paragraphs V(D) and V(F) of the Judgment, would be prohibited by the Final Judgment. Such notice shall describe the transaction or activity and identify, if applicable, the statute, law, rule or regulation that the defendant believes requires such transaction or activity to be undertaken. In the event the defendant is unable, despite the exercise of good faith efforts, to provide such notice prior to engaging in the required transaction or activity, the defendant shall do so as soon as practicable but not later than thirty days thereafter.

Finally, Section VIII limits the circumstances under which the Department may disclose information or documents obtained by reason of this Section and entitles the defendants to be given notice by the Department in some instances prior to such disclosure.

4. *Service of Process.* Section X of the Judgment requires that each defendant appoint a person located in the United States as its agent for service of process in any proceeding relating to the construction, implementation, modification, enforcement of compliance, or punishment of any violation of the Final Judgment. Each defendant must maintain such agent for the life of the Judgment and, within ten days from the date of entry of the Judgment, file with the Court and serve on the Department of Justice a statement identifying such agent. In the event of a need to appoint a successor agent, a defendant is required to immediately file with the Court and serve on the Department a statement identifying the successor agent.

5. *Scope of Proposed Judgment.* The proposed Final Judgment will remain in effect for a period of ten years from the date of entry. It applies to all defendants and to all other persons in active concert or participation with any of them who receive actual notice of the Final Judgment by personal service or otherwise.

6. *Effect of the Proposed Judgment on Competition.* The relief in the proposed Final Judgment is designed to prevent any recurrence of the activities alleged in the compliant. The prohibitive language of the Judgment is designed to ensure that each defendant will act independently of its competitors in determining prices, terms and conditions at which it will purchase processed seafood from U.S. persons. The affirmative obligations are designed to ensure that each defendant's employees are aware of their obligations under the decree in order

to avoid a repetition of behavior that occurred.

The Department of Justice believes that the proposed Final Judgment contains adequate provisions to prevent further violations by the defendants of the type upon which the complaint is based. The Department believes that disposition of the lawsuit without further litigation is appropriate because the proposed Judgment provides all the relief which the United States sought in its complaint, and the additional expense of litigation would not result in additional public benefit.

IV. Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages suffered, as well as costs and reasonable attorney's fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of such actions. Under the provisions of Section 5(a) of the Clayton Act (15 U.S.C. 16(a)), the Judgment has no *prima facie* effect in any subsequent lawsuits that may be brought against these defendants.

V. Procedures Available for Modification of the Proposed Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgment should be modified may submit written comments to Joel E. Leising, Attorney, Antitrust Division, United States Department of Justice, Washington, D.C. 20530, within the 60-day period provided by the Act. These comments, and the Department's responses, will be filed with the court and published in the **Federal Register**. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed Judgment at any time prior to entry. The Judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for any order necessary or appropriate or its modification, interpretation or enforcement.

VI. Alternatives to the Proposed Final Judgment

The Department considers the substantive language of the Judgment to be of sufficient scope and effectiveness to make litigation or relief unnecessary, as the Judgment provides all relief which reasonably could have been expected after trial.

VII. Determinative Materials and Documents

No materials or documents were considered determinative by the United States in formulating the proposed Final Judgment. Therefore, none are being filed pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b).

Respectfully submitted: Joel E. Leising, Rangeley Wallace, Kenneth P. Freiberg, Carolyn G. Mark, Eric L. Wilson, *Attorneys, Department of Justice, Antitrust Division, 10th & Pennsylvania Ave., N.W., Washington, D.C. 20530; Telephone: (202) 633-3220.*

Attachment 1

Joel Davidow, Esq., Mudge, Rose, Guthrie & Alexander, 20 Broad Street, New York, NY 10005

Hugh F. Bangasser, Esq., Preston, Thorgrimson, Ellis & Holman, 200 I.B.M. Building, Seattle, WA 98101

D. Wayne Gittinger, Esq., Lane, Powell, Moss & Miller, 3800 Rainier Bank Tower, Seattle, WA 98101

Thomas Brucker, Esq., Smith, Brucker, Winn & Ehlert, 1411 Fourth Avenue, Seattle, WA 98101

Patrick D. McVey, Esq., Riddell, William, Ivie, Bullitt & Walkinshaw, 4400 Seattle First National Bank Building, 1001 Fourth Avenue, Seattle, WA 98101

Albert R. Malanca, Esq., Gordon, Thomas, Honeywell, Malanca, Peterson & O'Hern, Post Office Box 1157, 2200 One Washington Plaza, Tacoma, WA 98401

Stew Cogan, Esq., Mills & Cogan, 3530 Seafirst Fifth Avenue Plaza, 800 Fifth Avenue, Seattle, WA 98104

E. Charles Routh, Esq., Houger, Garvey, Schubert, Adams & Barer, Bank of California Building, 900 Fourth Avenue, Seattle, WA 98164

Re: *United States* v. *C. Itoh & Co., Ltd., et al.*

Gentleman: In the course of negotiating a settlement of the above-captioned case, defense counsel expressed concern that the wording of three provisions of the consent decree did not completely reflect the parties' understanding and, accordingly, sought to include certain clarifying language. The Department felt that the inclusion of such language was unnecessary since the provisions, as written, implicitly encompassed the points defense counsel sought to make explicitly. Nonetheless, the Department agreed to set forth in writing its interpretation of the provisions involved.

This letter thus serves to memorialize the Department's understanding with respect to the following provisions, and does not in any manner modify or alter the terms of the proposed decree:

Section III—This section states that the Final Judgment applies to a defendant's officers, directors, agents, and employees. This provision should be read to mean that such individuals are bound by the provisions of the Judgment during their tenure, employment or agency with a defendant company.

Section V. Paragraph D—This section states that nothing in the Judgment shall prohibit a defendant form, among other things, engaging in conduct required by a "regulation having the force of law in effect in the jurisdiction in which such" conduct takes place. An issue that could arise under this provision is whether conduct taken pursuant to Japanese governmental "administrative guidance" is "required by '. . . regulation having the force of law." The Department takes the view that administrative guidance, as that term is generally used and understood, is not legally binding and as such does not have the force of law; but that there may be unusual circumstances in which conduct undertaken pursuant to what may be characterized as administrative guidance is, in effect, conduct compelled under force of law by the Japanese Government. It is understood that the omission in this section of the Judgment of express reference to "administrative guidance" is not intended to preclude a defendant from attempting to establish in any subsequent proceeding relating to this Judgment that conduct taken pursuant to administrative guidance was, in the circumstances, conduct required by a "regulation having the force of law." or the Department from seeking to establish that it was not.

Section VIII, Paragraph A(1)(c)—This section grants the Department the right to interview a defendant's personnel for purposes of monitoring or securing compliance with the Final Judgment. The provision makes clear that the person to be interviewed shall not be required to engage in international travel for purposes of the interview. The interview may be conducted in the United States if the person to be interviewed resides or is present in the United States, and may be conducted in Japan subject to approval from the Japanese Government having been sought and obtained by the Justice Department or other appropriate U.S. Government officials.

Sincerely yours,

Charles S. Stark,

Chief, Foreign Commerce Section, Antitrust Division.

[FR Doc. 82-18877 Filed 7-12-82; 8:45 am]

BILLING CODE 4410-01-M

United States v. Pan-Alaska Fisheries, Inc., et al.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b) through (h), that a proposed Final Judgment, Stipulation and Competitive Impact Statement, as set forth below, have been filed with the United States District Court for the Western District of Washington in *United States of America* v. *Pan-Alaska Fisheries, Inc., et al.*, Civil Action No. C-82-809.

The complaint in this case alleged that four crab processors and a fishermen's cooperative marketing association engaged in a combination and conspriacy to fix prices of live Bering Sea king and tanner crab in violation of Section 1 of the Sherman Act, 15 U.S.C. 1.

The proposed Judgment would enjoin the defendants from fixing the price of live Bering Sea crab, and would require the defendants to establish an antitrust compliance program.

Public comment on the proposed Judgment is invited within the statutory 60-day comment period. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to

Charles S. Stark, Chief, Foreign Commerce Section, Room 7115, Antitrust Division, Department of Justice, Washington, D.C. 20530 (telephone: 202–633–2464.)

Joseph H. Widmar,

Director of Operations, Antitrust Division, Department of Justice.

United States District Court, Western District of Washington

United States of America, Plaintiff, v. *Pan-Alaska Fisheries, Inc., Sea-Alaska Products, Inc., Universal Seafoods, Ltd., Whitney-Fidalgo Seafoods, Inc., and Alaska Marketing Association*, Defendants.

No. C–82–809.

Filed: June 30, 1982.

Entered:————.

Stipulation

It is stipulated by and between the undersigned parties, by their respective attorneys, that:

1. A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, and without further notice to any party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before entry of the proposed Final Judgment by serving notice thereof on defendants and by filing that notice with the Court.

2. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatever and the making of this stipulation shall be without prejudice to plaintiff and defendants in this and other proceedings.

Dated:————.

For plaintiff: William F. Baxter, *Assistant Attorney General;* Joseph H. Widmar, Charles S. Stark, *Attorneys, Department of Justice;* Joel E. Leising, Kenneth P. Freiberg, Carolyn G. Mark, Eric L. Wilson, *Attorneys, Department of Justice, Antitrust Division, 10th and Pennsylvania Ave., N.W., Washington, D.C. 20530, Telephone: (202) 633–4428.*

For defendants: Andrew J. Kilcarr, Esq., *Donovan, Lesiure, Newton & Irvine, Washington, D.C. 20006, Attorneys for Pan-Alaska Fisheries, Inc.*, James R. Hermsen, Esq., *Karr, Tuttle, Koch, Campbell, Mawer & Morrow, Seattle, WA 98154, Attorneys for Universal Seafood, Ltd.;* Daniel J. Riviera, Esq., *Foster, Pepper & Riviera, Seattle, WA 98101, Attorneys for Sea-Alaska Products, Inc.;* Wilbur J. Lawrence, Esq., *Lane, Power, Moss & Miller, Seattle WA 98101, Attorneys for Whitney-Fidalgo Seafoods, Inc.;* Douglas M. Fryer, Esq., *Moriarty, Mikkelborg, Broz, Wells & Fryer, Seattle, WA 98154, Attorneys for Alaska Marketing Association.*

United States District Court, Western District of Washington

United States of America, Plaintiff, v. *Pan-Alaska Fisheries, Inc., Sea-Alaska Products, Inc., Universal Seafoods, Ltd., Whitney-Fidalgo Seafoods, Inc., and Alaska Marketing Association*, Defendants.

No. C–82–809.

Final Judgment.

Filed: June 30, 1982.

Plaintiff, United States of America, having filed its Complaint in this case, and plaintiff and defendants, by their respective attorneys, having consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law herein and without this Final Judgment constituting any evidence against or any admission by any party with respect to any such issue; Now therefore, before the taking of any testimony and without trial or adjudication of any issue of fact or law herein and upon consent of the parties hereto, it is hereby Ordered, adjudged, and decreed as follows:

I

This Court has jurisdiction of the subject matter of this action and of each of the parties consenting hereto. The Complaint states a claim upon which relief may be granted against each defendant under Section 1 of the Sherman Act (15 U.S.C. 1).

II

As used in this Final Judgment:

(A) "person" shall mean any individual, corporation, partnership, firm, association or other business or legal entity;

(B) "live crab" shall mean live ocean crab prior to any processing (*i.e.*, cnning, packing, or freezing);

(C) "Dutch Harbor area" shall mean the following area in the State of Alaska: Unalaska Island, including Dutch Harbor, Akutan Island and the waters within ten miles of the coasts of said Islands;

(D) "Dutch Harbor processor" shall mean any person engaged in the business of canning, packing or freezing live crab in the Dutch Harbor area, including such person's officers, directors, agents, employees and subsidiaries, and shall further include defendant processors as that term is defined herein;

(E) "defendant processor" shall mean each processor named as a party in this action, including its officers, directors, agents, employees, subsidiaries, or other persons acting on its behalf;

(F) "defendant association" shall mean the Alaska Marketing Association, including its members, officers, directors, agents, employees, or other persons acting on its behalf;

(G) "live crab price negotiations" shall mean contacts between any fisherman and any Dutch Harbopr processor with respect to the negotiation of prices for live crab to be processed in the Dutch Harbor area;

(H) "fisherman" shall mean one or more fisherman or any cooperative association of fisherman, including defendant association, established pursuant to the Fishermen's Collective Marketing Act (15 U.S.C. § 521, 522);

(I) "The opening of the Bering Sea Crab Season" shall mean the later of: (a) the date designated by the Alaskan Department of Fish and Game for the commencement of a crab harvest in the Bering Sea, or (b) with respect to any defendant processor, the time at which such processor has agreed with defendant association or any sucessor association on the price it will pay for the first delivery of live crab for that season or has announced its intention to pay a price previously agreed to between such association and any other Dutch Harbor processor.

III

This Final Judgment applies to the defendants and to their officers, directors, agents, employees, subsidiaries, successors, and assigns, and to members of the defendant association and to all other persons in active concert or participation with any of them who shall have received actual notice of this Final Judgment by personal service or otherwise.

IV

1. The defendant processors, and each of them, are enjoined and restrained from entering into, adhering to, participating in, maintaining, furthering, or enforcing, either directly or indirectly, any agreement, understanding, arrangement, plan, program, combination, or conspiracy with any processor to determine, establish, fix, raise, lower, maintain, or adhere to prices or other terms or conditions for the purchase or sale of live crab to be processed in the Dutch Harbor area.

2. The defendant association is enjoined and restrained from entering into, adhering to, participating in, maintaining, furthering, or enforcing, either directly or indirectly, any agreement, understanding, arrangement, plan, program, combination, or conspiracy among the Dutch Harbor processors to determine, establish, fix, raise, lower, maintain, or adhere to prices or other terms or conditions for the purchase or sale of live crab to be processed in the Dutch Harbor area.

V

1. Each defendant processor is enjoined and restrained from directly or indirectly:

(A) Communicationg with any Dutch Harbor processor regarding (i) current prices, future prices, or anticipated changes in prices for live crab to be processed in the Dutch Harbor area; (ii) prices discussed or to be discussed, or offers or counteroffers made or to be made by any party in live crab price negotiations; or (iii) strategy, timing or conduct of live crab price negotiations.

(B) Communicating with any non-Dutch Harbor processor regarding future prices, anticipated changes in prices, or current prices not yet posted, published, or announced on the radio, for live crab to be processed in the Dutch Harbor area;

(C) Participating jointly or collectively with any other processor or processors in live crab price negotiations.

2. The defendant association is enjoined and restrained from, directly or indirectly:

(A) Knowingly engaging in live crab price negotiations in which two or more processors jointly or collectively participate;

(B) Requesting, encouraging or in any way knowingly facilitating or assisting processors to engage in joint or collective bargaining in respect to prices to be paid for live crab in the Dutch Harbor area.

VI

1. Nothing in Sections IV or V of this Final Judgment shall prohibit any defendant processor from:

(A) Separately negotiating and agreeing with any fisherman on the prices or other terms for the purchase of live crab by such processor from such fisherman;

(B) Posting, publishing, or publicly announcing by radio prices which such processor will pay to sellers of live crab to be processed in the Dutch Harbor area;

(C) Requesting, during live crab price negotiations, any fisherman to confirm orally or in writing any live crab price offers which it asserts it has recieved from any other Dutch Harbor processor, or seeking or giving verification of such live crab price offers from or to any other Dutch Harbor processors; provided however, that such verification from or to any Dutch Harbor processor shall occur only after the opening of the Bering Sea crab season and shall be confined to communication between legal counsel for such processors, and shall be limited to confirming or denying representations made by a seller of live crab as to the price which has been offered to such seller by the processor from which verification is sought;

(D) Participating with other Dutch Harbor processors in joint government lobbying efforts;

(E) Discussing with other Dutch Harbor processors common industry-wide or local issues, provided that, for purposes of this Paragraph 1(E), such discussions do not relate to prices to be paid for live crab;

(F) Separately negotiating or entering into any bona fide, arm's length contract, agreement or understanding with another processor to sell or furnish live crab to that processor; provided, however, that any price negotiated prior to the opening of the Bering Sea crab season shall be specified in terms of one of the following formulae, rather than a price: (i) The prevailing market price or the defendant processor's posted price at the time of delivery; (ii) a stated discount from such prevailing or posted price; or, (iii) a stated premium or commission to be added to such prevailing or posted price; provided further that such negotiations and sales transactions shall not be used by the defendant processor to communicate with the other party concerning the price (other than the formula set out herein) that either of them intends to pay any third party for live crab.

2. Nothing in Sections IV or V of this Final Judgment shall prohibit the defendant association, its officers, agents, employees, directors or members from:

(A) Negotiating and agreeing as to the price, terms or conditions of sale with any single processor or any other purchaser of live crab;

(B) Engaging in any and all conduct authorized by the Fishermen's Collective Marketing Act (15 U.S.C. 521, 522);

(C) Confirming, orally or in writing, to any defendant processor during price negotiations with such processor and upon its request, any price offers which the defendant association has received from other Dutch Harbor processors.

3. Nothing in Sections IV or V of this Final Judgment shall prohibit a defendant processor from directly or indirectly:

(A) Jointly owning and/or operating a shore-based processing facility or a fishing and/or processing vessel with another Dutch Harbor processor, if such defendant processor has at least a 20% ownership or participating interest in such facility or vessel; or

(B) Contracting with the owner or operator of a processing or a fishing and processing vessel to process live crab for such defendant processor, 20 and engaging in such communications, transactions and activities as are necessary to carry out such arrangements; provided, however, that this Paragraph 3 shall not apply to communications, transactions or activities between such defendant processor and any other defendant processor.

4. Without in any way limiting the generality of Paragraph 3, nothing in Sections IV and V of this Final Judgment shall apply to communications, transactions or activities solely between Universal Seafoods, Ltd., its officers, directors, agents or employees and Dutch Harbor Seafoods, Ltd., its officers, directors, agents or employees; provided, however, that this Paragraph 4 shall become inoperative at such time as the majority of the stock or substantially all of the assets of either company is transferred to persons not holding an ownership interest in the respective companies as of the date of entry of this Final Judgment.

VII

1. Each defendant processor is ordered and directed to:

(A) Furnish within thirty (30) days after the date of entry of this Final Judgment, a copy thereof to each of its officers, directors, employees and agents who has managerial responsibility for or authority over determining prices to be paid for live crab to be processed in the Dutch Harbor area, or who engages in or has responsibility or authority over live crab price negotiations;

(B) Furnish a copy of this Final Judgment to each successor to those officers, directors, employees, or agents described in Paragraph 1(A) of this Section, within thirty (30) days after such successor is employed by or becomes associated with the defendant processor;

(C) File with this Court and serve upon plaintiff within sixty days (60) after the date of entry of this Final Judgment, an affidavit as to the fact and manner of its compliance with Paragraph 1(A) of this Section; and

(D) Obtain from each officer, director, employee and agent served with a copy of this Final Judgment pursuant to Paragraph 1(A) of this Section, and from each successor to each such officer, director, employee and agent served with a copy of this Final Judgment pursuant to Paragraph 1(B) of this Section, a written statement evidencing such person's receipt of a copy of this Final Judgment; and retain such statements in its files.

2. The defendant association is ordered and directed to:

(A) Furnish within thirty (30) days after the date of entry of this Final Judgment a copy thereof to each of its current members, officers, directors and any members, employees or agents who engage in or have responsibility or authority over negotiating prices for the sale of live crab to Dutch Harbor processors;

(B) Furnish a copy of this Final Judgment to each successor to those officers and directors and to those members, employees or agents with responsibilities for price negotiations as described in Paragraph 2(A) of this Section within thirty (30) days after such successor is employed or becomes affiliated with the association;

(C) File with this Court and serve upon plaintiff within sixty (60) days after the date of entry of this Final Judgment, an affidavit as to the fact and manner of it compliance with Paragraph 2(A) of this Section; and

(D) Obtain from each officer, director, member, employee and agent served with a copy of this Final Judgment pursuant to Paragraph 2(A) of this Section, and from each successor to each such officer, director, member, employee and agent served with a copy of this Final Judgment pursuant to Paragraph 2(B) of this Section, a written statement evidencing such person's receipt of a copy of this Final Judgment; and retain such statements in its files.

VIII

1. Each defendant processor is ordered and director to:

(A) Advise each of its officers, employees or agents who is engaged in, or who has responsibility for or authority over determining prices to be paid for live crab to be processed in the Dutch Harbor area, or who is responsible for conducting negotiations regarding live crab prices with any fishermen's representative, of its and their obligations under this Final Judgment.

(B) For a period of ten (10) years from the entry of this Final Judgment, maintain a program to insure compliance with this Final Judgment, which program shall include, at a minimum, the following with respect to each of the persons described immediately above: (i) the annual distribution to them of this Final Judgment; (ii) the annual submission to them of a written directive setting forth the defendant's policy regarding compliance with the Sherman Act and with this Final Judgment, including: (a) An admonition that noncompliance with such policy and this Final Judgment will result in appropriate disciplinary action determined by the employing defendant processor, which may include dismissal, and (b) a statement that the defendant's legal advisors are available at all times to confer with such persons regarding any compliance questions or problems; and (iii) the imposition of a requirement that each of them sign and submit to his employer, once a year, a certificate in substantially the following form:

The undersigned hereby (1) acknowledges receipt of a copy of the Final Judgment

entered in *United States v. Pan Alaska Fisheries Inc., et al.*, Civil No. ——— (W. D. Wash.) and a written directive setting forth the company's policy regarding compliance with the antitrust laws and with such Final Judgment; (2) represents that the undersigned has read and understands such Final Judgment and directive; (3) acknowledges that the undersigned has been advised and understands that noncompliance with such policy and Final Judgment will result in appropriate disciplinary measures determined by the company and which may include dismisal; and (4) acknowledges that the undersigned has been advised and understands that noncompliance with the Final Judgment may also result in conviction for contempt of court and imprisonment and/or fine.

(C) For a period of ten (10) years from the entry of this Final Judgment, whenever such defendant processor invests in any joint venture, joint buying arrangement, or joint ownership of any entity engaged in the purchase of live Bering Sea crab with any non-defendant Dutch Harbor processor, the defendant processor shall furnish to the plaintiff within 30 days of such investment a report setting out the names and ownership interests of the parties, a full description of the activities contemplated, the names of the individuals with authority to set live crab purchase prices, and the manner in which the parties intend to allocate responsibilities for determining the price they will pay for such crab.

2. The defendant association is ordered and directed to:

(A) Advise each of its officers, directors, member, employees and agents who is engaged in, or who has responsibility or authority over negotiating prices for the sale of live crab to Dutch Harbor processors of its and their obligations under this Final Judgment.

(B) For a period of ten (10) years from the entry of this Final Judgment, maintain a program to insure compliance with this Final Judgment, which program shall include at a minimum the following with respect to each of the persons described immediately above: (i) the annual distribution to them of this Final Judgment; (ii) the annual submission to them of a written directive setting forth the defendant association's policy regarding compliance with the Sherman Act and with this Final Judgment, including (a) an admonition that noncompliance with such policy and this Final Judgment will result in appropriate disciplinary action determined by the defendent association, which may include expulsion from the association, and (b) a statement that the defendant association's legal advisors are available at all times to confer with such persons regarding any compliance questions or problems; and (iii) the imposition of a requirement that each of them sign and submit to the defendant association, once a year, a certificate in substantially the following form:

The undersigned hereby (1) acknowledges receipt of a copy of the Final Judgment entered in *United States* v. *Pan Alaska Fisheries Inc.*, Civil No. ———, (W.D. Wash.) and a written directive setting forth the Association's policy regarding compliance with the antitrust laws and with such Final Judgment; (2) represents that the undersigned has read and understands such Final Judgment and directive; (3) acknowledges that the undersigned has been advised and understands that noncompliance with such policy and Final Judgment will result in appropriate disciplinary measures determined by the Association and which may include expulsion; and (4) acknowledges that the undersigned has been advised and understands that noncompliance with the Final Judgment may also result in conviction for contempt of court and imprisonment and/or fine.

IX

1. Each defendant processor shall require, as a condition of the sale or other disposition of all, or substantially all, of the assets used by it in the processing of live crab in the Dutch Harbor area that the acquiring party agrees to be bound by the provisions of this Final Judgment and to file such agreement with this Court.

2. The members of the defendant association agree, and shall require, as a condition to the formation of any successor or alternative fishermen's marketing association formed under authority of the Fishermen's Collective Marketing Act in order to negotiate live crab prices in the Dutch Harbor area, that as a condition to joining any such other association, that such other association agree to be bound by the provisions of this Final Judgment and that no member shall join such other association unless such agreement is obtained. The defendant association and the members agree that any such agreement with any alternative or successor fishermen's marketing association formed to negotiate live crab prices in the Dutch Harbor area shall be filed with this Court.

X

For the purposes of determining or securing compliance with this Final Judgment, and subject to any legally recognized privliege, from time to time:

(A) Duly authorized representatives of the Department of Justice shall, upon written request of the Attorney General or of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to a defendant processor or to the dependent association, made to its principal office, be permitted:

(1) Access during office hours of such defendant to inspect and copy all books, ledgers, accounts, correspondence, memoranda and other records and documents in the possession of under the control of such defendant, who may have counsel present, relating to any matters contained in this Final Judgment; and

(2) Subject to the reasonable convenience of such defendant and without restraint or interference from it, to interview officers, employees and agents of such defendant, who may have counsel present, regarding any such matters.

(B) No information or documents obtained by the means provided in this Section shall be divulged by any representative of the Department of Justice to any person other than duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance with the Final Judgment, or as otherwise required by law.

(C) If at the time information or documents are furnished by a defendant to plaintiff, such defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and said defendant marks each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days notice shall be given by plaintiff to such defendant prior to divulging such material in any legal proceeding (other than a grand jury proceeding) to which that defendant is not a party.

XI

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders or directions as may be necessary or appropriate for the construction, carrying out or modification of any of the provisions hereof, for the enforcement of compliance herewith, and for the punishment of any violation hereof.

XII

This Final Judgment shall expire ten (10) years from its date of entry.

XIII

Entry of this Final Judgment is in the public interest.

It is so ordered.

Dated this —— day of ————, 1982.

————,

United States District Judge.

United States District Court, Western District of Washington

United States of America, Plaintiff, v. *Pan-Alaska Fishies, Inc., Sea-Alaska Products, Inc., Universal Seafoods, Ltd., Whitney-Fidalgo Seafoods, Inc., and Alaska Marketing Association*, Defendants.

No. C–82–809.

Competitive impact statement.

Filed: June 30, 1982.

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. § 16(b)–(h), the United States files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I. Nature and Purpose of the Proceeding

The United States has filed a civil antitrust suit alleging that four Alaska seafood processing companies and a fishermen's cooperative conspired to fix the prices processors paid Bering Sea fishermen for king and tanner crab. The defendant processors, all of whom are Seattle-based firms with processing facilities in the Dutch Harbor area

of Alaska, are Pan-Alaska Fisheries, Inc., Sea-Alaska Products, Inc., Universal Seafoods, Ltd., and Whitney-Fidalgo Seafoods, Inc. The defendant fishermen's cooperative is the Alaska Marketing Association ("AMA"), whose members are Bering Sea fishing boat operators who harvest crab and sell it to Dutch Harbor processors. The primary function of the AMA is to represent its members in bargaining with the processors concerning the price to be paid for the crab.

The complaint alleges that the defendant processors jointly negotiated with the AMA on the price to be paid Bering Sea fishermen for deliveries of live king and tanner crab. The complaint further alleges that the defendant processors met and communicated with one another, outside the presence of the AMA, with regard to the prices they would pay for live Bering Sea crab.

The complaint seeks a judgment by the Court that the defendants engaged in an unlawful combination and conspiracy in restraint of trade in violation of the Sherman Act. It also seeks an order by the Court to enjoin the defendants from any such activities or other activities having a similar purpose or effect in the future. Specifically with respect to the defendant processors, the complaint seeks to enjoin them from agreeing among themselves or with other processors to fix the price of live crabs, and from communicating among themselves or with other processors concerning the price they are paying or intend to pay for live crab. Specifically with respect to the AMA, the complaint seeks to enjoin the defendant association from engaging in live crab price negotiations in which more than one processor participates, and from participating in or facilitating any agreement among processors to fix live crab prices.

II. Description of Practices Giving Rise to the Alleged Violation

In recent years, the fishing grounds off the coast of Alaska have been among the most commercially productive in the world, generating raw fish sales of more than $240 million in 1980. One of the most important seafood products commercially harvested in Alaska waters is crab, of which two varieties, king and tanner (or "snow") crab, account for the vast bulk of the catch. In recent years, the Bering Sea crab fishery—which lies west of the southern portion of the Alaska Peninsula—has been by far the most productive of the several Alaska crab fishing areas. The Bering Sea king crab fishery accounted for more than 80 percent of the 186 million pounds of Alaska king crab harvested in 1980 and 64 percent of the 131 million pounds of tanner crab harvested in the same year. In 1980, crab processors operating in the Dutch Harbor area of Alaska paid more than $100 million to Bering Sea fishermen for raw crab.

Bering Sea crab fishermen deliver their catch alive to processors for freezing or canning. The processors butcher the live crab and then, normally, boil it in the shell before either removing the meat for canning or freezing in blocks, or, more typically, freezing the crab parts in the shell for sale in that form. Crab processed in the Dutch Harbor area is generally either shipped directly to Japan, a principal consumer of Bering Sea crab, or transported to Seattle—where many of the processing companies own storage and freezer facilities—for warehousing pending sale in the United States and Europe.

The prices paid by processors to fishermen for live crab is a subject of yearly negotiation. In 1971, a number of Bering Sea fishermen formed the AMA, pursuant to the Fishermen's Collective Marketing Act ("FCMA"), 15 U.S.C. 521–22, in order to increase their bargaining power in negotiating crab prices with processors operating in the Dutch Harbor area. The FCMA provides an antitrust exemption for joint bargaining by fishermen through associations such as the AMA. It does not, however, permit joint bargaining among processors, or permit fishermen's associations to participate in joint bargaining among processors.

Around 1975, and continuing at least until 1980, a practice developed whereby two or more of the major Dutch Harbor processors, including the defendant processors (who annually account for about 40% of the live crab purchases in the Dutch Harbor area), jointly met with AMA representatives to reach agreement on the price they would pay for crab purchased from AMA members. Defendant processors also occasionally met outside the presence of AMA representatives to determine their negotiating stance and decide on the price they would be willing to pay. The price ultimately agreed upon by the defendant processors and AMA, whose members annually account for about 50% of the crab harvested from the Bering Sea, was then generally followed by the other Dutch Harbor area processors and by non-AMA fishermen operating in the Bering Sea.

The complaint alleges that the combination and conspiracy had the following effects, among others: (a) The price of live crab was fixed and maintained at artifical and noncompetitive levels; (b) sellers of live crab were denied the benefits of free and open competition; and (c) competition in the purchase of live crab was restrained.

III. Explanation of Proposed Final Judgment

The United States and the defendants have stipulated that the Court may enter the proposed Final Judgment after compliance with the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h). The proposed Final Judgment provides that the entry of the Final Judgment does not constitute any evidence against or an admission by any party with respect to any issue of fact or law. Under the provisions of Section 2(e) of the Antitrust Procedures and Penalties Act, the proposed Final Judgment may not be entered until the Court determines that entry is in the public interest.

1. *Prohibited Conduct.* Section IV of the proposed Final Judgment prohibits each defendant processor from entering into, adhering to, participating in, maintaining, furthering, or enforcing, either directly or indirectly, any agreement, understanding, arrangement, plan, program, combination, or conspiracy with any processor to determine, establish, fix, raise, lower, maintain, or adhere to prices or other terms or conditions for the purchase or sale of live crab to be processed in the Dutch Harbor area. Section IV also prohibits the AMA from participating in any such agreement among Dutch Harbor processors.

Section V prohibits the defendants from engaging in certain communications and joint bargaining activities. Specifically, each defendant processor is prohibited from, directly or indirectly, communicating with any other processor operating in the Dutch Harbor area regarding: curent prices, future prices or anticipated changes in the prices of live crab to be processed in the Dutch Harbor area; prices discussed or to be discussed, or offers or counteroffers made or to be made by any party in live crab price negotiations; or strategy, timing, or conduct of such negotiations. Defendant processors are also prohibited from communicating with any non-Dutch Harbor processor regarding future prices, anticipated changes in prices, or current prices not yet posted, published, or announced on the radio, for live crab to be processed in the Dutch Harbor area. Although the conduct on which the complaint is based did not involve communications or agreements with processors outside the Dutch Harbor area, the relief provided by this provision of the proposed Final Judgment will ensure that the defendant processors do not in the future engage in such conduct. Finally, each defendant processor is prohibited from engaging in any form of joint or collective bargaining regarding prices to be paid for live crab in the Dutch Harbor area.

Section V prohibits the AMA from knowingly engaging in live crab price negotiations in which two or more processors participate jointly or collectively. The AMA is further prohibited from requesting, encouraging, or knowingly facilitating or assisting, in any way, the processors to engage in joint or collective bargaining concerning prices to be paid for live crab in the Dutch Harbor area.

2. *Permissible Business Transactions.* Section VI of the proposed Final Judgment makes clear that the Judgment would not prohibit the defendants from engaging in certain business transactions. First, each defendant processor is specifically permitted to negotiate and agree, individually, with any fishermen (defined as one or more fishermen or any cooperative association of fishermen, including the AMA) on the price paid for live crab. Second, each defendant processor may post, publish, or publicly announce by radio to prospective sellers of live crab the price it is currently willing to pay them for live crab. Third, each defendant processor may request, during live crab price negotiations, that a fisherman confirm orally or in writing any live crab price offers which it asserts it has received from any other Dutch Harbor processor. Each defendant processor is further permitted to seek or give verification of such live crab price offers from or to any other Dutch Harbor processor. However, such verification may not occur before the opening of the Bering Sea crab season, defined as the later of (i) the date set by the State of Alaska for the official opening of the season or, (ii) with respect to each defendant processor, the time at which such processor has agreed with the AMA or any successor association on the

price it will pay for the first delivery of live crab for that season or has announced its intention to pay a price previously agreed to between such association and any other Dutch Harbor processor. Moreover, verification of prices may be undertaken only by legal counsel for such processors and must be limited to a confirmation or denial of representations made by a seller of live crab as to the price which it has allegedly been offered by the processor from which verification is sought.

A fourth area of permissible business conduct, as specified in Section VI of the proposed Judgment, is the participation with other Dutch Harbor processors in joint government lobbying efforts. Fifth, each defendant processor may discuss with other Dutch Harbor processors common industry-wide or local issues, provided such discussions do not relate to prices to be paid for live crab. Sixth, each defendant processor may separately negotiate or enter into any bona fide, arm's length contract, agreement or understanding with another processor to sell or furnish live crab to that processor. However, prior to the opening of the Bering Sea crab season any price agreed upon between the two processors must be specified in terms of one of the following formulas, rather than a particular price: (i) the prevailing market price or the defendant processor's posted price at the time of delivery; (ii) a stated discount from such prevailing or posted price; or (iii) a stated premium or commission to be added to such prevailing or posted price. A further condition set upon such transactions is that the negotiations and sales transactions not be used to communicate or signal the price that either processor intends to pay any third party for live crab.

Seventh, Section VI of the proposed Judgment would specifically permit a processor defendant to own or operate jointly with another Dutch Harbor processor a shore-based processing facility or fishing/processing vessel, provided the defendant processor has at least a 20% ownership or participating interest, or to contract with the owner or operator of a processing or a fishing and processing vessel to process live crab for such defendant processor. Section VI would also allow a defendant processor and any other *non*-defendant processor to engage in any communications, transactions, or activities necessary for carrying out such arrangements.

Finally, Section VI makes clear that the prohibitions specified in Sections IV and V of the proposed Judgment would not apply to communications, transactions, or activities solely between Universal Seafoods and its affiliate, Dutch Harbor Seafoods (or any of their respective officers, directors, agents, or employees), unless the majority of the stock or substantially all of the assets of either company are transferred to persons not holding an ownership interest in the respective companies as of the date of entry of the Final Judgment.

The AMA is specifically permitted, under the terms of Section VI, to negotiate and agree on the price, terms or conditions of sale with any individual processor or other purchaser of live crab; to engage in any conduct authorized by the Fishermen's Collective Marketing Act; and to confirm orally or in writing to any defendant processor during price negotiations with such processor and upon its request, any price offers the AMA has received from any other Dutch Harbor processor.

3. *Affirmative Obligations.* Section VII of the Final Judgment imposes a number of affirmative obligations upon the defendants. With respect to the processor defendants, they must furnish a copy of the Final Judgment to (as well as obtain a written statement evidencing receipt by) each of their current (or successor) officers, directors, employees and agents who have managerial responsibility for or authority over determining prices to be paid for live crab to be processed in the Dutch Harbor area, or who engages in or has responsibility or authority over live crab price negotiations. Within sixty days after entry of the Final Judgment, each processor defendant must file an affidavit as to the fact and manner of its compliance with this obligation.

The AMA has similar obligations under Section VII, requiring it to furnish a copy of the Final Judgment to (as well as obtain a written statement evidencing receipt by) each of its members, officers, and directors, and to any employees who engage in or have responsibility or authority over negotiating prices for the sale of live crab to Dutch Harbor processors. It is also required to file an affidavit as to the fact and manner of its compliance.

Section VIII requires the defendants to initiate a compliance program for their respective employees and/or members. They are obliged to advise certain persons within their company or association of the requirements of this Final Judgment, of the criminal and civil penalties which may be imposed upon such person or defendant for violation of the Final Judgment, of the possible disciplinary action by the defendant such person may suffer for failure to comply with the Final Judgment, and of the fact that defendant's legal advisors are available to confer regarding compliance questions or problems.

Section VIII further requires each processor defendant, for a period of ten years, to furnish the Department of Justice with notice of any investment in any joint venture, joint buying arrangement, or joint ownership of any entity engaged in the purchase of live Bering Sea crab with any non-defendant Dutch Harbor processor. The report must identify the name and interests of the parties, a full description of the activities contemplated, the names of individuals with authority to set live crab purchase prices, and the manner in which the parties intend to allocate responsibilities for determining the price they will pay for such crab.

Section IX requires each defendant processor, as a condition of the sale of its Dutch Harbor assets, to obtain from the acquiring party its agreement to be bound by the provisions of this Final Judgment and to file such agreement with the Court. In the course of negotiations over the terms of the Final Judgment, the defendant processors urged that if any of them were placed in a position of bankruptcy or insolvency, a sale of its assets by a trustee or receiver would be significantly hampered by operation of Section IX. The Department agreed in this case, and advised the defendant processors by letter (*see* Attachment 1) that it will not seek to enforce this Final Judgment against an unrelated party that purchases the assets in a bankruptcy or insolvency proceeding, nor oppose a motion to release a defendant processor from the requirements of Section IX regarding a sale in such circumstances. The Department further advised, however, that it would not release a defendant processor from the obligation of the Judgment in the event the assets were sold to a related person, another defendant processor, or to any person or persons having a controlling interest in any defendant processor.

Section IX also requires the members of the AMA, as a condition to joining any successor association, that such association agrees to be bound by the Final Judgment and file such agreement with the Court.

Finally, under Section X of the Final Judgment, the Justice Department will have access, upon reasonable notice to each defendant's records and personnel in order to determine each defendant's compliance with the Judgment.

4. *Scope of Proposed Judgment.* The proposed Final Judgment will remain in effect for a period of ten (10) years from the date of entry. It applies to each defendant and to all other persons in active concert or participation with any of them who shall have received actual notice of the Final Judgment by personal service or otherwise.

5. *Effect of the Proposed Judgment on Competition.* The relief in the proposed Final Judgment is designed to prevent any recurrence of the activities alleged in the complaint. The prohibitive language of the Judgment is designed to ensure that each defendant processor will act independently in determining prices, terms and conditions at which it will purchase live raw crab, and that the defendant association will not participate in or encourage price negotiations with more than one processor at a time. The affirmative obligations are designed to ensure that each defendant's employees are aware of their obligations under the decree in order to avoid a repetition of behavior that occurred.

The Department of Justice believes that the proposed Final Judgment contains adequate provisions to prevent further violations by the defendants of the type upon which the complaint is based. The Department believes that disposition of the lawsuit without further litigation is appropriate because the proposed Judgment provides all the relief which the United States sought in its complaint, and the additional expense of litigation would not result in additional public benefit.

IV. Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act (15 U.S.C. 15) provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages suffered, as well as costs and reasonable attorneys' fees. Entry of the proposed Final Judgment will neither impair nor assist the

bringing of such action. Under the provisions of Section 5(a) of the Clayton Act (15 U.S.C. 16(a)), the Judgment has no *prima facie* effect in any subsequent lawsuits that may be brought against these defendants.

V. Procedures Available for Modification of the Proposed Judgment

As provided by the Antitrust Procedures and Penalties Act, any person believing that the proposed Final Judgement should be modified may submit written comments to Joel E. Leising, Attorney, Antitrust Divison, United States Department of Justice, Washington, D.C. 20530, within the 60-day period provided by the Act. These comments, and the Department's responses, will be filed with the Court and published in the **Federal Register**. All comments will be given due consideration by the Department of Justice, which remains free to withdraw its consent to the proposed Judgment at any time prior to entry. The Judgment provides that the Court retains jurisdiciton over this action, and the party may apply to the Court for any order necessary or appropriate for its modification, interpretation or enforcement.

VI. Alternatives to the Proposed Final Judgment

The Department considers the substantive language of the Judgement to be of sufficient scope and effectiveness to make litigation on relief unnecessary, as the Judgment provides all relief which reasonably could have been expected after trial.

VII. Determinative Materials and Documents

No materials or documents were considered determinative by the United States in formulating the proposed Final Judgment. Therefore, none are being filed pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b).

Respectfully submitted,

Joel E. Leising, Kenneth P. Freiberg, Carolyn G. Mark, Eric L. Wilson, *Attorneys, Department of Justice, Antitrust Divison, 10th & Pennsylvania Ave., NW., Washington, D.C. 20530, Telephone: (202) 633-4428.*

Dated: ————.

Attachment 1

CSS:JEL
60-11-110

[Sent to each defendant processor].

Re: *United States* v. *Pan-Alaska Fisheries, Inc. et al.*

Dear ————: In connection with the above-captioned suit, and the proposed Final Judgment to be filed in the U.S. District Court for the Western District of Washington, you have expressed concern about Section IX of that Judgment whereby a defendant processor must require that any purchaser of all, or substantially all, of its Dutch Harbor processing assets agree, as a condition of sale, to be bound by the provisions of the Final Judgment. In particular, you have expressed concern that if your client were placed in a position of bankruptcy or insolvency, a sale of its assets by a trustee or receiver would be significantly hampered by operation of this Section of the Judgment.

The purpose of this letter is to advise you that in the circumstances of this case, the Department of Justice will not seek to enforce the Final Judgment entered in *United States* v. *Pan-Alaska Fisheries, Inc., et al.* with respect to a sale of assets to an unrelated person in a bankruptcy or an insolvency proceeding; nor will the Department oppose a motion to release a defendant processor from the requirements of Section IX of the Final Judgment with respect to a sale in such circumstances. It would not, however, be our intention to release a defendant processor from the obligations of Section IX in the event the assets were sold to a related person, defendant processor, or to any person or persons having a direct or indirect controlling interest in any defendant processor.

Sincerely yours,

Charles S. Stark,

Chief, Foreign Commerce Section, Antitrust Division.

[FR Doc. 82-18876 Filed 7-12-82; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree in Action to Enjoin Discharge of Water Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 CFR Part 1902, notice is hereby given that a proposed stipulation for entry of judgment in *United States* v. *Standard Metals Corporation*, Civil Action No. 81-C-489, was lodged with the United States District Court for the District of Colorado on June 14, 1982. The proposed decree requires the Standard Metals Corporation to pay a civil penalty for alleged violations of the Clean Water Act, 33 U.S.C. 1251 *et seq.*, at its Sunnyside Mine and Mayflower Mill near Silverton, Colorado.

The Department of Justice will receive on or before August 12, 1982, written comments relating to the proposed judgment. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States* v. *Standard Metals Corp.*, D. J. Ref. 90-5-1-1-1208.

The proposed consent decree may be examined at the Region VIII office of the United States Environmental Protection Agency, Enforcement Division, 1860 Lincoln Street, Denver, Colorado 80203; and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1515, Ninth and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice.

Anthony C. Liotta,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 82-18790 Filed 7-12-82; 8:45 am]

BILLING CODE 4410-01-M

Office of Juvenile Justice and Delinquency Prevention

National Institute for Juneville Justice and Delinquency Prevention Research Program on Serious and Violent Juvenile Crime

AGENCY: Office of Juvenile Justice and Delinquency Prevention (OJJDP), Justice.

ACTION: Response to Public Comment and Final Serious and Violent Juvenile Crime Research Plan.

SUMMARY: The National Institute for Juvenile Justice and Delinquency Prevention (NIJJDP) of the Office of Juvenile Justice and Delinquency Prevention, (OJJDP) published a draft announcement for its Program of Research on Serious and Violent Juvenile Crime in the **Federal Register** on March 17, 1982. (47 FR 11579). This notice consists of a summary of the public comments received on the draft program plan, responses to those comments, and the final program plan.

FOR FURTHER INFORMATION CONTACT:

Ms. Pamela Swain, Program Manager, Research and Program Development on Serious and Violent Juvenile Crime.

National Institute for Juvenile Justice and Delinquency Prevention, Office of Junvenile Justice and Delinquency Prevention, 633 Indiana Avenue NW., Room 700, Washington, D.C. 20531.

SUMMARY OF COMMENTS AND OJJDP'S RESPONSE: The National Institute for Juvenile Justice and Delinquency Prevention received 15 responses to the request for comments on the draft Serious and Violent Juvenile Crime Research Plan.

Comments were received from representatives of local governments, universities and private organizations. In general, the comments were very favorable. Most of the respondents indicated they were pleased with the overall scope of the program.

1. *Integration of information.*

Comment—It is not clear how the information from the various projects will be integrated.

NIJJDP Response—The NIJJDP developed the Assessment Centers Program in 1977. The purpose of this program is to establish the state-of-the-

art in research and programming in juvenile justice and delinquency prevention, and to continually update that assessment by incorporating the results of research sponsored by NIJJDP and other organizations. NIJJDP feels it is essential that research be a carefully coordinated, cumulative process. The Assessment Centers and internal program development work within NIJJDP/OJJDP help greatly to ensure that information from the various projects will be integrated.

2. *Monitoring of national trends in serious and violent juvenile crime.*

Comment—Regional and local differences may be masked by national level data. Also, differences between the problems of various types of jurisdictions are not acknowledged.

NIJJDP Response—NIJJDP recognizes the importance of examining the juvenile crime problem on both national and local levels. For example, studies are currently underway or planned in Philadelphia, Pennsylvania; Racin, Wisconsin; Los Angeles, California. NIJJDP agrees that it is important to expand the development of information on trends in serious and violent juvenile crime in diverse localities to the fullest extent possible. Limited resources preclude rapid accomplishment of this objective.

3. *Application of research results.*

Comment—Additional "basic" research is not required. Results of research should be applied to prevention and to the control of delinquency through system improvement.

NIJJDP Response—It is essential to apply the results of the most recent "basic" research to the development and testing of programs and strategies to prevent and control delinquency. However%, it is also important to continue to expand the knowledge base that is available to inform the development of more effective programs. NIJJDP has attempted to address both of these needs in the research plan.

4. *Use of existing data bases.*

Comment—Several respondents emphasized the value and efficiency of fully utilizing existing data bases.

NIJJDP Response—NIJJDP agrees with this comment, as exemplified by several projects in the plan. Also a project has been added which involves further analysis and expansion of a data base on a cohort of violent juvenile offenders in Columbus, Ohio.

5. *Recommendations for additional research.*

Comment—Some respondents offered suggestions for additional research under several of the five major areas.

NIJJDP Response—The suggestions will be carefully considered in developing the FY 1983 program plan for research and development on serious and violent juvenile crime.

SUPPLEMENTAL INFORMATION:

Introduction

The Juvenile Justice and Delinquency Prevention (JJDP) Act was amended in 1980 to provide for increased attention to the problem of serious and violent juvenile crime. The National Institute for Juvenile Justice and Delinquency Prevention research program on serious and violent crime is designed to address the provisions of the JJDP Act and the recommendations of the Attorney General's Task Force on Violent Crime. Serious and violent crimes include criminal homicide, forcible rape, mayhem, kidnapping, aggravated assault, robbery, larceny or theft punishable as a felony, motor vehicle theft, burglary or breaking and entering, extortion accompanied by threats of violence and arson punishable as a felony (Section 103(14) of the JJDP Act). The goal of the program is to develop sound information to guide Federal, state and local policy making and practitioners in allocating limited resources to prevent and control serious and violent juvenile crime.

Program

The NIJJDP FY 1982 workplan for research on serious and violent juvenile crime is designed to build upon the information base which has been developed over the past six years.

The major objectives of the research program are:

(1) To improve our understanding of the causes of serious and violent juvenile crime, and of serious and violent career patterns, and to improve our capability to predict serious and violent criminal behavior.

(2) To monitor trends in juvenile involvement in serious and violent crime.

(3) To improve our understanding of the determinants of police, prosecutor, court and correctional policy and practices for reducing serious and violent juvenile crime, and of the effects of these policies and practices.

(4) To determine the effectiveness of juvenile justice system and alternative programs in reducing serious and violent juvenile crime.

(5) To determine the effectiveness of programs designed to prevent serious and violent juvenile crime.

To achieve these objectives, the program is focused on specific topic areas: Extent and Nature of Juvenile Involvement in Serious and Violent Crime, Factors Related to Involvement in Serious and Violent Crime and Delinquent Career Patterns, Prevention of Serious and Violent Crime, Juvenile Justice System, and Alternatives to the Juvenile Justice System.

A. Extent and Nature of Juvenile Involvement in Serious and Violent Crime

Projects in this area are designed to monitor national trends in the volume, distribution and patterns of serious and violent juvenile crime. The major sources of national data are the Uniform Crime Reports (arrests), National Crime Survey (victimizations) and self-report surveys.[1] Although each type of national data has its limitations, together the major data sets provide the most accurate picture available of serious and violent youth crime in this Country. The following projects will likely be continued in FY 1982:

(1) Analysis of the National Crime Victimization Survey (NCS) Data to Study Serious Delinquent Behavior.

The NIJJDP supported analyses of the NCS data for 1973 to 1977 focused on trends and characteristics of serious and violent juvenile crime *(Analysis of National Crime Victimization Survey Data to Study Serious Delinquent Behavior*—five monographs, Hindelang et. al., 1981). This project consists of updating selected analyses of the victimization data for the years 1977–1980. Changes in the rates, seriousness and types of juveniles and victims involved in the personal crimes of rape, robbery, assault and personal larceny will be analyzed.

(2) Analyses of the UCR 1980–81 Arrest Data.

The analysis of national arrest data focuses on the amount of serious and violent crime attributable to juveniles, juvenile involvement in different types of crimes, and changes in their involvement from year to year. These analyses will be conducted by the NIJJDP Assessment Center on the Juvenile Justice System.

B. Factors Related to Juvenile Involvement in Serious and Violent Crime and Delinquent Career Patterns

Studies in this area focus on identifying the correlates and causes of the onset, duration, and intensity of serious and violent deliquency among youth. They are aimed at identifying characteristics of the chronic juvenile

[1] The NIJJDP has jointly funded nationwide self-report surveys of delinquency and drug use with NIMH since 1977. It is our understanding that the Center anticipates providing funds to continue this survey.

offender and improving our ability to predict future involvement in serious and violent crime. Projects likely to be continued in FY 1982 include:

(1) Delinquency In a Birth Cohort–II.

This is a replication of the landmark 1945 Philadelphia birth cohort study (*Delinquency in a Birth Cohort*, Wolfgang, et. al., 1972) based on a 1958 birth cohort of 29,000 males and females. Factors which influence the initiation, continuation or cessation of juvenile involvement in crime are being investigated.

(2) Study of the Relationship of Juvenile Delinquent Careers to Adult Criminal Careers.

This project is based on three birth cohorts in Racine, Wisconsin (*Assessing the Relationship of Adult Criminal Careers to Juvenile Careers*, Shannon, 1980). This phase consists of a more intensive analysis of serious offenders whose criminal careers developed in neighborhoods with high rates of crime and delinquency.

(3) Follow-up to the *The Violent Few*.

This project is based on the chronic offenders (350–400) in a cohort study of youth who were arrested for violent offenses in Columbus, Ohio. (*The Violent Few*, Hamparian et. al., 1978). Data on felony arrests as adults will be collected, and an analysis of the patterns of arrests and dispositions received by these offenders during the course of their delinquent and criminal careers will be conducted. Dispositions and other factors which are related to continuation or cessation of violence will be identified.

New Project

(1) Community-level study of the Development and Maintenance of Chronic Serious and Violent Juvenile Criminal Careers.

The major purposes of this project will be to expand knowledge of the causes of chronic, serious and violent juvenile crime, and to improve our ability to predict involvement in serious and violent crime. A growing tradition of research has identified the community as an important factor in the development of delinquent careers (Shaw and McKay, 1942; Miller, 1957; Cloward and Ohlin, 1960; Puntil and Schwartz, 1978; Weis and Sederstrom 1981). This study (or studies) will include an intensive study of community characteristics related to serious and violent juvenile crime. In addition, it will be designed to maximize comparability with previous longitudinal studies of the development of delinquent careers.

C. Prevention of Serious and Violent Juvenile Crime

Prevention is generally regarded as the most efficient and effective method for dealing with serious and violent youth crime. Responsibility for preventing juveniles from becoming involved in serious and violent crime rests with the family, school, peers and the community. Studies in this area are aimed at developing more effective community-based strategies and improving the response of the basic socializing institutions to youth. The following projects will likely be continued in FY 1982:

(1) Prevention Research and Development Program.

This program is designed to test, using experimental techniques, a comprehensive program model for preventing all types of delinquency (*Preventing Delinquency*, Weis and Hawkins, 1979). The major objective is to improve the socialization role performed by the family, school, peers and the community. The model is based on a four year analysis of previous research, theoretical work and a national survey of prevention programs.

(2) Violent Offender R&D Program Part II—The Prevention of Violent Juvenile Crime.

A neighborhood-based program for preventing and controlling violent crime by youth is being developed and will be evaluated. It is designed to identify effective methods for organizing residents to increase their capability to prevent violent crime by youth in their neighborhoods. Specific intervention strategies will be implemented by neighborhood groups and evaluated.

D. Juvenile Justice System

Studies in this area are designed to identify the effects of legal, organizational, community and client characteristics on justice system processing of the serious and violent juvenile offender. The relationships between juvenile court contacts and later criminal court involvement are being studied nationwide and in selected jurisdictions. In addition, the effects of alternative policies and practices for handling these offenders are assessed, and techniques for ensuring swift processing and appropriate dispositions are developed and evaluated. One project will likely be continued in FY 1982:

(1) Comparison of Juvenile and Criminal Court Processing and Dispositions for Serious and Violent Juvenile Offenders.

This study represents phase two of research on the transfer of juveniles to criminal court. The first phase consisted of a nationwide survey to assess the number of youths affected, to identify the various transfer mechanisms and to assess the legal history of the use of transfer in this country (*Youth In Adult Courts*, Hamparian, et. al.). The second phase will involve an examination of the prevalent assumption that youth tried in adult courts received longer, more severe sentences than if they are tried in juvenile courts.

New Projects

(1) Analysis of Los Angeles County Justice System Data.

Based in part on NIJJDP support, the University of Southern California has accumulated an unprecedented data set of juvenile and criminal justice system records which can be used to identify the correlates of persisting criminality. The first phase will be based on the records of all serious juvenile offenders (2,600 cases) petitioned to juvenile court for an eighteen month period centering on the 1950 census date. The analyses will focus on continuities between juvenile and adult criminal careers over a thirty year period (1950–1980).

(2) Analysis of National Juvenile Court Case Data.

This project will be designed to analyze justice system processing of serious and violent juvenile offenders nationwide. Detailed court histories, based on case files from 1975–1980 of juveniles charged with serious offenses, will be developed and analyzed. Patterns of offenses and sanctions will be studied to determine the effects of justice system intervention, e.g., continuation of cessation of delinquent or criminal careers.

(3) Study of the Impact of Juvenile Court Interventions.

The major question to be addressed is: what levels of court intervention are most effective in reducing delinquent behavior, and for what types of youth? The design will provide for a rigorous experimental test of the effects of varying levels of probation supervision and services. Also, comparison samples of institutional placements and fine or restitution orders will be studied. A cost analysis of the various levels of intervention will be performed.

E. Alternatives to the Traditional Juvenile Justice System

Projects in this area are designed to develop information on two levels: (1) effective composition and organization of state and local juvenile correctional systems for handling serious and violent juvenile offenders; and (2) identification of effective program approaches which

both help to ensure public safety and to more effectively rehabilitate the serious and violent juvenile offender. Projects likely to be continued in FY '82 include:

(1) National Evaluation of Juvenile Restitution Projects.

The national evaluation of this major OJJDP discretionary initiative will likely be supplemented to support the preparation of final reports on the relationships between program characteristics and performance measures, and to complete the data collection and analyses in the six experimental sites. Information on the effects of restitution on offender recidivism and victim satisfaction will likely be developed.

(2) Study of the Secure Care System in Massachusetts.

This research will be supplemented to complete a study of the critical linkages between secure care and community-based programs for juvenile offenders. It is also aimed at identifying approaches for increasing community capability to reintegrate juvenile offenders by enhancing legitimate opportunities for youth. The results of this research are being applied in designing and testing the R&D program described below.

(3) Violent Offender Research and Development Program—Part I.

This R&D program is designed to test the effectiveness of a correctional system of graduated sanctions, including a range of community reintegration services, organized by a continuous case management system. (*Violent Juvenile Offender Program*, April, 1981). The target population for this program is juveniles who have been adjudicated or convicted of at least two violent offenses, or those who have been convicted once of homicide.

Charles A. Lauer,

Acting Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 82-18789 Filed 7-12-82; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period June 28, 1982—July 2, 1982.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-12,123; Brown Shoe Co., Houston, MO

TA-W-12,096; Goodyear Tire & Rubber Co., St. Mary's, OH

TA-W-12,538; Federal Screw Works, Romulus, MI

TA-W-12,539; Federal Screw Works, Detroit, MI

TA-W-12,166; Brown Shoe Co., St. Louis, MO

TA-W-12,671; Brown Shoe Co., Ironton, MO

TA-W-12,259; Mari Bar Industries, Deer Park, NY

TA-W-12,441; Pierette Fashions, North Bergen, NJ

TA-W-12,385; Baker Material Handling Corp., Tiedeman Road Plant, Cleveland, OH

TA-W-12,309; Camden Casting Center, Camden, TN

In the following case the investigation revealed that criterion (3) had not been met. Increased imports did not contribute importantly to workers separations at the firm.

TA-W-12,334; Gillette Industries, Inc., LaCrosse, WI

In the following case the investigation revealed that criterion (3) had not been met for the reason specified.

TA-W-12,726; HRH Knitting, Jersey City, NJ

Aggregate U.S. imports of finished fabric did not increase as required for certification.

Affirmation Determinations

TA-W-12,413; Yearite Bunny Knit Sportwear, Inc., Bohemia, NY

A certification was issued in response to a petition received on March 3, 1981 covering all workers separated on or after February 25, 1980 and before January 2, 1981.

TA-W-12,573; Fur Modes, Inc., Jersey City, NJ

A certification was issued in response to a petition received on March 9, 1981 covering all workers separated on or after October 4, 1980.

TA-W-12,592; Climette, Inc., New York, NY

A certification was issued in response to a petition received on April 3, 1981 covering all workers separated on or after October 1, 1980 and before June 30, 1981.

TA-W-12,659; E. Norris Brown Co., Inc., Whitman, MA

A certification was issued in response to a petition received on April 27, 1981 covering all workers engaged in employment related to the production of wooden fan blades who became totally or partially separated from employment on or after March 28, 1981.

TA-W-12,663; Precision Woodcraft, Inc., East Bridgewater, MA

A certification was issued in response to a petition received on April 27, 1981 covering all workers separated on or after October 14, 1980.

I hereby certify that the aforementioned determinations were issued during the period June 28, 1982–July 2, 1982. Copies of these determinations are available for inspection in Room 10,332, U.S. Department of Labor, 601 D Street NW, Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: July 6, 1982.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 82-18909 Filed 7-12-82; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

[Docket No. M-82-66-C]

Cardinal Resources, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Cardinal Resources, Inc., P.O. Box 626, London, Kentucky 40741 has filed a petition to modify the application of 30 CFR 75.1102 (slippage and sequence switches) to its Mine No. 18 (I.D. No. 15-10556) located in Leslie County, Kentucky. 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 underground belt conveyors be equipped with slippage and sequence switches.

(2) As an alternative method to installing slippage and sequence switches on the underground belt conveyors, the petitioner proposes to:

(a) Station an employee in the vicinity of each belt drive during the shift that the belts are running;

(b) Install a mine phone at each belt drive; and

(c) Provide a manually operated start-stop switch at each belt transfer point.

3. Petitioner states that this alternative method will provide a greater degree of safety for the miners affected than that afforded by the standard, because an employee can detect a malfunction at the belt drive much faster than a slippage or sequence switch can activate.

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 August 12, 1982. Copies of the petition are available for inspection at that address.

Dated: July 7, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-18913 Filed 7-12-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-62-C]

Clinchfield Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Clinchfield Coal Company, P.O. Box 7, Dante, Virginia 24237 has filed a petition to modify the application of 30 CFR 75.1710 (cabs and canopies) to its Moss No. 4 Mine (I.D. No. 44-01644), Moss No. 4A Mine (I.D. No. 44-04817), Training Mine (I.D. No. 44-0445), McClure No. 1 Mine (I.D. No. 44-04251), Splashdam Mine (I.D. No. 44-00269), Open Fork Mine (I.D. No. 44-00267), Maple House Branch Mine (I.D. No. 44-04937), and McClure No. 2 Mine (I.D. No. 44-04946), all located in Dickenson County, Virginia; its Wilder Mine (I.D. No. 44-03686) located in Russell County, Virginia, and its Lambert Fork Mine (I.D. No. 44-00241), located in Buchanan County, 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 cabs or canopies be installed on the mine's electric face equipment.

2. The coal seams at the various mines range in height from 40 to 72 inches, 38 to 60 inches, 40 to 72 inches, 36 to 76 inches, 36 to 72 inches, 32 to 48 inches, 30 to 84 inches, 20 to 120 inches, and 24 to 72 inches. Each mine has undulating top and bottom conditions, creating rolls in the coal seam.

3. Petitioner states that application of the standard would result in a diminution of safety for the miners affected because the canopies could strike and dislodge the roof support system. In addition, the canopy creates a cramped operator compartment, which limits visibility and causes operator fatigue, increasing the chances for an accident.

4. 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 August 12, 1982. Copies of the petition are available for inspection at that address.

Dated: July 7, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-18912 Filed 7-12-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-59-C]

Jim Walter Resources, Inc.; Petition for Modification of Application of Mandatory Safety Standard

Jim Walter Resources, Inc., P.O. Box C-79, Birmingham, Alabama 35283 has filed a petition to modify the application of 30 CFR 75.309 (return air; tests and adjustments) to its No. 4 Mine (I.D. No. 01-01247) located in Tuscaloosa County, Alabama. 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 return air sections be examined for methane and changes or adjustments in air flow be made as necessary.

2. As an alternative method, petitioner proposes that:

(a) A methane monitor, utilizing a methane sensor approved by the Secretary, will be installed in section return airways as designated in the mine's ventilation system and methane and dust control plan;

(b) The methane monitor will activate an alert signal at the working section when it detects methane concentrations in excess of 1.6 volume per centum;

(c) The methane monitor, upon activation at 1.9 volume per centum of methane, will cut off electric power at the vacuum breaker to the affected section;

(d) Upon de-energizing the power to the affected section, steps will be taken to improve ventilation until the methane concentration decreases to less than 1.5 volume per centum, at which time power to the section may be restored;

(e) Should the methane monitor be affected by power failure or otherwise malfunction, petitioner will continuously monitor the return air using a qualified person with a permissible methane detector who will immediately de-energize the vacuum breaker when the methane content in the air current exceeds 1.9 volume per centum;

(f) Each methane monitor will be visually examined at least once each working day. Monitors will also be examined weekly for proper operations of safety features. To maintain operating accuracy, monitors will be calibrated with a known concentration of methane every 30 days;

(g) When the methane level exceeds 1.0 volume per centum in the return air course where a continuous mining machine is in operation, petitioner will use a trickle rock dusting machine to insert float coal dust in the affected return split of air; and

(h) To maintain methane concentrations in the return aircourses at less than 1.9 volume per centum, petitioner will control leakage of intake air through selected stoppings separating intake and return aircourses.

3. Petitioner states that the alternative method outlined above will provide the same degree 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 August 12, 1982. Copies of the petition are available for inspection at that address.

Dated: July 7, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-18914 Filed 7-12-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-39-C]

Van Mulvehill Coal Co., Inc.; Petition for Modification of Application of Mandatory Safety Standard

Van Mulvehill Coal Company, Inc., Route 1, Box 245-A, Trafford, Alabama 35172 has filed a petition to modify the application of 30 CFR 75.1405 (automatic couplers) to its Black Creek No. 1 Mine (I.D. No. 01-02004) located in Jefferson County, Alabama. 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 all haulage equipment be equipped with automatic couplers which couple by impact and uncouple without the necessity of people going between the ends of such equipment.

2. Haulage cars are regularly coupled and uncoupled at the loading points underground and the dumping point outside. Because of the track curvature and undulating bottom, petitioner states that it is necessary that the coupling link used between cars be free to move vertically over a wide range of track variations and proposes this as an alternative method. Most coupling and uncoupling is done when the cars are uncoupled from the locomotive. The grades are nearly level; the cars are light weight and can easily be pushed by hand. Petitioner states that there is little possibility of any injury during coupling or uncoupling, and states that their coupling procedures are practical and safe as can be made for this operation, and will provide the same measure of protection afforded by the standard.

3. 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 August 12, 1982. Copies of the petition are available for inspection at that address.

Dated: July 7, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-18911 Filed 7-12-82; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-82-63-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 75.1710 (cabs and canopies) to its Sewell No. 1 Mine (I.D. No. 46-01478), Sewell No. 1-A Mine (I.D. No. 46-03859), and Sewell No. 4 Mine (I.D. No. 46-01477), all located in Nicholas County, West Virginia; and its Meadow River No. 1 Mine (I.D. No. 46-03467), located in Fayette 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 cabs or canopies be installed on the mine's electric face equipment.

2. The coal seams at the various mines range in height from 39 to 84 inches, 20 to 96 inches, 21 to 144 inches, and 36 to 54 inches. Each mine has undulating top and bottom conditions.

3. Petitioner states that application of the standard would result in a diminution of safety for the miners affected because:

a. The canopies cause cramped and awkward operator positions, limit visibility, and result in operator exposure to hazards of nearby mining equipment; and

b. The canopies could strike and dislodge the roof support system.

4. 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 August 12, 1982. Copies of the petition are available for inspection at that address.

Dated: July 7, 1982.

Patricia W. Silvey,

Acting Director, Office of Standards, Regulations and Variances.

[FR Doc. 82-18910 Filed 7-12-82; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Connecticut State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On November 3, 1978, notice was published in the **Federal Register** (43 FR 51389) of the approval of the Connecticut Plan for Public Employees Only and the adoption of Subpart E to Part 1952 containing the decision.

The Connecticut plan provides for the adoption of Federal Standards as State standards (by reference after public hearing). Section 1952.40 of Subpart E sets forth the State's schedule for adoption of Federal standards. By letter dated November 23, 1981 from P. Joseph Peraro, Commissioner of the Connecticut Department of Labor to Edwin J. Riley, Jr., Assistant Regional Administrator for Federal and State Operations, and incorporated as part of the plan, the State submitted the following State Standards comparable to Federal Standards:

(a) 29 CFR 1910.20—Access to Employee Exposure and Medical Records, dated 5-23-80

(b) 29 CFR 1910.423—Commercial Diving Operations, dated 6-20-80

(c) 29 CFR 1910.1043—Occupational Exposure to Cotton Dust in Warehousing and Classing Industries, dated 7–29–80
(d) 29 CFR 1910.20—Access to Employee Exposure and Medical Records, dated 8–15–80
(e) 29 CFR 1910.35, .37, .38, .107–.109, .155–.165b—Fire Protection; Means of Egress; Hazardous Materials, dated 9–12–80
(f) 29 CFR 1910.1043—Occupational Exposure to Cotton Dust, dated 9–30–80
(g) 29 CFR 1910.1043—Occupational Exposure to Cotton Dust, dated 10–10–80
(h) 29 CFR 1910.1043—Occupational Exposure to Cotton Dust, dated 12–30–80
(i) 29 CFR 1910.95—Occupational Noise Exposure; Hearing Conservation Amendment, dated 1–16–81
(j) 29 CFR 1910.301–.399—Electrical Standards, dated 1–16–81
(k) 29 CFR 1910.1025—Occupational Exposure to Lead, dated 1–21–81
(l) 29 CFR 1910.1025—Occupational Exposure to Lead, dated 2–6–81
(m) 29 CFR 1910.1025—Occupational Exposure to Lead, dated 3–3–81
(n) 29 CFR 1910.1025—Occupational Exposure to Lead, dated 3–27–81
(o) 29 CFR 1910.95—Occupational Noise Exposure; Hearing Conservation Amendment, dated 4–10–81
(p) 29 CFR 1910.20—Access to Employee Exposure and Medical Records; Construction Industry; Administrative Stay, dated 4–28–81
(q) 29 CFR 1910.1025—Occupational Exposure to Lead; Supplemental Statement of Reasons and Amendment of Standard, dated 4–28–81
(r) 29 CFR 1910.Subpart L—Fire Protection; Means of Egress; Hazardous Materials, dated 5–1–81
(s) 29 CFR 1910.1025—Occupational Exposure to Lead, New Trigger Levels for Medical Removal Protection, dated 5–1–81
(t) 29 CFR 1910.500—Guarding of Low-Pitched-Roof Perimeters During the Performance of Built-Up Roofing Work, dated 11–14–80
(u) 29 CFR 1910.1043—Occupational Exposure to Cotton Dust; Cotton Waste Processors and Users, dated 1–26–79
(v) 29 CFR 1910.1025—Occupational Exposure to Lead; Notice of Partial Stay, dated 3–13–79
(w) 29 CFR 1910.1025—Occupational Exposure to Lead; Corrections to Preamble, dated 4–6–79
(x) 29 CFR 1910.1025—Occupational Exposure to Lead, dated 8–28–79
(y) 29 CFR 1910.1025—Occuaptional Exposure to Lead; Appendices to Standard, dated 10–23–79
(z) 29 CFR 1910.1025—Occupational Exposure to Lead, dated 11–30–79
(aa) 29 CFR 1910.177—Servicing Multi-Piece Rim Wheels; Procedures, dated 1–29–80
(bb) 29 CFR 1910.217—Mechanical Power Presses, dated 2–8–80
(cc) 29 CFR 1910.1043—Occupational Exposure to Cotton Dust; New Effective Dates, dated 2–26–80

The first group of the above standards (a) through (t), which are contained in Connecticut Occupational Safety and Health Standards Sections 31–372–101–1910 and 31–372–107–1926 were initially adopted under the State emergency procedure on October 9, 1980 with subsequent extensions. The notice of intent to permanently adopt all of the above standards was published in the Connecticut Law Journal on June 9, 1981. All of the above listed standards were approved by the Legislative Regulation Review Committee, filed with Secretary of the State and became effective on October 29, 1981. On November 17, 1981 notice of the adoption was published in the Connecticut Law Journal. No requests for hearing were made during the adoption process.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standards it has been determined that the State standards are identical to the Federal standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, 16–18 North Street, 1 Dock Square Building, 4th Floor, Boston, Massachusetts 02109; Connecticut Department of Labor, 200 Folly Brook Boulevard, Wethersfield, Connecticut 06109; Director, Federal Compliance and State Programs, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N–3617, Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Connecticut Plan for Public Employees Only as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal law including meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective July 13, 1982.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Boston, Massachusetts this 5th day of February 1982.

Donald E. MacKenzie,

Regional Administrator.

[FR Doc. 82–18908 Filed 7–12–82; 8:45 am]

BILLING CODE 4510–26–M

Utah State Standards; Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under the delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State Plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 10, 1973, notice was published in the **Federal Register** (38 FR 1178) of the approval of the Utah Plan and the adoption of Subpart E to Part 1952 containing the decision.

The Utah Plan provides for the adoption of Federal Standards as State Standards by:

1. Advisory Committee recommendation.

2. Publication in newspapers of general/major circulation with a 30-day waiting period for public comment and hearing(s).

3. Commission order adopting the standards and designating an effective date.

4. Providing certified copies of Rules and Regulations or Standards to the Office of the State Archivist.

Section 1952.113 sets forth the State's schedule for adoption of Federal Standards. By letter dated January 7, 1982 and February 24, 1982 from Ronald L. Joseph, Administrator, Utah Occupational Safety and Health Division, to Curtis A. Foster, Regional Administrator, and incorporated as part of the Plan, the State submitted rules

and regulations concerning 29 CFR Part 1910, Occupational Noise Exposure, Friday, January 16, 1981 (46 FR 4161) and Friday, August 21, 1981 (46 FR 42633) (amended). These standards which are contained in the Utah Occupational Safety and Health Rules and Regulations for General Industry, were promulgated per the requirements of Utah Code annotated 1953, Title 63–46–1, and in addition, published in newspapers of general/major circulation throughout the State. No public comment was received and no hearings held.

The Standards for 29 CFR 1910.95, Occupational Noise Exposure, were adopted by the Industrial Commission of Utah, Archives File Number 5260 on January 14, 1982, effective on February 4, 1982 pursuant to Title 35–9–6 Utah Code annotated 1953.

2. *Decision.* The State submission having been reviewed in comparison with the Federal Standards, it has been determined that the State Standards are identical to the Federal Standards and accordingly should be approved.

3. *Location of supplemental for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Room 1554, Federal Office Building, 1961 Stout Street, Denver, Colorado 80294; Utah State Industrial Commission, UOSHA Offices at 448 South 400 East, Salt Lake City Utah 84111; and Office of State Programs, Occupational Safety and Health Administration, Room N–3613, 3rd and Constitution Ave. NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Utah State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

The Standards were adopted in accordance with the procedural requirements of State law which permitted public comments, and further public participation would be repetitious.

This decision is effective July 13, 1982.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Denver, Colorado this 2nd day of April 1982.

H. C. Borchelt,

Acting Regional Administrator.

[FR Doc. 82–18907 Filed 7–12–82; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978, Pub. L. 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at Title 45 Part 670 of the Code of Federal Regulations.

DATE: Interested parties are invited to submit written data, comments, or views with respect to these permit applications by August 13, 1982. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESS: Comments should be addressed to Permit Office, Room 627, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 357–7934.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Public Law 95–541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain mammals and certain geographic areas as requiring special protection. The regulations establish such a permit system and designate Specially Protected Areas and Sites of Special Scientific Interest. The regulations appeared in final form in the 7 June 1979 **Federal Register.** They were effective 1 July 1979.

The purpose of the regulations is to conserve and protect the mammals, birds, and plants of Antarctica and the ecosystem upon which they depend. To that end, unless the following activities are specifically authorized by permit, it is unlawful:

- to take any mammal or bird native to Antarctica (note that "take" means "to remove, harass, molest, harm, pursue, hunt, shoot, wound, kill, trap, capture, restrain, or tag" any native mammal or bird or to attempt to engage in such conduct)
- to collect any plant native to Antarctica in specially protected areas
- to enter any Specially Protected Area or certain Sites of Special Scientific Interest
- to import into or export from the United States any mammal or bird native to Antarctica or any plant collected in a Specially Protected Area
- to introduce to Antarctica any nonindigenous plant or animal.

The Antarctic Conservation Act of 1978 mandates civil and criminal penalties for noncompliance with the regulations.

All mammals and birds normally found in Antarctica, excluding whales regulated by the International Whaling Commisson, are designated as native mammals or native birds. Activities involving these mammals or birds require a permit. Areas of outstanding ecological interest are designated as Specially Protected Areas. No one may enter these areas or collect any native plants in these areas without a permit. Areas of unique scientific value that need protection from interference are designated as Sites of Special Scientific Interest. Entry into certain of these areas without a permit is prohibited.

The permit system is described in the regulations. To obtain a permit, each applicant must provide the scientific names and numbers of native mammals or birds to be taken, including age, size, sex, and condition (e.g., pregnant or nursing) or the scientific names and numbers of native plants to be collected in a Specially Protected Area. Each applicant must include a complete description of the location, the time period, and the manner of taking or collecting specimens. If the specimens are to be imported into the United States, the applicant must also indicate the ultimate disposition of the materials.

Permits for taking or collecting mammals, birds, or plants will be issued by the Director of the National Science Foundation or his designated representative. Each permit will be evaluated in terms of the objectives of the Antarctic Conservation Act, that is, the conservation and protection of antarctic flora and fauna and the

antarctic ecosystem. Permits issued under these regulations (or copies of them) must be held in the possession of those authorized to engage in a permitted action. The permits must be displayed upon request to any person responsible for enforcing the regulations.

Anyone who knowingly commits an act prohibited by the Antarctic Conservation Act of 1978 is liable to a civil penalty of up to $10,000 for each violation. If the violation was committed without knowledge of the regulations, the fine will not exceed $5,000. Criminal penalties for willful violation of the regulations may involve a fine of up to $10,000 and/or imprisonment for not more than 1 year.

The Antarctic Conservation Act of 1978 does not supersede the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, or the Migratory Bird Treaty Act. Permit applications involving native mammals or native birds covered by these acts will be forwarded by NSF to the agencies that administer them. If a proposed activity involves approval under more than one law, then the activity must satisfy the conditions of all applicable laws or a permit cannot be granted. Even if a permit is approved by other appropriate agencies, the Director of the National Science Foundation still must decide whether to issue a permit according to the requirements of the Antarctic Conservation Act of 1978.

The regulations amend Title 45 of the Code of Federal Regulations by adding Part 670.

The applications received are as follows:

1. Applicant

Eric P. Hoberg, Department of Pathology, University of Washington, Seattle, Washington 98195

A. Activities for Which Permit Requested

Taking, Import into U.S.A.

The applicant requests permission to collect specimens of seabirds from colonies in the Palmer Archipelago and at sea for a study of ecological, zoogeographic, and systematic relationships of parasites infecting seabirds in the Antarctic. The applicant requests permission to collect up to 20 adult specimens of each of the following:

Fulmarus glacialoides (Southern Fulmar)
Pagodroma nivea (Snow Petrel)
Pachyptila desolta (Antarctic Prion)
Sterna paradisaea (Arctic Tern)
Daption capnesis (Cape Pigeon)

The applicant also requests permission to collect up to 20 adults and 20 young specimens of the following:

Pygoscelis adeliae (Adelie Penguin)
Pygoscelis antarctica (Chinstrap Penguin)
Oceanites oceanicus (Wilson's Storm Petrel)
Phalacrocorax atriceps (Blue-eyed Shag)
Sterna vittata (Antarctic Tern)
Chionis alba (American Sheathbill)
Larus dominicanus (Southern Black-backed Gull)
Macronectes giganteus (Southern Giant Fulmar)
Catharacta maccormicki (South Polar Skua)
Catharacta lonnbergi (Brown Skua)

B. Location

Palmer Archipelago, Antarctica and at sea.

C. Dates

January 1, 1983 to March 30, 1983 .

2. Applicant

David G. Ainley, Point Reyes Bird Observatory, 4990 Shoreline Highway, Stinson Beach, California 94970

A. Activities for Which Permit Requested

Taking, Entry into Site of Special Scientific Interest.

The applicant requests permission to enter Cape Crozier, Ross Island to conduct a population survey of South Polar Skuas. Birds are to be captured, banded and released. Up to 200 birds will be banded.

B. Location

Cape Crozier, Ross Island, Antarctica.

C. Dates

November 1, 1982 to January 15, 1983.

3. Applicant

Arthur L. DeVries, Department of Physiology, 524 Burrill Hall, University of Illinois, Urbana, Illinois 61801

A. Activities for Which Permit Requested

Introduction of a non-indigenous species into Antarctica.

The applicant request permission to introduce up to 15 specimens of the fish *Notothenia angustata* into a closed laboratory environment at McMurdo Station, Antarctica. The specimens will be used in experiments on the role of glycopeptides in prevention of freezing of the intestinal fluid of notothenid fishes.

B. Location

McMurdo Station, Antarctica.

C. Dates

October 10, 1982 to January 1, 1983.

4. Applicant

David E. Murrish, Department of Biological Sciences, State University of New York, Binghamton, New York 13901

A. Activity for Which Permit Requested

Taking, Entry into Specially Protected Area.

The applicant requests permission to capture up to 25 Adelie Penguins for a study of the physiological controls governing heat flow through the flippers. Most will be released to the wild within two to three days after capture, but several will be killed following laboratory study for further anatomical studies. Two penguins will have body temperature transmitters implanted for a study of body temperature. The transmitters will be removed after completion of the study and the animals released.

B. Location

Rookeries near Palmer Station, Antarctica; Litchfield Island Specially Protected Area.

C. Dates

December 1, 1982 to March 31, 1983.

5. Applicant

Donald B. Siniff, 108 Zoology Building, University of Minnesota, Minneapolis, Minnesota 55455.

A. Activity for Which Permit Requested

Taking, import into the U.S.A.

The applicant proposes to capture, tag and release seals in the McMurdo Sound area, Antarctica in support of continuing research on the population dynamics of Weddell seals. Incidental approach or capture of other Antarctic seals is a possibility during this survey. Up to 10 Weddell seals will be killed for age-growth studies. The applicant requests permission to capture and release up to the following number of seals:

Leptonychotes weddelli (Weddell Seal), 900
Ommataphoca rossi (Ross Seal), 15
Hydrurga leptonyx (Leopard Seal), 15
Mirounga leonina (Elephant Seal), 15

B. Location

Vicinity of McMurdo Station, Antarctica; West side of Ross Sea, Antarctica.

C. Dates

October 1, 1982 to October 1, 1983.

6. Applicant

Wayne Trivelpiece, Point Reyes Bird Observatory, 4990 Shoreline Highway, Stinson Beach, California 94970

A. Activity for Which Permit Requested

Taking, import into U.S.A., entry into Site of Special Scientific Interest.

The applicant requests permission to take up to 25 each Adelie, Chinstrap and Gentoo penguins for a study of the diet of the Pygoscelid penguins. The applicant also requests permission to enter Point Thomas Site of Special Scientific Interest.

B. Location

Admiralty Bay, King George Island, South Shetland Islands; Point Thomas Site of Special Scientific Interest.

C. Dates

October 1, 1982 to April 30, 1983.

7. Applicant

Warren M. Zapol, M.D., Department of Anesthesia, Massachusetts General Hospital, Boston, Massachusetts 02114

A. Activity for Which Permit Requested

Taking. The applicant requests permission to capture 10 pregnant Weddell seals to study maternal and fetal heart rate changes during free unrestrained diving, and 15 male Weddell seals to study time and depth related changes of arterial blood concentration of products of metabolism during diving. Seals will be released at the conclusion of the experiments.

B. Location

McMurdo Station vicinity, Antarctica.

C. Dates

October 1, 1982 to December 10, 1983.

8. Applicant

Wesley E. LeMasurier, Department of Geology, University of Colorado at Denver, Denver, Colorado 80202

A. Activity for which permit requested

Entry to Site of Special Scientific Interest, Entry to Specially Protected Areas.

The applicant requests permission to enter Beaufort Island and Cape Hallett Specially Protected Areas and Cape Crozier Site of Special Scientific Interest to collect rock samples in connection with a study of Volcanic geology.

B. Location

McMurdo Sound area, Antarctica.

C. Dates

November 1, 1982 to January 31, 1983.

Authority to take action under the Antarctic Conservation Act of 1978 including publication of this notice, has been delegated by the Director, NSF to the Director, Division of Polar Programs under NSF Staff Memorandum O/D 79-16, of May 29, 1979.

Edward P. Todd,

Director, Division of Polar Programs.

[FR Doc. 82-18786 Filed 7-12-82; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-237 SP, 50-249]

Commonwealth Edison Co. (Dresden Station, Units 2 and 3); Memorandum In Response to Applicant's Motion for Reconsideration or Clarification Notice of Hearing

July 8, 1982.

In reconsidering its decision to schedule a hearing on the issue as to whether or not the spent fuel pool floor at Dresden can withstand loads which could be imposed by the new high density fuel racks during a seismic event the Board held a telephone conference with the parties. Robert J. Fitzgibbons, Jr., Esquire, and Phillip P. Steptoe, Esquire, represented the Licensee; Phillip Willman, Esquire, represented the State of Illinois' Attorney General; and Richard Goddard, Esquire, represented the NRC Staff. The Board was represented by Dr. Forrest J. Remick and John F. Wolf, Chairman. Dr. Linda W. Little was not available at the time the conference was held.

Mr. Fitzgibbons spoke in support of Applicant's position that the sliding and tipping issue raised in the SEP review was never admitted as a contention in this proceeding and that no party sought to have it admitted as a contention. He stated that absent an exercise of the Licensing Board's *sua sponte* authority under 10 CFR 2.760(a) the issue of sliding and tipping racks, was not an appropriate subject for further evidentiary hearings.

Mr. Goddard of the NRC Staff withdrew his support for the *sua sponte* theory during his discussion of the issue.

Mr. Willman of the Illinois Attorney General's office expressed no opinion regarding the issue.

Dr. Remick and Mr. Wolf expressed the view that the Board had raised no issue *sua sponte* and that, therefore, the hearing should go forward as scheduled.

An argument was made that in view of what had taken place in this case the record is closed. Assuming *arguendo* that such is the case the presiding officer has the power under 10 CFR 2.718(j) "to reopen a proceeding for the reception of further evidence at any time prior to the initial decision." The record shows that the issue arose during the NRC staff's Systematic Evaluation Program (SEP) and that the Staff pursued it through an independent analysis of the pool floor's capacity to withstand a seismic event. Furthermore, the SSER was based not only on an independent analysis of the pool structure but on information submitted by the Applicant and on analysis performed on a similar plant. The Board did not raise the issue nor has it sponsored or required that it be resolved. However, when the NRC Staff seeks to make the results regarding it part of the record as an SSER the Board is required to determine its acceptability in evidence and the weight to be given it during the adjudicatory process. It is clear that the NRC Staff should sponsor the SSER in question and the Applicant should furnish support for any input it had in said report. Witnesses should be presented by the NRC Staff and the Applicant to testify in support of the conclusions set forth therein. It is expected that the Board members will have some questions for the witnesses sponsoring any exhibits that are offered.

The hearing previously noticed will take place as scheduled beginning at 10:00 a.m. on Tuesday, July 13, 1982 in the Nuclear Regulatory Commission Hearing Room, Room No. 550 in the East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

For the Atomic Safety and Licensing Board.

John F. Wolf,

Chairman, Administrative Judge.

[FR Doc. 82-18890 Filed 7-12-82; 8:45 am]

BILLING CODE 7590-01-M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a proposed revision to a guide in its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft, temporarily identified by its task number, SG 044-4 (which should be

mentioned in all correspondence concerning this draft guide), is proposed Revision 1 to Regulatory Guide 5.21 and is entitled "Nondestructive Uranium-235 Enrichment Assay by Gamma Ray Spectrometry." The guide is being developed to describe conditions and procedures that are acceptable to the NRC staff for using gamma ray spectrometry to measure uranium-235 enrichment for material accountability.

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by September 15, 1982.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room 1717 H Street NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 7th day of July 1982.

For the Nuclear Regulatory Commission.

Karl R. Goller,

Director, Division of Facility Operations, Office of Nuclear Regulatory Research.

[FR Doc. 82-18895 Filed 7-12-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-261]

Carolina Power & Light Co.; Issuance of Amendment To Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 70 to Facility Operating License No. DPR-23 issued to Carolina Power and Light Company (the licensee), which revised Technical Specifications for operation of the H. B. Robinson Steam Electric Plant, Unit No. 2 (the facility) located in Darlington County, South Carolina. The amendment is effective as of the date of issuance.

The amendment consists of revisions to the Appendix A Administrative Controls Section of the Technical Specifications to modify corporate and plant organizational structures and modifications to the Plant Nuclear Safety Committee (PNSC).

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 this 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 July 10, 1981, (2) Amendment No. 70 to License No. DPR-23, (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Hartsville Memorial Library, Home an Fifth Avenues, Hartsville, South Carolina 29550. 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 28th day of June 1982.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 82-18889 Filed 7-12-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 40-2061]

Kerr-McGee Chemical Corp.; Extension of Comment Period on the Draft Environmental Statement for the Rare Earths Facility West Chicago, Du Page County, Illinois

By Federal Register Notice published May 20, 1982 (47 FR 21943), the U.S. Nuclear Regulatory Commission (Commission) announced the availability of a Draft Environmental Statement (DES) related to the decommissioning of Kerr-McGee Chemical Corporation's Rare Earths Facility located in West Chicago, Illinois, with comments on the DES from interested persons due to the Commission by July 6, 1982.

In order to ensure that sufficient time is allowed for public comment, the Commission hereby extends the comment period for the DES an additional 25 days, with comments due for the Commission's consideration by August 1, 1982. Comments should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attn: Uranium Fuel Licensing Branch. All comments received by the Commission will be made available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Commission's Local Public Document Room in the West Chicago Public Library, 332 E. Washington Street, West Chicago, Illinois 60185.

Dated at Silver Spring, Maryland, this 7th day of July, 1982.

R. G. Page,

Chief, Uranium Fuel Licensing Branch, Division of Fuel Cycle and Material Safety, NMSS.

[FR Doc. 82-18891 Filed 7-12-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-133]

Pacific Gas & Electric Co.; Granting an Exemption From the Requirements of 10 CFR 50.54(w)

The U.S. Nuclear Regulatory Commission (the Commission) has granted a temporary exemption from the requirements of 10 CFR 50.54(w) to the Pacific Gas & Electric Company (the licensee).

This temporary exemption related to a requirement for obtaining property damage insurance for the Humboldt Bay Power Plant, Unit 3. The basis for this action is set forth in the Commission's Exemption dated June 29, 1982.

The Commission has determined that the granting of this temporary exemption 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 this action.

For further details with respect to this action, see (1) the licensee's request dated May 28, 1982 and (2) the Commission's Exemption dated June 29, 1982. Items (1) and (2) are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Humboldt County Library, 636 F Street, Eureka, California 95501. A copy of item (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Assistant Director, State and Licensee Relations, Office of State Programs.

Dated at Bethesda, Maryland, this 7th day of July 1982.

For the Nuclear Regulatory Commission.

Jerome Saltzman,

Assistant Director, State and Licensee Relations, Office of State Programs.

[FR Doc. 82-18892 Filed 7-12-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-133]

Pacific Gas & Electric Co., Humboldt Bay Power Plant; Issuance of Director's Decision Under 10 CFR 2.206

Mr. Ron Guenther by letters dated January 16, 1982 and June 8, 1982 has petitioned for the decommissioning of Humboldt Bay Power Plant Unit No. 3.

Mr. Guenther's letters have been treated as a request for action under 10 CFR 2.206 and have been referred to the Office of Nuclear Reactor Regulation. Upon review of this matter, the Director of the Office of Nuclear Reactor Regulation has determined that the request does not provide an adequate basis for decommissioning of the Humboldt Bay Power Plant, Unit No. 3. Accordingly, the request has been denied.

Copies of the Director's decision are available for inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Humboldt County Library, 636 F Street, Eureka, California 95501. A copy of the decision will also be filed with the Secretary for the Commission's review in accordance with 10 CFR 2.206(c) of the Commission's regulations.

As provided in 10 CFR 2.206(c), the decision will constitute the final action of the Commission twenty-five (25) days after the date of issuance, unless the Commission, on its own motion, institutes a review of the decision within that time.

Dated at Bethesda, Maryland this 7th day of July 1982

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 82-18893 Filed 7-12-82; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-133]

Pacific Gas & Electric Co. (Humboldt Bay Power Plant, Unit No. 3); Exemption

I

The Pacific Gas and Electric Company (the licensee) is the holder of Facility Operating License No. DPR-7 which authorizes operation of the Humboldt Bay Power Plant, Unit No. 3 (Humboldt). This license provides, among other things, that it is subject to all rules, regulations and orders of the Commission now or hereafter in effect.

The Facility is a boiling water reactor rated at 63 Mw(e) at the licensee's site located near Eureka, California.

II

The recently promulgated regulation, 10 CFR 50.54(w), requires that each commercial power reactor licensee shall, by June 20, 1982, take reasonable steps to obtain on-site property damage insurance available at reasonable costs and on reasonable terms from private sources or to demonstrate to the satisfaction of the Commission that it possesses an equivalent amount of protection covering the facility, provided, among other things, that "this insurance must have a minimum coverage limit no less than the combined total of (i) that offered by either American Nuclear Insurers (ANI) and Mutual Atomic Energy Reinsurance Pool (MAERP) jointly or Nuclear Mutual Limited (NML); plus (ii) that offered by Nuclear Electric Insurance Limited (NEIL), the Edison Electric Institute (EEI), ANI and MAERP jointly, or NML as excess property insurance."

On May 28, 1981, the licensee filed a Request for Exemption from 10 CFR 50.54(w). In support of this request, the licensee indicated that Humboldt Unit 3 has been shut down since July 1976 and is presently in cold shutdown condition. The licensee indicates that studies conducted by it and the NRC staff conclude that the unit presents no danger to the health and safety of the public. Further, the licensee presently maintains all-risk property damage insurance at Humboldt Unit 3 in the amount of approximately $100,000,000 which, in the licensee's opinion, is more than enough to cover the very remote possibility of any damage to the unit. The licensee submits that any additional insurance beyond that currently carried should not be required. In addition, the licensee states that the annual premium would be a burden on its ratepayers.

The licensee has not provided sufficient information for the Commission to conclude that a permanent exemption to the requirements of 10 CFR 50.54(w) is justified. However, the Commission requested additional information from the licensee in a letter dated June 24, 1982. Responses from the licensee are due by July 25, 1982. Given the status of the reactor in cold shutdown, the possibility of a serious accident at Humboldt Unit 3 is unlikely during the time that the licensee is preparing its response and the Commission considers the exemption request on its merits.

Accordingly, the Commission has determined that pursuant to 10 CFR 50.12 a temporary exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission hereby approves the following exemption:

The licensee is temporarily exempt from the requirements of 10 CFR 50.54(w), with respect to on-site property damage insurance, until such time as the Commission completes its evaluation of the licensee's request, dated June 24, 1982.

The NRC staff has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact appraisal need not be prepared in connection with this action.

Dated at Bethesda, Maryland, this 29th day of June 1982.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 82-18894 Filed 7-12-82; 8:45 am]

BILLING CODE 7590-01

SECURITIES AND EXCHANGE COMMISSION

[Release No. 18867; (SR-Amex-82-6)]

American Stock Exchange, Inc.; Order Approving Proposed Rule Change

July 2, 1982.

The American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, NY 10006, submitted on May 20, 1982, copies of a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b–4 thereunder, to amend Amex Rule 400 to clarify the responsibilities of broker-dealers relative to the handling of customer accounts that are introduced by one broker-dealer to another under a fully disclosed carrying agreement.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by the issuance of a Commission Release (Securities Exchange Act Release No. 18758, May 24, 1982) and by publication in the **Federal Register** (47 FR 24001, June 2, 1982). No comments were received with respect to the proposed rule filing.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-18831 Filed 7-12-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12521; (812-5188)]

Archer Money Market Fund of Government Securities, Inc.; Notice of Filing of Application for an Order 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 Thereunder

July 2, 1982.

Notice is hereby given that Archer Money Market Fund of Government Securities, Inc. ("Applicant"), 3100 Eastside, Suite 205, Houston, TX 77098, an open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on May 12, 1982, and an amendment thereto on June 14, 182, 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 thereunder, 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.

Applicant states that it was organized as a corporation under the laws of the State of Texas, October 13, 1981, and registered under the Act on December 29, 1981. The investment adviser to Applicant is the Archer Group, Inc. The investment objective of Applicant is to maximize current income while preserving capital and maintaining liquidity. Applicant seeks to attain this goal by investing in United States Treasury bills, notes and bonds, other obligations issued or guaranteed by the United States, its agencies or instrumentalities and repurchase agreements relating to such obligations. All obligations purchased by Applicant will mature in one year or less. The Applicant will invest in fully insured certificates of deposit up to $100,000. Applicant may also enter into repurchase agreements with respect to its portfolio securities but that any repurchase agreements maturing in more than seven days including any other illiquid assets are limited to 10% of Applicant's total assets. Applicant may employ specialized techniques of investment in United States Government securities, including those having variable interest rates, securities purchased for forward delivery and United States Government instruments which may be backed by the credit of the instrumentality itself rather than by the full faith and credit of the United States.

In connection with these techniques, Applicant will comply with relevant Commission rules and interpretations including Investment Company Act Release No. 10666 (April 18, 1979). Upon purchase by Applicant of variable rate or floating rate obligations or forward delivery obligations, the maturities of such obligations will be determined in accordance with the procedures set forth in proposed Rule 2a–7 under the Act, or if the rule should ultimately be adopted, in accordance with the procedures set forth in the rule as adopted.

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 redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or 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 with over 60-day maturities on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Applicant requests an exemption 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 it to value its portfolio securities using the amortized cost method of valuation. In support of its request, Applicant represents that its board of directors has determined that, absent unusual or extraordinary circumstances, amortized cost value represents fair value of its portfolio securities and that the amortized cost method of valuation is preferable and appropriate for the Applicant. Applicant states that valuation of its assets on the amortized cost basis enables the maintenance of a stable price per share while at the same

time allowing a steady flow of investment income demanded by investors. In addition, Applicant states that given the nature of its policies and expected operations, there will normally be a relatively negligible discrepancy between the market value and the amortized cost value of securities held in Applicant's portfolio.

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 asserts that its application meets the standards of Section 6(c) of the Act in light of its management policies, and consents to the imposition of the following conditions to any order granting the requested relief:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the board of directors 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, at $1.00 per share.

2. Included within the procedures to be adopted by the board of directors of the Applicant 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 $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 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 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 assets 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 in an easily accessible place a written record of its 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 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 directors 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 directors.

6. Applicant will include in each of its quarterly reports, as an attachment 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 July 26, 1982, at 5:30 p.m., submit to the Commission in writing a request for a earing 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 as 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. 82–18832 Filed 7–12–82; 8:45 am]

BILLING CODE 8010–01–M

[1] To fulfill this condition, Applicant intends to sue 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, *inter alia*, (1) quotations or estimates of market value for individual portfolio insturments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfiling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in exces 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.

[Release No. 12520; (812-5215)]

Great-West Life & Annuity Insurance Co., Maxim Series Account of Great-West Life & Annuity Insurance Co. and Great-West Life Assurance Co.; Filing of Application for an Order for Approval of Certain Offers of Exchange Pursuant to Section 11 of the Act

July 2, 1982.

Notice is hereby given that Great-West Life & Annuity Insurance Company ("GWL & A"), formerly Insuramerica Corporation, Maxim Series Account of Great-West Life & Annuity Insurance Company (the "Account"), a separate account of GWL & A registered under the Investment Company Act of 1940 ("Act") as a unit investment trust, and Great-West Life Assurance Company ("Great-West"), Great-West Plaza, 1675 Broadway, Denver, CO 80202, the principal underwriter for the Account (collectively "Applicant"), filed an application on June 14, 1982, and an amendment thereto on June 24, 1982, for an order pursuant to Section 11 of the Act approving certain offers of exchange described in the application. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Account is a unit investment trust the assets of which are currently allocated to the Money Market Portfolio of Maxim Series Fund, Inc. (the "Fund"), a diversified open-end investment company. GWL & A now proposes to add two new Investment Divisions to the Account to permit a contractowner to allocate purchase payments among the following three Investment Divisions: (i) Investment Division A, which invests solely in shares of the Money Market Portfolio of the Fund; (ii) Investment Division B, which invests solely in shares of the Bond Portfolio of the Fund; and (iii) Investment Division C, which invests solely in shares of the Equity Portfolio of the Fund.

Applicants propose to permit contractowners to allocate all or a portion of their contract value among the three Investment Divisions under the following conditions. Transfers of contract value cannot be made more often than once every 30 days and must be made by written instruction to GWL & A. The entire contract value may be transaferred; however, when only a portion of contract value is to be transferred, the minimum amount which may be allocated to a new Investment Division is $1,000.00 and the minimum amount remaining in an Investment Division as a result of the transfer must be at least $1,000.00. No charges will be made by GWL & A for effecting such transfers. Transfers will result in the purchase of Accumulation Units in one Investment Division and surrender of Accumulation Units in the other Investment Division. Such transfers will be accomplished at relative Accumulation Unit values on the Valuation Date next computed after GWL & A's receipt of a contractowner's written request. No transfers are permitted on or after 30 days prior to the Retirement Date.

Section 11

Section 11(a) of the At provides that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or of any other open-end company to exchange his securty for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any type of offer to exchange the securities of registered unit investment trusts for the securities of any other investment company. Applicants propose that contractowners, upon written request to GWL & A, be permitted to realloate amounts held in the Investment Divisions A, B and C, subject to a minimum allocation of $1,000.00 to any one Investment Division.

Notice if further given that any interested person may, not later than July 27, 1982, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule O-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued, as of course, following July 27, 1982, 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. 82-18833 Filed 7-12-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22566; (70-6747)]

Gulf Power Co.; Notice of Proposal To Amend Charter and To Solicit Proxies

July 7, 1982.

Gulf Power Company ("Company"), 75 North Pace Boulevard, Pensacola, Florida 32520, a subsidiary of The Southern Company, a registered holding company, has filed a declaration with this Commission pursuant to Sections 6(a), 7 and 12(e) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 62 thereunder.

The Company's charter currently authorizes preferred stock having a par value of $100 per share ("Preferred Stock") of which 772,706 shares were outstanding at April 30, 1982. The Company proposes to amend its charter to create a new class of preferred stock with a par value of $10 per share ("Class A Preferred Stock") to consist initially of 10 million shares.

The Company estimates that prior to December 31, 1985 it will issue Preferred Stock and Class A Preferred Stock with a combined maximum aggregate stated capital of up to $100 million.

The Class A Preferred Stock will rank on a parity as to dividends and assets and will have the same rights and preferences as the Preferred Stock. On all matters submitted to a vote of the holders of the Preferred Stock and the Class A Preferred Stock, both classes will vote together as a single class. If any change in the rights and preferences of the outstanding Preferred Stock or Class A Preferred Stock would adversely effect the holders of only one, but not the other, such class, only the vote of the holders of at least two-thirds of the total voting power of the outstanding shares of the case of stock so affected would be required.

Each share of Preferred Stock and of Class A Preferred Stock would have such voting rights as are proportionate

to the ratio of the stated capital represented by such shares to the stated capital represented by all shares of both the Preferred Stock and Class A Preferred Stock outstanding. The stated capital represented by each share would be $100 per share in the case of the existing Preferred Stock and $10 per share in the case of the Class A Preferred Stock plus the excess of the consideration received over $10 per share (up to an amount which, when added to the par value of such share, would not exceed such share's preferential claim in the event of involuntary liquidation). The stated capital represented by each share so determinated would be equal to such share's preferential claim in the event of involuntary liquidation. Thus, the relative voting power of each share of Preferred Stock and Class A Preferred Stock (as described above) will be proporationate to the amount payable in respect of such share upon involuntary liquidation.

The Company also proposes to amend its charter so as to modify certain provisions relating to the calculation of net income available for dividends and gross income available for interest in meeting coverage requirements in connection with the issuance of additional shares of Preferred Stock or Class A Preferred Stock without prior stockholder approval. The Charter limits cash dividends on common stock to 50% of net income for a prior period of twelve months if the ratio of common stock equity to total capitalization, including surplus, adjusted to reflect the payment of the proposed dividend, is below 20% and to 75% of net income if such ratio is 20% or more but less than 25%.

The Charter also limits the issuance of additional shares of preferred stock without prior approval of the holders of 66⅔% of the outstanding shares of preferred stock, unless (i) net income available for dividends for a prior period of twelve months is at least equal to two times the annual dividend requirements on all shares of preferred stock and senior or equally ranking stock to be outstanding and (ii) gross income available for interest for a prior period of twelve months is at least equal to one and one-half times the aggregate of annual interest requirements and annual dividend requirements on all shares of preferred stock and senior or equally ranking stock to be outstanding.

In computing net income available for dividends and gross income available for interest in connection with the foregoing provisions, a deduction is required of the greater of (i) the total amount, if any, by which the aggregate of the charges to income or earned surplus during the period in question for repairs, maintenance and provision for depreciation shall have been less than 16% of gross operating revenues derived during the period, after deduction of purchased power, and (ii) the total amount, if any, by which the charges to income or earned surplus during the period as provision for depreciation shall have been less than an amount equal to the product of the applicable percentage (presently 2.1% and increasing to 2.5%) and the mathematical average of the amounts of depreciable property at the opening of business on the first day and at the close of business on the last day of such period.

The proposed charter amendment would, in each instance, eliminate the 16% maintenance requirement but would retain the 2.1%–2.25% replacement requirement and would increase the applicable percentage to 3.0% or such revised percentage as shall be authorized by this Commission.

The Company also proposes to submit to the holders of its outstanding preferred stock for consideration and action, a proposal that the Company be authorized, by vote of its preferred stockholders, to issue or assume, until July 1, 1989, securities representing unsecured debt having maturities of less than ten years in excess of 10% of capital, surplus and secured debt, provided that (a) the amount of securities representing unsecured debt having maturities of less than ten years outstanding on January 1, 1990 shall not exceed said 10% limitation, and (b) the Company's total indebtedness represented by unsecured securities shall at no time exceed 20% of capital, surplus and secured debt. This authorization would supersede a similar authorization approved by stockholders on November 17, 1975 (HCAR No. 19190).

The Company also proposed to solicit proxies from the holders of its outstanding preferred stock in connection with the special meeting of stockholders which is to be called to take action upon the foregoing proposals.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 30, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in 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 of 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 of order issued in this matter. After said date, the declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-18834 Filed 7-12-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12523; (811-1092)]

Harvard Small Business Investment Co.; Notice of Proposal To Terminate Registration Pursuant to Section 8(f) of the Investment Company Act

July 6, 1982.

Notice is hereby given that the Commission proposes, pursuant to Section 8(f) of the Investment Company Act of 1940 ("Act"), to declare by order on its own motion that Harvard Small Business Investment Company ("Fund"), 33 East Hunting Drive, Arcadia, California, registered under the Act as a closed-end, diversified management investment company, has ceased to be an investment company as defined by the Act.

Information contained in the files of the Commission indicates that the Fund was organized in the State California on March 9, 1961. The Fund filed Form N-8A, Notification of Registration, with the Commission on August 18, 1961. The Commission's files indicate that the Fund has not made filings required by the Act and that attempts to locate the Fund and its principals have been unsuccessful. According to a Certificate of Filing and Suspension executed by the Secretary of State of the State of California on June 10, 1982, the Fund's corporate powers, rights and privileges were suspended on June 1, 1970.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of that order the registration of that investment company shall cease to be in effect.

Notice is further given that any interested person may, not later than

August 2, 1982, at 5:30 p.m., submit to Commission in writing a request for a hearing on the proposal accompanied by a statement as to the nature of his interest, the reason for such request, and the issues if any, or fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Fund at the address stated above. Proof of such service (by affidavit or, in 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 matter 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. 82-18835 Filed 7-12-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12518; (812-5173)]

INA Annuity Fund, Inc.; Notice of Filing of Application for an Order of the Commission Pursuant to Section 6(c) of the Act Granting Exemptions From the Provisions of Section 2(a)(41) of the Act and Rules 2a-4 and 22c-1 Thereunder

July 2, 1982.

Notice is hereby given that INA Annuity Fund, Inc. ("Applicant"), 3411 Silverside Road, Wilmington, Delaware 19810, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on April 19, 1982, requesting an order of the Commission pursuant to Section 6(c) of the Act and rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to calculate the net asset value per share of its Short-term Government Portfolio pursuant to 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.

Applicant states that it is a corporation organized under laws of the State of Maryland on October 19, 1981, to offer four separate investment portfolios to fund variable annuity contracts issued by Investors Life Insurance Company of North America ("Insurance Company") through its CIGNA Separate Account. It is further stated that the investment objectives of Applicant's Short-term Government Portfolio will be the preservation of capital, the maintenance of liquidity, and the attainment of a high rate of current income consistent with investment in a diversified portfolio of short-term money market instruments issued or guaranteed by the United States Government or its agencies or instrumentalities, directly or subject to repurchase agreements. Applicant also states that it may purchase such securities on a when-issued or delayed-delivery basis. In addition, Applicant represents that all of its investments consist of obligations maturing within one year from the date of acquisition, and that the dollar-weighted average maturity of all of its investments is 120 days or less.

Applicant further states that dividends for the Short-term Government Portfolio will be declared and reinvested on each day that Applicant is open for business, in the form of additional shares of the Short-term Government Portfolio at the net asset value determined at the close of business on the day the dividend is declared.

Applicant represents that many of the contractholders for the CIGNA Separate Account desire a short-term government money market fund portfolio which (1) maintains a constant net asset value and (2) pays relatively steady dividends that do not fluctuate on account of daily changes in the market values of portfolio securities. It is stated that Applicant believes that investors in its Short-term Government Portfolio will expect that the daily dividend on their shares will be the practical equivalent of the interest rates (less expenses) actually being realized on the Short-term Government Portfolio. Applicant states that by investing in high quality money market instruments of short maturities and valuing these instruments in accordance with the amortized cost method of valuation, Applicant's Short-term Government Portfolio will be able to provide investors with a stable net asset value and a steady flow of investment income.

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 except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Rules 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 and redemption shall be determined with reference to (1) current market value for portfolio securities with respect to which market quotations are readily available and (2) for other securities and assets, fair value as determined in good faith by the board of directors of the registered company. 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 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.

In support of the exemptions requested, Applicant asserts that if it is not permitted to compute the net asset value of its Short-term Government Portfolio by using the amortized cost method, periodic fluctuations in net asset value may occur and could well cause holders of contracts funded by the

Short-term Government Portfolio, upon redemption of their shares, to receive amounts nominally different from their cost. Therefore, Applicant states that such contractholders may be unfairly treated if Applicant were forced to price its Short-term Government Portfolio in a manner which would produce artificial price and yield volatility for instruments which Applicant ordinarily expects to hold to maturity. Applicant further represents that it has been advised by its investment manager, INA Capital Management Corporation, that potential investors in the Short-term Government Portfolio will place primary importance upon maintaining a constant net asset value per share and are less concerned with the theoretical differences which might occur between yield determined through market valuation methods and yield computed on the basis of amortized cost. Applicant further asserts that, given the nature of Applicant's policies and operations, there will normally be a relatively negligible discrepancy between market value and amortized value of the securities of its Short-term Government Portfolio.

Applicant represents that its board of directors has determined in good faith that in light of Applicant's characteristics as described above, absent unusual or extraordinary circumstances, the amortized cost method of valuing portfolio securities is appropriate and preferable and reflects the fair value of Applicant's Short-term Government Portfolio securities. Applicant asserts that, on the basis of the foregoing, the valuation of portfolio securities of the Short-term Government Portfolio pursuant to the amortized cost method will benefit its shareholders by enabling Applicant to maintain more effectively a stable price per share for its Short-term Government Portfolio while providing shareholders with the opportunity to receive a flow of investment income less subject to fluctuation than under procedures whereby its dividends would be adjusted by all unrealized gains and losses on its portfolio instruments.

Applicant further represents that the granting of the requested exemption 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. Applicant has agreed that the following conditions may be imposed in any order of the Commission granting the exemptions requested:

1. In supporting Applicant's operations and delegating special responsibilities involving management of Applicant's portfolio to Applicant's investment adviser, Applicant's board of directors undertakes—as a particular responsibility within its overall duty of care owed to holders of contracts funded by Applicant's share—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, at $1.00 per share.

2. Included within 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 of the Short-term Government Portfolio, as determined by using available market quotations from the $1.00 amortized cost price per share, and maintenance of records of such review.[1]

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share of the Short-term Government Portfolio exceeds ½ of 1 percent, a requirement that the board of directors will promptly consider what action, if any, should be initiated.

(c) Where the board of directors believes that the extent of any deviation from Applicant's $1.00 amortized cost price per share of the Short-term Government Portfolio may result in material dilution or other unfair results to investors or existing holders of contracts funded by shares representing that Portfolio, 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 average maturity of the Short-term Government Portfolio; 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 for the Short-term Government Portfolio appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not cause its Short-term Government Portfolio to (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 condition 1 above, and Applicant 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-denominated instruments which the board of directors 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 Applicant's 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) above was taken during the preceding fiscal quarter, and, if any action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than July 27, 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/her interest, the reasons 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

[1] To fulfill this condition, Applicant states that it 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, Applicant states that if the disposition of a portfolio instrument results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest the available cash of the Short-term Government Portfolio in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as resonably practicable.

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 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. 82-18836 Filed 7-12-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12522; 812-5153]

Jefferson-Pilot Money Market Fund, Inc.; Filing of Application

July 6, 1982.

Notice is hereby given that Jefferson-Pilot Money Market Fund, Inc. ("Applicant") 101 North Elm Street, P.O. Box 21008, Greensboro, NC 27420, an open-end, diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on April 1, 1982, and an amendment thereto on April 26, 1982, 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 thereunder to the extent necessary to permit Applicant's price per share for the purposes of sales, redemptions and repurchases to be calculated utilizing 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.

Applicant states that it will operate as a "money market fund," and that its investment objective is to provide maximum current income consistent with liquidity and stability of principal. JP Investment Management Company will act as investment adviser to Applicant.

The application states that Applicant may not purchase any security which has a maturity date more than one year from the date of Applicant's purchase, unless purchased subject to a repurchase agreement requiring repurchase from Applicant in one year or less. It is asserted that Applicant's portfolio may be invested only in the following money market instruments: (i) Obligations issued or guaranteed by the United States Government or its agencies or instrumentalities; (ii) negotiable certificates of deposit and bankers' acceptances if they are obligations of a domestic bank or savings institution having total assets of at least $1,000,000,000 and which is a member of the Federal Deposit Insurance Corporation or Federal Home Loan Bank System and insured by the Federal Savings and Loan Insurance Corporation; (iii) commercial paper rated at least "A–1" by Standard & Poor's Corporation or at least "Prime-1" by Moody's Investors Services, Inc., or, if not rated, issued by companies which have an outstanding debt issue rated at least "AA" by Standard & Poor's Corporation, or at least "Aa" by Moody's Investors Services, Inc.; (iv) outstanding non-convertible corporate debt securities not issued as short-term obligations but which have at the time of purchase one year or less remaining to maturity and which at the time of purchase are rated at least "AA" by Standard & Poor's Corporation, or at least "Aa" by Moody's Investors Services, Inc.; and (v) repurchase agreements covering securities issued or guaranteed by the United States Government or its agencies or instrumentalities, certificates of deposit or bankers' acceptances described in (ii) above, or commercial paper described in (iii) above.

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 redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to 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 purpose of distribution and redemption 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 the board of directors of the registered 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). In view of the foregoing, Applicant requests an exemption from Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder to the extent necessary to permit Applicant to value its portfolio by means of the amortized cost method of valuation.

Section 6(c) of the Act provides, in part, that the Commission 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 rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In support of the requested exemption, Applicant states its belief that the type of investors it seeks to attract prefers that the daily income dividends declared by Applicant reflect income as earned, and that Applicant's sales and redemption prices remain fixed. Applicant's directors have determined in good faith that (i) the stable per share value and the steady flow of investment income resulting from the foregoing policies will be helpful in attracting shareholders to Applicant and will provide such investors substantial benefits; and (ii) in light of the characteristics of Applicant, the

amortized cost method of valuation is appropriate and preferable for Applicant and will fairly reflect the fair value of each shareholder's interest in Applicant, and that Applicant will continue to use that method only so long as the board of directors believes that it fairly reflects the value of each shareholder's interest. Finally, Applicant represents that the granting of the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes intended by the policy and provisions of the Act.

Applicant has agreed that the following conditions may be imposed in any order granting the exemptions it has requested:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, Applicant's board of directors 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 objective, to stabilize Applicant's net asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within 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 Applicant's 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 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 the extent of any deviation from Applicant'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 may include: redemption of shares in kind; the sale of portfolio instruments prior to maturity to realize capital gains or losses, or to shorten Applicant's average portfolio maturity; 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 condition 1 above, and Applicant 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 directors' 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 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 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 directors 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 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) above was taken during the preceding fiscal quarter, and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than July 30, 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 such person's interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or such person may request that he or 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 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. 82-18837 Filed 7-12-82; 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 directors in the exercise of its discretion to be appropriate indicators of value. In addition, Applicant states that the quotations or estimates utilized 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.

[Release No. 22562; 70–6749]

The Southern Co.; Proposal To Act as Guarantor of Subsidiary Company Obligations Under State Workmen's Compensation Laws

July 2, 1982.

The Southern Company ("Southern"), 64 Perimeter Center East, P.O. Box 720071, Atlanta, Georgia 30346, a registered holding company, has filed a declaration with this Commission pursuant to Sections 12(b) and 12(t) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 promulgated thereunder.

Southern proposes to act as a guarantor and surety with respect to the obligations and potential liabilities of its subsidiaries under various state workmen's compensation statutes.

These obligations arise when an employer has been granted self-insurer status for purposes of workmen's compensation claims. As a condition to being granted such status, a company may be required to post collateral or a surety bond to guarantee that it honors all compensation claims. Additional security in the form of an indemnification or guarantee by a third party may also be required.

Southern request herein both general authority to execute such surety bonds and to act as guarantor as well as specific approval with regard to the following transactions. Southern Company Services, Inc. ("SCSI"), a subsidiary of Southern, has applied for self-insurer status under the workmen's compensation laws of Mississippi, Florida and Alabama. In connection therewith, Southern proposes to execute surety bonds in varying amounts up to $100,000 and indemnification agreements whereby Southern will guarantee the performance of SCSI as a self-insurer. Southern proposes to assume the same responsibility in relation to an application by Georgia Power Company, an operating subsidiary, under the Alabama statute. The surety bond to be executed in the latter instance will cover the obligations of any Southern system company which now operates or which in the future seeks to operate as a self-insurer in Alabama.

Southern asserts that the opportunity for self-insurer status under state law allows for the provision of excess workers' compensation coverage through the Southern electric system's Comprehensive Liability Insurance Program. Annual premium savings also accrue to the system. Therefore, in the event future applications for self-insurer status require the execution by Southern of guarantees or bonds substantially similar to those described herein and filed with this Commission, Southern requests the authority to enter into such gurantees or execute such surety bonds on behalf of applicant system companies.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 28, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in 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 declaration, as amended or as it may be further amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-18840 Filed 7-12-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22565; 70-6755]

Southwestern Electric Power Co.; Proposal To Acquire an Office Building

July 2, 1982.

Southwestern Electric Power Company ("SWEPCO"), P.O. Box 21106, Shreveport, Louisiana 71156, an electric utility subsidiary of Central and Southwest Corporation, a registered holding company, has filed an application-declaration, and an amendment thereto, with this Commission pursuant to Sections 6(a), 7, 9(a) and 10 of the Public Utility Holding Company Act of 1935 and appropriate rules promulgated thereunder.

In order to satisfy its current need for additional office space and its anticipated need for additional space in the future, SWEPCO proposes to acquire a 15 story office building in Shreveport, Louisiana. The new building is currently fully occupied, but all occupants have relatively short-term leases. Consequently, space in addition to the 3 and ½ floors currently occupied by SWEPCO in the building will soon become available for its own use. SWEPCO asserts that this acquisition will guarantee sufficient office space in the future and that the purchase of an existing structure will be more cost effective than the construction of additional space.

The purchase price for the building and underlying property has been set at $8,300,000. All or a portion of the price may be financed through one of the following methods: (1) the assumption by SWEPCO of the existing mortgage on the land and building which has an unpaid principal balance of approximately $2,000,000 and bears interest at 7% per annum; (2) installment sale, conditional sale or mortgage financing made available to SWEPCO by the present owners; or (3) installment sale, conditional sale, mortgage or lease financing made available by unaffiliated third parties.

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 or request a hearing should submit their views in writing by July 21, 1982, to the Secretary, Securities and exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarant 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 amended or as it may be further 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. 82-18838 Filed 7-12-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22563; 70-6750]

Southwestern Electric Power Co.; Proposed Long-Term Lease and/or Sale of Pipeline to Nonassociate Company

July 2, 1982.

Southwestern Electric Power Company ("SWEPCO"), P.O. Box 21106, Shreveport, Louisiana 71156, a public-utility subsidiary company of Central and South West Corporation, a registered holding company, has filed a declaration with this Commission pursuant to Section 12(d) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 44 promulgated thereunder.

SWEPCO owns a 12-inch natural gas pipeline which extends from the Elm Grove Field in Bossier Parish, Louisiana, to SWEPCO's Arsenal Hill generating plant in Shreveport, Louisiana. The Arsenal Hill plant is used during SWEPCO's peak season, approximately 95 days a year. SWEPCO proposes to lease the pipeline to Shreveport Intrastate Gas Transmission, Ltd. ("SIG"), a nonassociate company, and will receive as rentals for the pipeline one-half of SIG's net revenue under transportation agreements pursuant to

which SIG transports gas through the pipeline. The term of the lease runs until September 30, 1991, with SIG having the option to extend the Lease for two additional 10-year terms. The lease also grants SIG an option to purchase the pipeline at a price of $4,000,000, and SWEPCO also seeks authorization for such a sale. SIG can apply toward the option price one-half of the rentals it has paid to SWEPCO under the lease. SWEPCO's investment in the pipeline is approximately $3,285,000. The declaration states that the proposal is financially advantageous to SWEPCO.

The declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by July 28, 1982, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the declarant at the address specified above. Proof of service (by affidavit or, in 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 declaration, as filed or as it may be amended, may be permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-18839 Filed 7-12-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18872; (SR-Amex-82-10)]

American Stock Exchange, Inc.; Filing and Order Granting Accelerated Approval of Proposed Rule Change

July 7, 1982.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on June 21, 1982, the American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, New York 10006, filed with the Securities and Exchange Commission the proposed rule change as described herein. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

The proposed rule change would amend Amex Rule 420 by deleting the spousal exemption from the rule's prohibition against the mailing of statements, confirmations and communications to a customer in care of any member or member organization or person associated with a member organization unless the customer so directs and duplicate copies are sent to the customer at some other address. The spousal exemption permits a member organization to send a husband or wife's account statement to a spouse associated with the member organization who acts as agent for the account without complying with the consent and duplicate mailing requirements.

The exchange is proposing to delete this exemption in order to assure a husband or wife whose spouse has power of attorney over an account the ability to properly monitor both the account and the performance of the individual handling the account.

Interested persons are invited to submit written data, views and arguments concerning the submission on or before July 26, 1982. 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, D.C. 20549. Reference should be made to File No. SR-Amex-82-10.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and all written communications relating to the proposed rule change 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, D.C. Copies of the filing and of any subsequent amendments also will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization.

The Commission finds that the proposed rule change is 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. As stated in the Amex filing, the rule proposal is designed to protect investors and the public interest, in furtherance of the objectives of section 6(b)(5) of the Act.

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of filing thereof, in that the Commission recently approved a similar amendment to the New York Stock Exchange Inc.'s ("NYSE") Rule 409 which is comparable to Amex Rule 420.[1] Moreover, as the NYSE noted in its submission, eliminating the spousal exemption is consistent with Rule 10b-10 under the Act, because the rule requires brokers and dealers to mail quarterly account statements directly to the *customer*, and also provides that the quarterly statement may be delivered to some other person *designated by the customer* (italics added). Finally, the Commission notes that no comments were received regarding the NYSE filing. Accordingly, the Commission finds that notice for 30 days prior to approval is unnecessary in this case and that accelerated approval is in the public interest.

It is therefore ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change referenced above be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-18841 Filed 7-12-82; 8:45 am]

BILLING CODE 8010-01-M

[1] Specifically, the NYSE rule filing, (SR-NYSE-81-20) deleted the provision of NYSE Rule 409 which permitted a member organization to address confirmations, statements and other communications to a husband having power of attorney over his wife's account, without the wife's express written instructions to do so and without providing her with duplicate copies. The NYSE filing stated that the exemption for wives' accounts was inconsistent with exchange requirements that the owner of an account get copies of statements unless the owner specifically instructs otherwise. *See* Securities Exchange Commission Release No. 18298 (December 2, 1981), 46 FR 60373 (December 9, 1981).

[Release No. 34-18865; File No. SR-MCC-82-7]

Self-Regulatory Organizations; Proposed Rule Change by Midwest Clearing Corp.; Participants Fund by the Corporation in the Event of the Participant's Default.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 4, 1982, the Midwest Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Rule 14, section 9 of the Rules of the Midwest Clearing Corporation is hereby amended as follows:

Arrows indicate additions—Brackets indicate deletions.

Rule 14

Section 9. If the Corporation suffers a loss in excess of a Participant's contribution to the Participants Fund by reason of such Participant's default, which loss is not fully recovered through insurance, the unrecovered portion of such excess loss [shall] ►may◄ be made good from the Contingency Reserve Fund provided for in Rule 25 hereof, ►or from the existing undivided profits and retained earnings of the Corporation.◄ [, and to the extent that the Contingency Reserve Fund is insufficient, from the Participants Fund.] ►Notwithstanding the foregoing, any such loss or liability, or any portion thereof, may be made good out of the Participants Fund, instead of such Contingency Reserve Fund or undivided profits and retained earnings of the Corporation, at the election of the Board of Directors.◄ The amount of such excess loss ►made good from the Participants Fund◄ shall be charged pro rata against Participants other than the defaulting Participant on the basis of their respective contribution to the Participants Fund at the time of the default.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) *Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change.* The purpose of the proposed rule change is to clarify the Rule to conform to existing policy and rule interpretations regarding the ability of MCC to use retained earnings as a source of funds to be used in case of a loss by MCC due to a Participant's default. The rule change will make explicit the ability of the Board to use retained earnings and/or the Contingency Reserve Fund before going to the Participants Fund or to go directly to the Participants Fund or a combination of both, at its election, in order to recoup any losses.

This policy has been adopted by the Board under existing rules. the concept is presently embodied in the current rule because the Contingency Reserve is a fund established from retained earnings.

The proposed rule change is consistent with Section 17A in that it assures the safeguarding of securities and funds in MCC custody or control by providing alternate and additional means of covering excess losses caused by a defaulting Participant, thereby protecting investors and the public interest.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* The Midwest Clearing Corporation does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others.* Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before August 17, 1982, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. (450 5th Street, N.W., Washington, D.C., after July 23 1982). Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before August 3, 1982.

Dated: July 2, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-18849 Filed 7-12-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18864; File No. SR-MSTC-82-10]

Self-Regulatory Organizations; Proposed Rule Change by Midwest Securities Trust Co.; Participants Fund by the Corporation in the Event of a Participant's Default

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 4, 1982, the Midwest Securities Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Rule 8, section 9 of the Rules of the Midwest Securities Trust Company is hereby amended as follows:

Arrows indicate additions—Brackets indicate deletions.

Rule 8

Section 9. If the Corporation suffers a loss in excess of a Depository Participant's contribution to the Participants Fund by reason of such Participant's default, which loss is not fully recovered through insurance, the unrecovered portion of such excess loss [shall] ►may◄ be made good from the Contingency Reserve Fund provided for in Rule 19 hereof, ►or from the existing undivided profits and retained earnings of the Corporatio.n◄ [and to the extent that the Contingency Reserve

Fund is insufficient, from the Participants Fund.] ►Notwithstanding the foregoing, any such loss or liability, or any portion thereof, may be made good out of the Participants Fund, instead of such Contingency Reserve Fund or undivided profits and retained earnings of the Corporation, at the election of the Board of Directors.◄ The amount of such excess loss ►made good from the Participants Fund◄ shall be charged pro rata against Depository Participants other than the defaulting Participant on the basis of their contribution to the Participants Fund at the time of the default.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organizations' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change. The purpose of the proposed rule change is to clarify the Rule to conform to existing policy and rule interpretations regarding the ability of MSTC to use retained earnings as a source of funds to be used in case of a loss by MSTC due to a Participant's default. The rule change will make explicit the ability of the Board of Directors to use retained earnings and/or the Contingency Reserve Funds before going to the Participants Fund or to go directly to the Participants Fund or a combination of both, at its election, in order to recoup any such losses.

This policy has been adopted by the Board under existing rules. The concept is presently embodied in the current rule because the Contingency Reserve is a fund established from retained earnings.

The proposed rule change is consistent with Section 17A of the Act in that it assures the safeguarding of securities and funds in MSTC custody or control by providing alternate and additional means of covering excess losses caused by a defaulting Participant, thereby protecting investors and the public interest.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* The Midwest Securities Trust Company does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others.* Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before August 17, 1982 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerining the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. (450 5th Street, N.W., Washington, D.C., after July 23, 1982). Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before August 3, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: July 2, 1982.

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-18850 Filed 7-12-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18868; File No. SR PHLX 81-1, Amdt. No. 2]

Self-Regulatory Organizations; Proposed Rule Change By Philadelphia Stock Exchange, Inc.; Evaluation of Specialists

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on June 25, 1982, the Philadelphia Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items, I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange, Inc. ("PHLX") pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act") hereby proposes to amend its current rule filing concerning appointment of specialists and market makers, evaluation of specialists and allocation of securities in order to provide specific standards for determining when the performance of a specialist is unsatisfactory.

Under proposed Rule 503, the PHLX proposes that a specialist or specialist organization's ("specialist") performance will be considered unsatisfactory by the Allocation, Evaluation and Securities Committee ("Committee"), and that the specialist be required to meet with the Committee on an informal and advisory basis, if such specialist has received evaluations on the quarterly specialist performance evaluation questionnaire resulting in (i) an overall quarterly grade below 5.00 for the preceding quarter, (ii) an average quarterly grade below 5.00 on three or more individual questions for the preceding quarter, or (iii) an average quarterly grade below 5.00 for the same question for three consecutive quarters.

Under proposed Rule 504, a specialist's performance will be considered still unsatisfactory and the specialist shall be required to meet with the Committee on a formal basis which may result in a reallocation of the securities traded by the specialist or other corrective action, if such specialist has received evaluations on the specialist performance evaluation questionnaire resulting in (i) an overall quarterly grade below 5.00 in any two out of four preceding quarters, (ii) an average quarterly grade below 5.00 on

three on more individual questions for any two out of four preceding quarters or (iii) an average quarterly grade below 5.00 for the same question for four or more consecutive quarters.

In addition, if formal reallocation proceedings have been commenced and concluded against a specialist or specialist unit, any single quarter of substandard performance in the following four quarters would again result in the commencement of formal reallocation proceedings.

It is further proposed that the evaluation and reallocation procedures provided in the filing become effective on October 1, 1982, and continue in effect on a pilot basis for two years from that date.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organizaton included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. *Self-Regulatory Organization's Statements of the Purpose of, and Statutory Basis for the Proposed Rule Change.* The purpose of the proposed rule change is to provide standards, based on the results of the specialist performance evaluation questionnaire, for determining unsatisfactory performance which may result in a reallocation of securities traded by a specialist or other corrective action.

The proposed rule change is consistent with section 6(b)(5) of the act which provides, in part, that the rules of an exchange be designed to facilitate transactions in securities, remove impediments to and perfect the mechanism of a free and open market system, and protect investors and the public interest.

B. *Self-Regulatory Organization's Statement on Burden on Competition.* The PHLX does not believe that the proposed rule change will impose any burden on competition.

C. *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.* No comments on this proposed rule change have been solicited or received from members.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action.

On or before August 17, 1982 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change are filed with the Commission, and all written communications relating to the proposed rule change between the Commission any any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public reference Section, 1100 L Street, NW., Washington, D.C. (450 5th Street, NW., Washington, D.C., after July 23, 1982). Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before August 3, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority

Dated: July 6, 1982.

George A. Fitzsommons,

Secretary.

[FR Doc. 82-18848 Filed 7-12-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22564; (70-6751)]

Southern Co. et al.; Proposed Issuance and Sale of Common Stock for System Employees' Stock Ownership Plan

July 2, 1982.

The Southern Company ("Southern"), 64 Perimeter Center East, Atlanta, Georgia 30346, a registered holding company, and its subsidiary companies, Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, Southern Company Services, Inc., and Southern Electric Generating Company, have filed an application-declaration with this Commission pursuant to sections 6(a), 7, 9(a), and 10 of the Public Utility Holding Company Act of 1935 ("Act").

Southern proposes to issue up to a maximum of $30,000,000 in value of its authorized but unissued shares of common stock, par value $5 per share ("Additional Common Stock"), in order to provide common stock to fund The Employee Stock Ownership Plan of the Southern Company System ("Plan") for the Plan year 1981, including any reinvestment of cash dividends on such stock by direct purchases of common stock from Southern. The exact number of shares to be issued by Southern will be determined in each case by the aggregate amount of contributions to be invested by the trust established pursuant to the Plan in respect of the Plan year. The purchase price per share of Southern's common stock acquired from Southern by the trust with cash contributions shall be the fair market value as of the date of acquisition. Southern proposes to apply the proceeds it receives from the sale of the Additional Common Stock for further equity investments in its subsidiaries (See File No. 70-6701.) and for other corporate purposes.

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 or request a hearing should submit their views in writing by July 29, 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 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. 82-18842 Filed 7-12-82; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 18871; File No. S7-433]

Receipt of Amendment to CTA Plan

July 7, 1982.

On June 25, 1982, the participants in the Consolidated Tape Association ("CTA") submitted to the Commission, pursuant to Rule 11Aa3-2 under the Securities Exchange Act of 1934, an amendment to the Restated and Amended Plan ("CTA Plan").[1]

I. Description of Amendment

The CTA Plan participants have amended Schedule A-1, attached to the CTA Plan as Exhibit D. The amendment applies a uniform first unit rate for Network A ticker display service to all Canadian provinces equal to the lowest rate in the present Canadian rate scale. In addition, the amendment increases by 12.8 percent the rate for additional ticker display units throughout Canada. The new rates will become effective on August 1, 1982.

The amendment also deletes footnotes 7 and references thereto in Schedules A-1 and A-3. These footnotes identified a one-time charge that applied only to units in service on August 1, 1981. The amendment also deletes from Schedule A-1 the charges for Canadian stock tickers because this service is no longer available in Canada.

II. Request for Comment

Pursuant to Rule 11Aa3-2(c)(3) under the Act, the amendment became effective upon filing with the Commission. The Commission, however, summarily may abrogate the amendment within 60 days of filing and require that the amendment be refiled pursuant to Rule 11Aa3-2(b)(1), if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system, or otherwise in furtherance of the purposes of the Act. Accordingly, in order to assist the Commission in determining whether to abrogate the amendment and to require further review, interested persons are invited to submit their views to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before August 3, 1982. The amendment to the CTA Plan will be available for public inspection in the Commission's public reference room. All communications should refer to File No. S7-433.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[2]

George A. Fitzsimmons,

Secretary.

[FR Doc. 82-18847 Filed 7-12-82; 8:45 am]

BILLING CODE 8010-01-M

[1] *See* Securities Exchange Act Release No. 16983, (July 16, 1980), 45 FR 49414.

[2] 17 CFR 200.30-3(a)(27).

SMALL BUSINESS ADMINISTRATION

[Proposed License No. 02/02-5447]

Freshstart Venture Capital Corp.; Application for License To Operate as a Small Business Investment Company (SBIC)

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 Freshstart Venture Capital Corp. (Applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1982).

The officers, directors and stockholders of the Applicant are as follows:

Zindel Zelmanovich, President, 1934 East 18th Street, Brooklyn, New York 11229 (12%)
Peter Garden, Treasurer, Secretary and Director, 5 Brockwood Lane, New York City, New York 10956 (20%)
Andrew Greenbaum, Treasuer, Secretary and Director, 300 Winston Drive, Cliffside Park, New Jersey 07010 (40%)
Pearl Greenbaum, Director, 300 Winston Drive, Cliffside Park, New Jersey 07010 (Jointly with Andrew Greenbaum)
Neil Greenbaum, Director, 2171 B Ellery Avenue, Fort Lee, New Jersey 07024 (10%)
Michael L. Moskowitz, Director, 1601 48th Street, Brooklyn, New York 11204 (6%)
Jechiel Gruzin, Director, 1 Orlando Strasse, Munich, West Germany (6%)
Toba Moskowitz, Director, Hoshoftim 17-8, Petech-Tikua, Israel (6%)

The Applicant, a New York corporation, with its principal place of business at 1841 Broadway, New York, New York 10023, will begin operations with $500,000 of paid-in capital and paid-in surplus derived from the sale of 5,000 shares of common stock to 8 investors.

The Applicant will conduct its activities primarily in the State of New York.

Applicant intends to provide assistance to qualified socially or economically disadvantaged small business concerns in the field of transportation, research and technology and manufacturing retailing doing business in the States of New York, New Jersey, Connecticut and Pennsylvania.

As a small business investment company under Section 301(d) of the Act, the Applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

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, on or before July 28, 1982, submit to SBA written comments on the proposed Applicant. Any such communication should be addressed to the Acting Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York City.

Dated: July 6, 1982.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Robert G. Lineberry,

Acting Deputy Associate Administrator for Investment.

[FR Doc. 82-18884 Filed 7-12-82; 8:45 am]

BILLING CODE 8025-01-M

[Declaration of Disaster Loan Area No. 2052]

Kansas; Declaration of Disaster Loan Area

Shawnee and Jackson Counties in the State of Kansas constitute a disaster area as a result of damage caused by severe storms and flooding which occurred on June 8, 1982. Eligible

persons, firms and organizations may file applications for loans for physical damage until the close of business on August 27, 1982, and for economic injury until the close of business on March 28, 1983, at the address below: U.S. Small Business Administration, 12 Grand Building, 5th Floor, 1150 Grand Avenue, Kansas City, Missouri 64106; or other locally announced locations.

	Percent
Homeowners with credit available elsewhere	15 5/8
Homeowners without credit available elsewhere.	7 7/8
Businesses with credit available elsewhere	16
Businesses without credit available elsewhere	8
Businesses (EIDL) without credit available elsewhere.	8
Other (non-profit organizations including charitable and religious organizations).	11 1/2

It should be noted that assistance for agriculture enterprises is the primary responsibility of the Farmers Home Administration as specified in Pub. L. 96-302.

Information on recent statutory changes (Pub. L. 97-35, approved August 13, 1981) is available at the above-mentioned office.

Dated: July 2, 1982.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008)

James C. Sanders,

Administrator.

[FR Doc. 82-18885 Filed 7-12-82; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE-82-12]

Petitions for Exemption; Summary of Petitions Received and Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration, (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before July 23, 1982.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-204), Petition Docket No. ———, 800 Independence Avenue, SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: The petition, any comments received and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC-204), Room 916, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 426-3644.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on July 9, 1982.

John H. Cassady,

Assistant Chief Counsel, Regulations and Enforcement Division.

PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought
23188	Muse Air Corporation	SFAR 44-4	To request an exemption from SFAR 44-4 to allow them to continue to utilize 4 Braniff slots at Tulsa, 3 at Midland/Odessa and 8 at Dallas which were granted to Muse under the emergency allocation of Braniff slots. Petitioner states that the request is in the public interest and is necessary for the survival of Muse Air.

DISPOSITIONS OF PETITIONS FOR EXEMPTION

Docket No.	Petitioner	Regulations affected	Description of relief sought

None this period.

[FR Doc. 82-19053 Filed 7-12-82; 10:22 am]

BILLING CODE 4910-13-M

Sunshine Act Meetings

Federal Register
Vol. 47, No. 134
Tuesday, July 13, 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).

Contents

	Items
Consumer Product Safety Commission	1
Federal Communications Commission	2, 3
Federal Energy Regulatory Commission	4
Federal Home Loan Bank Board	5
Federal Mine Safety and Health Review Commission	6, 7
Federal Reserve System	8
International Trade Commission	9
Legal Services Corporation	10
Parole Commission	11

1

CONSUMER PRODUCT SAFETY COMMISSION

TIME: 10 a.m., Wednesday, July 14, 1982.

LOCATION: Room 456, Westwood Towers Bldg., 5401 Westbard Avenue, Bethesda, MD.

STATUS: Closed to the public.

MATTERS TO BE CONSIDERED:

1. Complaint Process
   The staff will brief the Commission on issues related to the Complaint process.
2. Enforcement Matter OS ε1086
   The staff will brief the Commission on issues related to enforcement of matter OS ε1086.Q04

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Deputy Secretary, Office of the Secretary, Suite 342, 5401 Westbard Avenue, Bethesda, MD 20207; Telephone (301) 492-6800.

[S-1011-82 Filed 7-8-82; 4:05 pm]

BILLING CODE 6355-01-M

2

FEDERAL COMMUNICATIONS COMMISSION

The Federal Communications Commission will hold a Closed Meeting on the subject listed below on Thursday, July 15, 1982, following the Open Meeting, which is scheduled to commence at 2:00 p.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Hearing—1—Questions certified to the Commission and appeals from interlocutory rulings in the Ventura, California television proceeding (Docket Nos. 80-698 and 80-699).

This item is closed to the public because it concerns adjudicatory matters (See 47 CFR 0.603 (j)).

The following persons are expected to attend:

Commissioners and their Assistants
General Counsel and members of his staff
Managing Director and members of his staff
Chief, Office of Public Affairs and members of his staff

Action by the Commission July 2, 1982. Commissioners Fowler, Chairman; Quello, Washburn, Fogarty, Jones, Dawson and Rivera voting to consider this item in Closed Session.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: July 8, 1982.

Willam J. Tricarico,

Secretary, Federal Communications Commission.

[S-1020-82 Filed 7-9-82; 3:53 am]

BILLING CODE 6712-01-M

3

FEDERAL COMMUNICATIONS COMMISSION

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, July 15, 1982, which is scheduled to commence at 2:00 p.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

Private Radio—1—*Title:* Waiver of Section 90.487(c) of the Commission's Rules for medical services eligibles. *Summary:* The Commission will consider whether to grant a waiver of Section 90.487(c) of the Commission's Rules to the Albuquerque and Bernalillo County Medical Association. The Commission will also consider whether to adopt standards for waiver of Section 90.487(c) of the Rules for medical services eligibles and whether to authorize the Chief, Private Radio Bureau, to process future waiver requests under these standards pursuant to delegated authority.

Private Radio—2—*Title:* Application for Review seeking reversal of staff action granting radio station license KAD-3415 in the General Mobile Radio Service. *Summary:* The Commission will consider whether to grant or deny the Application for Review filed by Everett Tyrrel, d/b/a Havre Answering Service, et al.

Common Carrier—1—*Title:* Application of ISA Communications Services, Inc. for authority to provide an Extended Digital Electronic Message Service and for a Rule 21.31(e)(3) exemption. *Summary:* The Commission will consider ISACOMM's application to construct facilities necessary to provide Digital Electronic Message Service. It also will consider whether to permit a major amendment of the application reflecting a transfer of control from Insurance Systems of America, Inc. to United Telecommunications.

Common Carrier—2—*Title:* Application of MCI Telecommunications Corporation for authority to provide an Extended Network Digital Electronic Message Service. *Summary:* The Commission will consider MCI's application to construct facilities necessary to provide Digital Electronic Message Service.

Common Carrier—3—*Title:* Application of Contemporary Communications Corporation for authority to provide an Extended Network Digital Electronic Message Service. *Summary:* The Commission will consider Contemporary's application to construct facilities necessary to provide Digital Electronic Message Service.

Common Carrier—4—*Title:* Application of Tymnet, Inc. for authority to provide an Extended Network Digital Electronic Message Service. *Summary:* The Commission will consider Tymnet's application to construct facilities necessary to provide Digital Electronic Message Service.

Common Carrier—5—*Title:* Application of Satellite Business Systems for authority to provide an Extended Network Digital Electronic Message Service. *Summary:* The Commission will consider SBS's application to construct facilities necessary to provide Digital Electronic Message Service.

Cable Television—1—*Title:* Report and order in Docket 18891 concerning limitations on multiple ownership of cable television systems. *Summary:* Commission will consider conclusion of proceeding in which multiple ownership rules for the cable television industry were proposed.

Cable Television—2—*Title:* Notice of Proposed Rulemaking concerning whether the Commission should delete its existing prohibition on cross-ownership between national television networks and cable television systems (Section 76.501(a)(1) of the Rules). *Summary:* Commission will consider commencing a rulemaking proceeding relating to the national television network—cable television cross ownership rules.

Aural—1—*Title:* Mutually exclusive applications for construction permits for AM stations on 660 kHz in Rifle, Colorado (KWSR), Mount Vernon, Washington

(KAPS), Portland, Oregon (New), Phoenix, Arizona (KFLR), Fife, Washington (KMO), and Window Rock, Arizona (New); a petition to deny and two informal objections to the Window Rock application; and related matters. *Summary:* The Commission considers all the above matters and designates the applications for hearing.

Aural—2—*Title:* Mutually exclusive applications for new AM stations on 670 kHz in Tamarac and Miami, Florida, and a petition to deny the Miami application. *Summary:* The Commission considers all the above matters and designates the applications for hearing.

Television—1—*Title:* Applications of American Television of Utah, Inc. for new commercial television stations to operate on Channels 13 and 14 in Salt Lake City, Utah. *Summary:* The Commission will consider whether the applicant should be permitted to prosecute more than one application for a television station in Salt Lake City.

Broadcast—1—*Title:* Notice of Proposed Rule Making to amend Section 73.642(a) of the Commission's Rules. *Summary:* The Commission will consider in this Notice of Proposed Rule Making whether to amend its rules to permit the use of subscription television by public television licensees.

Broadcast—2—*Title:* Commission Policy Concerning the Noncommercial Nature of Educational Stations (BC Docket No. 21136). *Summary:* The Commission has before it petitions for reconsideration and clarification of the Commission's Second Report and Order (86 F.C.C. 2d 141 (1981)) and a petition for declaratory ruling regarding the impact of subsequently enacted 47 U.S.C. 399A and 399B upon the Commission's Second Report and Order. The Second Report and Order and the legislation liberalized prior restrictions upon public broadcasters, providing them with greater flexibility in their programming determinations and greater opportunities to attract and generate non-Federal financial support.

Complaint and Compliance—1—*Title:* Application for Review by the Continuing Committee for Mayor Bergin of the Broadcast Bureau's denial of its complaint against Thomas Television Inc., licensee of station WATR-TV, Waterbury, Connecticut. *Summary:* The Bureau rejected the complainant's argument that Mayor Bergin's opponent was a legally qualified candidate at the time of certain broadcasts since the opponent had not qualified for a place on the ballot. The Committee for Mayor Bergin argues that his opponent was legally qualified under Connecticut law and that the Mayor was entitled to equal opportunities.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254-7674.

Issued: July 8, 1982.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1021-82 Filed 7-9-82; 3:54 pm]

BILLING CODE 6712-01-M

4

FEDERAL ENERGY REGULATORY COMMISSION

July 7, 1982.

AGENCY: Federal Energy Regulatory Commission.

TIME AND DATE: 10 a.m. July 14, 1982

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted withoiut further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; Telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information

Consent Power Agenda—753rd Meeting, July 14, 1982, Regular Meeting (10 a.m.)

CAP-1. Project No. 2866-002, The Metropolitan Sanitary District of Greater Chicago

CAP-2. Project No. 4459-000, City of Marseilles, Illinois; Project No. 3594-000, Mitchell Energy Co., Inc.; Project No. 4499-000, Village of Winnetka, Illinois

CAP-3. Project No. 2861-004, Robert W. Shaw

CAP-4. Project No. 4031-000, City of Peru, Illinois; Project No. 3568-002, Mitchell Energy Co., Inc.; Project No. 3592-000, Energencies Systems, Inc.; Project No. 4038-000, Cities of Oglesby and Ladd, Illinois; Project No. 4447-000, Village of Winnetka, Illinois

CAP-5. Project No. 3944-000, Village of Rockdale, Illinois; Project No. 3567-000, Mitchell Energy Co.; Project No. 4523-000, Village of Joilet, Illinois; Project No. 4561-000, Village of Winnetka, Illinois; Project No. 4577-000, Commonwealth Edison Co.

CAP-6. Project No. 405-013, Philadelphia Electric Power Co. and Susquehanna Power Co.

CAP-7. Project No. 2375.003, International Paper Co.

CAP-8. Project No. 5280-000, Eastern Sierra Energy Development; Project No. 5381-000, Modesto Irrigation District; Project No. 6188-000, Camille E. Held. Walton B. Held, A. W. Stuart Trust, W. Titus Nelson, Dale E. Grenoble

CAP-9. (a) Projet No. 3858-000, Idaho Renewable Resources, Inc. and City of Ashton, Idaho; Project No. 4168-000, Enagenics; Project No. 4803-001, American Falls Reservor District No. 2 and Big Wood Canal Co.; (b) Project No. 3858-001, Idaho Renewable Resources, Inc. and City of Ashton, Idaho; Project No. 4168-000, Enagenics; Project No. 4803-000, American Falls Reservoir District No. 2 and Big Wood Canal Co.

CAP-10. Project No. 2780-004, Solano Irrigation District

CAP-11. Project Nos. 4849-000, 4841-000, 4842-000, 4843-000, 4844-000, 4845-000, 4846-000, 4847-000, 4852-000, 4853-000, 4859-000, 4860-000, 4861-000, 4862-000, 4863-000, 4869-000, 4870-000, 4871-000, 4872-000, 4873-000, 4874-000, 4875-000, 4876-000, 4877-000, 4878-000, 4879-000, 4880-000, 4901-000, 4936-000, 4937-000, 4952-000, 4953-000, 4987-000, 4988-000, 4995-000, 4996-000, 4997-000, 4998-000, 5007-000, 5008-000, 5009-000, 5013-000, 5014-000, 5015-000, 5036-000, 5048-000, and 5049-000, Modesto Irrigation District

CAP-12. Project No. 4705-000, John J. Hockberger, Sr.; Project No. 3737-000, Mitchell Energy Co., Inc.; Project No. 4650-001, City of Ammon, Idaho

CAP-13. Project No. 4260-001, Consolidated Hydroelectric, Inc.

CAP-14. Project Nos. 4008-000, 4008-001, 4008-003 and 4938-000, Long Lake Energy Corp. and Village of Ilion, New York

CAP-15. (a) Project No. 6202-001, Lester Kelley, Vernon Ravenscroft, and Helen Chenoweth—Buck Trapper Creek Project; (b) Project No. 6245-001, Lester Kelley, Vernon Ravenscroft, and Helen Chenoweth—Bear Creek Project; (c) Project No. 6246-001, Lester Kelley, Vernon Ravenscroft, and Helen Chenoweth—Ditch Creek Project

CAP-16. Project No. 4167-001, Energenics Systems Inc.

CAP-17. Project No. 3747-000, Borough of Central City, Pennsylvania

CAP-18. Project No. 5870-000, Howard W. Bair

CAP-19. Omitted

CAP-20. Project Nos. 4636-000 and 4636-001, Hydro Development Group, Inc.; Project Nos. 4908-000 and 4908-001, Mary Jane Ruderman Hirschey; Project No. 5800-000, Crown Zellerbach Corp.; Project No. 5923-000, Long Lake Energy Corp.; Project No. 6368-000, Climax Manufacturing Co.

CAP-21. Project No. 4356-001, Long Lake Energy Corp.; Project No. 5236-000, Essex County Industrial Development Agency; Project No. 5752-000, New York State Department of Environmental Conservation; Project No. 5760-000, International Paper Co.; Project No. 5762-000, International Paper Co.

CAP-22. Docket No. EL81-14-001, American Municipal Power—Ohio, Inc. v. the Dayton Power & Light Co.; Docket No. ER81-353-000, the Dayton Power & Light Co.

CAP-23. Docket Nos. ER82-410-001 and ER82-410-002, New York State Electric & Gas Corp.

CAP-24. Docket No. ER82-426-000, Jersey Central Power & Light Co.

CAP-25. Docket No. ER82-427-000, Southern California Edison Co.

CAP-26. Docket No. ER82-545-000, Public Service Co. of Oklahoma and Southwestern Electric Power Co.; Docket No. ER82-546-

000, Central Power & Light Co. and West Texas Utilities Co.
CAP–27. Docket Nos. ER82–553–000 and ER82–554–000, Ohio Power Co.
CAP–28. Docket Nos. ER82–565–000 and ER82–566–000, Orange & Rockland Utilities, Inc.
CAP–29. Docket Nos. ER82–555–000, ER82–556–000, ER82–557–000, ER82–558–000 and ER82–559–000, Indiana & Michigan Electric Co.
CAP–30. Omitted
CAP–31. Omitted
CAP–32. Docket No. ER82–001–000, Public Service Co. of New Mexico
CAP–33. Docket Nos. ER81–341–000, ER81–341–001, and ER81–341–002, Kentcuky Utilities Co.
CAP–34. Docket Nos. ER79–126–001, ER79–126–002, ER79–126–003, and ER79–126–004, Arizona Public Service
CAP–35. Project No. 6175–001, Lester Kelley, Vernon Ravenscroft, and Helen Chenoweth—Riordan Creek Project

Consent Miscellanous Agenda

CAM–1. Docket Nos. ER78–507, Public Service Co. of Colorado
CAM–2. Docket No. RM81–19–000, 001, 002, 003, 004, 005, 006, 007 ,008, and 009, interstate pipeline certificates for routine transactions
CAM–3. Omitted
CAM–4. Docket No. GP82–21–000, Railroad Commission of Texas, Section 102 NGPA Determination, Texaco, Inc., Yturria L&C Co. NCT.1 #40 Well, RRC Docket No. 4–34425, FERC No. JD81–33171
CAM–5. Docket No. RM81–7–000, exemption from the licensing requirements of Part I of the Federal Power Act of certain categories of small hydro electric power projects with an installed capacity of 5 megawatts or less
CAM–6. Docket No. RM80–42, tax normalization for certain items reflecting timing differences in the recognition of expenses or revenues for ratemaking and income tax purposes Docket No. R–424, accounting for premium, discount and expense of issue, gains and losses on refunding reacquisition of long-term debt, and interperiod allocation of income taxes Docket No. R–446, amendment of the uniform systems of accounts for classes A, B and C public utilities and licenses and natural gas companies: deferred income taxes

Consent Gas Agenda

CAG–1. Docket No. TA82–1–30–003 (PGA82–1, IPR82–1, TT82–1, and AP82–1), Trunkline Gas Co.
CAG–2. Docket No. TA82–1–11–001 (PGA82–1, IPR82–1, GRI82–1), UNited Gas Pipe Line Co.
CAG–3. Docket No. RP81–61–005 and RP82–80–000, Michigan Wisconsin Pipe Line Co.
CAG–4. Omitted
CAG–5. Docket No. RP82–74–001, Texas Gas Transmission Corp.
CAG–6. Docket No. RP82–55–000, Transcontinental Pipe Line Corp.
CAG–7. Docket No. TA82–1–22–001 (PGA82–1, IPR82–1 and RD&D82–1), Consolidated Gas Supply Corp.
CAG–8. Docket No. RP81–81–004 and RP82–16–001, United Gas Pipe Line Co.
CAG–9.Docket No. RP81–34–000 and RP81–34–001, Distrigas of cassachusetts Corp.
CAG–10. Docket No. TA81–2–9 (PGA81–2, IPR81–2, DCA81–2 and R&D81–2), Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.
CAG–11. Docket No. RP81–82–004, Columbia Gulf Transmission Co.; Docket No. RP81–83–005, Columbia Gas Transmission Corp.
CAG–12. Docket No. CI82–204–002, Cities Service, Co.; Docket No. CI80–491–001, Mobil Oil Exploration & Producing; Docket No. CS71–988–002, Damson Oil Corp., Damson Resources Corp., and A and E Pipeline Co. (Damson Oil Corp. and Damson Resources Corp.), et al.; Docket No. CS82–29–001, Goldson Oil Corp.; Docket NO. CS82–41–001, Mayfield Family Trust; Docket No. CS82–43–001, Nancy Goldston Herpin; Docket No. CS82–45–001, Patti Lynn Goldston Mayfield 1974 Trust; Docket No. CS82–46–001, Susan R. Mayfield; Docket No. CS82–51–001, Nancy Zoe Goldston Herpin 1962 Trust; Docket No. CI82–221–002, General American Oil Co. of Texas; Docket No. CS71–988–900, Damson Oil Corp., Damson Resources Corp., and A and E Pipeline Co. (Damson Resources Corp.), et al.; Docket No. G–7638–000, Mobil Producing Texas & New Mexico, Inc., et al.; Docket No CI81–444–001, Chevron U.S.A. Inc.; Docket No. CI78–66–003, Exxon Corp.; Docket No. CI82–234–001, Amoco Production Co.; Docket No. CI82–231–001, Pennzoil Oil & Gas, Inc.; Docket No. CI82–233–001, The Superior Oil Co.; Docket No. CI82–236–001, Natresco Inc.; Docket No. CI82–237–001, Conoco Inc.; Docket No. CI82–239–001, ANR Production Co.; Docket No. CI82–217–001, Cities Service Co.; Docket No. G–11955–001, Mobil Producing Texas & New Mexico Inc.; Docket No. CI82–244–001, The Superior Oil Co.; Docket No. CI82–245–001, Natresco Inc.
CAG–13. Docket Nos. CI80–39–001 and CI80–40–001, Tenneco Exploration, Ltd.; Docket Nos. CI78–473–001, CI78–485–001, CI78–486–001, CI79–522–001, Texaco, Inc.
CAG–14. Docket No. CS71–383–000, Texasgulf Inc.
CAG–15. Docket No. RI77–32–000, Disputed Zone Offshore Louisiana
CAG–16. Docket No. ST82–187–000, Coronado Transmission Co.
CAG–17. Docket Nos. ST81–260 and CP80–206, Mustang Fuel Corp.
CAG–18. Docket No. CP81–99–001 and 002, Transwestern Pipeline Co.
CAG–19. Docket Nos.CP77–321–004, CP78–241–003 and CP79–73–002, Southern Natural Gas Co.; Docket No. CP77–421–019, Transcontinental Gas Pipe Line Corp.
CAG–20. Docket Nos. CP81–445–000 and CP81–449–000, Transcontinental Gas Pipe Line Corp.
CAG–21. Docket Nos. CP82–158–000 and 001, Transcontinental Gas Pipe Line Corp., Tennessee Gas Pipeline Co., a Division of Tenneco Inc., Columbia Gulf Transmission Co., Michigan Wisconsin Pipe Line Co. and Northern Natural Gas Co., Division of Internorth, Inc.
CAG–22. Docket No. CP82–224–000, National Fuel Gas Supply Corp.
CAG–23. Docket No. CP81–378–002, Texas Eastern Transmission Corp.
CAG–24. Docket No. CP81–416–000, Louisiana Intrastate Gas Corp.
CAG–25. Docket Nos. CP81–347–000 and CP74–208–001, Honoye Storage Corp.; Docket No. CP82–72–000, Tennessee Gas Pipeline Co., a Division of Tenneco Inc., and National Fuel Gas Supply Corp.
CAG–26. Docket No. RP82–111–000, Commercial Pipeline Co., Inc.

I. Licensed Project Matters

P–1. Docket No. EL78–24 (phase I), Municipal Electric Utilities Association of the State of New York v. Power Authority of the State of New York; Docket No. EL78–37 (phase I), Village of Ilion, New York v. Power Authority of the State of New York
P–2. Project No. 2030–005, Portland General Electric Co.
P–3. Project No. 5090, City of Idaho Falls, Idaho
P–4. Omitted
P–5. Project No. 2971–000, Allegheny Electric Cooperative, Inc.; Project No. 2988–000, Ohio Edison Co.; Project No. 3219–000, Duquesne Light Co.; Project No. 3490–000, Potter Township, Pennslyvania

II. Electric Rate Matters

ER–1. Docket No. ER80–313–001, Public Service Co. of New Mexico
ER–2. Docket No. ER82–257–000, Kansas Gas & Electric Co.
ER–3. Docket No. ER82–146–004, Commonwealth Edison Co.
ER–4. Omitted
ER–5. (a) Docket Nos. EF81–2011–000 and EF81–2021–000, Bonneville Power Administration; (b) Docket No. EF80–2011–000 (remand), U.S. Secretary of Energy, Bonneville Power Administration
ER–6. Docket No. EF81–5021–000, Western Area Power Administration
ER–7. Docket Nos. EF81–5121–001 and 002, Western Power Area Administration and Central Valley Project—Pacific Gas & Electric Co.

Miscellaneous Agenda

M–1. Reserved
M–2. Reserved
M–3. Docket No. RM82–36–000, elimination of reporting requirements for sales of natural gas under sections 105, 106(b) and 109 of the NGPA
M–4. Docket No. RO80–10–000, L. E. Jones Production Co.
M–5. Docket No. RA81–52–000 and RA81–53–000 (Consolidated), Laketon Asphalt Refining, Inc.

Gas Agenda

I. Pipeline Rate Matters

RP–1. Omitted

II. Producer Matters

CI–1. Reserved

III. Pipeline Certificate Matters

CP–1. Docket No. CP74–122–007, Energy Terminal Services Corp.; Docket No. CP73–148–002, Energy Pipeline Corp.; Docket No.

CP80–453–000, Texas Eastern Transmission Corp.

Kenneth F. Plumb,

Secretary.

[S–1019–82 Filed 7–9–82; 3:19 pm]

BILLING CODE 6717–01–M

5

FEDERAL HOME LOAN BANK BOARD

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. No. 47, Page No. None at this time. Date Published—None at this time.

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 items have been added to the open portion of the Bank Board meeting scheduled Thursday, July 15, 1982.

Public Notice and Protest
Holding Company Acquisition Delegations
Net Worth Amendments
Liquidity, New Inclusions
[No. 48, July 9, 1982]

[S–1013–82 Filed 7–9–82; 10:25 pm]

BILLING CODE 6720–01–M

6

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

July 7, 1982.

TIME AND DATE: 10 a.m., July 14, 1982.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. Gerald Boone v. Rebel Coal Company, Docket No. WEVA 80–532–D; (consideration of operator's motion to accept late-filed petition for discretionary review).
2. Lloyd Brazell v. Island Creek Coal Company, Docket No. KENT 81–46–D; (whether the judge erred in concluding that the operator did not violate section 105(c) of the Mine Act).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5632.

[S–1014–82 Filed 7–9–82; 11:15a.m.]

BILLING CODE 6735–01–M

7

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Notice of Deletion of Item From the June 30, 1982 Agenda

July 7, 1982.

PLACE: Room 600, 1730 K Street, NW., Washington, D.C.

STATUS: Closed (Pursuant to 5 U.S.C. 552(c)(10)).

CHANGE IN THE MEETING: The following items was deleted from the agenda:

2. Mathies Coal Company, Docket Nos. PENN 80–260–R, PENN 81–35.

It was determined by a unanimous vote of Commissioners that the above item should be deleted from the agenda and that no earlier announcement of the deletion was possible.

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5632.

[S–1015–82 Filed 7–9–82; 11:15 am]

BILLING CODE 6735–01–M

8

FEDERAL RESERVE SYSTEM

TIME AND DATE: 10 a.m., Monday, July 19, 1982.

PLACE: 20th Street and Constitution Avenue, NW., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. 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: July 9, 1982.

James McAfee,

Associate Secretary of the Board.

[S–1018–82 Filed 7–9–82; 3:18 pm]

BILLING CODE 6210–01

9

INTERNATIONAL TRADE COMMISSION

TIME AND DATE: 10 a.m., Thursday, July 22, 1982.

PLACE: Room 117, E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Investigation 731–TA–46 (Final) (Certain Stel Wire Nails from Korea)—briefing and vote.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523–0161.

[S–1017–82 Filed 7–9–82; 11:30 am]

BILLING CODE 7020–02–M

10

LEGAL SERVICES CORPORATION

Provision of Legal Services Committee

PREVIOUSLY ISSUED: July 2, 1982.

PROVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30–12 Noon, Saturday, July 17, 1982.

CHANGE IN THE MEETING: Addition to the agenda. Matters to be considered will include as item 4: Grant Review Authority.

CONTACT PERSON FOR MORE INFORMATION: LeaAnne Bernestein Office of the President, (202) 272–4040.

Dated: July 8, 1982.

Gerald M. Caplan,

Acting President.

[S–1012–82 Filed 7–8–82; 4:58 pm]

BILLING CODE 6829–35–M

11

UNITED STATES PAROLE COMMISSION

[2P0401]

TIME AND DATE: 4 p.m. to 5:30 p.m., Wednesday, July 21, 1982.

PLACE: Room 420–F, One North Park Building, 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

STATUS: Closed pursuant to a vote to be taken at the beginning of the meeting.

MATTERS TO BE CONSIDERED: Appeals to the Commission of approximately 6 cases decided by the National Commissioners pursuant to a reference under 28 CFR 2.17 and appealed pursuant to 28 CFR 2.27. These are all cases originally heard by examiner panels wherein inmates of Federal prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION: Linda Wines Marble, Chief Case Analyst, National Appeals Board, United States Parole Commission (301) 492–5987.

[S–1016–82 Filed 7–9–82; 11:23 am]

BILLING CODE 4410–01–M

federal register

Tuesday
July 13, 1982

Part II

Department of Labor

Office of the Secretary

Privacy Act of 1974; Annual Notice of Systems of Records

DEPARTMENT OF LABOR

Office of the Secretary

Privacy Act of 1974; Annual Notice of Systems of Records

AGENCY: Office of the Secretary.

ACTION: Annual publication of systems of records.

SUMMARY: Federal agencies are required by the Privacy Act of 1974 to give annual notice of their records covered by the Act which they maintain. The purpose of this document is to republish in full the systems that this agency has published since the last full text publication of the systems of records (42 FR 49654, September 27, 1977 as updated at 43 FR 42106, September 19, 1978, 44 FR 61676, October 26, 1979, and 46 FR 12350, February 13, 1981); to add new systems which are being published for the first time; to amend other systems previously published; and to delete 31 systems.

DATE: Persons wishing to comment on newly published systems may do so by August 12, 1982.

EFFECTIVE DATE: Unless otherwise noticed in the Federal Register, this notice shall become final August 12, 1982.

ADDRESS: Seth D. Zinman, Associate Solicitor, Office of Solicitor, Division of Legislation and Legal Counsel, U.S. Department of Labor, Room N–2428, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Sofia P. Petters, Counsel for Administrative Legal Services, Office of the Solicitor, Department of Labor, 200 Constitution Avenue, N.W., Room N–2428, Washington, D.C. 20210; Telephone (202) 523–8188.

Pursuant to 5 U.S.C. 552a(e)(4), section 3 of the Privacy Act of 1974, the Department of Labor hereby publishes notice of its system of records currently maintained pursuant to the Privacy Act of 1974. The systems were previously published at 42 FR 49654 (September 27, 1977); 43 FR 42106 (September 19, 1978); 44 FR 61676 (October 26, 1979) and 46 FR 12350, February 13, 1981). This notice republishes numerous systems, deletes 31 systems of records; publishes fifteen new systems; and amends numerous systems.

The Department of Labor hereby publishes notice of fifteen new systems of records:

1. DOL/OSEC–1, Supervisors' Records of Employees.
2. DOL/OSEC–2, Employee Conduct Investigations.
3. DOL/OSEC–3, Employee Locator System.
4. DOL/OASAM–20, Personnel Investigation Records.
5. DOL/OASAM–21, Senior Executive Service Certification File.
6. DOL/ESA–26, Division of Longshoremen's and Harbor Workers' Compensation Investigation Files.
7. DOL/ETA–20, Federal Bonding Program, Bondees' Certification Files.
8. DOL/OIG–2, FOIA/PA Files.
9. DOL/OIG–3, Case Developments Records.
10. DOL/OIG–4, Temporary Matching Files, Loss Analysis Files.
11. DOL/OIG–5, Investigative Case Tracking Systems/Audit Track System.
12. DOL/LMSA–21, ERISA Coverage Correspondence Files.
13. DOL/LMSA–22, PWBP—Office of Reporting and Plan Standards, Division of Collective Bargaining Correspondence Files.
14. DOL/LMSA–23, Pension and Welfare Benefit Programs—Inquires from congressmen, senators and private citizens.
15. DOL/SOL–8, Special Litigation Staff—Litigation Files.

DOL/OSEC–1, Supervisors' Records of Employees, is a republication and retitling of DOL/OASAM–18, which was previously published on February 13, 1981 (46 FR 12358). DOL/OSEC–2, Employee Conduct Investigations, is a renumbered system, reflecting the relocation of records. This system was previously published as DOL/MSHA–4, Employee Conduct Investigations. DOL/OSEC–3, Employee Locator System, is a renumbered system, reflecting the relocation of the records. This system was previously published as DOL/MSHA–16, Employee Locator System.

Corrections are made to various OASAM systems published herein, to reflect such changes as new or additional locations for the systems, assorted typographical errors, organizational name changes, and changes in the names of Government entities, such as the renaming of the Civil Service Commission to the Office of Personnel Management, and so forth.

DOL–OASAM–17 is amended with regard to location of the system, the system's name, expansion of the routine uses, and exempting the system from portions of the Act. DOL–OASAM–18 is retitled as DOL/OSEC–1. DOL–OASAM–19 is a renumbered system, reflecting the relocation of the system to the Office of Labor-Management Relations. DOL–OASAM–20 is a new system of records, reflecting the files of the personnel security unit which pertains to clearance investigations for Federal employment. DOL–OASAM–21 is a new system of records, reflecting the files of the Senior Executive Service. DOL–OASAM–22 is a renumbered system, reflecting the case file system for discrimination complaints against recipients of DOL Federal financial assistance. This system was previously published as ETA–17.

The Department hereby amends DOL/BLS–2 to reflect a change in the room number of the system's location. DOL/BLS–2 is further amended as to the division name and room number and as to system manager and address. DOL/BLS–3 has been amended as to categories of individuals to include all regional employees. The categories of records in the system for DOL/BOLS–3 have been amended to include additional data elements. DOL/BLS–3 has been further amended in record source categories to include another source category.

DOL/ESA–26, a new system entitled Division of Longshoremen's and Harbor Workers' Compensation Investigation Files, is established similar in scope to DOL/ESA–23 which was deleted on October 26, 1979, 44 FR 61677. That system covered all workers' compensation program investigations and was transferred in 1979 to the Office of the Inspector General (OIG). However, there are certain aspects of the investigations which are conducted by ESA and which may be independent of or in conjunction with the OIG, and other Federal agencies engaged in the same or similar investigations. An exemption from disclosure is incorporated to protect the integrity and methodology of the investigations, as well as to protect the physical well-being of investigators.

DOL/ESA–6, 9, 10, and 13 are amended to reflect the Office of Worker Compensations Programs' (OWCP) renewed emphasis on investigations of possible violations of the Longshore and Black Lung compensation statutes. For the past several years such investigations were only conducted by the Office of the Inspector General and any relevant material which came into OWCP's possession was turned over to the OIG. Currently, investigations may be independent or in conjunction with the Department's Office of the Inspector General, and other Federal agencies engaged in the same or similar investigations. Accordingly, the "Categories of Records" and "Routine Uses" sections are being expanded to reflect such actions. Exemption from certain provisions of the Act is sought only for material contained in these systems which relate to investigations of fraud or abuse. It is deemed proper to

establish such exemptions within the scope of the Act in order to protect the integrity and methodology of the investigations as well as to protect the physical well-being of investigators.

The routine uses sections of DOL/ESA–2 and 25 are expanded to conform with a proposed change in OFCCP regulations expected to be finalized later in 1982, and to reflect current OFCCP policy. The additions include disclosure of complaint information to other Federal, State or local agencies with jurisdiction over a complaint; to a contractor, including providing a copy of a complaint or complaint summary for purposes of notice; and to persons who may have knowledge pertinent to a complaint, but only to the extent necessary to determine the validity of complaint charges.

DOL/ESA–6, 9, and 10 amends the "Routine Uses" section to authorize access equally to mine operators and their insurers immediately after report of injury or illness. Heretofore, the wording of the "Routine Uses" section was ambiguous in that it implied that insurers of mine operators had the authority to limit access of mine operators to information in the system. Such was never the intent.

DOL/ESA–5 to 13, 15, and 24 are amended to reflect the retention periods in the records retention schedules submitted to the National Archives and Records Service for approval in 1981.

DOL/ESA–18 is corrected to reflect the actual system name (Advisory Committee on Sheltered Workshops Members' Files) and system location. The system name and location published for DOL/ESA–18 on February 13, 1981, page 12358, are incorrect and relate to DOL/ESA–17 which was deleted on the same day, page 12351.

In addition, corrections are made to various ESA systems published herein, to reflect such changes as new contractors and new locations for ADP maintained systems, assorted typographical errors, changes in the name of Government entities such as the renaming of the Civil Service Commission to Office of Personnel Management, and so forth.

DOL/ETA–20, Federal Bonding Program, Bondees' Certification Files, is a new system which covers State Job Service applicants who are eligible and need a bond to get jobs.

DOL/OIGA–1 General Investigative Files, Case Tracking Files, and Subject/Title Index, USDOL/OIG, is amended to reflect disclosure of information to Federal, state or local agencies for their use in granting, amending or revoking a certification or license.

DOL/OIG–2 is a new centralized system of records to provide information related to requests received by the Office of Inspector General related to the FOIA/PA.

DOL/OIG–3 is a new system of records established to provide information on individuals known to be or suspected of being involved in Organized Crime and Labor Racketeering.

DOL/OIG–4 is a new system of records established to provide current information which may be pertinent to the possible illegal or questionable practices of individuals or organizations filing for and/or receiving benefits from programs funded or operated in whole or in part by DOL. Files associated with computer matching will reside in this system of records.

DOL/OIG–5 is a new system of records whose purpose is to make the Office of Inspector General more efficient in allocating assignments among personnel, manage its resources, and respond to official inquiries. In addition, the system will track specific events that occur during audits and investigations, produce periodic reports and provide statistical data for the IG Semi-Annual Report(s) to the Secretary and Congress, the Office of Management and Budget, and the President's Council on Integrity and Efficiency. Under the requirements of the Civil Service Reform Act to quantify work performance information to the greatest extent possible, ICTS information will be used as a part of individual work performance evaluation. No information concerning Office of Inspector General personnel will be disclosed outside the Department.

DOL/LMSA–1, 3, 4, 5, 7, 19 and 20 have been updated to reflect the current system locations and system manager's addresses.

DOL/LMSA–1 now covers those records previously in DOL/LMSA–8, 9, 10, 11, 14, and 15. As discussed later, those systems have been deleted.

DOL/LMSA–3 has been updated to more accurately reflect the system name, categories of individuals covered by the system, and categories of records in the system. The routine uses of records has been broadened to include referral to state and local governments as well as federal agencies which request data from this system.

DOL/LMSA–4 has been revised substantially, incorporating DOL/LMSA–17 which has been deleted. DOL/LMSA–12 and 13 have also been incorporated into this system because those records are a part of the PWBP case files. The exemptions have been limited to subsection (c)(3), (d), (e)(1), (e)(4)(G), (H), and (3) and (F) of 5 U.S.C. 552a. The routine uses bave been updated to reflect current status.

DOL/LMSA–19 has been revised to more accurately reflect the retrievability and safeguards of the system. The routine use has been changed to none because the data processing of these records are done inhouse rather than being sent out to a contractor.

LMSA has added three new systems. DOL/LMSA–21, ERISA Coverage Correspondence Files, contains correspondence from persons addressing inquiries to the Department regarding ERISA coverage. DOL/LMSA/22, PWBP-Office of Reporting and Plan Standards, Division of Collective Bargaining Correspondence Files, contains correspondence and notes from telephone conversations regarding the propriety of the suspension of pension benefits and research on issues posed. DOL/LMSA–23, Pension and Welfare Benefit Programs—Inquiries from congressmen, senators and private citizens, contains correspondence regarding all aspects of the pension and welfare benefit plans and the status of individuals under these plans.

Corrections and editorial changes are made to the following MSHA systems:

MSHA–1: The retention and disposal periods have been corrected; the routine uses have been reworded for clarification; no routine uses have been added; the authority citation has been supplemented.

MSHA–3: The retention and disposal periods have been corrected; the system manager's name and address have been corrected; the routine uses have been reworded for clarification; no routine uses have been added; the authority citation has been supplemented.

MSHA–10: We have included portions of the notice which were omitted, and we clarify the system to cover investigations of complaints of discrimination in metal and nonmetal mines as well as coal mines; the retention and disposal periods have been corrected; routine uses have been reworded for clarification; no routine uses have been added.

MSHA–12: The routine uses have been clarified; no routine uses have been added.

MSHA–13: The authority has been clarified.

MSHA–14: The authority has been clarified.

MSHA—15: The authority citation has been supplemented; the routine uses have been clarified; no routine uses have been added.

MSHA—17: We have inlcuded the retention and disposal schedule and

general routine uses; these had been omitted.

MSHA—18: The authority has been clarified. We have included retention and disposal schedule and general routine uses that had been omitted.

Corrections made to various OSHA systems published herein reflect such changes as new or additional locations for the systems, name changes, and the like. Assorted clerical errors corrected.

DOL/SOL–8 is the system of records formerly designated as DOL/LMSA–16 and has been transferred to the Solicitor's Office. The system is now designated as DOL/SOL–8 as it is maintained by the Special Litigation Task Force within the Solicitor's Office. The Task Force no longer believes it is necessary to exempt the system under subsection (j)(2) of the Privacy Act. The system is exempt from certain provisions of the Act pursuant to subsection (k)(2). Certain changes have been made to reflect new room addresses for the system location.

Finally, the Department hereby gives notice of the deletion of the following thirty-one (31) systems of records. DOL/OASAM–8, Executive Candidacy Self-Nomination Application File, is deleted, and the records have been destroyed. DOL/OASAM–9, National Defense Executive Reserve Personnel Files, is deleted, and the records have been destroyed by the agency. DOL/BLS–1, Administrative Information Systems is deleted because this system was a duplication of OASAM–1 and OASAM–10.

DOL/ESA–16 is deleted. That system, Wage-Hour Sheltered Workshop File, was a one-time only survey which culminated in a summary report to the Congress. As the raw data are no longer useful, computer tapes containing personal identifiers have been scratched and corresponding paper records have been destroyed. DOL/ESA–19, 20, and 21 are deleted. These systems, the Advisory Committee on Women to the Secretary of Labor Members' Files, the Citizens' Advisory Council on the Status of Women Correspondence Files, and the Citizens' Advisory Council on the Status of Women Members' Files, are no longer used by the Department.

DOL/ETA 17, Employment and Training Administration, Equal Employment Opportunity File, is deleted. These files are now covered by DOL/OASAM–22, Office of Civil Rights Complaint Case Files.

DOL/ILAB–1, Employee Address File, is deleted as this system is included in DOL/OSEC–3, Employee Locator System. DOL/ILAB–2, Organizational Operating Pattern File, is deleted. This system is published as DOL/OASAM–14, Automated Position Control System.

DOL/LMSA–2, LMSA Case Opening and Closing Reports, has not been used since 1978 and has been discontinued and is being deleted. DOL/LMSA–8, Bonding Violations File, is deleted because these records are a part of the Office of Labor-Management Standards Enforcements (LMSE) case files and are covered under DOL/LMSA–1, LMSE Index Cards and Case Files, Division of Enforcement. DOL/LMSA–9, Ex-Offenders Application File, is deleted. These records are a part of the LMSE case files and are covered under DOL/LMSA–1. DOL/LMSA–10, Falsified Reports File, is deleted. These records are a part of the LMSE case files and are covered under DOL/LMSA–1. Likewise, DOL/LMSA–11, Organizational Interference File, is deleted, because these records are carried as a part of the LMSE case files and are covered under DOL/LMSA–1. DOL/LMSA–12, Pension bonding Violations File, are deleted since they are a part of the Office of Pension and Welfare Benefit Plans (PWBP) investigatory files which are covered under DOL/LMSA–4, PWBP-Division of Enforcement and Special Investigation Staff Case Files. DOL/LMSA–13, Pension Embezzlement File, is deleted since these records are part of the PWBP investigatory files which are covered under DOL/LMSA–4. DOL/LMSA–14, Prohibited Loan File, is deleted since these records are part of the LMSE case files which are covered under DOL/LMSA–1. DOL/LMSA–15, Union Funds Embezzlement File, is deleted. These records are a part of the LMSE Case Files and are covered under DOL/LMSA–1. DOL/LMSA–16, Investigatory Files-Special Investigations Staff, are no longer covered by this system. These files have been transferred to the Office of the SOL and are covered by DOL/SOL–8, Litigation Files-Special Litigation Task Force. DOL/LMSA–17, Investigatory Files-PWBP, Division of Enforcement, is deleted. The records in this system have been combined with the records in DOL/LMSA–4. DOL/LMSA–18, Veterans' Reemployment Rights Impact Survey and Analysis, is deleted. The records in this system have not been used since the impact survey and analysis was completed. These records have been destroyed.

DOL/MSHA–2, 4, 6, 7, 8, 9, and 16 are deleted. These systems were merged into the following various DOL/OASAM or DOL/OSEC systems. DOL/MSHA–2 is merged with DOL/OASAM–2; DOL/MSHA–4 is merged with DOL/OSEC–2; DOL/MSHA–6 and 7 are merged with DOL/OASAM–15; DOL/MSHA–8 is merged with DOL/OASAM–7; DOL/MSHA–9 is merged with DOL/OASAM–20; and DOL/MSHA–16 is merged with DOL/OSEC–3.

All three systems of the Presidents' Committee on the Employment of the Handicapped (PCEH) are deleted. These are DOL/PCEH–1, Employers of the Year Award Files; DOL/PCEH–2, Handicapped American of the Year Award File; and DOL/PCEH–3, Physician of the Year Award. These files are no longer maintained. DOL/OSHA–3, State Compliance Office Evaluation Records, is being deleted because this system is fully covered by the previously published DOL/OSHA–8, State Compliance Officer Spot-Check Records.

DOL/OSHA–5, Advisory Committee Candidates, OSHA, is being deleted because this system is fully covered by the previously published DOL/OSHA–4, Advisory Committee Biographies, OSHA.

DOL/SOL–4, DOL Accident Reports, is deleted. These reports are no longer maintained.

Signed at Washington, D.C. this 1st day of July 1982.

Raymond J. Donovan,

Secretary of Labor.

Table of Contents

General Prefatory Statement

Office of the Secretary (OSECY)

DOL/OSEC–1 Supervisors' Records of Employees.
DOL/OSEC–2 Employees Conduct Investigations.
DOL/OSEC–3 Employee Locator System.

Office of the Assistant Secretary for Administration and Management (OASAM)

DOL/OASAM–1 Attendance, Leave, and Payroll File.
DOL/OASAM–2 Employee Locator Card File.
DOL/OASAM–4 Occupational Accident/Injury/Illness Reporting File (OIRRS).
DOL/OASAM–5 Rehabilitation and Counseling File.
DOL/OASAM–6 Executive Assignment System/Senior Executive Service File.
DOL/OASAM–7 Employee Medical Records.
DOL/OASAM–10 ACT Program Counseling and Evaluation Files.
DOL/OASAM–11 DOL Training Records.
DOL/OASAM–12 Employee Relations Files.
DOL/OASAM–13 Performance Requirements and Evaluation.
DOL/OASAM–14 Automated Position Control System.
DOL/OASAM–15 Travel Authorization and Voucher System.
DOL/OASAM–16 Senior Executive Service Incumbents and Candidates Individual Career Plan Forms.

DOL/OASAM–17 Equal Employment Opportunity Complaint Files.
DOL/OASAM–19 Negotiated Grievance Procedure and Unfair Labor Practice Files.
DOL/OASAM–20 Personnel Investigation Records.
DOL/OASAM–21 Senior Executive Service Certification Files.
DOL/OASAM–22 Office of Civil Rights Discrimination Complaint Case Files.

Bureau of Labor Statistics (BLS)

DOL/BLS–2 Staff Utilization File.
DOL/BLS–3 Regional Office Staff Utilization File.

Employment Standards Administration (ESA)

DOL/ESA–1 Division of State Employment Standards Public Inquiry File.
DOL/ESA–2 Office of Federal Contract Compliance Programs Complaint File.
DOL/ESA–5 Office of Workers' Compensation Programs, Black Lung Anti-Discrimination Files.
DOL/ESA–6 Office of Workers' Compensation Programs, Black Lung Benefit Claim File.
DOL/ESA–7 Office of Workers' Compensation Programs, Black Lung Benefits Payments File.
DOL/ESA–8 Office of Workers' Compensation Programs, Black Lung Claimant Information File.
DOL/ESA–9 Office of Workers' Compensation Programs, Black Lung Medical Treatment Records File.
DOL/ESA–10 Office of Workers' Compensation Programs, Black Lung Profile Beneficiaries File.
DOL/ESA–11 Office of Workers' Compensation Programs, Black Lung Service Payments File.
DOL/ESA–12 Office of Workers' Compensation Programs, Black Lung X-ray Interpretations File.
DOL/ESA–13 Office of Workers' Compensation Programs, Federal Employee's Compensation Act File.
DOL/ESA–14 Office of Workers' Compensation Programs, Federal Employee's Compensation Act Chargeback File.
DOL/ESA–15 Office of Workers' Compensation Programs, Federal Employees' Compensation Act Case File.
DOL/ESA–18 Advisory Committee on Sheltered Workshops Members' Files.
DOL/ESA–22 Advisory Committee for Higher Education Equal Employment Opportunity Programs Members Files.
DOL/ESA–24 Office of Workers' Compensation Programs, Longshoremen's and Harbor Workers' Compensation Act Special Fund System.
DOL/ESA–25 Office of Federal Contract Compliance Programs, Management Information System (OFCC/MIS).
DOL/ESA–26 Office of Workers' Compensation Program, Division of Longshoremen's and Harbor Workers' Compensation Investigation Files.

Employment and Training Administration (ETA)

DOL/ETA–1 Bureau of Apprenticeship, Budget and Position Control.
DOL/ETA–2 Bureau of Apprenticeship, Field Service Staff Budget and Position Control File.
DOL/ETA–3 Bureau of Apprenticeship, Foreign Nationals Individual Program File.
DOL/ETA–4 Bureau of Apprenticeship, National Industry.
DOL/ETA–5 ESARS 2 Sample File.
DOL/ETA–6 Exemplary Rehabilitation Certification Program File.
DOL/ETA–7 Immigration and Rehabilitation Certification Program File.
DOL/ETA–8 Job Corps Mainstream File.
DOL/ETA–9 Job Corps Placement File.
DOL/ETA–10 Migrant Worker File.
DOL/ETA–11 Trainee Characteristic File.
DOL/ETA–12 WIN II Charaterisitics File.
DOL/ETA–13 One Percent Employee-Employer Sample File.
DOL/ETA–14 Job Corpsmember Personnel File.
DOL/ETA–15 DOL/ETA Evaulation or Research Contractors' Project File.
DOL/ETA–16 Employment and Training Administration, Investigatory File.
DOL/ETA–18 Analysis of Delayed and Never Filers for Unemployment Insurance.
DOL/ETA–19 Impact of Disqualification Provision of State Unemployment Insurance Laws.
DOL/ETA–20 Federal Bonding Program-Bondees' Certification Files.

Office of Inspector General (OIG)

DOL/OIG–1 General Investigative Files, Case Tracking Files and Subject/Title Index.
DOL/OIG–2 Freedom of Information/Privacy Acts Records.
DOL/OIG–3 Case Development Records.
DOL/OIG–4 Temporary Matching Files, Loss Analysis Files.
DOL/OIG–5 Investigative Case Tracking System/Audit Tracking System.

Labor-Management Services Administration (LMSA)

DOL/LMSA–1 LMSE Index Cards and Case Files, Division of Enforcement.
DOL/LMSA–3 OVRR Inquiry Files.
DOL/LMSA–4 PWBP Office of Enforcement Index Card File.
DOL/LMSA–5 Executive Secretary/Advisory Council on Employee Welfare and Pension Benefits Plans.
DOL/LMSA–6 Labor-Management Relations-Inquiries from Congressmembers and private citizens.
DOL/LMSA–7 Veterans Reemployment Rights Complaint File.
DOL/LMSA–19 Private Pension Plans Benefit Payment.
DOL/LMSA–20 Division of Employee Protection.
DOL/LMSA–21 ERISA Coverage Correspondence File.
DOL/LMSA–22 PWBP-Office of Reporting & Plan Standards-Division of Collective Bargaining Correspondence Files.
DOL/LMSA–23 PWBP Inquiries from Congressmembers and Private Citizens.

Mine Safety and Health Administration (MSHA)

DOL/MSHA–1 Coal and Metal and Nonmetal Mine Accident and Injury Files.
DOL/MSHA–3 Metal and Nonmetal Mine Safety and Health Management Information System.
DOL/MSHA–10 Discrimination Investigations.
DOL/MSHA–12 Property Control Files.
DOL/MSHA–13 Coal Mine Respirable Dust Program Files.
DOL/MSHA–14 Coal Mine Noise Level Program Files.
DOL/MSHA–15 Health and Safety Training Records including Qualification and Certification Data.
DOL/MSHA–17 MSHA Education and Training Activities Reports.
DOL/MSHA–18 Coal Mine Safety and Health Management Information Systems.

Occupational Safety and Health Administration (OSHA)

DOL/OSHA–1 Discrimination Complaint File.
DOL/OSHA–2 Complaints about State Program Administration Files. (CASPA)
DOL/OSHA–4 OSHA Advisory Committee Candidates Biographies.
DOL/OSHA–6 Safety & Health Compliance Officer Manpower File.
DOL/OSHA–7 Employees Reports of Unsafe or Unhealthy Working Conditions.
DOL/OSHA–8 State Compliance Officer Accompanied Visit & On-the-Job Evaluation Records.
DOL/OSHA–9 OSHA Compliance Safety and Health Officers (CSHO's) training records.
DOL/OSHA–10 OSHA Private Section Instructor Files for Construction and voluntary Compliance Courses.
DOL/OSHA–11 OSHA Training Institute Course Files.

Office of the Solicitor (SOL)

DOL/SOL–1 Conflict of Interest File.
DOL/SOL–2 Employment & Training Administration Investigatory File.
DOL/SOL–3 Federal Tort Claims Act (FTCA).
DOL/SOL–5 Comprehensive Employment & Training Act (CETA).
DOL/SOL–6 Military Personnel & Civilian Employees Claims Act.
DOL/SOL–7 Attorney Assignment Record.
DOL/SOL–8 Litigation Files—Special Litigation Task Force.
Appendix I Responsible Officials
Appendix II Privacy Act Coordinators

General Prefatory Statement

The following routine uses apply to and are incorporated by reference into each system of records published below unless the text of a particular notice of a system of records indicate otherwise.

1. In the event that a system of records, maintained by the Department to carry out its functions, indicates a violation or potential violation of law, whether civil criminal or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency,

whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from any system of records, set forth below may be disclosed, as a routine use, to a federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

3. A record from any system of records set forth below may be disclosed, as a routine use, to a federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from any system of records set forth below 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 litigation or settlement negotiations.

5. A record from any system of records set forth below may be disclosed, as a routine use, to a Member of Congress submitting a request involving the indivual when the individual is a constituent of the Member and has requested assistance from the Member with respect to the subject matter of the record.

6. A record from any system of records set forth below which contains medical information may be disclosed, as a routine use, to the medical or health advisor of any individual submitting a request for access to the record if, in the sole judgment of the Department, disclosure could have an adverse effect upon the individual, under the provisions of 5 U.S.C. 552a(f)(3) and implementing regulations.

7. A record from any system of records set forth below may be disclosed, as a routine use, to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in the Circular.

Government-Wide Records

One system of records is reported by the Department of Labor for all Federal agencies since this Department has overall responsibility for the administration of the program in connection with which this system of records has been compiled. It is presumed that most, if not all federal agencies maintain systems of records comprising a portion of this government-wide system of records. In order to avoid duplication in reporting, the Department is reporting this system on behalf of all agencies. The Department has control over this system to the same extent as the Office of Personnel Management has control over systems of records containing federal employee personnel records.

1. Federal Employees' Compensation Act files: Except for the Panama Canal Zone, all records relating to injury or death of civilian employees or other persons entitled to benefits under the Federal Employees' Compensation Act are the records of the Office of Workers' Compensation Programs of the Department of Labor. The Office asserts control of these records under the provisions of 5 U.S.C. 8149 and Departmental regulations at 20 CFR 10.10. The systems of records for these records is being reported by the Department as a Government-wide notice. This notice, however, does not apply to other medical or related files not created pursuant to the Federal Employees' Compensation Act which may be in the possession of an agency.

Initial determinations concerning access, amendment or correction of these records shall be made by the employing agency. Administrative appeals shall be referred to the Solicitor of Labor, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

2. The Department of Labor formerly reported Office of Federal Contract Compliance Programs Complaint Files on behalf of all executive agencies. This government-wide report is no longer necessary, because Executive Order 12086 (43 FR 46501, October 10, 1978) has led to the consolidation, under the Secretary of Labor, of all contract compliance functions for equal employment opportunity. Accordingly, the OFCCP Compliant Files are now reported by the Employment Standards Administration under DOL/ESA–2.

Addresses to Which Requests May Be Directed. The addresses of the various component units of the Department as well as its field offices are contained in Appendix I annexed to this document. For general assistance, you may wish to contact the Privacy Act Coordinators listed in Appendix II.

DOL/OSEC/01

SYSTEM NAME:

Supervisors' Records of Employees

SYSTEM LOCATION:

Immediate supervisors and one additional organizational level at all facilities of the Department.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current employees and employees who have departed within the past year.

CATEGORIES OF RECORDS WITHIN THE SYSTEM:

Records related to individuals while employed by the Department and which contain such information as: emergency addressee information, record of personnel actions, record of employee/supervisor discussions, supervisory copies of officially recommended actions, awards, disciplinary actions, and training requests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 1302, 2951, 4118, Reorganization Plan 6 of 1950, and the Civil Service Reform Act of 1978.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES:

(1) To organizations and individuals making reference checks; (2) to the Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, or the Federal Labor Relations Authority, when required in the performance of their investigative or adjudicative responsibilities; (3) to the Department of Justice in the event of litigation involving the records or the subject matter of the records; (4) to the appropriate agency or agencies, whether federal, state, or local, charged with the responsibility of investigation or prosecution of violations of statute, rule, regulation, order or license, in the event that such a violation is indicated.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in manual files, or computer printouts, form SF–7B, and other appropriate medium.

RETRIEVABILITY:

Records are indexed by any combination of name or Social Security Number.

SAFEGUARDS:

Locked storage cabinets and desks.

RETENTION AND DISPOSAL:

Records are maintained on current employees. Records on former employees are kept for one year, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

All supervisors having responsibility for performance evaluations.

NOTIFICATION PROCEDURE:

An individual may inquire whether or not the system contains a record pertaining to her/him by contacting the supervisor and/or the servicing Personnel Office for the employing organization.

RECORD ACCESS PROCEDURE:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Information is supplied by the individual who is the subject of the record, or is derived from information he/she previously supplied, except information provided by agency officials.

DOL/OSEC/2

SYSTEM NAME:

Employee Conduct Investigations

SYSTEM LOCATION:

A. Offices in Washington, D.C., (1) Office of the Secretary of Labor, including (a) Office of the Assistant Secretary for Administration and Management, (OASAM), (b) Office of the Solicitor of Labor, (c) Office of Information, and Public Affairs, (d) Bureau of International Labor Affairs, (e) Employees' Compensation Appeals Board, (f) Wage Appeals Board, (g) Benefits Review Board, (h) Office of Administrative Law Judges, (i) Pension Benefit Guaranty Corporation, and (j) President's Committee on the Employment of the Handicapped, (2) Bureau of Labor Statistics, (3) Employment Standards Administration, (4) Labor-Management Services Administration, (5) Employment and Training Administration, (6) Occupational Safety and Health Administration, (7) Mine Safety and Health Administration, (8) Office of Inspector General, B. Regional Offices of the above.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOL employee(s) against whom any allegation of misconduct, illegal acts, conflicts of interest, etc., has been made.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, organization, and other information relating to the individual involved. It also contains investigative report(s) associated with the case, including interviews and other confidential data gathered.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301, 7301, and Executive Order 11222.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Disclosure to other Federal Agencies, including the Department of Justice, the FBI, and to any other Federal, state, and local government responsible for investigation or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order, or license, (2) to a Federal Agency which has requested information relevant to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files.

RETRIEVABILITY:

Filed by name in alphabetical order.

SAFEGUARDS:

Locked combination safes.

RETENTION AND DISPOSAL:

Completed investigations are disposed of after 20 years. Matters not subject to full investigations are disposed of after 10 years.

SYSTEM MANAGER(S) AND ADDRESS:

See the appropriate Agency Official in the attached listing and at 29 CFR 70a.43.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

Investigative reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the specific exemption authority provided by 5 U.S.C. 552a(k)(2), exempting this system from the following provisions of the Privacy Act: 5 U.S.C. 552a(c), 3, (d), (e)(1), (4) (G), (H), (I), and (f) of the Act. Disclosure of information could enable the subject of the record to take action to escape prosecution and could avail the subject greater access to information than already provided under rules of discovery. In addition, disclosure of information might lead to intimidation of witnesses, informants, or their families, and impair future investigations by making it more difficult to collect similar information.

DOL/OSEC/3

SYSTEM NAME:

Employee Locator System.

SYSTEM LOCATION:

Division of Telecommunications, OASAM, Room S1503, 200 Constitution Ave. NW, Washington, DC 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Labor employees in the National Office.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, title, business address, organization symbol, business telephone number of employees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301, 44 USC 3101.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files.

RETRIEVABILITY:

By employee name.

SAFEGUARDS:

Locked storage equipment.

RETENTION AND DISPOSAL:

Records are maintained until a notice of change or employment is terminated, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Telecommunications, OASAM, Room S1503, 200 Constitution Ave. NW, Washington, DC 20210.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Individual employees.

DOL/OASAM-1

SYSTEM NAME:

Attendance, Leave, and Payroll File.

SYSTEM LOCATION:

A. Offices in Washington, D.C., (1) Office of the Secretary of Labor, including (a) Office of the Assistant Secretary for Administration and Management, (OASAM), (b) Office of the Solicitor of Labor, (c) Office of Information and Public Affairs, (d) Bureau of International Labor Affairs, (e) Employees' Compensation Appeals Board, (f) Wage Appeals Board, (g) Benefits Review Board, (h) Office of Administrative Law Judges, (i) Pension Benefit Guaranty Corporation, and (j) President's Committee on the Employment of the Handicapped, (2) Bureau of Labor Statistics, (3) Employment Standards Administration, (4) Labor-Management Services Administration, (5) Employment and Training Administration, (6) Occupational Safety and Health Administration, (7) Mine Safety and Health Administration, (8) Office of Inspector General, B. Regional Offices of the above.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Labor employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, social security number and employee number, grade, step, and salary, organization (code), retirement or FICA data as applicable. Federal, State and local tax deductions, as appropriate. IRS tax lien data, savings bond and charity deductions; regular and optional government life insurance deduction(s), health insurance deduction and plan or code; cash award data; jury duty data, military leave data, pay differentials, union dues deductions, allotments by type and amount, financial institution code and employee account number, leave status and data of all types (including annual, compensatory, jury duty, maternity, military, retirement, disability, sick, transferred, and without pay), time and attendance records, including flexitime logs/sheets, indicating number of regular, overtime, holiday, Sunday, and other hours worked, pay period number and ending date, cost of living allowances, co-owner and/or beneficiary of bonds, marital status, number of dependents, mailing address, and "Notification of Personnel Action." The individual records listed herein are included only as pertinent or applicable to the individual employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 66(a).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Transmittal of data to U.S. Treasury to effect issuance of paycheck to employees and distribution to pay according to employee directions for savings bonds, allotments, financial institutions, and other authorized purposes. Tax withholding data sent 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 Office of Personnel Management, charity deductions to agents of charitable institutions, annual W-2 statements to taxing authorities and the individual, and transmittal of computer tape data to appropriate State and local governments for their benefits matching projects.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual, and machine-readable files.

RETRIEVABILITY:

By name and SSN.

SAFEGUARDS:

Personnel screening and locked storage equipment.

RETENTION AND DISPOSAL:

Retained until after GAO audit. Records are then disposed of, or retired, according to specifid agency/GRS records schedules.

SYSTEM MANAGER(S) AND ADDRESS:

See the appropriate Agency Official in attached listing and at 29 CFR 70a.43.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

Employees, supervisors, timekeepers, official personnel records, and IRS.

DOL/OASAM-2

SYSTEM NAME:

Employee Locator Card File.

SYSTEM LOCATION:

Directorate of Personnel Management, Office of Special Personnel Services, Office of the Assistant Secretary for Administration and Management (OASAM), U.S. Department of Labor, Room N-4421, 200 Constitution Avenue, N.W. 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Department prior to January 1, 1968.

CATEGORIES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Name, date of birth, organization, location, type of separation and effective date.

AUTHORITY OF MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Chapter 294, Subchapter 1.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Card File (3" by 5" cards).

RETRIEVABILITY:

By name.

SAFEGUARDS:

Locked filing equipment.

RETENTION AND DISPOSAL:

Disposed of 3 years after employee leaves the agency.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Office of Special Personnel Services, U.S. Department of Labor, Room N-4421, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

Personnel Records.

DOL/OASAM–4

SYSTEM NAME:

Occupational Accident/Injury/ Illness Reporting (AIIRS) File.

SYSTEM LOCATION:

Office of Employee Safety and Health, OASAM, U.S. Department of Labor, Room C–5319, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOL employees, including Job Corps members and those covered under contract, involved in occupationally related accidents, injuries and illnesses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Days worked/lost workdays, detailed accounts of occupationally related accidents, injuries and illnesses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

P.L. 91–596, 29 CFR, Part 1960, Section 7902 of Title 5 U.S.C., DOL Secretary's Order 6–81, Executive Order 12196.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files and machine readable magnetic tape.

RETRIEVABILITY:

By any record element including name.

SAFEGUARDS:

Locked storage equipment. Computer files accessible only through proper code numbers.

RETENTION AND DISPOSAL:

Records are maintained for five years after each report is filed with the Agency, according to the OSHA Act of 1970. They are then retired/disposed of according to NARS approved records schedules.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room C–5319, Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Employee, Supervisor's Report of Accident/Injury/Illness Reporting (AIIRS), DL 1–440, OWCP computer tapes and printouts, payroll computer printouts, health units, and compensation claims.

DOL/OASAM–5

SYSTEM NAME:

Rehabilitation and Counseling File.

SYSTEM LOCATION:

Office of Employee Safety and Health, OASAM, U.S. Department of Labor, Room C–5321, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOL employee/clients recieving counseling.

CATEGORIES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Intake interview forms relating to employee/clients problem, e.g., medical, emotional, alcoholism, etc.

AUTHORITY OF MAINTENANCE OF THE SYSTEM:

Public Laws 91–616 and 92–255.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual Files.

RETRIEVABILITY:

Name of employee/client.

SAFEGUARDS:

Locked storage equipment, accessible by authorized staff employees.

RETENTION AND DISPOSAL:

Records are maintained for the duration of the counseling contact or until the employee's separation or for five (5) years, whichever is sooner.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Health Services, Office of Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room C–5321, Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURESS:

As above.

RECORD SOURCE CATEGORIES:

Employee, personnel office, supervisors, relatives, community.

DOL/OASAM–6

SYSTEM NAME:

Executive Assignment System/Senior Executive Service File.

SYSTEM LOCATION:

Office of Executive Personnel Management, OASAM, U.S. Department of Labor, Room S–6206, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Personnel information concerning candidates and appointees of supergrade or SES positions.

CATEGORIES OF RECORDS MAINTAINED IN THE SYSTEM:

Personal information concerning candidates and appointees of supergrade or SES positions.

AUTHORITY OF MAINTENANCE OF THE SYSTEM:

Federal Personnel Manual, Chapter 305, Federal Personnel Issuances in the 920 series.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to other Federal Agencies' personnel offices, and the Office of Personnel Management/Executive Personnel Group.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files.

RETRIEVABILITY:

Organizational location and name.

SAFEGUARDS:

Locked storage equipment.

RETENTION AND DISPOSAL:

Active files are retained during employment. Inactive files are retained by organization for historical/ comparative purposes, and then destroyed when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Executive Personnel Management, Room S–6206, U.S. Department of Labor, 200

Constitution Avenue, N.W., Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

DOL Agency personnel offices.

DOL/OASAM-7

SYSTEM NAME:

Employee Medical Records.

SYSTEM LOCATION:

U.S. Department of Labor, OASAM, Room S-3214, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOL National Office employees receiving medical treatment.

CATEGORIES OF RECORDS MAINTAINED IN THE SYSTEM:

Medical information re: illness, injury, and examinations.

AUTHORITY OF MAINTENANCE OF THE SYSTEM:

Public Law 658-49, Office of Management and Budget Circular No. A-72.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Records are maintained in a locked file cabinet with access limited to authorized staff employees.

RETENTION AND DISPOSAL:

Records are retained for five (5) years and retired to an appropriate Federal Records Center, according to retention standards established by the NARS/GRS.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Health Services, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room C-5321, Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

Employees, and their supervisors.

DOL/OASAM-10

SYSTEM NAME:

AGT Program Counseling and Evaluation Files.

SYSTEM LOCATION:

A. Offices in Washington, D.C.: (1) Office of the Assistant Secretary for Administration and Management (OASAM), Office of Education and Career Development; (2) Office of the Solicitor; (3) Bureau of Labor Statistics; (4) Employment Standards Administration; (5) Employment and Training Administration; (6) Labor-Management Standards Administration; (7) Occupational Safety and Health Administration; (8) Mine Safety and Health Administration; and B. OASAM Regional Personnel Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOL Administrative, Clerical, and Technical (ACT) employees, GS-1-11, who participate in the ACT Career Development Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual Development Plans, Counselors' Worksheets, Counseling Activity forms, intake interview forms, employee evaluations, transcripts, testing records, and counselor's notes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

FPM Chapter 410, Subchapter 9, as supplemented by the Department's Manual Series Handbook, (DLMS Handbook 4-1, July, 1979).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files and computer system.

RETRIEVABILITY:

By name and Social Security Number.

SAFEGUARDS:

Locked storage equipment and magnetic tape. Computer files accessed through a code/password.

RETENTION AND DISPOSAL:

Records are disposed of when an employee transfers, resigns or retires, from the DOL.

SYSTEM MANAGER(S) AND ADDRESSES:

Director, Office of Education and Career Development, Room N-5456, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURE:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Interviews, questionnaires.

DOL/OASAM-11

SYSTEM NAME:

DOL Training Records.

SYSTEM LOCATION:

A. Offices in Washington, D.C.: (1) Office of Education and Career Development; (2) Office of the Solicitor; (3) Bureau of Labor Statistics; (4) Employment Standards Administration; (5) Employment and Training Administration; (6) Labor-Management Standards Administration; (7) Occupational Safety and Health Administration; (8) Mine Safety and Health Administration; (9) Office of Inspector General; and B. OASAM Regional Personnel Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All DOL employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual Development Plans, records of training received by individual employees, requests and applications for training, follow-up evaluations on training received, and records of payment for training from non-DOL sources.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, FPM Chapter 410, Subchapter 9, as supplemented by the Department's Manual Series Handbook 4-1, (July, 1979).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the Office of Personnel Management, and the Office of Management and Budget to prepare statistical reports.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files and computer system.

RETRIEVABILITY:

By name and/or Social Security Number.

SAFEGUARDS:

Locked storage equipment, and magnetic tape.

RETENTION AND DISPOSAL:

Disposed of on separation of the employee.

SYSTEM MANAGER(S) AND ADDRESS:

See the appropriate Agency official in attached listing and at 29 CFR 70a.43.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Interviews with employees and supervisors, training requests and applications, follow-up evaluations of training received.

DOL/OASAM-12

SYSTEM NAME:

Employee Relations Files.

SYSTEM LOCATION:

A. (1) Directors of Personnel Management, Office of Policy and Standards, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N-5472, Washington, D.C. 20210; DOL Agency and Regional Personnel Offices; (2) Office of the Solicitor, Washington, D.C., and Regional Offices of the Solicitor.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual DOL employees and former employees who have filed grievances under the administrative grievance procedure, have been the subject of adverse actions, actions based on unacceptable performance, or who have been denied a within-grade increase.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence, merit staffing records, performance reports, Merit Systems Protection Board decisions, and administrative grievance fact-finders reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 CFR Part 432, 5 CFR Part 531, Subpart D, 5 CFR Part 752, 5 CFR Part 771.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Selected information may be disclosed at the appropriate stages of the grievance, adverse actions, and appeal processes to representatives of the affected employees, administrative greivance fact-finders, the Office of Personnel Management, the Merit Systems Protection Board, and the Office of the Special Counsel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files.

RETRIEVABILITY:

By name and/or case number.

SAFEGUARDS:

Locked storage equipment.

RETENTION AND DISPOSAL:

Unacceptable performance records are destroyed 1 year from the date of the advance written notice if, because of performance improvement during the notice period no action is taken and the employee's performance continues to be acceptable for 1 year; otherwise, unacceptable performance records and all other records in this system are destroyed 4 years after the closing of the case.

SYSTEM MANAGER(S) AND ADDRESS:

See the appropriate Agency Official in the attached listing and at 29 CFR 70a.43.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

DOL/OASAM-13

SYSTEM NAME:

Performance Requirements and Evaluation Files.

SYSTEM LOCATION:

DOL Agency Personnel Offices in Washington, D.C. and in each DOL Regional Personnel Office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOL employees in the compteitive service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Performance Requirements and Evaluation forms.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

FPM Chapter 335.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Joint union-management review team under terms of contracts with DOL bargaining unit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files.

RETRIEVABILITY:

By employee's name.

SAFEGUARDS:

Locked storage equipment.

RETENTION AND DISPOSAL:

Records are retained for 2 years or for a longer period if periodic DOL joint Union-Management Review has not been completed and after which they can be destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

See the appropriate Agency Official in the attached litsing and at 29 CFR 70a.43.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Supervisor's personal records and notes; discussions with rated employee.

DOL/OASAM-14

SYSTEM NAME:

Automated Position Control System.

SYSTEM LOCATION:

A. Offices in Washington, D.C., (1) Office of the Secretary of Labor, including (a) Office of the Assistant Secretary for Administration and Management, (OASAM), (b) Office of the Solicitor of Labor, (c) Office of Information, and Public Affairs, (d) Bureau of International Labor Affairs,

(e) Employees' Compensation Appeals Board, (f) Wage Appeals Board, (g) Benefits Review Board, (h) Office of Administrative Law Judges, (i) Pension Benefit Guaranty Corporation, and (j) President's Committee on the Employment of the Handicapped, (2) Bureau of Labor Statistics, (3) Employment Standards Administration, (4) Labor-Management Services Administration, (5) Employment and Training Administration, (6) Occupational Safety and Health Administration, (7) Mine Safety and Health Administration, B. Regional Offices of the Above.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOL employees of the Office of the Secretary.

CATEGORIES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Internal reports submitted to prepare the Departmental budget.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Chapter 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To the OMB, Congress, and other Federal Agencies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files and computer records.

RETRIEVABILITY:

By budget position number and grade.

SAFEGUARDS:

Locked file cabinets and magnetic tapes.

RETENTION AND DISPOSAL:

Destroy 1 year after the close of the FY.

SYSTEM MANAGER(S) AND ADDRESS:

See the appropriate Agency Official in the attached listing and at 29 CFR 70a.43.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

Form DL–50, Notification of Personnel Action.

DOL/OASAM–15

SYSTEM NAME:

Travel Authorization and Voucher System.

SYSTEM LOCATION:

A. Offices in Washington, D.C., (1) Office of the Secretary of Labor, including (a) Office of the Assistant Secretary for Administration and Management, (OASAM), (b) Office of the Solicitor of Labor, (c) Office of Information, and Public Affairs, (d) Bureau of International Labor Affairs, (e) Employees' Compensation Appeals Board, (f) Wage Appeal Board, (g) benefits Review Board, (h) Office of Administrative Law Judges, (i) Pension Benefit Guaranty Corporation, and (j) President's Committee on the Employment of the Handicapped, (2) Bureau of Labor Statistics, (3) Employment Standards Administration (4) Labor-Management Services Administration, (5) Employment and Training Administration, (6) Occupational Safety and Health Administration, (7) Mine Safety and Health Administration, (8) Office of Inspector General, B. Regional Offices of the Above.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All employees of the Department of Labor who travel in performance of their official duties.

CATEGORIES OF RECORDS MAINTAINED IN THE SYSTEM:

Copies of Travel Authorizations, DL1–33, Travel Voucher, SF–1012 and GTR SF–1171.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 5701, et seq., GSA Travel Regulations, FPMR 101–7.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files and computer systems.

RETRIEVABILITY:

By traveler's name and SSN.

SAFEGUARDS:

Locked storage equipment and magnetic tapes.

RETENTION AND DISPOSAL:

Destroy when three years old, or after audit, whichever is sooner.

SYSTEM MANAGER(S) AND ADDRESS:

See the appropriate Agency Official in the attached listing and at 29 CFR 70a.43.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

Travel Authorization, DL 1–33, Travel Voucher, SF–1012 and GTR SF–1171.

DOL/OASAM–16

SYSTEM NAME:

Individual Career Plan Forms on Senior Executive Service Incumbents and Candidates Development Program Participants.

SYSTEM LOCATION:

Office of Executive Personnel Management, OASAM, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S–6206, Washington, D.C. 20210.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information concerning participants' career plans and goals.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

DOL SES Personnel Regulations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To other Federal organizations and Agencies when required.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files.

RETRIEVABILITY:

By participant's name and file numbers.

SAFEGUARDS:

Locked storage equipment.

RETENTION AND DISPOSAL:

Retained until new plans are approved, and previous plans disposed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Executive Personnel Management, Room S–6206, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURE:

As above.

CONTESTING SOURCE CATEGORIES:

As above.

RECORD SOURCE CATEGORIES:

Personnel interviews with DOL Agency staff and with participant's supervisor.

DOL/OASAM-17

SYSTEM NAME:

Equal Employment Opportunity Complaint Files.

SYSTEM LOCATION:

Office of Civil Rights, OASAM, U.S. Department of Labor, Room N-4101, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Department of Labor employees and applicant for employment who have filed compaints of employment discrimination against the Department or one of its component Agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Background information compiled during investigation of complaints of discrimination; investigative records and reports; correspondence files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

EO 11478; Public Laws 90-202, 92-261, 93-112, 92-259 and 95-454; 29 CFR 1613; and Chapter 713 of the Federal Personnel Manual.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records may be disclosed during the course of an investigation to persons who may thereby provide information or testimony directly relevant to the complaint. If the Department issues an Administrative decision which, directly or indirectly, finds that a named alleged discriminating official (ADO) has discriminated or committed any other significant error, that official may review a copy of the file from which the names and other identifying information for all parties except the ADO and the complainant have been deleted. In the event that DOL proposes or takes any adverse action or other disciplinary action against any official because of information disclosed in the investigation, that official may review the entire file with no deletions.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files.

RETRIEVABILITY:

Alphabetically, by the complainant's name.

SAFEGUARDS:

Locked storage equipment.

RETENTION AND DISPOSAL:

Dispose of the files 4 years after resolution or administrative decision without appeal, or after administrative decision subsequent to appeal without civil suit, or after court adjudication, or after withdrawal or cancellation for failure to prosecute. A permanent alphabetical record is kept of complaints by name of the complainant, giving the basis of the complaint, the matter giving rise to the complaint, and the disposition.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Civil Rights, OASAM, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

Individual compainants, respondent Agency officials and witnesses, Departmental and Agency records, and interrogatories.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the specific exemption authority provided by 5 U.S.C. 552a(k)(2), exempting this system from the following provisions of the Privacy Act: 5 U.S.C. 552a(d)(3)4(F) and (G) of the Act. The disclosure of information contained in these files may in some circumstances tend to discourage persons who have knowledge of facts and circumstances pertinent to charges from giving statements or cooperating investigations. In addition, disclosure of medical records contained in these files may adversely affect the health of individuals without guidance of a responsible physician.

DOL/OASAM-19

SYSTEM NAME:

Negotiated Grievance Procedure and Unfair Labor Practice Files.

SYSTEM LOCATION:

A. Offices in Washington, D.C.: (1) Office of Labor-Management Relations (OASAM); (2) Office of the Solicitor; (3) Bureau of Labor Statistics; (4) Employment Standards Administration; (5) Employment and Training Administration; (6) Labor-Management Services Administration; (7) Occupational Safety and Health Administration; (8) Mine Safety and Health Administration; and B. OASAM Regional Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOL employees who have filed grievances under negotiated grievance procedures, and DOL employees who have filed Unfair Labor Practices charges against the Department.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence, merit staffing reports, performance appraisal reports, and reports of arbitrators.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 7121 of 5 U.S. Code for grievances, Section 7116 of 5 U.S. Code for unfair labor practices, Federal Service Labor-Management Relations statutes and related amendments of 5 U.S. Code 5596(b) for back pay.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Selected information may be disclosed at appropriate stages of the grievance process to the Office of Personnel Management, arbitrators, the Merit Systems Protection Board, or the Federal Labor Relations Authority.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual file.

RETRIEVABILITY:

By name and or case file number.

SAFEGUARDS:

Locked storage equipment.

RETENTION AND DISPOSAL:

Records are destroyed 3 years after all administrative remedies have been exhausted.

SYSTEMS MANAGER(S) AND ADDRESS:

Director, Office of Labor-Management Relations, U.S. Department of Labor, Room N-5700, 200 Constitution Ave. N.W., Washington, DC 20210.

NOTIFICATION PROCEDURES:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

Employee compliants and charges, employee/supervisor interviews, investigative and employment records, and finding of arbitrators and other tribunals.

DOL/OASAM-20

SYSTEM NAME:

Personnel Investigation Records.

SYSTEM LOCATION:

Office of Special Personnel Programs, (OASAM), Personnel Security Unit, U.S. Department of Labor, Room N-4427, 200 Constitution Avenue, NW., Washington, D.C. 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and applicants for employment with the Department.

CATEGORIES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Investigative files and investigative index card files which pertain to clearance investigations for federal employment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

E.O. 10450.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To other Federal Agencies including OPM, and the FBI.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual case files, and on index file cards alphabetically keyed to case files.

RETRIEVABILITY:

By name of individual who is subject of the record.

SAFEGUARDS:

Automated combination lock file cabinets. Access is by DOL employees with appropriate security clearances.

RETENTION AND DISPOSAL:

Indexed file cards which show the existence of an investigation file are maintained for 20 years plus the current year, or longer if further investigative activity was initiated within the past 20 years. Reports are destroyed after 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director, Special Personnel Programs, OASAM, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N 4421, Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURE:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

Investigative data compiled by various sources, OPM, FBI, and other government agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT: INVESTIGATORY PORTION OF SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

(a) Criminal law enforcement. In accordance with paragraph 3(j)(2) of the Privacy Act, information maintained in this system of files is exempt from all provisions contained in 5 U.S.C. 552a except those requirements set forth in paragraphs (b), (c)(1) and (2), (e)(4) (A) through (F), (e)(6), (7), (9), (10), and (11) and paragraph (i) of the Privacy Act. The disclosure of criminal investigatory information, if any, contained in the files, including the names of persons or agencies to whom the information has been transmitted would substantially compromise the effectiveness of any investigations. Knowledge of such investigations could enable subjects to take such action as is necessary to prevent detection of criminal activities, conceal evidence, or to escape prosecution. Disclosure of this information could lead to the intimidation of, or harm to, informants, witnesses, and their respective families, and could jeopardize the safety and well-being of investigative personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected, verified, and retained would impede significantly the effectiveness of investigatory activities, and in addition, may often preclude the apprehension and successful prosecution of persons engaged in fraud of the compensation program.

(b) Other law enforcement. In accordance with paragraph 3(k)(2) of the Privacy Act, investigatory material compiled for law enforcement purposes other than material declared exempt under paragraph 3(j)(2) of the Privacy Act, which is maintained in this system's files is exempt from paragraphs (c)(3), (d), (e)(4), (G), (H), and (I), and paragraph (f) of 5 U.S.C. 552a. The disclosure of civil investigatory information, if any, contained in this system's files, including the names of persons and agencies to whom the information has been transmitted, would substantially compromise the effectiveness of investigations. Knowledge of such investigations would enable subjects to take such action as is necessary to prevent detection of illegal activities, conceal evidence, or otherwise escape civil enforcement action. Disclosure of this information could lead to the intimidation of, or harm to informants, witnesses, and their respective families, and in addition, could jeopardize the safety and well-being of investigative personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected, verified, and retained could also impede significantly the effectiveness of investigatory activities.

DOL/OASAM-21

SYSTEM NAME:

Senior Executive Service Certification File.

SYSTEM LOCATION:

Office of Executive Personnel Management, U.S. Department of Labor, Room S-6206, 200 Constitution Avenue, N.W. 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Senior Executive Service Candidates Program participants.

CATEGORIES OF RECORDS MAINTAINED IN THE SYSTEM:

Individual Development Plans; evaluations; OPM Form 1390; SF-171 and staff reviews determining whether program requirements have been satisfied.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To other Federal organizations and Agencies when required in performance of their responsibilities.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual file.

RETRIEVABILITY:

By individual's name.

SAFEGUARDS:

Locked file cabinets with restricted access.

RETENTION AND DISPOSAL:

Records are retained until the employee retires, resigns, or transfers, after which they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Executive Personnel Management, Room S-6206, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

Mail inquiries to the System Manager at the above address.

CONTESTING RECORD PROCEDURE;

As above.

RECORD SOURCE CATEGORIES:

IDP completed by Candidate, Mentor, and DOL Agency DRB Chairperson, Evaluation by DOL Agency DRB Chairperson, Mentors and assignment supervisors, OPM Form 1390, and SF-171.

DOL/OASAM-22

SYSTEM NAME:

Office of Civil Rights Citizen Discrimination Complaint Case Files.

SYSTEM LOCATION:

A. Office of Civil Rights, (OASAM), U.S. Department of Labor, Room N-4101, 200 Constitution Avenue, N.W., Washington, D.C. 20210, and B. All Regional Offices of Civil Rights.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing complaints of discrimination under Title IV of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Age Discrimination Act of 1975, as amended; Section 132 of the Comprehensive Employment and Training Act, as amended; Title IX of the Education Amendements of 1972, as amended.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal employment or program participation information, medical records and/or recipient information, correspondence files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 CFR 31.8; 20 CFR 676.86, Subpart D; 20 CFR Part 658.411, Subpart E, and Section 5(3) of Secretary's Order 2-81.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to the Equal Employment Opportunity Commission or Department of Justice for investigatory, conciliation or enforcement purposes; disclosure to recipients of Federal financial assistance under applicable internal review procedures.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files.

RETRIEVABILITY:

By complainant's name or by OCR case number.

SAFEGUARDS:

Locked storage equipment.

RETENTION AND DISPOSAL:

Records are retained for 3 years after final resolution of case. They are then retired to the Federal Records Center of 2 additional years, and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Civil Rights, 200 Constitution Avenue, N.W., Room N-4101, Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

Individual complinants, witnesses of the complainant and the respondent, respondent statements, matters of public record, interrogatories, recipient and/or employer files and records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the specific exemption authority provided by 5 U.S.C. 552a(h)(2), exempting this system from the following provisions of the Privacy Act: 5 U.S.C. 552a(c), 3(d), (e)(1), (e)(4)(G), (H), (I), and (f) of the Act. Disclosure of information could enable the subject of the record to take action to escape prosecution and could avail the subject greater access to information than already provided under rules of discovery. In addition, disclosure of information might lead to intimidation of witnesses, informants, or their families, and impair future investigations by making it more difficult to collect similar information.

DOL/BLS-2

SYSTEM NAME:

Staff Utilization System.

SYSTEM LOCATION:

Records stored on computer at Optimum Systems, Inc., Rockville, Md. Access and maintenance occur by remote terminal in Room 2852, GAO Building, 441 G St., NW, Washington, DC. 20212.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Regular full- and part-time and intermittent employees in the BLS National and Regional Offices.

CATEGORIES OF RECORDS IN THE SYSTEM:

Payroll, accounting and staff utilization data: name, SSN, grade, and step, cost center, PAS home code, staff hours by PAS code, by function and by task (function and task specified by each office).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic disk packs.

RETRIEVABILITY:

Retrievable by any element, including name and SSN.

SAFEGUARDS:

Data on private disk, accessible only by authorized employees.

RETENTION AND DISPOSAL:

Cumulative file is retained by fiscal year until all research is completed, then it is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Management Information Systems, Room 2852, GAO Building, 441 G St. NW., Washington, DC 20212.

NOTIFICATION PROCEDURE:

Mail all inquiries or present in writing to System Manager at above address.

Give name, SSN, and fiscal years of employment.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

Input from employees' bi-weekly Time and Attendance cards and time distribution forms (DL 1–129, "Project Reporting Form"); Sf–52's "Request for Personnel Action."

DOL/BLS–3

SYSTEM NAME:

Regional Office Staff Utilization File.

SYSTEM LOCATION:

Records stored on computer at the National Institutes of Health, Bethesda, Maryland. Access and maintenance is generally by remote terminal in Room 1836, GAO Building, 441 G Street, N.W., Washington, D.C. 20212.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All BLS Regional Office employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Staff utilization and travel expenditures data: name, SSN, pay period, hours worked and units accomplished by PAS code for functions such as personal visit, telephone collection, training, and costs for transportation and subsistence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Mag tapes and disks.

RETRIEVABILITY:

By a data field, including name and SSN.

SAFEGUARDS:

Only authorized employees have access to tapes/disks, to the programs, and to the Regions' backup documents.

RETENTION AND DISPOSAL:

Cumulative file is retained by fiscal year until all research is completed, then it is destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Field Collection Activities, Room 1834, GAO Building, 441 G Street, N.W., Washington, D.C. 20212.

NOTIFICATION PROCEDURE:

Mail all inquiries or present in writing to System Manager at above address. Give name, SSN and dates of employment.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

"Staff Utilization Report (form number SO–1) filled out each pay period by each R.O. employee (in place of the DL 1–291, "Project Reporting Form") and SF–1012 (Travel Voucher).

DOL/ESA–1

SYSTEM NAME:

Division of State Employment Standards Public Inquiry File.

SYSTEM LOCATION:

Room S3221, Department of Labor Building, 200 Constitution Ave., N.W., Washington, D.C. 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The general public, government officials (usually of State labor departments), and private organizations such as those representing labor, management, or private citizens.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of incoming letters and reports of telephone requests.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files.

RETRIEVABILITY:

By subject matter, State, chronologically, and name if a private citizen.

SAFEGUARDS:

Building security guards.

RETENTION AND DISPOSAL:

Time retained depends on subject matter and importance, varying from 3 to 10 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, ESA Office of Program Development and Accountability, Room S3325, 200 Constitution Ave., N.W., Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

DSES/OPDA, Room N4430, 200 Constitution Ave., N.W., Washington, D.C. 20210. Name and approximate date of previous correspondence should be provided.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING RECORD PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Information voluntarily submitted by correspondent on own initiative.

DOL/ESA–2

SYSTEM NAME:

Office of Federal Contract Compliance Programs Complaint files.

SYSTEM LOCATION:

Room C3225, Department of Labor Building, 200 Constitution Ave., N.W., Washington, D.C. 20210; and OFCCP Regional and Area offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing complaints of discrimination under Executive Order 11246, Section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, and Section 503 of the Rehabilitation Act of 1973, as amended.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal employment information, medical records, investigative reports, employer information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11246, as amended; 29 U.S.C. 793; 38 U.S.C. 2012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to the Equal Employment Opportunity Commission, Department of Justice, to other Federal, State or local agencies with jurisdiction over a complaint, for investigatory, conciliation or enforcement purposes; to Federal contractors, subcontractors, or federally-assisted construction contractors or subcontractors against

whom a complaint is filed, including providing a copy of the complaint or a complaint summary for purposes of notice and/or under applicable internal review procedures; during an investigation to persons who may have knowledge pertinent to the complaint, but only to the extent necessary to determine the validity of complaint charges.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Power Files/Magnetic Tape/Manual Files.

RETRIEVABILITY:

By name or OFCCP control number.

SAFEGUARDS:

Locked files and computer access codes.

RETENTION AND DISPOSAL:

Active files retained 2–5 years, referred to storage for additional 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, OFCCP, Room C3325, 200 Constitution Ave., N.W., Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURE:

As above

CONTESTING RECORD PROCEDURE:

As above

RECORD SOURCE CATEGORIES:

Individual complainants, employers, co-workers, State rehabilitation agencies, physicians.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with paragraph 3(k)(2) of the Privacy Act, these files have been exempted from section (d)(e)4(G), 4(H), and (f) of the Act. The disclosure of information contained in these files may in some circumstances tend to discourage persons who have knowledge of facts and circumstances pertinent to charges from giving statements or co-operating in investigations. In addition, disclosure of medical records contained in these files may adversely affect the health of individuals without guidance of a responsible physician.

DOL/ESA–3 (Office of Federal Contract Compliance Programs Handicapped Worker Complaint File): Deleted February 13, 1981.

DOL/ESA–4 (Office of Federal Contract Compliance Programs Veteran's Complaints Files): Deleted February 13, 1981.

DOL/ESA–5

SYSTEM NAME:

Office of Workers' Compensation Programs, Black Lung Anti-discrimination files.

SYSTEM LOCATION:

Office of Workers' Compensation Programs, Division of Coal Mine Workers' Compensation, Department of Labor Building, 200 Constitution Ave., N.W., Washington, D.C. 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing complaints against employers on account of discharge or other acts of discrimination by reason of a pneumoconiosis disease.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal, financial, medical.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

30 U.S.C. 938.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure of file content may be made to any party of interest to the complaint.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Locked file with access by authorized personnel only.

RETENTION AND DISPOSAL:

Files are destroyed 10 years after case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Division of Coal Mine Workers' Compensation, Department of Labor Building, Room C3520, 200 Constitution Ave., N.W., Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURE:

As above.

CONTESTING ACCESS PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

Individual, correspondence, investigative records, employment records, payroll records, medical reports, any other documents or reports pertaining to an individual's work history, education, medical condition, or hiring practices of the employer.

DOL/ESA–6

SYSTEM NAME:

Office of Workers' Compensation, Black Lung Benefit Claim File.

SYSTEM LOCATION:

Office of Workers' Compensation Programs, Division of Coal Mine Workers' Compensation, Department of Labor Building, 200 Constitution Ave., N.W., Washington, D.C. 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing claims for black lung (pneumoconiosis) benefits under the provisions of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, including miners, and their surviving widows, orphans, dependent parents and siblings.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal, medical, financial. The system also may contain information gathered in connection with investigations concerning possible violations of Federal law, whether civil or criminal under the authorizing legislation and related Acts. Such information may be derived from materials filed with the Department of Labor, other Federal, State and local departments and agencies, court records, medical records, insurance records, records of employers, articles from publications, published financial data, corporate information, bank information, telephone data, statements of witnesses, information received from Federal, State, local and foreign regulatory and law enforcement organizations, and from other sources. This record also contains the work product of the Department of Labor and other government personnel and consultants involved in the investigations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

30 U.S.C. 901 et seq., 20 CFR 715.1 et seq., 20 CFR 720.1 et seq., 20 CFR 725.1 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to the employer at any time after report of the injury or report of the

onset of the occupational illness, or the filing of a notice of injury or claim related to such injury or occupational illness, also to any party providing the employer with workers' compensation insurance coverage; State workers' compensation agencies and the Social Security Administration for the purpose of determining offsets as specified under the Act; doctors and medical services providers for the purpose of obtaining medical evaluations, physical rehabilitation or other services, and labor unions and other voluntary employee associations of which the claimant is a member which exercise an interest in claims of members as part of their service to the members. Records are made available to other Federal agencies and State and local agencies conducting similar or related investigations, and to the Justice Department in that agency's determination regarding potential litigation and during the course of actual litigation. Records may be disclosed to contractors providing automated data processing services for the Department of Labor, and may also be disclosed in any proceeding where the authorizing legislation is in issue, or in which the Secretary of Labor, any past or present Federal employee, or any consultant, is directly or indirectly involved in investigations or other enforcement activities, is a party, or is otherwise involved in an official capacity under the Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Case file documents, both original and copies in manual files.

RETRIEVABILITY:

Coal miner's name and social security number, and claimant's name when different from miner's must be provided.

SAFEGUARDS:

Files located in restricted area of a Federal building under guard by security officers.

RETENTION AND DISPOSAL:

Approved claims files are destroyed 10 years after death of last beneficiary. Denied claims are destroyed 17 years after final denial.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Division of Coal Mine Workers' Compensation, Department of Labor Building, Room C3520, 200 Constitution Ave., N.W., Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURE:

As above.

CONTESTING ACCESS PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

Claim forms, medical reports, correspondence, investigative reports, employment reports, Federal and State agency records, any other record or document pertaining to a claimant or his dependent as it relates to the claimant's age, education, work history, marital history or medical condition.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

INVESTIGATORY PORTION OF SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

(a) Criminal law enforcement. In accordance with paragraph 3(j)(2) of the Privacy Act, information maintained in this system of files in the Office of Workers' Compensation Programs of the Employment Standards Administration is exempt from all provisions contained in 5 U.S.C. 552a except those requirements set forth in paragraphs (b), (c)(1) and (2), (e)(4) (A) through (F), (e)(6), (7), (9), (10), and (11) and paragraph (i) of the Privacy Act. The disclosure of criminal investigatory information, if any, contained in the files, including the names of persons or agencies to whom the information has been transmitted would substantially compromise the effectiveness of any investigations. Knowledge of such investigations could enable subjects to take such action as is necessary to prevent detection of criminal activities, conceal evidence, or to escape prosecution. Disclosure of this information could lead to the intimidation of, or harm to, informants, witnesses, and their respective families, and could jeopardize the safety and well-being of investigative personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected, verified, and retained would impede significantly the effectiveness of investigatory activities, and in addition, may often preclude the apprehension and successful prosecution of persons engaged in fraud of the compensation program. (b) Other law enforcement. In accordance with paragraph 3(k)(2) of the Privacy Act, investigatory material compiled for law enforcement purposes other than material declared exempt under paragraph 3(j)(2) of the Privacy Act, which is maintained in this system's files of the Office of Workers' Compensation Programs of the Employment Standards Administration is exempt from paragraphs (c)(3), (d), (e)(4) (G), (H), and (I), and paragraph (f) of 5 U.S.C. 552a. The disclosure of civil investigatory information, if any, contained in this system's files, including the names of persons and agencies to whom the information has been transmitted, would substantially compromise the effectiveness of investigations. Knowledge of such investigations would enable subjects to take such action as is necessary to prevent detection of illegal activities, conceal evidence, or otherwise escape civil enforcement action. Disclosure of this information could lead to the intimidation of, or harm to informants, witnesses, and their respective families, and in addition, could jeopardize the safety and well-being of investigative personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected, verified, and retained could also impede significantly the effectiveness of investigatory activities.

DOL/ESA-7

SYSTEM NAME:

Office of Workers' Compensation Programs, Black Lung Benefit Payments File.

SYSTEM LOCATION:

Burroughs Corporation, Federal and Supply Systems Group, 7726 Old Spring House Road, McLean, Va. 22102.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants receiving benefits.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal, financial.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

30 U.S.C. 901 et seq., 20 CFR 715.1 et seq., 20 CFR 720.1 et seq., 20 CFR 725.1 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to mine operators who have been determined to be potentially liable for the claim and any party providing the mine operator with workers' compensation insurance coverage; State workers' compensation agencies and the Social Security Administration for the purpose of determining offsets as specified under

the Act; and labor unions and other voluntary employee associations of which the claimant is a member which exercise an interest in claims of members as part of their service to the members.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tapes.

RETRIEVABILITY:

Social Security Number.

SAFEGUARDS:

Files located in restricted area of a Federal building under guard by security officers.

RETENTION AND DISPOSAL:

Files are destroyed when 12 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Division of Coal Mine Workers' Compensation, Department of Labor Building, Room C3520, 200 Constitution Ave., NW., Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURE:

As above.

CONTESTING RECORD PROCEDURES

As above.

RECORD SOURCE CATEGORIES:

Black Lung Benefit Claims Files.

DOL/ESA-8

SYSTEM NAME:

Office of Workers' Compensation Programs, Black Lung Benefit Claimant Information File.

SYSTEM LOCATION:

Burroughs Corporation, Federal and Supply Systems Group, 7726 Old Spring House Road, McLean, Va. 22102.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Black lung claimants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal (name, date of birth, SSN, type claimant, miner's date of death); demographic (State, county, city, congressional district, zip code), mine employment history, medical disability, initial determination, conference results, hearing results.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

30 U.S.C. 901 et seq., 20 CFR 715.1 et seq., 20 CFR 720.1 et seq., 20 CFR 725.1 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to mine operators who have been determined to be potentially liable for the claim and any party providing the mine operator with workers' compensation insurance coverage; State workers' compensation agencies and the Social Security Administration for the purpose of determining offsets as specified under the Act; doctors and medical services providers for the purpose of obtaining medical evaluations, physical rehabilitation or other services, and labor unions and other voluntary employee associations of which the claimant is a member which exercise an interest in claims of members as part of their service to the members.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Nine track magnetic tape and punched cards.

RETRIEVABILITY:

Social Security Number.

SAFEGUARDS:

Files located in restricted area of a Federal building under guard by security officers.

RETENTION AND DISPOSAL:

Files are destroyed when 12 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Division of Coal Mine Workers' Compensation, Department of Labor Building, Room C3520, 200 Constitution Ave., NW., Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURE:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

District Office Reports, Claims Forms, Claim Files Tracking Cards.

DOL/ESA-9

SYSTEM NAME:

Office of Workers' Compensation Programs, Black Lung Medical Treatment Records File.

SYSTEM LOCATION:

Office of Workers' Compensation Programs, Division of Coal Mine Workers' Compensation, Department of Labor Building, 200 Constitution Ave., NW., Washington, D.C. 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Division of Coal Mine Workers' Compensation Beneficiaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical and financial. The system also may contain information gathered in connection with investigations concerning possible violations of Federal law, whether civil or criminal under the authorizing legislation and related Acts. Such information may be derived from materials filed with the Department of Labor, other Federal, State and local departments and agencies, court records, medical records, insurance records, records of employers, articles from publications, published financial data, corporate information, bank information, telephone data, statements of witnesses, information received from Federal, State, local and foreign regulatory and law enforcement organizations, and from other sources. This record also contains the work product of the Department of Labor and other government personnel and consultants involved in the investigations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

30 U.S.C. 901 et seq., 20 CFR 715.1 et seq., 20 CFR 720.1 et seq., 20 CFR 725.1 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to the employer at any time after report of the injury or report of the onset of the occupational illness, or the filing of a notice of injury or claim related to such injury or occupational illness, also to any party providing the employer with worker's compensation insurance coverage; State workers' compensation agencies and the Social Security Administration for the purpose of determining offsets as specified under the Act; and labor unions and other voluntary employee associations of which the claimant is a member which exercise an interest in claims of members as part of their service to the members. Records are made available to other Federal agencies and State and local agencies conducting similar or related investigations, and to the Justice Department in that agency's determination regarding potential

litigation and during the course of actual litigation. Records may be disclosed to contractors providing automated data processing services for the Department of Labor, and may also be disclosed in any proceeding where the authorizing legislation is in issue, or in which the Secretary of Labor, any past or present Federal employee, or any consultant, is directly or indirectly involved in investigations or other enforcement activities, is a party, or is otherwise involved in an official capacity under the Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files to be transferred to magnetic tapes.

RETRIEVABILITY:

Name and Social Security Number.

SAFEGUARDS:

Files located in restricted area of a Federal building under guard by security officers.

RETENTION AND DISPOSAL:

Files are retained for 6 years and 3 months after becoming inactive.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Division of Coal Mine Workers' Compensation, Department of Labor Building, Room C3520, 200 Constitution Ave., N.W., Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURE:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Medical reports and bills from physician of beneficiary's choosing providing medical treatment.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

INVESTIGATORY PORTION OF SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

(a) Criminal law enforcement. In accordance with paragraph 3(j)(2) of the Privacy Act, information maintained in this system of files in the Office of Workers' Compensation Programs of the Employment Standards Administration is exempt from all provisions contained in 5 U.S.C. 552a except those requirements set forth in paragraphs (b), (c)(1) and (2), (e)(4) (A) through (F), (e)(6), (7)(9), (10), and (11) and paragraph (i) of the Privacy Act. The disclosure of criminal investigatory information, if any, contained in the files, including the names of persons or agencies to whom the information has been transmitted would substantially compromise the effectiveness of any investigations. Knowledge of such investigations could enable subjects to take such action as is necessary to prevent detection of criminal activities, conceal evidence, or to escape prosecution. Disclosure of this information could lead to the intimidation of, or harm to, informants, witnesses, and their respective families, and could jeopardize the safety and well-being of investigative personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected, verified, and retained would impede significantly the effectiveness of investigatory activities, and in addition, may often preclude the apprehension and successful prosecution of persons engaged in fraud of the compensation program. (b) Other law enforcement. In accordance with paragraph 3(k)(2) of the Privacy Act, investigatory material compiled for law enforcement purposes other than material declared exempt under paragraph 3(j)(2) of the Privacy Act, which is maintained in this system's files of the Office of Workers' Compensation Programs of the Employment Standards Administration is exempt from paragraphs (c)(3), (d), (e)(4), (G), (H), and (I), and paragraph (f) of 5 U.S.C. 552a. The disclosure of civil investigatory information, if any, contained in this system's files, including the names of persons and agencies to whom the information has been transmitted, would substantially compromise the effectiveness of investigations. Knowledge of such investigations would enable subjects to take such action as is necessary to prevent detection of illegal activities, conceal evidence, or otherwise escape civil enforcement action. Disclosure of this information could lead to the intimidation of, or harm to informants, witnesses, and their respective families, and in addition, could jeopardize the safety and well-being of investigative personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected, verified, and retained could also impede significantly the effectiveness of investigatory activities.

DOL/ESA-10

SYSTEM NAME:

Office of Workers' Compensation Programs, Black Lung Profile Beneficiaries File.

SYSTEM LOCATION:

Office of Workers' Compensation Programs, Division of Coal Mine Workers' Compensation, Department of Labor Building, 200 Constitution Ave., N.W., Washington, D.C. 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Division of Coal Mine Workers' Compensation Beneficiaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical, personal. The system also may contain information gathered in connection with investigations concerning possible violations of Federal law, whether civil or criminal under the authorizing legislation and related Acts. Such information may be derived from materials filed with the Department of Labor, other Federal, State and local departments and agencies, court records, medical records, insurance records, records of employers, articles from publications, published financial data, corporate information, bank information, telephone data, statements of witnesses, information received from Federal, State, local and foreign regulatory and law enforcement organizations, and from other sources. This record also contains the work product of the Department of Labor and other government personnel and consultants involved in the investigations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

30 U.S.C. 901 et seq., 20 CFR 715.1 et seq., 20 CFR 720.1 et seq., 20 CFR 725.1 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to the employer at any time after report of the injury or report of the onset of the occupational illness, or the filing of a notice of injury or claim related to such injury or occupational illness, also to any party providing the employer with workers' compensation insurance coverage; State workers' compensation agencies and the Social Security Administration for the purpose of determining offsets as specified under the Act; and labor unions and other voluntary employee associations of which the claimant is a member which exercise an interest in claims of

members as part of their service to the members. Records are made available to other Federal agencies and State and local agencies conducting similar or related investigations, and to the Justice Department in that agency's determination regarding potential litigation and during the course of actual litigation. Records may be disclosed to contractors providing automated data processing services for the Department of Labor, and may also be disclosed in any proceeding where the authorizing legislation is in issue, or in which the Secretary of Labor, any past or present Federal employee, or any consultant, is directly or indirectly involved in investigations or other enforcement activities, is a party, or is otherwise involved in an official capacity under the Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files.

RETRIEVABILITY:

Name and Social Security Number.

SAFEGUARDS:

Files located in restricted area of a Federal building under guard by security officers.

RETENTION AND DISPOSAL:

Files are destroyed when 12 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Division of coal Mine Workers' Compensation, Department of Labor Building, Room C3520, 200 Constitution Ave., N.W., Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURE:

As above.

CONTESTING ACCESS PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Individual, Correspondence, Employment Records, Payroll Records, Medical Reports.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Investigatory portion of system exempted from certain provisions of the Act: (a) Criminal law enforcement. In accordance with paragraph 3(j)(2) of the Privacy Act, information maintained in this system of files in the Office of Workers' Compensation Programs of the Employment Standards Administration is exempt from all provisions contained in 5 U.S.C. 552a except those requirements set forth in paragraphs (b), (c)(1) and (2), (e)(4) (A) through (F), (e)(6), (7), (9), (10), and (11) and paragraph (i) of the Privacy Act. The disclosure of criminal investigatory information, if any, contained in the files, including the names of persons or agencies to whom the information has been transmitted would substantially compromise the effectiveness of any investigations. Knowledge of such investigations could enable subjects to take such action as is necessary to prevent detection of criminal activities, conceal evidence, or to escape prosecution. Disclosure of this information could lead to the intimidation of, or harm to, informants, witnesses, and their respective families, and could jeopardize the safety and well-being of investigative personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected, verified, and retained would impede significantly the effectiveness of investigatory activities, and in addition, may often preclude the apprehension and successful prosecution of persons engaged in fraud of the compensation program. (b) Other law enforcement. In accordance with paragraph 3(k)(2) of the Privacy Act, investigatory material compiled for law enforcement purposes other than material declared exempt under paragraph 3(j)(2) of the Privacy Act, which is maintained in this system's files of the Office of Workers' Compensation Programs of the Employment Standards Administration is exempt from paragraphs (c)(3), (d), (e)(4) (G), (H), and (I), and paragraph (f) of 5 U.S.C. 552a. The disclosure of civil investigatory information, if any, contained in this system's files, including the names of persons and agencies to whom the information has been transmitted, would substantially compromise the effectiveness of investigations. Knowledge of such investigations would enable subjects to take such action as is necessary to prevent detection of illegal activities, conceal evidence, or otherwise escape civil enforcement action. Disclosure of this information could lead to the intimidation of, or harm to informants, witnesses, and their respective families, and in addition, could jeopardize the safety and well-being of investigative personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected, verified, and retained could also impede significantly the effectiveness of investigatory activities.

DOL/ESA-11

SYSTEM NAME:

Office of Workers' Compensation Programs, Black Lung Service Payments File.

SYSTEM LOCATION:

Burroughs Corporation, Federal and Supply Systems Group, 7726 Old Spring House Road, McLean, Va. 22102.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants, physicians and medical facilities providing services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical, personal, financial.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

30 U.S.C. 901 et seq., 20 CFR 715.1 et seq., 20 CFR 720.1 et seq., 20 CFR 725.1 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to mine operators who have been determined to be potentially liable for the claim and any party providing the mine operator with workers' compensation insurance coverage; State workers' compensation agencies and the Social Security Administration for the purpose of determining offsets as specified under the Act; doctors and medical services providers for the purpose of obtaining medical evaluations, physical rehabilitation or other services, and labor unions and other voluntary employee associations of which the claimant is a member which exercise an interest in claims of members as part of their service to the members.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape.

RETRIEVABILITY:

Provider number, claimant's SSN.

SAFEGUARDS:

Files located in restricted area of a Federal building under guard by security officers.

RETENTION AND DISPOSAL:

Files are destroyed when 10 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Division of Coal Mine Workers' Compensation, Department of Labor Building, Room

C3520, 200 Constitution Ave., NW., Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURE:

As above.

CONTESTING ACCESS PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Billings, Claims Files, Medical Reports.

DOL/ESA-12

SYSTEM NAME:

Office of Workers' Compensation Programs, Black Lung X-ray Interpretation File.

SYSTEM LOCATION:

Office of Workers' Compensation Programs, Division of Coal Mine Workers' Compensation, Department of Labor Building, 200 Constitution Ave., NW., Washington, D.C. 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Division of Coal Mine Workers' Compensation claimants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical, personal.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

30 U.S.C. 901 et seq., 20 CFR 715.1 et seq., 20 CFR 720.1 et seq., 20 CFR 725.1 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to mine operators who have been determined to be potentially liable for the claim and any party providing the mine operator with workers' compensation insurance coverage; State workers' compensation agencies and the Social Security Administration for the purpose of determining offsets as specified under the Act; doctors and medical services providers for the purpose of obtaining medical evaluations, physical rehabilitation or other services, and labor unions and other voluntary employee associations of which the claimant is a member which exercise an interest in claims of members as part of their service to the members.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files.

RETRIEVABILITY:

Name and SSN.

SAFEGUARDS:

Files located in restricted area of a Federal building under guard by security officers.

RETENTION AND DISPOSAL:

Files are destroyed 17 years after final adjudication or denial.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Division of Coal Mine Workers' Compensation, Department of Labor Building, Room C3520, 200 Constitution Ave., NW., Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURE:

As above.

CONTESTING ACCESS PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

Individual's medical records.

DOL/ESA-13

SYSTEM NAME:

Office of Workers' Compensation Programs, Federal Employees' Compensation Act File.

SYSTEM LOCATION:

Optimum Systems, Inc., 5615 Fishers Road, Rockville, Md. 20852.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FECA benefits recipients are Federal employees injured or killed while in the performance of duty. In case of death, beneficiary records are maintained. In addition to Federal employees the FECA covers volunteers in the Civil Air Patrol, Peace Corps Volunteers, Job Corps Enrollees, Volunteers in Service to America, members of the National Teachers Corps, certain student employees, employees of the Alaska Railroad, members of the Reserve Officers Training Corps, certain law enforcement officers not employed by the United States. Prior to January 1, 1957, the FECA also covered reservists in the Armed Forces of the United States. Also covered are various classes of persons who provide or have provided services to the Government of the United States.

CATEGORIES OF RECORDS IN THE SYSTEM:

Record includes reports of injury by employee and employing establishment, authorization for medical treatment, medical records, medical and transportation bills, compensation payment records, formal orders for or against payment of compensation, vital statistics such as birth, death and marriage certificates. The system also may contain information gathered in connection with investigations concerning possible violations of Federal law, whether civil or criminal under the authorizing legislation and related Acts. Such information may be derived from materials filed with the Department of Labor, other Federal, State and local departments and agencies, court records, medical records, insurance records, records of employers, articles from publications, published financial data, corporate information, bank information, telephone data, statements of witnesses, information received from Federal, State, local and foreign regulatory and law enforcement organizations, and from other sources. This record also contains the work product of the Department of Labor and other government personnel and consultants involved in the investigations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 8101 et seq., 20 CFR 1.1 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to any third-party named in a claim or representative acting on his/her behalf until the claim is adjudicated and all appeals are resolved; Federal agencies which employed the claimant at the time of occurrence or recurrence of the injury or occupational illness; Federal, State or private rehabilitation agencies to whom the claimant has been referred for evaluation of the extent and nature of the disability and/or rehabilitation; physicians making an examination for the United States under 5 U.S.C. 8123(a); medical insurance plans or health and welfare plans which the claimant is covered by in instances when there is evidence of payment by OWCP for treatment of a medical condition which is not compensable; and labor unions and other voluntary employee associations of which the claimant is a member which exercise an interest in claims of members as part of their service to the members. Records are made available to other Federal agencies and State and local agencies conducting similar or related investigations, and to the Justice Department in that agency's determination regarding potential

litigation and during the course of actual litigation. Records may be disclosed to contractors providing automated data processing services for the Department of Labor, and may also be disclosed in any proceeding where the authorizing legislation is in issue, or in which the Secretary of Labor, any past or present Federal employee, or any consultant, is directly or indirectly involved in investigations or other enforcement activities, is a party, or is otherwise involved in an official capacity under the Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Case files are maintained in manual files, security case files in locked cabinets, and FECA management information system information is stored on computer discs which are stored in cabinets.

RETRIEVABILITY:

Files are retrieved after identification by coded file number which is cross referenced to employee by name, employing establishment, date and nature of injury. Files located in District Offices are identified by master index file, which is maintained in the National Office.

SAFEGUARDS:

Files are maintained under supervision of OWCP personnel during normal working hours—only authorized personnel may handle or disclose any information contained therein. Only personnel having security clearance may handle or process security files. After normal working hours, security files are kept in locked cabinets. All files are maintained in guarded Federal buildings.

RETENTION AND DISPOSAL:

This system was first published on February 13, 1981. As this is a relatively new system, retention periods have not yet been finalized.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Division of Federal Employees' Compensation, Department of Labor Building, Room S3229, 200 Constitution Ave., N.W., Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURE:

Any individual seeking information about a case in which he/she is a party of interest may write or telephone the OWCP District Office and arrangement will be made to provide review of the file, consonant with restrictions defined as a Routine Use.

CONTESTING ACCESS RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Injured employees, beneficiaries, employing Federal agencies, other Federal agencies, physicians, hospitals, clinics, educational institutions, attorneys, members of Congress, OWCP field investigations, State governments.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

INVESTIGATORY PORTION OF SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

(a) Criminal law enforcement. In accordance with paragraph 3(j)(2) of the Privacy Act, information maintained in this system of files in the Office of Workers' Compensation Programs of the Employment Standards Administration is exempt from all provisions contained in 5 U.S.C. 552a except those requirements set forth in paragraphs (b), (c)(1) and (2), (e)(4) (A) through (F), (e)(6), (7), (9), (10), and (11) and paragraph (i) of the Privacy Act. The disclosure of criminal investigatory information, if any, contained in the files, including the names of persons or agencies to whom the information has been transmitted would substantially compromise the effectiveness of any investigations. Knowledge of such investigations could enable subjects to take such action as is necessary to prevent detection of criminal activities, conceal evidence, or to escape prosecution. Disclosure of this information could lead to the intimidation of, or harm to, informants, witnesses, and their respective families, and could jeopardize the safety and well-being of investigative personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected, verified, and retained would impede significantly the effectiveness of investigatory activities, and in addition, may often preclude the apprehension and successful prosecution of persons engaged in fraud of the compensation program. (b) Other law enforcement. In accordance with paragraph 3(k)(2) of the Privacy Act, investigatory material compiled for law enforcement purposes other than material declared exempt under paragraph 3(j)(2) of the Privacy Act, which is maintained in this system's files of the Office of Workers' Compensation Programs of the Employment Standards Administration is exempt from paragraphs (c)(3), (d), (e)(4) (G), (H), and (I), and paragraph (f) of 5 U.S.C. 552a. The disclosure of civil investigatory information, if any, contained in this system's files, including the names of persons and agencies to whom the information has been transmitted, would substantially compromise the effectiveness of investigations. Knowledge of such investigations would enable subjects to take such action as is necessary to prevent detection of illegal activities, conceal evidence, or otherwise escape civil enforcement action. Disclosure of this information could lead to the intimidation of, or harm to informants, witnesses, and their respective families, and in addition, could jeopardize the safety and well-being of investigative personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected, verified, and retained could also impede significantly the effectiveness of investigatory activities.

DOL/ESA–14

SYSTEM NAME:

Office of Workers' Compensation Programs, Federal Employees' Compensation Act Chargeback File.

SYSTEM LOCATION:

Optimum Systems, Inc., 5615 Fishers Road, Rockville, Md. 20852.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

FECA benefits recipients.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal, financial.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 8147.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Reports sent to all other agencies in order to support the billing of cost paid by DOL.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape.

RETRIEVABILITY:

OWCP case number within OWCP District Office.

SAFEGUARDS:

Physical security—tapes are locked up.

RETENTION AND DISPOSAL:

OWCP/FECA is responsible for source data records. Computer records are maintained or destroyed (deleted) by OWCP/FECA authority.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, Division of Federal Employees' Compensation, Department of Labor Building, Room S3229, 200 Constitution Ave., N.W., Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURE:

As above.

CONTESTING ACCESS PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

CA45, CA135 at originating OWCP District Office servicing injured employee's government agency.

DOL/ESA-15

SYSTEM NAME:

Office of Workers' Compensation Programs, Longshoremen's and Harbor Worker's Compensation Act Case Files.

SYSTEM LOCATION:

Most files are located in the following District Offices but cases involving special issues may be in the National Office—

JFK Bldg., Room 1800, Government Center, Boston, MA 02203.

1515 Broadway, Room 3362, New York, NY 10036.

Gateway Bldg., Room M–450, 3535 Market Street, Philadelphia, PA 19104.

Federal Bldg., Room 1026, 31 Hopkins Plaza, Baltimore, MD 23510.

Federal Bldg., Room 212, 200 Granby Mall, Norfolk, VA 23510.

1111 20th Street, N.W., Room 1014, Washington, DC 20211.

U.S. Post Office and Courthouse Bldg., 311 W. Monroe Street, Jacksonville, FL 32201.

230 S. Dearborn, 7th Floor, Chicago, IL 60604.

U.S. Post Office Bldg., Room 212, Galveston, TX 77563.

2320 La Branch Street, Room 2108, Houston, TX 77004.

Hale Boggs Federal Bldg., Room 1020, 500 Camp Street, New Orleans, LA 70130.

450 Golden Gate Ave., Room 10301, San Francisco, CA 94102.

300 S. Ferry Street, Room 2525, Terminal Island, CA 90731.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records of injuries, occupational disease and death of employees working in private industry who are covered by the provisions of the Longshoremen's and Harbor Worker's Compensation Act and related acts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports of injury by employees and employers, authorization for medical care; medical reports; medical and transportation bills; formal orders for or against payment of compensation, vocational evaluations, rehabilitation plans and awards and vocational progress reports, vital statistics such as birth, marriage, death certificates, enrollment and attendance records at educational institutions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

33 U.S.C. 901 et seq. (20 CFR 701 et seq.); 36 U.S.C. 501 et seq.; 42 U.S.C. 1951 et seq.; 43 U.S.C. 1331 et seq.; 5 U.S.C. 8171 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to the employer at any time after report of the injury or report of the onset of the occupational illness, or the filing of a notice of injury or claim related to such injury or occupational illness, also to any party providing the employer with workers' compensation insurance coverage; doctors and medical service providers for the purpose of obtaining medical evaluations, physical rehabilitations or other services; public or private agencies to whom the injured worker has been referred for vocational rehabilitation services; contractors providing automated data processing services for the Department of Labor and labor unions and other voluntary associations of which the claimant is a member acting on behalf of the individual member.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files.

RETRIEVABILITY:

Name and SSN.

SAFEGUARDS:

Files are maintained in guarded Federal buildings.

RETENTION AND DISPOSAL:

Time retained varies by type of case ranging from destroy one year after creation for incomplete reported cases to destroy 6 years and 3 months after death of last possible beneficiary.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, FECA, Room S3229, U.S. Department of Labor Building, 200 Constitution Ave., N.W., Washington, D.C. 20210; and District Offices listed above.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURE:

As above.

CONTESTING ACCESS PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

The system obtains information from injured employees, their qualified dependents, employers, insurance carriers, physicians, medical facilities, educational institutions, attorneys, State and Federal vocational rehabilitation agencies and Members of Congress.

DOL/ESA-18

SYSTEM NAME:

Advisory Committee on Sheltered Workshop Members' Files.

SYSTEM LOCATION:

Room S3513, U.S. Department of Labor Building, Washington, D.C. 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Past and current members of the Advisory Committee on Sheltered Workshops.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical information and correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Fair Labor Standards Act, as amended. Advisory Committee on Sheltered Workshops Charter, January 5, 1975.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Biographical information submitted to the Office of Personnel Management and the FBI for name checks prior to nomination.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files.

RETRIEVABILITY:

By members name.

SAFEGUARDS:

Files are maintained in guarded Federal building.

RETENTION AND DISPOSAL:

Retained in files 20 years then offered to the National Archives.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Branch of Handicapped Worker Problems, Room S3513, U.S. Department of Labor Building, Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

Administrator Wage and Hour Division, 200 Constitution Ave., N.W., Washington, D.C. 20210.

RECORD ACCESS PROCEDURE:

As above.

CONTESTING ACCESS PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

Members, their offices, or other Federal agencies.

DOL/ESA-22

SYSTEM NAME:

Advisory Committee for Higher Education Equal Employment Opportunity Programs Members' files.

SYSTEM LOCATION:

Room C3225, Department of Labor Building, 200 Constitution Ave., N.W., Washington, D.C. 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the Advisory Committee for Higher Education Equal Employment Opportunity Programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Charter of the Advisory Committee for Higher Education Equal Employment Opportunity Programs, January 28, 1976, Executive Order 11246.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Name checks obtained from Office of Personnel Management and FBI. Membership list including names, positions and addresses sent to the public on request and published in press releases.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files.

RETRIEVABILITY:

By member's name.

SAFEGUARDS:

Room is locked when unattended. Files are in a Federal building under guard by security officers.

RETENTION AND DISPOSAL:

Records will be maintained for the life of the committee.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Secretary, Advisory Committee for Higher Education Equal Employment Opportunity Programs, Room C3225, Department of Labor Building, 200 Constitution Ave., N.W., Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

Same as above.

RECORD ACCESS PROCEDURE:

Same as above.

CONTESTING ACCESS PROCEDURE:

Same as above.

RECORD SOURCE CATEGORIES:

Individuals covered or their offices.

DOL/ESA-24

SYSTEM NAME:

Office of Workers' Compensation Programs, Longshoremen's and Harbor Workers' Compensation Act Special Fund System.

SYSTEM LOCATION:

Division of Longshore and Harbor Workers' Compensation, Room C4315, Department of Labor Building, 200 Constitution Ave., N.W., Washington, D.C. 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons receiving compensation and related benefits under the Longshoremen's and Harbor Workers' Compensation Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Bills, vouchers, and records of payment for compensation and related benefits under the Longshoremen's and Harbor Workers' Compensation Act.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

33 U.S.C. 901 et seq. (20 CFR 701 et seq.); 36 U.S.C. 501 et seq.; 42 U.S.C. 1951 et seq.; 43 U.S.C. 1331 et seq.; 5 U.S.C. 8171 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure of payment information to insurance carriers or self-insurers under the Longshoremen's and Habor Workers' Compensation Act in instances of verification of payment.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files.

RETRIEVABILITY:

By name of payee.

SAFEGUARDS:

Files are locked at night and maintained during working hours under the constant supervision of OWCP personnel. Files are in a Federal building under guard by security officers.

RETENTION AND DISPOSAL:

Files are destroyed 7 years after last payment is made.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Director, FECA, Room S3229, U.S. Department of Labor Building, 200 Constitution Ave., N.W., Washington, D.C. 20210; and District Offices listed above.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURE:

As above.

CONTESTING ACCESS PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

Insurers and self-insurers under the Longshoremen's and Harbor Workers' Compensation Act and parties providing covered benefits and service to approved claimants under the Act.

DOL/ESA-25

SYSTEM NAME:

Office of Federal Contract Compliance Programs Management Information System (OFCC/MIS).

SYSTEM LOCATION:

Room C3225, Department of Labor Building, 200 Constitution Ave., N.W., Washington, D.C. 20210; U.S. Department of Health and Human Services, National Institute of Health, Building 12A DCRT, Bethesda, MD 20014.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing complaints of employment discrimination by Federal contractors and individuals who correspond with program officials, managers, and employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual complaints, Federal procurement (contract) actions, contractor establishment, contractor employment, enforcement/litigation, and correspondence control.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 11246, as amended; 29 U.S.C. 793; 38 U.S.C. 2012.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure to the Equal Employment Opportunity Commission, Department of Justice, to other Federal, State or local agencies with jurisdiction over a complaint, for investigatory, conciliation or enforcement purposes; to Federal contractors, subcontractors, or federally-assisted construction contractors or subcontractors against whom a complaint is filed, including providing a copy of the complaint or a complaint summary for purposes of notice and/or under applicable internal review procedures; during an investigation to persons who may have knowledge pertinent to the complaint, but only to the extent necessary to determine the validity of complaint charges.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files for working copies of source documents and magnetic tapes and disks for central computer processing.

RETRIEVABILITY:

Complaints are retrievable by complainant name, OFCCP control number, and contractor establishment number. Correspondence is retrievable by correspondent name, OFCCP control number, and status and action codes. Other data is retrievable by OFCCP control numbers, Dunn and Bradstreet Universal Numbering System establishment number, and status and action codes.

SAFEGUARDS:

Files are locked except during working hours, and only authorized personnel have access to files. Computer systems are restricted to authorized operators and each subsystem has multiple layers of password protection depending upon sensitivity of data.

RETENTION AND DISPOSAL:

Inactive records retained in system for two years before being purged to history files where they are stored for three years. Transfer to FARC and scratch 5 years after transfer.

SYSTEM MANAGER(S) AND ADDRESS:

Director, OFCCP, Room C3325, 200 Constutition Ave., N.W., Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURE:

As above.

CONTESTING ACCESS PROCEDURE:

As above

RECORD SOURCE CATEGORIES:

Individuals, correspondents, Federal contractors, Federal Procurement Data Center, OFCCP personnel working in area, regional, and national office organizational components, Solicitor of Labor in regional and national offices, Department of Justice, and Equal Employment Opportunity Commission.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with paragraph 3(k)(2) of the Privacy Act, these files have been exempted from section (d), 4(G), 4(H), and (f) of the Act. The disclosure of information contained in these files may in some circumstances tend to discourage persons who have knowledge of facts and circumstances pertinent to charges from giving statements or co-operating in investigations. In addition, disclosure of medical records contained in these files may adversely affect the health of individuals without guidance of a responsible physician.

DOL/ESA-26

SYSTEM NAME:

Division of longshore and Harbor Workers' Compensation Investigation Files.

SYSTEM LOCATIONS:

Division of Longshore and Harbor Workers Compensation, Office of Workers' Compensation Programs, Room C4315, 200 Constitution Ave., NW., Washington, D.C. 20210.

Assistant Deputy Commissioner's office for LS/HW in the following regional locations—

JFK Bldg., Room 1800, Government Center, Boston, MA 02203.

1515 Broadway, Room 3362, New York, NY 10036.

Gateway Bldg., Room M–450, 3535 Market Street, Philadelphia, PA 19104.

Federal Bldg., Room 1026, 31 Hopkins Plaza, Baltimore, MD 23510.

Federal Bldg., Room 212, 200 Granby Mall, Norfolk, VA 23510.

1111 20th Street, NW., Room 1014, Washington, DC 20211.

U.S. Post Office and Courthouse Bldg., 311 W. Monroe Street, Jacksonville, FL 32201.

230 S. Dearborn, 7th Floor, Chicago, IL 60604.

U.S. Post Office Bldg., Room 212, Galveston, TX 77563.

2320 La Branch Street, Room 2108, Houston, TX 77004.

Hale Boggs Federal Bldg., Room 1020, 500 Camp Street, New Orleans, LA 70130.

450 Golden Gate Ave., Room 10301, San Francisco, CA 94102.

300 S. Ferry Street, Room 2525, Terminal Island, CA 90731.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals filing claims for workers' compensation benefits under the Longshoremen's and Harbor Workers' Compensation Act as amended and extended (33 U.S.C. 901 et seq., except as it applies to the Office of Administrative Law Judges and the Benefits Review Board); individuals providing medical and other services to the Division; employees of insurance companies and of medical and other services providers to the Division; and other persons suspected of violations of law under the Act including related civil and criminal provisions as well as respondents, witnesses and other individuals involved in investigations and enforcement actions instituted by the Department of Labor.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information gathered in connection with investigations concerning possible violations of Federal law, whether civil or criminal under the Longshoremen's and Harbor Workers' Compensation Act and related Acts. Such information may be derived from materials filed with the Department of Labor, other Federal, State and local departments and agencies, court records, medical records, insurance records, records of employers, articles from publications, published financial data, corporate information, bank information, telephone data, statements of witnesses, information received from Federal, State, local and foreign regulatory and law enforcement organizations, and from other sources. This record also contains the work product of the Department of Labor and other government personnel and consultants involved in the investigations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

33 U.S.C. 901 et seq.; 36 D.C. Code 501 et seq.; 42 U.S.C. 1651 et seq.; 43 U.S.C. 1331 et seq., 5 U.S.C. 8171 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Records are made available to other Federal agencies and State and local agencies conducting similar or related investigations, and to the Justice Department in that agency's determination regarding potential litigation and during the course of actual litigation. Records may be disclosed to contractors providing automated data processing services for the Department of Labor, and may also be disclosed in any proceeding where the Longshoremen's and Harbor Workers' Compensation Act and related Acts are in issue, or in which the Secretary of Labor, any past or present Federal employee, or any consultant, is directly or indirectly involved in investigations or other enforcement activities, is a party, or is otherwise involved in an official capacity under the Act.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access.

RETENTION AND DISPOSAL:

To be determined.

SYSTEM MANAGER AND ADDRESS:

Associate Director, Division of Longshore and Harbor Workers' Compensation, 200 Constitution Ave, N.W., Washington, D.C. 20210; and, Assistant Deputy Commissioners for LS/HW in each city listed in Systems Location section.

NOTIFICATION PROCEDURE:

Notify system manager.

RECORD ACCESS PROCEDURE:

Contact system manager.

CONTESTING ACCESS PROCEDURES:

Contact system manager.

RECORD SOURCE CATEGORIES:

Records from Division claim and payment files (DOL/ESA–15 and 24) and from employees, insurers, service providers; and information received from parties leading to the opening of an investigation, or developed as a product of interviews held during the course of an investigation.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

(a) Criminal law enforcement. In accordance with paragraph 3(j)(2) of the Privacy Act, information maintained in investigation files in the Division of Longshore and Harbor Workers' Compensation of the Office of Workers' Compensation Programs of the Employment Standards Administration is exempt from all provisions contained in 5 U.S.C. 552a except those requirements set forth in paragraphs (b), (c)(1) and (2), (e)(4) (A) through (F), (e)(6), (7), (9), (10), and (11) and paragraph (i) of the Act. The disclosure of information contained in the criminal investigative files, including the names of persons or agencies to whom the information has been transmitted would substantially compromise the effectiveness of investigations. Knowledge of such investigations could enable subjects to take such action as is necessary to prevent detection of criminal activities, conceal evidence, or to escape prosecution. Disclosure of this information could lead to the intimidation of, or harm to, informants, witnesses, and their respective families, and could jeopardize the safety and well-being of investigative personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected, verified, and retained would impede significantly the effectiveness of the investigatory activities, and in addition, may often preclude the apprehension and successful prosecution of persons engaged in fraud of the Longshore and Harbor Workers' compensation program. (b) Other law enforcement. In accordance with paragraph 3(k)(2) of the Privacy Act, investigatory material compiled for law enforcement purposes other than material declared exempt under paragraph 3(j)(2) of the Act, which is maintained in the investigation files of the Division of Longshore and Harbor Workers' Compensation of the Office of Workers' Compensation Programs of the Employment Standards Administration is exempt from paragraphs (c)(3), (d), (e)(4) (G), (H), and (I), and paragraph (f) of 5 U.S.C. 552a. The disclosure of information contained in civil investigative files, including the names of persons and agencies to whom the information has been transmitted, would substantially compromise the effectiveness of the investigations. Knowledge of such investigations would enable subjects to take such action as is necessary to prevent detection of illegal activities, conceal evidence, or otherwise escape civil enforcement action. Disclosure of this information could lead to the intimidation of, or harm to informants, witnesses, and their respective families, and in addition, could jeopardize the safety and well-being of investigative personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected, verified, and retained could also impede significantly the effectiveness of the investigatory activities.

DOL/ETA–1

SYSTEM NAME:

Bureau of Apprenticeship, (BA), Budget and Position Control File.

SYSTEM LOCATION:

Employment and Training Administration, (ETA), Bureau of Apprenticeship, Patrick Henry Building, 601 D St. NW, Washington, D.C. 20213.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal employees currently employed by BA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel matters concerning grades and salaries.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Kardex files.

RETRIEVABILITY:

By region, budget position number, or name of employee.

SAFEGUARDS:

Locked storage equipment.

RETENTION AND DISPOSAL:

Retained until employee is terminated, then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Administrator, Bureau of Apprenticeship, ETA, Patrick Henry Building, 601 D St N.W. Washington, DC 20213.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

SF-Form 50.

DOL/ETA-2

SYSTEM NAME:

Bureau of Apprenticeship, (BA), Field Service Staff Budget and Position Control File.

SYSTEM LOCATION:

ETA, Bureau of Apprenticeship, Patrick Henry Building, 601 D St. NW, Washington, D.C. 20213.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Regional employees currently employed by BA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel matters concerning grades and salaries, addresses and telephone numbers of employes, and copies of each position description in effect.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

P.L. 308 (Fitzgerald Act).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Kardex files.

RETRIEVABILITY:

By participant name and geographical location.

SAFEGUARDS:

Locked storage equipment.

RETENTION AND DISPOSAL:

Maintained until employee is terminated, then material is shredded.

SYSTEM MANAGER(S) AND ADDRESS:

Administrator, Bureau of Apprenticeship, Patrick Henry Building, 601 D St N.W. Washington, DC 20213.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

SF-Form 50.

DOL/ETA-3

SYSTEM NAME:

Bureau of Apprenticeship Foreign National Individual Program File.

SYSTEM LOCATION:

ETA, Bureau of Apprenticeship, Patrick Henry Building, 601 D St. NW., Washington, D.C. 20213.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Foreign Nationals programmed by the Bureau of Apprenticeship under the Technical Assistance Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal information of the Foreign National and programming operation information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

P.L.–308 (Fitzgerald Act).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape.

RETRIEVABILITY:

By participant's name.

SAFEGUARDS:

Locked storage equipment.

RETENTION AND DISPOSAL:

Records are destroyed by scratching tape after the participant leaves the program.

SYSTEM MANAGER(S) AND ADDRESS:

Administrator, Office of Management Information Systems, Patrick Henry Building, 601 D St. N.W. Washington, D.C. 20213.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

Program sponsor.

DOL/ETA-4

SYSTEM NAME:

Bureau of Apprenticeship, National Industry.

SYSTEM LOCATION:

ETA, Bureau of Apprenticeship, Patrick Henry Building, 601 D St. NW, Washington, D.C. 20213.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Apprentices.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name of program sponsor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L.–308 (Fitzgerald Act).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files—program and apprentice registration cards for apprentices.

RETRIEVABILITY:

Program sponsor's name, apprentice's name, and apprenticeable occupation.

SAFEGUARDS:

Standard file cabinets with locks.

RETENTION AND DISPOSAL:

Retain for three years, then destroy.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Bureau of Apprenticeship, Employment and Training Administration, 601 D St. NW, Washington, D.C. 20213.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

Program sponsor.

DOL/ETA-5

SYSTEM NAME:

ESARS 2 Sample File.

SYSTEM LOCATION:

Optimum Systems Inc., 5615 Fishers Ln., Rockville, MD. 20852.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employment Service Applicants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Characteristics of individuals such as age, sex, race, and ES service provided.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 49, et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape.

RETRIEVABILITY:

By region, State, and SSN.

SAFEGUARDS:

Routine computer precautions limiting access to authorized expenditure codes.

RETENTION AND DISPOSAL:

Destroyed after 5 years by scratching of tape.

SYSTEM MANAGER(S) AND ADDRESS:

Administrator, Office of Management Information Systems, Patrick Henry Building, 601 D St. NW., Washington, D.C. 20213.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

All records came from the State Employment Service Offices in the 50 states, P.R., and D.C.

DOL/ETS-6

SYSTEM NAME:

Exemplary Rehabilitation Certification Program File.

SYSTEM LOCATION:

ETA, Office of Foreign Labor Certifications, Patrick Henry Building, 601 D St. NW., Washington, D.C. 20213.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Ex-servicemen with less than honorable discharges from the U.S. Armed Forces.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal information such as: Local law enforcement reference, fingerprint card, character references, employer references.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 26.1; 80 Stat. 1017; P.L. 89–690.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Kept in locked storage equipment.

RETRIEVABILITY:

Records are indexed by name, address, serial number, social security number, and date of birth.

SAFEGUARDS:

Individual application folders are kept in file cabinets under lock and key.

RETENTION AND DISPOSAL:

Folders are maintained in the division, and destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Administrator, Office of Foreign Labor Certifications, ETA, Patrick Henry Building, 601 D St. NW., Washington, D.C. 20213.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

Upon request of an ex-serviceman, an application packet, which includes an application form, employer reference form, character reference forms, local law authority reference form, and a fingerprint card is sent. When the completed application forms are returned to the Department of Labor, the fingerprint card is sent to the FBI for investigation. The FBI then returns the fingerprint card and report to the Department of Labor.

DOL/ETA-7

SYSTEM NAME:

Immigration and Rehabilitation Certification Program File.

SYSTEM LOCATION:

ETA, Office of Foreign Labor Certifications, Patrick Henry Building, 601 D St. NW., Washington, D.C. 20213; Regional Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employers who file application for alien employment certification on behalf of aliens.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information of record consists of employer's type, size and nature of business offer of employment to alien, and alien's background and qualifications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

P.L. 414, Immigration and Nationality Act as amended by P.L. 89.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Any and all materials pertinent to the alien certification program are disclosed to employer's attorneys, aliens, State Department and Immigration and Naturalization Service.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files are stored in the national office, the 10 regional offices, and the office in Virgin Islands.

RETRIEVABILITY:

Records are maintained on all applications for alien employment certification filed by means of Immigration Case Record and Transmittal. PES form 71–30 (Rev. June 1968). Job offer applications are filed alphabetically by employer name, and applications by alien name if filed by alien on his own behalf.

SAFEGUARDS:

Access to records provided only to authorized personnel.

RETENTION AND DISPOSAL:

Retain case file in office for two years, transfer to a records center for disposition after two additional years.

SYSTEM MANAGER(S) AND ADDRESS:

Administrator, Office of Foreign Labor Certifications, ETA, U.S. Employment Service, 601 D St. NW., Washington, D.C. 20213.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

Information comes from application form completed by employers and aliens.

DOL/ETA-8

SYSTEM NAME:

Job Corps Mainstream File.

SYSTEM LOCATION:

Optimum Systems Inc., 5615 Fishers Ln., Rockville, MD 20852.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Job Corps enrollees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal information about the trainees income, age, education, etc. In the placement system—was he placed—if not placed the reason for such.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 911, et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape.

RETRIEVABILITY:

Social Security Number.

SAFEGUARDS:

Unique data set name and volume serial number for the file.

RETENTION AND DISPOSAL:

Maintained in office until enrollee is terminated. The records are then shipped to a records center for storage and disposition.

SYSTEM MANAGER(S) AND ADDRESS:

Administrator, Office of Management Information Systems, ETA, Patrick Henry Building, 601 D St. NW, Washington, D.C. 20213.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

Job Corps Centers.

DOL/ETA-9

SYSTEM NAME:

Job Corps Placement File.

SYSTEM LOCATION:

Optimum Systems Inc., 5615 Fishers Ln., Rockville, Md. 20852.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Job Corps enrollees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal characteristics.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 911, et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Report sent to Congress.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape.

RETRIEVABILITY:

Name and Social Security Number.

SAFEGUARDS:

Restricted to only authorized personnel.

RETENTION AND DISPOSAL:

Scratch tape 3 years after terminating of enrollee.

SYSTEM MANAGER(S) AND ADDRESS:

Administrator, Office of Job Corps, Patrick Henry Building, 601 D St. NW, Washington, D.C. 20213.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

Job Corps Centers and Job Corps regional offices.

DOL/ETA-10

SYSTEM NAME:

Migrant Worker File.

SYSTEM LOCATION:

Optimum Systems Inc., 5615 Fishers Ln., Rockville, Md. 20852; ETA, Patrick Henry Building, 601 D St. NW., Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Migrant workers who have reported to ES office for service.

CATEGORIES OF RECORDS IN THE SYSTEM:

Characteristics of individual and ES services provided.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Court Order (Civil Action 2010–72, NAACP vs. Brennan).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape.

RETRIEVABILITY:

Region, State, SSN.

SAFEGUARDS:

Routine computer precautions limiting access to authorized expenditure codes.

RETENTION AND DISPOSAL:

Erase/destroy magnetic tape after 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Administrator, Office of Management Information Systems, ETA, Patrick Henry Building, 601 D St. NW., Washington, D.C. 20213.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

State ES officers.

DOL/ETA-11

SYSTEM NAME:

Trainee Characteristic File.

SYSTEM LOCATION:

Optimum Systems Inc., 5615 Fishers Ln., Rockville, MD 20852.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Manpower trainees under MDTA and EOA Acts.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal, financial, and medical. System no longer active. Files are historical.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 USC 2571, et seq. (Manpower Development Training Act) 42 USC 2701, et seq., (Economic Opportunity Act).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape.

RETRIEVABILITY:

Indexed by Social Security Number.

SAFEGUARDS:

None.

RETENTION AND DISPOSAL:

Files are destroyed by scratching the magnetic tape.

SYSTEM MANAGER(S) NAME AND ADDRESS:

Administrator, Office of Management Information Systems, ETA, Patrick Henry Building, 601 D St. NW., Washington, D.C. 20213.

NOTIFICATION PROCEDURE:

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

MDTA forms, MT101, 2, 3, 4, and EOA forms NYC–16 & OEO–16.

DOL/ETA–12

SYSTEM NAME:

WIN II Characteristics File.

SYSTEM LOCATION:

Optimums Systems, Inc., 5615 Fishers Ln., Rockville, MD.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

WIN registrants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Characteristics of individual such as age, sex, race, and ES Services provided.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 USC 630 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape.

RETRIEVABILITY:

By region, state, and SSN.

SAFEGUARDS:

Routine computer precautions limiting access to authorized expenditure codes.

RETENTION AND DISPOSAL:

Files are destroyed by scratching tape every 5 years.

SYSTEM MANAGER(S) NAME AND ADDRESS:

Administrator, Office of Management Information Systems, ETA, Patrick Henry Building, 601 D St. NW., Washington, D.C. 20213.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

All records came from the Employment Security offices in the 50 states, P.R., and D.C.

DOL/ETA–13

SYSTEM NAME:

1% Employee-Employer Sample File.

SYSTEM LOCATION:

Optimum Systems Inc., 5615 Fishers Lane, Rockville, MD 20852.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1% of all employed persons covered by SSA in the US.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information on wages, sex, race employer, size, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 501 et seq. 26 U.S.C. 3301 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape.

RETRIEVABILITY:

By Social Security Number and State Code.

SAFEGUARDS:

Tape libraries.

RETENTION AND DISPOSAL:

Tape is scratched every 3 years.

SYSTEM MANAGER(S) NAME AND ADDRESS:

Administrator, Office of Management Information Systems, ETA, Patrick Henry Building, 601 D St. NW, Washington, D.C. 20213.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

Social Security Administration.

DOL/ETA–14

SYSTEM NAME:

Job Corpsmember Personnel File.

SYSTEM LOCATION:

State Employment Agencies, private contract screening agencies, Job Corps Regional Offices, Job Corps Center, Gatehouse (contract placement), and Federal Records Centers (FRC).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Job Corps trainees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complete personnel file of each corpsmember with all pertinent papers including pay allowance, health, education, vocational training, and any correspondence or other documents relating to individual corpsmember status, assignment, promotion, discipline investigation, or course participation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Economic Opportunity Act of 1964 as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Training and work experience data to state and local agencies, county boards of assistance, potential employers and state, county, or private employment agencies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Locked file cabinet with policy of limited access.

RETRIEVABILITY:

File retrieved only by name.

SAFEGUARDS:

Locked file cabinets with policy of very limited access.

RETENTION AND DISPOSAL:

Records are retained at JC Center until member is terminated. Records are then forwarded to an appropriate records center for eventual disposition.

SYSTEM MANAGER(S) NAME AND ADDRESS:

Administrator, Office of Job Corps, ETA, Patrick Henry Building, 601 D St., NW, Washington, D.C. 20213.

NOTIFICATION PROCEDURE:

Regional Job Corps office, or Systems manager at above address.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

Pertinent personnel data received from various employment related sources.

DOL/ETA-15

SYSTEM NAME:

DOL/ETA Evaluation or Research Contractors Project Files.

SYSTEM LOCATION:

Individual Contractors Project Worksites.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Vary according to requirements of studies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Vary according to requirements of studies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Part B, Title III, CETA, Social Security Act Sec. 441 and 906.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide a variety of data required by contract to researchers or evaluators to carry out the research and evaluation goals of the studies for which they are responsible. These records are used solely for statistical research or evaluation and not used in any way for making any determinaton about an identifiable individual.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Files are maintained by the contractors at their sites as folders, tapes, punchcards, etc., as appropriate, until the conclusion of the studies and for a limited time following a required by the ETA Systems Manager.

RETRIEVABILITY:

SAFEGUARDS:

RETENTION AND DISPOSAL:

SYSTEM MANAGER(S) NAME AND ADDRESS:

Systems Manager, Strategic Planning & Policy Dev., ETA, Patrick Henry Building, 601 D St. NW, Washington, D.C. 20213.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

Evaluation contractors project files, research contractors project files.

DOL/ETA-16

SYSTEM NAME:

Employment and Training Administration, Investigatory File.

SYSTEM LOCATION:

Special Review Staff, ETA, Patrick Henry Building, 601 D St. NW, Washington, D.C. 20213.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants, contractors, subcontractors, grantees, private organizations and general public.

CATEGORIES OF RECORDS IN THE SYSTEM:

Resolution of investigations of allegations about criminal and civil violations, and on-going investigations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Federal, state, or local government agencies for civil, criminal, or regulatory law enforcement contracting and grant officers for award and administration of grants and contracts.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information in the system is stored in case files.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Physical security.

RETENTION AND DISPOSAL:

Retain 5 years after case is closed. The files are sent to the FRC for eventual disposition.

SYSTEM MANAGER(S) NAME AND ADDRESS:

Director, Special Review Staff, ETA, Patrick Henry Building, 601 D St. NW,Washington, D.C. 20213.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

Program sponsors, contractors, complaints, witnesses, Federal, state, and local government records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

INVESTIGATORY PORTION OF SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

(a) Criminal law enforcement. In accordance with paragraph 3(j)(2) of the Privacy Act, information maintained in this system of files is exempt from all provisions contained in 5 U.S.C. 552a except those requirements set forth in paragraphs (b), (c)(1) and (2), (e)(4) (A) through (F), (e)(6), (7), (9), (10), and (11) and paragraph (i) of the Privacy Act. The disclosure of criminal investigatory information, if any, contained in the files, including the names of persons or agencies to whom the information has been transmitted would substantially compromise the effectiveness of any investigations. Knowledge of such investigations could enable subjects to take such action as is necessary to prevent detection of criminal activities, conceal evidence, or to escape prosecution. Disclosure of this information could lead to the intimidation of, or harm to, informants, witnesses, and their respective families,

and could jeopardize the safety and well-being of investigative personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected, verified, and retained would impede significantly the effectiveness of investigatory activities, and in addition, may often preclude the apprehension and successful prosecution of persons engaged in fraud of the compensation program. (b) Other law enforcement. In accordance with paragraph 3(k)(2) of the Privacy Act, investigatory material compiled for law enforcement purposes other than material declared exempt under paragraph 3(j)(2) of the Privacy Act, which is maintained in this system's files is exempt from paragraphs (c)(3), (d), (e)(4) (G), (H), and (I), and paragraph (f) of 5 U.S.C. 552a. The disclosure of civil investigatory information, if any, contained in this system's files, including the names of persons and agencies to whom the information has been transmitted, would substantially compromise the effectiveness of investigations. Knowledge of such investigations would enable subjects to take such action as is necessary to prevent detection of illegal activities, conceal evidence, or otherwise escape civil enforcement action. Disclosure of this information could lead to the intimidation of, or harm to, informants, witnesses, and their respective families, and in addition, could jeopardize the safety and well-being of investigative personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected, verified, and retained could also impede significantly the effectiveness of investigatory activities.

DOL/ETA-18

SYSTEM NAME:

Analysis of Delayed and Never Filers for Unemployment Insurance.

SYSTEM LOCATION:

ABT Associates, Inc., Cambridge, MA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals in employment covered by the unemployment insurance system, unemployment insurance claimants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, wage information, unemployment insurance claims information, questionnaire responses supplied by the individual, and SSN supplied by the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 906 of the SSA, 42, USC 1106.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

When questionnaire responses have transferred to tape, questionnaires will be destroyed.

RETRIEVABILITY:

By name until merger of data sources has been completed.

SAFEGUARDS:

ABT Associates research staff have files access.

RETENTION AND DISPOSAL:

Questionnaires will be destroyed after responses have been transferred to tape. When all necessary cross references and file mergers of state agency administrative information and questionnaire data have been completed, personal identifiers will be destroyed. Data tapes provided to the Federal government will have no personal identifiers.

SYSTEM MANAGER(S) NAME AND ADDRESS:

Project Director, ABT Associates, Inc., Cambridge, MA.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

State employment security agency quarterly wage files and unemployment insurance claim files, information voluntarily submitted by questionnaire respondents. Source of mailing addresses for nonfilers to be determined.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the specific exemption authority provided by 5 U.S.C. 552a(k)(4), exempting this system from the following provisions of the Privacy Act: 5 U.S.C. 552a(c), 3(d), (e)(1), (e)(4) (G), (H), (I), and (f) of the Act. The sole purpose in collecting the information contained in the system is for the preparation of a statistical report under sec. 906 of the Social Security Act. The information will not be used in whole or in part in making any determination about an identifiable individual. Identifiable information will be destroyed after all necessary cross references have been accomplished and the reulting data will be transmitted by the contractor to the Federal Agency without personal identifiers.

DOL/ETA-19

SYSTEM NAME:

Impact of Disqualifications Provisions of State Unemployment Insurance Laws.

SYSTEM LOCATION:

Stanford Research Institute, Menlo Park, CA.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Disqualified unemployment insurance claimants and unemployment insurance beneficiaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal and labor force characteristics of unemployment insurance claimants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

SSA, sec. 906, 42 USC, 1106.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape.

RETRIEVABILITY:

Indexed by contractor's control number.

SAFEGUARDS:

Locked file cabinets.

RETENTION AND DISPOSAL:

Questionnaires and master file of names of respondents are destroyed after data is entered into computer.

SYSTEM MANAGER(S) NAME AND ADDRESS:

Project Director, Center for the Study of Welfare Policy, Stanford Research Institute, Menlo Park, CA.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

State agency records containing unemployment insurance data, and data voluntarily submitted by unemployment insurance claimants.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the specific exemption authority provided by 5 U.S.C. 552a(k)(4), exempting this system from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H), (I), and (f) of the Act. The sole purpose in collecting the information contained in the system is for the preparation of a statistical report under sec. 906 of the Social Security Act. The information will not be used in whole or in part in making any determination about an identifiable individual. Indentifiable information will be destroyed after all necessary cross references have been accomplished and the resulting data will be transmitted by the contractor to the Federal Agency without personal identifiers.

DOL/ETA-20

SYSTEM NAME:

Federal Bonding Program, Bondees Certification Files.

SYSTEM LOCATION:

Punch Card Processing Co., 6875 New Hampshire Ave., Takoma Park, MD, 20012, and the McLaughlin Co., Suite 514, 2000 L St. NW, Washington, DC. 20036.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

State Job Service applicants who are eligible and need bond to get a job.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal (name, SSN, employer name), employment data, (DOT and SIC codes), employer data (address, city, State ZIP code), amount of bond (expressed in $500 units), cost of bond (expressed in units), effective date of bond, and termination date of bond.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

CETA of 1973, as amended, Title II, Part B, Sec. 211(9); and Title III, Part A, Sec. 301(b)(2).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Disk Operated System (DOS) and printout.

RETRIEVABILITY:

Assigned Bond Number.

SAFEGUARDS:

Located in locked offices of Federal, State, and private buildings.

RETENTION AND DISPOSAL:

States & Regions dispose of data 3 years and older; punch card processing keeps master DOS of all bondees prior to 1980.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Special National Level Programs, ETA, Office of Employment and Training Programs, Patrick Henry Building, 601 D St. NW, Washington, D.C. 20213.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

Federal Bonding Program, Bondees Certification Files.

DOL/OIG-1

SYSTEM NAME:

General Investigative Files, Case Tracking Files, and Subject/Title Index, USDOL/OIG.

SYSTEM LOCATION:

In the Headquarters Office of the Inspector General, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, and in the OIG Investigative Field Offices.

CATEGORIES OF INDIVIDUAL COVERED BY THE SYSTEM:

DOL employees, applicants, contractors, subcontractors, grantees, subgrantees, claimants, individuals threatening DOL employees or the Secretary of Labor, alleged violators of Labor laws and regulations, union officers, individuals investigated and interviewed, and individuals filing claims for workers' compensation benefits under (1) the Federal Employees' Compensation Act, and amended and extended (5 U.S.C. 8101 et seq.) (except 8149 as it pertains to the Employees' Compensation Appeals Board) (2) the Longshoremen's and Harbor Workers' Compensation Act as amended and extended (33 U.S.C. 901 et seq.) (except 33 U.S.C. 912(b) as it applies to the Benefits Review Board) and (3) Title IV, Section 415 and Part C, of the Federal Coal Mine Health and Safety Act of 1969, as amended by the Black Lung Benefits Act of 1972, 30 U.S.C. 901 et seq.; individuals providing medical and other services to OWCP; employees of insurance companies and of medical and other services provided to OWCP; and other persons suspected of violations of law under the above acts and related civil and criminal provisions.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains investigative files regarding possible violations of Federal law whether civil or criminal, resolution of criminal or conduct violations, investigatory index file cards, information relating to investigations under the LMRDA–1959 and EO 11491 and information concerning possible violations of (1) the Federal Employees' Compensation Act and related Acts (2) the Longshoremen's and Harbor Workers' Compensation Act and related Acts and (3) Title IV, Section 415 and Part C, of the Federal Coal Mine Health and Safety Act of 1969, as amended by the Black Lung Benefits Act of 1972, 30 U.S.C. 901 et seq. This information may be derived from records filed with the Department of Labor, other Federal, state and local departments and agencies, court records, medical records, insurance records, records of employers, articles from publications, published financial data, corporate information, bank information, telephone data, statements of witnesses information received from Federal, state, local and foreign regulatory and law enforcement organizations and from other sources, the records also contain information obtained by DOL investigators, auditors, and other government personnel and consultants involved in investigations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

EO 11222, EO 11491, LMRDA–1959, 5 U.S.C. 301, 5 U.S.C. 8101 et seq.; 20 CFR 1.1 et seq.; 33 U.S.C. 901 et seq.; 20 CFR 701 et seq.; 36 U.S.C. 501 et seq.; 42 U.S.C. 1951 et seq.; 43 U.S.C. 1331 et seq.; 5 U.S.C. 8171 et seq.; 30 U.S.C. 901 35 et seq.; 20 CFR 715 et seq.; 20 CFR 720.1 et seq.; 20 CFR 725.1 et seq. and Pub. L. 95–452.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information may be disclosed to other Federal, state and local law enforcement

agencies for civil or criminal law enforcement, including the Justice Department regarding potential litigation and during the course of actual litigation. These records may be disclosed to other Federal agencies for hiring or retention of employees; security clearances; letting of contracts; and issuances of licenses, grants or other benefits. The records may be disclosed to participants in the President's Anti-Organized Crime Program, and also as part of any proceeding where the Federal Employees' Compensation Act and related Acts, Longshoremen's and Harbor Worker's Compensation Act and related Acts, Title IV, Section 415 and Part C, of the Federal Coal Mine Health and Safety Act of 1969, as amended by the Black Lung Benefits Act of 1972 is in issue. The records may be disclosed as part of any proceeding in which the Secretary of Labor, or any past or present Federal employee or consultant directly or indirectly involved in investigations or other enforcement activities under the above Acts, is a party or otherwise involved in an official capacity. In addition, records may also be provided to (1) the Merit Systems Protection Board, (2) the Office of Personnel Management, (3) any source from which information is requested in the course of an investigation, to the extent necessary to identify the individual being investigated, inform the source of the nature and purpose of the investigation, and to identify the type of information requested, (4) disclose, as necessary, to a contractor, subcontractor, or grantee firm of or organization to the extent that the disclosure is in USDOL's interest and is relevant and necessary in order that the contractor/subcontractor/grantee is able to take administrative or corrective action; and (5) disclose information to Federal, state or local agencies for their use in granting, amending or revoking a certification or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The information is maintained both as written records stored in manual case files and on 3 x 5 card files, punch cards, disc/magnetic tapes, and computer printed listings. The investigative files and indices are stored in steel file and lektriever cabinets or in Federal Records Centers (FARC). The records are maintained in limited access areas during duty hours and in locked offices at all other times.

RETRIEVABILITY:

The written case records are indexed by case number, while the file cards are indexed by subject name. The automated records are retrieved by using batch retrieval applications.

SAFEGUARDS:

Direct access is restricted to authorize staff members of the OIG. Access within DOL is limited to the Secretary, Under-Secretary, Inspector General, and other officials of employees on a need-to-know basis. Automated records can be accessed only through use of confidential procedures and passwords.

RETENTION AND DISPOSAL:

Investigative case files are retained for 15 years after completion of the investigation and/or actions based thereon, and then destroyed. Index and cross-indexed cards are retained permanently. In instances of computer matching of files, only those records which meet predetermined criteria for investigations are maintained. All records which do not meet these criteria are destroyed. All original source computer tapes are returned or destroyed once computer matching has been accomplished.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Inspector General for Investigations and Directors, OOCR Program, Office of Inspector General, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room S-1303, Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

Mail all inquiries to: Director of Information, Privacy & MIS, OIG, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

RECORD ACCESS PROCEDURES:

Investigatory data compiled for civil or criminal law enforcement purposes are exempt from the provisions pursuant to 5 U.S.C. 552a(j) and (k). Individuals desiring to contest or amend information maintained in the system should direct their requests to the System Manager listed above, stating clearly and concisely what information is being contested, the reasons for contesting it and the proposed amendment to the information sought.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

The information contained in this system was received from individual complaints, witnesses, interviews conducted during investigations, respondents, Federal, state and local government records, individual or company records, claim and payment files, employees, insurers, service providers, grantees, subgrantees, contractors and subcontractors.

CONTESTING RECORD PROCEDURES:

Same as above.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

a. Criminal Law Enforcement: In accordance with paragraph 3(j)(2) of the Privacy Act, information maintained in the files of the Office of Inspector General is exempt from all provisions contained in 5 U.S.C. 552a except those requirements set forth in paragraphs (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10) and (11), and paragraph (i) of the Act. A function of OIG is that of enforcement of criminal laws within (1) the meaning of 5 U.S.C. 552a(j)(2), and (2) the provisions of the President's Anti-Organized Crime Program and Titles II, V, and VI of the Labor-Management Reporting and Disclosure Act of 1959; as amended. The disclosure of information contained in the criminal investigative files, including the names of persons or agencies to whom the information has been transmitted, would substantially compromise the effectiveness of OIG investigations. Knowledge of such investigations could enable suspects to take such action as is necessary to prevent detection of criminal activities, conceal evidence, or to escape prosecution. Disclosure of this information could lead to the intimidation of, or harm to, informants, witnesses, and their respective families, and could jeopardize the safety and well-being of investigative personnel and their families. This imposition of certain restrictions on the manner in which investigative information is collected, verified or retained would impede significantly the effectiveness of OIG investigatory activities and in addition, may preclude the apprehension and successful prosecution of persons engaged in fraud or criminal activity.

b. Other Law Enforcement: In accordance with paragraph 3(k)(2) of the Privacy Act, investigatory material compiled for law enforcement purposes other than material declared exempt under paragraph 3(j)(2) of the Act, including certain material compiled from reciprocal investigations, which is maintained in OIG investigative files is exempt from paragraphs (c)(3), (d), (e)(4) (G), (H) and (I), and (f) of 5 U.S.C. 552a, until such time as a determination is made based upon such information. The disclosure of information contained in

civil investigative files, including names of persons and agencies to whom the information has been transmitted would substantially compromise the effectiveness of OIG investigations. Knowledge of such investigations would enable subjects to take such action as is necessary to prevent detection of illegal activities, conceal evidence, or otherwise escape civil enforcement action. Disclosure of this information could lead to the intimidation of, or harm to informants, witnessess, and their respective families, and in addition, could jeopardize the safety and well-being of investigative personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected, verified, and retained would also impede significantly the effectiveness of OIG investigatory activities.

c. Protective service: In accordance with paragraph 3(k)(3) of the Act, OIG investigatory material maintained in connection with assisting the U.S. Secret Service (USSS) to provide protective service to the President of the United States or other individuals pursuant to Section 3056 of Title 18 is exempt from paragraph (c)(3), (d), (e)(4) (G), (H), and (I) and paragraph (f) of the Act. This exemption will enable OIG to continue its support of the U.S. Secret Service without compromising the effectiveness of either agency's activities.

d. Contract Investigations: In accordance with paragraph 3(k)(5) of the Act, investigatory material compiled in connection with contract investigations solely for the purpose of determining integrity, suitability, eligibility, or qualifications for a DOL contract is exempt from paragraphs (c)(3), (d) and (f) of the Act to the extent that disclosure of such material would reveal the identity of a confidential source when an express promise has been given to withhold the identity of the source (or prior to September 27, 1975, under an implied promise that the sources identity would not be revealed). This exemption is necessary for OIG to collect information from certain sources who would otherwise be unwilling to provide information necessary to conduct such investigations.

DOL/OIG-2

SYSTEM NAME:

Freedom of Information/Privacy Acts Records.

SYSTEM LOCATION:

Freedom of Information/Privacy Acts Disclosure Officer, Office of Inspector General, 200 Constitution Avenue, N.W., Room S-5512, Washington, D.C. 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who request disclosure of records pursuant to the Freedom of Information Act, persons who request access to or correction of records pertaining to themselves contained in the Office of Inspector General's systems of records pursuant to the Privacy Act; and, where applicable, persons about whom records have been requested or about whom information is contained in requested records.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains (1) copies of all correspondence and internal memorandums related to the Freedom of information Act and Privacy Act requests, and related records necessary to the processing of such requests; (2) copies of all documents relevant to appeals and lawsuits under the Freedom of Information and Privacy Acts.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Freedom of Information Act, 5 U.S.C. 552, and the Privacy Act, 5 U.S.C. 552a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record maintained in this system may be disseminated as a routine use of such records as follows: (1) a record may be disseminated to a Federal agency which furnished the record for the purposes of permitting a decision as to access or correction to be made by that agency, or for the purpose of consulting with that agency as to the propriety of access or correction; (2) a record may be disseminated to any appropriate Federal, state, local, foreign agency for the purpose of verifying the accuracy of information submitted by an individual who has requested amendment or correction of records contained in the systems of records maintained by the Freedom of Information/Privacy Acts Disclosure Officer; and (3) a record from this system of records may be disclosed as a routine use to the National Archives and Records Service (NARS) in records management inspections conducted under the authoirty of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records in this sytem are maintained in standard case file folders and in corresponding control log/cards.

RETRIEVABILITY:

A record is retrieved by the name of the individual or person making a request for access or correction of records.

SAFEGUARDS:

This system of records is maintained at OIG Headquarters which is protected by twenty-four hour guard service. In addition, the systme is stored in Conserva-File(s) and Safe(s) and access is restricted to the staff of the Freedom of Information/Privacy Acts Disclosure Officer on a need-to-know basis.

RETENTION AND DISPOSAL:

Individual case files are disposed of in accordance with General Records Schedule 14, items 16-25.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Information, Privacy and Management Information Systems, Office of Inspector General, 200 Constitution Avenue, N.W., Room S-5512, Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

A part of this system is exempted from this requirement under 5 U.S.C. 552a (j) or (k). To the extent that this system of records is not subject to exemption, it is subject to access and contest. A determination as to exemption shall be made at the time a request is received by the Office of Inspector General, 200 Constitution Avenue, N.W., Washington, D.C. 20210. A request shall be made in writing, with envelope and the letter clearly marked "Privacy Request".

RECORD ACCESS PROCEDURES:

Same as Notification Procedures above.

CONTESTING RECORD PROCEDURES:

Same as Notification Procedures above except individuals desiring to contest or amend information maintained in the system should direct their written request to the System Manager listed above, and state clearly and concisely what information is being contested, the reasons for contesting it, and the proposed amendment to the information sought.

RECORD SOURCE CATEGORIES:

Sources of information contained in this system are the individuals and persons making requests, the systems of records searched in the process of responding to requests, and other agencies referring requests for access or correction of records originating in the Office of Inspector General.

USDOL/OIG-3

SYSTEM NAME:

Case Development Records.

SYSTEM LOCATION:

In the Headquarters Office(s) in the USDOL Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210 and in the OIG offices listed in the System of Records designated USDOL/OIG-1.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Known individuals or individuals suspected of being involved in Organized Crime Labor Racketeering and Informants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records containing names, individuals, occupations, other information about known individuals or individuals suspected of being involved in Organized Crime Labor Racketeering, their business dealings and allegations against them; and types of information previously furnished by or to be expected from informants.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine uses for law enforcement purposes will include referral to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting a violation of law or of enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto, of any record within this system when information available indicates a violation of law or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by rule, regulation, or order issued pursuant thereto.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored on sheets of papers/index cards and or computer discs or tapes.

RETRIEVABILITY:

Retrievable by name of individual subject.

SAFEGUARDS:

Available on an official need-to-know basis and kept in locked storage when not in use.

RETENTION AND DISPOSAL:

Kept indefinitely and continually updated.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Organized Crime and Labor Racketeering Directors, OIG/DOL, Washington, D.C. 20210. Inquiries and requests should be addressed to: Director of Information, Privacy and Management Information Systems, USDOL, Office of Inspector General, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system has been exempted from the provisions of sections (c) (3), (4), (d), (e) (1), (2) and (3), (e)(4) (G), (H), (e)(5) and (8)-(f), and (h) pursuant to 5 U.S.C. 552a (j) and (k), as investigatory material compiled for law enforcement purposes.

DOL/OIG-4

SYSTEM NAME:

Temporary Matching Files, Loss Analysis Files.

SYSTEM LOCATION:

Office of the Inspector General, U.S. Department of Labor, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOL employees, contractors, subcontractors, union officials, and those individuals or organizations filing for or receiving benefits from a program funded or operated in whole or in part by the Department of Labor—including grantees, subgrantees, claimants, representatives, beneficiaries and their dependents, providers of medical, legal or other services.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain information which may be pertinent to the possible illegal or questionable practices of individuals or organizations as regards their connection with the Department of Labor. This information may be derived from records filed with or compiled by the Department of Labor or other Federal, state or local government agencies, records of contractors, subcontractors, grantees, subgrantees, records of employers, records of employee organizations, court records, medical records, insurance records, published data, corporate data, bank data, or information obtained from individuals with pertinent knowledge.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 USC 301 and 5 USC 552a.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In the event of litigation where the defendant is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records to the Department of Justice to enable that Department to present an effective defense, provided such disclosure is compatible with the purpose for which the records were collected.

These records may be disclosed to other Federal agencies for hiring or retention of employees; security clearances; letting of contracts; and issuances of licenses, grants or other benefits.

In the event that a system of records maintained by this agency 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 may be referred to the appropriate agency, whether Federal, state or local, charged with the responsibility of investigating, enforcing or implementing the statute, rule, regulation or order issued pursuant thereto.

Disclosure may be made as necessary to a Federal, state, or local government agency, to a government contractor, subcontractor or grantee, to labor unions and insurance carriers or to a provider of medical or other services to the extent that the disclosure is necessary in order that the appropriate organization may take administrative or corrective action to improve program integrity.

Disclosure may be made to the Congress when the appropriate Departmental official determines that the information may be relevant to the deliberations of Congress.

A record from this system may be disclosed as a "routine use" to a Federal, state or local agency maintaining pertinent records if necessary to obtain a record relevant to a Department decision concerning the

determination of initial or continuing eligibility for program benefits.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are stored on computer disks/tapes and computer printed listings.

RETRIEVABILITY:

The records in this system are retrieved by computer and manually using name, social security number or other personal identifier.

SAFEGUARDS:

Direct access is restricted to authorized staff members of the OIG. Access within DOL is limited to the Secretary, Under Secretary, Inspector General and other officials or employees on a need-to-know basis. Automated records can be accessed only through use of confidential procedures and passwords.

RETENTION AND DISPOSAL:

Original source date will be maintained for a maximum of three years and will then be either returned or destroyed. For internally generated data, only those records which meet predetermined criteria will be maintained. Records which do not meet those criteria will be destroyed. At the minimum, records retention periods will meet the specifications of USDOL records schedules.

SYSTEM MANAGER AND ADDRESS:

Director, Office of Loss Analysis and Prevention, Office of Inspector General, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Inquiries and requests should be addressed to Director of Information, Privacy and Management Information Systems, USDOL, Office of the Inspector General, 200 Constitution Avenue, N.W. Washington, D.C. 20210.

RECORD SOURCE CATEGORIES:

Information contained in this system is obtained from Federal, state and local government records, individual or company records, industrial or trade union records, employees, insurers, service providers, grantees, subgrantees, contractors, subcontractors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system has been exempted from the provisions of section (c)(3), (d), (e)(1), (e)(2), (e)(3), (e)(4) (G), (H), and (I) and (f) pursuant to 5 U.S.C. 552a(j)(k).

DIK/OIG-5

SYSTEM NAME:

Investigative Case Tracking System/ Audit Tracking System, USDOL/OIG.

SYSTEM LOCATION:

Office of Inspector General, U.S. Department of Labor, Frances Perkins Building, 200 Constitution Avenue, N.W., Washington, D.C. 20210 and Regional Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Auditors, investigators and certain administrative support staff assigned to the Office of Inspector General.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records or information contained in the system may include: (1) Individual's name; (2) Social Security Number; (3) grade/step; (4) training; (5) details; (6) audit and investigative case tracking data (e.g. audit/investigative case number, program, findings, results, etc.) on audits/investigations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 95–452.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Stored on magnetic disks with backup records on magnetic tape. Records are also stored on computer print-outs and manual source document(s).

RETRIEVABILITY:

Records are retrieved by computer using individual name(s).

SAFEGUARDS:

Direct access is restricted to authorized staff members of the OIG. Automated records can be accessed only through use of confidential procedures and passwords by authorized personnel in both OIG Headquarters and Regional Offices.

RETENTION AND DISPOSAL:

Records will be maintained and disposed of in accordance with records disposition authority approved by the Archivist of the United States.

SYSTEM MANAGER(S) AND ADDRESS:

ICTS—Assistant Inspector General—Investigations, Room S–5512, FPB, 200 Constitution Avenue, NW., Washington, D.C. 20210.

ATS—Assistant Inspector General—Audit, Room S–5030, FPB, 200 Constitution Avenue, NW., Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

Individuals seeking information concerning the existence of records or the contents of records on himself/herself must furnish a written request to the OIG Disclosure Officer, Room S–1303, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

RECORDS ACCESS PROCEDURE:

(See notification procedure above).

CONTESTING RECORDS PROCEDURES:

(See notification procedure above).

RECORDS SOURCE CATEGORIES:

Official personnel folders; other personnel documents; activity supervisors; audit/investigation report standard forms.

DOL/LMSA-1

SYSTEM NAME:

LMSE index cards and case files, Division of Compliance and Enforcement

SYSTEM LOCATION:

U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N–5101, Washington, D.C. 20216, all Area Offices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Union Officers, individuals investigated, and individuals interviewed.

CATEGORIES OF RECORDS IN THE SYSTEM:

Primarily investigative material relating to investigations under the LMRDA–1959 and CSRA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is disclosed to other Federal, state and local law enforcement agencies, to various congressional committees, including but not limited to reports of investigation, reports of interview and memoranda relating to investigations, and intelligence information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual file.

RETRIEVABILITY:

By name of individual.

SAFEGUARDS:

Cards are in roladex machine which is locked at night. In addition, cards are number-coded so that only an authorized employee can find a desired file.

RETENTION AND DISPOSAL:

Cards will be retained by LMSE until they can be incorporated into the LMSE records disposition schedule. Files are kept for three years, at which time they are sent to Federal records Center for two years after which except for those records with historical value are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Dircetor, LMSE, U.S. Department of Labor, 200 Constitution Avenue, Room N5408, Washington, D.C. 20216.

NOTIFICATION PROCEDURE:

Mail all inquiries to Systems Manager at above address.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Information compiled from interviews conducted during investigations, written complaints, and written reports received from other agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

a. Criminal law enforcement: In accordance with paragraph 3(j)(2) of the Privacy Act, information maintained in the system of records consisting of the card index and case files in the Division of Compliance and Enforcement of the Office of Labor-Management Standards Enforcement which relates to criminal investigtions is exempt from all provisions contained in 5 U.S.C. 552a except those requirements set forth in paragraphs (b), (c) (1) and (2), (e)(4) (A) through (F), (e) (6), (7), (9), (10) and (11), and paragraph (i) of the Act. One of the three branches in the Division of Compliance and Enforcement perform activities primarily relating to the enforcement of criminal laws and Titles II, V, and VI of the Labor-Management Reporting and Disclosure Act of 1959, as amended. The disclosure of information contained in the criminal investigative files, including the names of persons or agencies to whom the information has been transmitted, would substantially compromise the effectiveness of the Division's investigations. Knowledge of such investigations could enable subjects to take such action as is necessary to prevent detection of criminal activities, conceal evidence, or to escape prosecution. Disclosure of this information could lead to the intimidation of, or harm to, informants, witnesses and their respective families, and could jeopardize the safety and well-being of investigative personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected, verified, or retained would impede significantly the effectiveness of the Division's investigatory activities and in addition, may often preclude the apprehension and successful prosecution of persons engaged in criminal activity in the labor-management area b. Other law enforcement: In accordance with paragraph 3(k)(2) of the Privacy Act, investigatory material compiled for law enforcement purposes other than material declared exempt under paragrpah 3(j)(2) of the Act, which is maintained in the card index and case files of the Division of Compliance and Enforcement of the Office of Labor-Management Standards Enforcement is exempt from paragraphs (c)(3), (d), (e)(4) (G), (H) and (I), and paragraph (f) of 5 U.S.C. 552a. The disclosure of information contained in civil investigative files, including the names of person or agencies to whom the information has been transmitted, would substantially compromise the effectiveness of the Division's investigations. Knowledge of such investigations would enable subjects to take such action as is necessary to prevent detection of illegal activities, conceal evidence, or otherwise escape civil enforcement action. Disclosure of this information could lead to the intimidation of, or harm to, informants, witnesses, and their respective families, and, in addition, could jeopardize the safety and well-being of investigative personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected, verified, or retained would also impede significantly the effectiveness of the Division's investigatory activities.

DOL/LMSA-3

SYSTEM NAME:

OVRR Inquiry files.

SYSTEM LOCATION:

U.S. Department of Labor, 200 Constitution Avenue, NW., Room N5414, Washington, D.C. 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Veterans, Reservists and members of the National Guard of the U.S. Armed Forces, labor organizations and Congressmen.

CATEGORIES OF RECORDS IN THE SYSTEM:

General inquiries and inquiries involving pending cases pertaining to military service, training, employment, personal, medical, financial, educational or union membership information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Chapter 43 of Title 38, U.S. Code and predecessor statutes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Referral to other agencies and organizations for appropriate action.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files.

RETRIEVABILITY:

By name of veteran and geographical location.

SAFEGUARDS:

Any request for disclosure is screened by Office Director.

RETENTION AND DISPOSAL:

Records are maintained for 3 years in National Office and then transferred to Federal Record Center where they are retained for 7 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, OVRR, 200 Constitution Avenue, NW., Room N5414, Washington, D.C. 20210.

NOTIFICATION PROCEDURES:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Correspondent.

DOL/LMSA-4

SYSTEM NAME:

PWBP—Office of Enforcement Index Card File.

SYSTEM LOCATION:

U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-4716, Washington, D.C. 20216.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Plan administrators, trustees, and those individuals providing advice or services to the plan and other individuals involved in investigations and enforcement actions instituted by the Department of Labor under the Employee Retirement Income Security Act of 1974.

CATEGORIES OF RECORDS MAINTAINED IN THE SYSTEM:

Information including plan name, plan administrator's name, service provider name, trustees and plan participant or beneficiary's name.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The index cards are used to access case files and correspondence files which may in turn be used for the following purposes:

1. By Department of Justice, Treasury Department, Commerce Department and other Federal government personnel and consultants investigating possible violations of the Employee Retirement Income Security Act of 1974.

2. In any proceeding where the Employee Retirement Income Security Act of 1974 is in issue or in which the Secretary of Labor, any past or present Federal employee or consultant directly or indirectly involved in investigations or other enforcement activities under the Employee Retirement Income Security Act of 1974, is a party or otherwise involved in an official capacity.

3. When considered appropriate and pursuant to 29 U.S.C. 1134(a), records in this system concerning any matter which is the subject of an investigation by the Department of Labor under the Employee Retirement Income Security Act of 1974 may be available to any person actually affected by the matter under investigation, and to any department or agency of the United States.

4. Where there is an indication of a violation or potential violations 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, or, if such agency is participating in the particular investigation, the relevant records may continue to be used by the agency to investigate possible violations of the laws administered by it and to bring appropriate proceedings.

5. A record from this system of records may be disclosed to a Federal, State, local or foreign governmental authority, in response to its request in the connection with the hiring or retention of an employee, in the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant or benefit by the requesting to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

3 x 5 index cards.

RETRIEVABILITY:

Retrieved by name of plan, participant or beneficiary's name, service provider name, and/or trustee name. All cards are filed alphabetically.

SAFEGUARDS:

Access to and use of these records is limited to those persons whose official duties require access.

RETENTION AND DISPOSAL:

Records will be retained by PWBP until they can be incorporated into the PWBP records disposition schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Administrator, Pension and Welfare Benefit Programs, Department of Labor, LMSA, 200 Constitution Avenue, N.W., Room S–4522, Washington, D.C. 20216.

NOTIFICATION PROCEDURES:

Request should be submitted to above address, it should include the name, address and employee benefit plan association, identifying the employee benefit plan by name, address and EIN (if known).

RECORD ACCESS PROCEDURE:

As above.

CONTESTING RECORD PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

Cases opened in the Office of Enforcement or in any of the field offices of LMSA and other material and documents received in the Office of Enforcement.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Other Law Enforcement. In accordance with subsection (k)(2) of the Privacy Act, any investigatory material maintained in the index and investigatory files of the Office of Enforcement, Pension and Welfare Benefit Programs, which is deemed not to be exempt under sub-section (j)(2) of the Act is exempt from subsection (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I) and (F) of 5 U.S.C. 552a. The disclosure of information contained in such investigative files including the names of persons or agencies to whom the information has been transmitted, would substantially compromise the effectiveness of the subject investigative activity. Knowledge of such investigations would enable subjects to take such action as is necessary to prevent detection of illegal activities, conceal evidence, or otherwise escape enforcement action. Disclosure of this information could lead to the intimidation of, or harm to, informants, witnesses and their respective families, and in addition, could jeopardize the safety and well-being of investigative personnel and their families. The imposition of certain restrictions on the manner in which investigative information is collected, verified, or retained would also impede significantly the effectiveness of the investigatory activities of the Office of Enforcement.

Material relating to criminal law enforcement [(j)(2)] is exempted from the provisions of the Act except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10) and (11) and paragraph (i) of the Act. Disclosure of this material could enable the subject of the record to evade prosecution and could, in addition, jeopardize the safety and welfare of investigators, witnesses, informants and their respective families.

DOL/LMSA–5

SYSTEM NAME:

Executive Secretary/Advisory Council on Employee Welfare and Pension Benefit Plans.

SYSTEM LOCATION:

U.S. Department of Labor, 200 Constitution Avenue, NW., Room S4522, Washington, D.C. 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Private persons who are members or have been recommended for appointment to the Advisory Council on Employee Welfare and Pension Benefit Plans.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical and personal data, background files on members and proposed members.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 512, Title I, Employee Retirement Income Security Act of 1974.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Material used to a limited extent by other agencies within the Executive Branch of the U.S. Government.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

RETRIEVABILITY:

Filed alphabetically by names, manually retrievable.

SAFEGUARDS:

Maintained by Executive Secretary of the Advisory Council, available or accessible only to limited Executive Staff members of LMSA and O/Secy.

RETENTION AND DISPOSAL:

Remove from active file upon termination of individuals membership, hold three years, then destroy.

SYSTEM MANAGER(S) AND ADDRESS:

Administrator, Pension and Welfare Benefit Plans, Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

NOTIFICATION PROCEDURES:

Request should be submitted to above address.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Primarily from the individual concerned, although in some instances from groups or entities making recommendations for Council membership.

DOL/LMSA-6

SYSTEM NAME:

Labor-Management Relations-Inquiries from congressmen and private citizens.

SYSTEM LOCATION:

U.S. Department of Labor, Room S2203, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Congressmen, Senators, and general public.

CATEGORIES OF RECORDS IN THE SYSTEM:

General inquiries regarding pension benefits, unfair labor practice complaints, violations of standards of conduct for labor organizations, employee protection under UMTA, strike force activities, veterans reemployment rights, and policy advice and research on labor-management relations problems.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Employee Retirement Income Security Act of 1974—Labor Management Reporting & Disclosure Act of 1959, Civil Service Reform Act: Vietnam Era Veterans Readjustment Assistance Act of 1974.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in File Cabinets.

RETRIEVABILITY:

Indexed alphabetically by name.

SAFEGUARDS:

Access limited to Assistant Secretary's staff.

RETENTION AND DISPOSAL:

Records are retained one year after the Assistant Secretary retires, and then records are retired to the National Archives.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Secretary for Labor-Management Relations, Room S2203, 200 Constitution Avenue, N.W., Washington D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Congressional and Public correspondence.

DOL/LMSA-7

SYSTEM NAME:

Veterans' Reemployment Rights Complaint File.

SYSTEM LOCATION:

LMSA Area offices, LMSA Regional offices, OVRR National Offices, Regional Solicitors' offices, National Solicitor's office.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Veterans of or rejectees from military service or reservists/National Guardsmen.

CATEGORIES OF RECORDS IN THE SYSTEM:

Military service, medical employment.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

38 U.S.C. 2021 et seq.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Sent to Department of Justice, United States Attorneys.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual.

RETRIEVABILITY:

Name.

SAFEGUARDS:

Locked Room and locked Cabinets.

RETENTION AND DISPOSAL:

Records will be retained by OVRR until incorporated into the OVRR records disposition schedule.

SYSTEM MANAGER(S) AND ADDRESS:

U.S. Department of Labor, Office of Veterans Reemployment Rights, Room N5414, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

NOTIFICATION PROCEDURES:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Veterans, employees, Department of Defense, Veterans Administration, physicians, fellow employees, union officers.

DOL-LMSA-19

SYSTEM NAME:

Private Pension Plan Benefit Payments.

SYSTEM LOCATION:

U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Retirees, Terminated Employees and Beneficiaries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Data collected in field survey and transferred into magnetic tape and linked to social security records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Chapter 43 of Title 38, United States Code and predecessor statutes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape.

RETRIEVABILITY:

Indexed by social security number. After matching retrievable with no individual identifications.

SAFEGUARDS:

Tapes and other documents containing the personal information are to be accessible only to personnel working to create the data base. Materials are not to be used for any other purpose. Individual identifiers are to be removed from magnetic tapes upon completion of matching.

RETENTION AND DISPOSAL:

Records will be retained by PWBP until they can be incorporated into the PWBP records disposition schedule.

SYSTEMS MANAGER(S) AND ADDRESS:

Assistant Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Pension plan records of private pension plan administrators.

DOL/LMSA-20

SYSTEM NAME:

LMSA, Division of Employee Protection.

SYSTEM LOCATION:

U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N-5677, Washington, D.C. 20216.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Redwood Employee Protection Program Applicants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Financial, medical, and personal information concerning applicant.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. Law 95-250.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information can be shared with the following agencies: California Economic Development Department; all participating and non-participating Health & Welfare Trusts, Administrators, and Pension Insurance Carriers; prospective employers of affected employees, and other interested parties.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Legal and letter size folders.

RETRIEVABILITY:

Filed manually, alphabetically.

SAFEGUARDS:

Maintained in National Office of LMSA, accessible to program personnel only.

RETENTION AND DISPOSAL:

Records will be retained by LMRS until they can be incorporated into the LMRS records disposition schedule.

SYSTEMS MANAGER(S) AND ADDRESS:

Program Officer, Redwood Program, U.S. Department of Labor, LMSA, 200 Constitution Avenue, N.W., Room N-5677, Washington, D.C. 20216.

NOTIFICATION PROCEDURES:

Address as above.

RECORD ACCESS PROCEDURES:

Written requests should be submitted to: Disclosure Officer, Room N-5677, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

CONTESTING RECORD PROCEDURES:

See "Record access procedures".

RECORD SOURCE CATEGORIES:

Individual applicants, employer health and welfare trusts, California Economic Development Department.

DOL/LMSA-21

SYSTEM NAME:

ERISA Coverage Correspondence Files.

SYSTEM LOCATION:

Room N-4472, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons addressing inquires to the Department regarding ERISA coverage.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Employee Retirement Income Security Act of 1974.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Limited to Division if Coverage staff.

RETENTION AND DISPOSAL:

Records will be retained by PWBP until they can be incorporated into the PWBP records disposition schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Avenue, N.W., Washington, D.C. 20216.

NOTIFICATION PROCEDURES:

As above.

RECORD ACCESS PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Correspondence from individuals and responses thereto.

DOL/LMSA-22

SYSTEM NAME:

PWBP—Office of Reporting and Plan Standards—Division of Collective Bargaining Correspondence Files.

SYSTEM LOCATION:

U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N–4461, Washington, D.C. 20216.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The general public.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters from the general public raising issues such as the propriety of the suspension of pension benefits, the Department's replies thereto, notes regarding research on the issues posed, and memoranda regarding discussions at meetings and in telephone calls.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Employee Retirement Income Security Act of 1974.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

In file folders in file cabinets.

RETRIEVABILITY:

Files are indexed alphabetically by name of correspondent.

ACCESS CONTROLS:

Access to and use of these records are limited to those staff members of PWBP whose official duties require access.

RETENTION AND DISPOSAL:

Records will be retained by PWBP until they can be incorporated into the PWBP records disposition schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Administrator, Pension and Welfare Benefit Programs, Department of Labor, LMSA, Room S–4522, Washington, D.C. 20216.

RECORD ACCESS PROCEDURES:

All requests must be in writing and either mailed or, if presented in person, presented during the Department's normal working hours and all requests should give name and be directed to the Systems Manager.

CONTESTING RECORD PROCEDURES:

Mail or present in writing all statements contesting records to the System Manager. Give name.

RECORD SOURCE CATEGORIES:

Public correspondence.

DOL/LMSA-23

SYSTEM NAME:

Pension and Welfare Benefits Program—Inquiries from congressmen, senators and private citizens.

SYSTEM LOCATION:

U.S. Department of Labor, Room N–5459, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Congressmen, senators and general public.

CATEGORIES OF RECORDS IN THE SYSTEM:

General inquiries and responses from the Department regarding all aspects of pension and welfare benefit plans and the status of individuals under these plans.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Employee Retirement Income Security Act of 1974, as amended.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file cabinets and boxes.

RETRIEVABILITY:

Inquiries from congressmen and senators are indexed first alphabetically by last name of congressman or senator, then alphabetically by last name of constituent. Inquiries from private individuals are indexed alphabetically by last name.

SAFEGUARDS:

Access limited to staff of Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

RETENTION AND DISPOSAL:

Currently files are maintained for period extending from September, 1974 to present. Records will be retained by PWBP until they can be incorporated into the PWBP records disposition schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Assistant Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor, Room S–4522, 200 Constitution Avenue, N.W., Washington, D.C. 20216.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Congressional and public corresondence.

LABOR/MSHA-1

SYSTEM NAME:

Coal and Metal and Nonmetal Mine Accident and Injury.

SYSTEM LOCATION:

Health and Safety Analysis Center, Technical Support Center, 730 Simms Street, Lakewood, Colorado 80215.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual workers in the coal and metal and nonmetal mining industries.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain accident, injury, fatality, and occupational illness data which includes the accident or injury, place of accident or injury, man-hours worked, name of mine and mine identification number and type and cause of accident, injury, or illness.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 103 of Pub. L. 91–173 as amended by Pub. L. 95–164, 30 U.S.C. 813.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) to determine probable cause of accidents, injuries, and illnesses and (b) to provide a statistical analytic data base for allocation of MSHA and other resources to reduce occupational injuries and illnesses. Disclosures outside the Department of Labor may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation of or for enforcing or implementing a statute,

rule, regulation, order or license; (3) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual—in file folders, Computer—disk pack.

RETRIEVABILITY:

Indexed by mine identification number, name of mine, individual's name and social security number. Retrieved by manual search; frequently used information maintained on computer printouts.

SAFEGUARDS:

Computer—In accordance with the National Bureau of Standards publication "Computer Security Guidelines for Implementing the Privacy Act of 1974". Manual—File cabinets. During working hours records are accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Source documents are retained for up to three years and then transferred to Federal Records Center. Tapes are retained indefinitely for historical purposes. Microfilm records are held for five years and then disposed of.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Health and Safety Analysis Center, 730 Simms Street, Lakewood, Colorado 80215.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Information in these records is obtained from accident, injury, illness and fatality reports submitted by mine operators.

LABOR/MSHA-3

SYSTEM NAME:

Metal and Nonmetal Mine Safety and Health Management Information System.

SYSTEM LOCATION:

(1) Office of the Administrator for Metal and Nonmetal Mine Safety and Health, U.S. Department of Labor, 4015 Wilson Blvd., Arlington, Virginia 22203. (2) Substantially all Metal and Nonmetal Mine Safety and Health Offices listed in the appendix. (See appendix for addresses.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual metal and nonmetal miners who are covered by the Federal Mine Safety and Health Act of 1977, Pub. L. 91–173 as amended by Pub. L. 95–164; MSHA personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains records on metal and nonmetal mine safety and health activities which include annual manpower and activity plans, mine and mill locations, metal and nonmetal mine inspection personnel time and activity, inspections, citations and orders against operators, personal exposure data on personal exposure of miners and MSHA personnel to radiation, dust, noise and other contaminants, and comprehensive health surveys on individual operations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 91–173 as amended by Pub. L. 95–164, 30 U.S.C. 801 et seq.; 29 U.S.C. 668.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) to determine the workload work scheduling and peformance of mine inspection personnel; (b) to maintain records on violations of health and safety standards and regulations; (c) to determine contaminant exposure level; (d) to maintain employment data relative to metal and nonmetal mine workers, e.g., number of workers, etc. Disclosure outside the Department of Labor may be made (1) to the National Institute of Occupational Safety and Health and the Environmental Protection Agency; (2) to state agencies; (3) to unions and company officials; (4) to the U.S. Department of Justice when related to litigation or anticipated litigation; and (5) to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation of or for enforcing or implementing a statute, rule, regulation, order or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer—Information from source documents to punch cards to disk storage for processing, final storage on magnetic tape. Manual—8x10½ inch report forms in standard file cabinets.

RETRIEVABILITY:

Computerized and manual records are indexed by mine identification number for operators and by Authorized Representative number for individuals.

SAFEGUARDS:

Computer—In accordance with the National Bureau of Standards Publication Computer Security Guidelines for implementing the Privacy Act of 1974. Manual—Locked file cabinets. During working hours records are accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Computer tapes are updated annually and retained indefinitely. Source documents are retained for 2 years then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, Metal and Nonmetal Mine Safety and Health, 4015 Wilson Blvd., Arlington, Virginia 22203.

NOTIFICATION PROCEDURES:

Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

MSHA inspection personnel and individual mine operators submit reports and information in accordance with prescribed procedures.

LABOR/MSHA-10

SYSTEM NAME:

Discrimination Investigations.

SYSTEM LOCATION:

Office of the Administrator for Coal Mine Safety and Health, and the Office of the Administrator for Metal and Nonmetal Mine Safety and Health, Mine Safety and Health Administration, U.S. Department of Labor, 4015 Wilson Boulevard, Arlington, Virginia 22203 and

some Coal and Metal and Nonmetal Mine Safety and Health Field Offices (see appendix for addresses).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals alleged to have been discriminated against in violation of the Federal Mine Safety and Health Act of 1977 and the Coal Mine Health and Safety Act of 1969.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains name, address, telephone number, social security number, occupation, place of employment, and other identifying data along with the type of allegation. This material includes interviews and other confidential data gathered by the investigator.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Investigations conducted pursuant to section 105(c) of Pub. L. 91–173 as amended by Pub. L. 95–164, 30 U.S.C. 815(c).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) to determine validity of allegations and (b) to determine the amount of civil penalty assessments against individuals and operators. Disclosures outside of the Department of Labor may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation of or enforcing or implementing a statute, rule, regulation, order or license, (3) to a Federal agency which has requested information relevant or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit; and (4) to Federal, State, or local agencies where necessary to obtain information relevant to the hiring or retention of an employee, or the issuance of a security clearance, contract, license, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual: In manila file folders.

RETRIEVABILITY:

Filed by docket and status of case, indexed by name of mine, docket number, and date of receipt. Retrieved by manual search.

SAFEGUARDS:

Maintained in locked file cabinets. Accessed only by authorized personnel.

RETENTION AND DISPOSAL:

Retained for 5 years then transferred to Federal Records Center. Destroyed after ten years.

SYSTEM MANAGER(S) AND ADDRESS:

Administrator for Coal Mine Safety and Health, Ballston Towers No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203; Administrator for Metal and Nonmetal Mine Safety and Health, same address as above.

NOTIFICATION PROCEDURE:

Inquiries regarding the existence of records should be addressed to the System Manager. A written, signed request stating that the requester seeks information concerning records pertaining to him is required.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Individual complainants, witnesses, respondents, Federal, State and local government records, and individual or company records.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under section 3(k)(2) of the Privacy Act, 5 U.S.C. 552a(k)(2), investigatory material compiled for law enforcement purposes which is maintained in the Discrimination Investigations system is exempt from the following provisions: 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act, and the portions of 29 CFR Part 70a which implement those provisions.

LABOR/MSHA–12

SYSTEM NAME:

Property Control.

SYSTEM LOCATION:

(1) Chief, Division of Management Services, Mine Safety and Health Administration, 4015 Wilson Blvd., Arlington, Virginia 22203, (2) Substantially all field offices listed in the appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who have responsibility for MSHA property, who have reserved parking spaces assigned, or who have submitted invention reports and all records directly related to property control functions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contains information indicating what property, including equipment, application for motor vehicle operator's license, keys, motor pool vehicles, requests for assignment of carpool or reserved parking spaces, and transportation request books, for which the employee has custody and responsibility. A list of inventions is maintained by case numbers. In addition, all other records directly related to the property control function.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 483(b)(1).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the records is for the identification and control of MSHA property. Disclosure outside the Department of Labor may be made (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) to appropriate Federal, State, local or foreign agencies responsible for investigation or prosecuting the violation of or for enforcing or implementing a statute, rule, regulation, order or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are kept in manual form in file folders or card indexes, microfilm cassettes, and computer disks.

RETRIEVABILITY:

Indexed by alphabetical order or control number. Entire file retrieved by manual search; frequently used information is maintained on computer printouts.

SAFEGUARDS:

Computer—In accordance with the National Bureau of Standards publication "Computer Security Guidelines for Implementing the Privacy Act of 1974". Manual—File cabinet. During working hours records are accessible only to authorized personnel.

RETENTION AND DISPOSAL:

In accordance with the General Records Schedule.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Management Services, MSHA, 4015 Wilson Blvd., Arlington, Virginia 22203.

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system, write to the System Manager or to the offices cited under "Records Location".

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

MSHA employees and any property control records maintained by MSHA.

LABOR/MSHA-13

SYSTEM NAME:

Coal Mine Respirable Dust Program

SYSTEM LOCATION:

Coal Mine Safety and Health, MSHA, U.S. Department of Labor, 4015 Wilson Blvd., Arlington, Virginia 22203, and substantially all Coal Mine Safety and Health Offices listed in the appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual coal miners for whom personal dust samples have been submitted for analysis.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain data concerning mine identification, mine section, name of individual sampled, social security number, date of sample, and concentration of respirable dust contained in the person sampler.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 91–173, as amended by Pub. L. 95–164, sections 103(a) and 202, 30 U.S.C. 813(a), 842.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the record is to determine respirable dust level standards. Disclosures outside the Department of Labor may be made (1) to the U.S. Department of Health and Human Services in accordance with provisions of Pub. L. 91–173 as amended by Public Law 95–164; (2) to mine operators to furnish information relevant to the respirable dust program as it applies to their operations as required by the law; (3) to the U.S. Department of Justice when related to litigation or anticipated litigation; (4) to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation of or for enforcing or implementing a statute, rule, regulation, order or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Computer on diskettes and mag tape.

RETRIEVABILITY:

Indexed by mine identification number, sampling entity number and social security number of Part 90 miners. This information is maintained on computer printouts.

SAFEGUARDS:

Records for Part 90 miners are stored in locked steel cabients in locked rooms with access being granted only to duly authorized personnel. No other individual records are identifiable.

RETENTION AND DISPOSAL:

Analysis forms are mailed to Denver and microfilmed. The forms and the microfilm record are maintained indefienitely. Computer tapes are purged periodically and computer output is utilized in the districts indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Health, Coal Mine Safety and Health, MSHA, 4015 Wilson Blvd., Arlington, Virginia 22203.

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system, write to the System Manager.

RECORD ACCESS PROCEDURE:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Mine operators submit the information used in this system.

LABOR/MSHA-14

SYSTEM NAME:

Coal Mine Noise Level Program.

SYSTEM LOCATION:

(1) Coal Mine Safety and Health, MSHA, U.S. Department of Labor, 4015 Wilson Blvd., Arlington, Virginia 22203. (2) Substantially all Coal Mine Safety and Health Offices listed in the appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual coal miners for whom noise level samples have been submitted for analysis.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain data concerning mine identification, mine section, name of individual sampled, social security number, date of sample, and noise level data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 91–173, as amended by Pub. L. 95–164, sections 103(a) and 206, 30 U.S.C. 813(a), 846.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are (a) to determine noise levels in every active working mine to insure compliance with noise level standards and (b) for special studies relative to occupational types, mining methods, etc. Disclosures outside the Department of Labor may be made (1) to furnish mine operators with information relevant to the noise program as it applies to their operations as required by the law; (2) to the U.S. Department of Justice when related to litigation or anticipated litigation; (3) to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation of or for enforcing or implementing a statute, rule, regulation, order or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Currently noise level data is entered onto a form which is sent to district offices for manual processing and filing in manila folders. All district offices utilize diskettes and mini-computers to process the data.

RETRIEVABILITY:

Data is indexed by mine identification number, name of mine, name of operator, name of individual and individual social security number.

SAFEGUARDS:

Maintained in file cabinet. Accessed only by authorized personnel.

RETENTION AND DISPOSAL:

Forms and diskette are retained indefinitely in district offices.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Health, Coal Mine Safety and Health, MSHA, 4015 Wilson Blvd., Arlington, Virginia 22203.

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system, write to the System Manager.

RECORD ACCESS PROCEDURE:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Mine operators submit the information used in this system.

LABOR/MSHA-15

SYSTEM NAME:

Health and Safety Training Records including Qualification and Certification Data.

SYSTEM LOCATION:

Qualification and Certification Unit, Education, Policy and Development, Mine Safety and Health Administration, 730 Simms Street, Lakewood, Colorado 80215.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Contains training data on miners, mining industry personnel, and Federal employees who have taken MSHA approved training courses. Also individuals certified and qualified as required by regulations.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain name, social security number of persons who have taken training, mine ID number, training course, instructor's name and other relevant data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 115, 317(i) and 502 of Pub. L. 91–173 as amended by Pub. L. 95–165, 30 U.S.C. 825, 877(i), 952.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary uses of the records are to (a) maintain records of training of individual miners, mining industry personnel, and State and Federal employees who have taken MSHA approved training courses; (b) issue certificates or certification cards to individuals who become qualified or certified under the law, as appropriate; (c) issue certification cards to instructors authorizing them to teach MSHA approved training courses; (d) provide information to monitor and expand safety training programs; (e) verify that individuals have completed required training; (f) report training data in various formats for a variety of uses, e.g., reporting to Congress, publication, etc. Disclosures outside of the Department of Labor may be made (1) to coal companies requesting information to verify training required by law; (2) to unions requesting information on training status of its members; (3) to coal operators' associations requiring training for policy and programming utilization; (4) to the U.S. Department of Justice when related to litigation or anticipated litigation; (5) to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violation of or for enforcing or implementing a statute, rule, regulation, order or license.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Input forms to key tape to magnetic tapes in the computer system. Microfilm records are stored in the Qualification and Certification Unit.

RETRIEVABILITY:

Computerized records are indexed by mine identification and individual social security numbers. Microfilm records are retrieved on basis of mine identification numbers date and course.

SAFEGUARDS:

Computer safeguards as described in the National Bureau of Standards Publication "Computer Security Guidelines for Implementing the Privacy Act of 1974" and procedures developed by MSHA under GSA Circular E–34. Files are posted with the appropriate Privacy Act warning. During working hours only authorized personnel have access to files.

RETENTION AND DISPOSAL:

Computer records are maintained on yearly historical file. Reporting outputs are discarded after they have served their purpose. Microfilm records are maintained indefinitely for historical purposes.

SYSTEM MANAGER(S) AND ADDRESS:

Education Specialist, Qualification and Certification Unit, Education, Policy and Development, P.O. Box 25367, 730 Simms Street, Lakewood, Colorado 80215.

NOTIFICATION PROCEDURE:

Inquiries regarding records in this system should be addressed to the System Manager. Such requests must be submitted in writing and be signed by the requester.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Individuals on whom the records are maintained, instructors of the training courses, mine inspection personnel, mine operators, State personnel and miners' representatives and organizations which provide training courses required by MSHA.

LABOR/MSHA-17

SYSTEM NAME:

MSHA Education, Policy and Development Activities Report.

SYSTEM LOCATION:

Qualification & Certification Unit, Education, Policy and Development, Mine Safety and Health Administration, U.S. Department of Labor, 730 Simms Street, Lakewood, Colorado 80215 and all Training Centers listed in the appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

MSHA Personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel activity records including work times, allocated according to types of assignments, and leave time.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; section 302(a) of Pub. L. 95–164.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The primary use of the record is to record the time utilization of Education, Policy and Development personnel and: (a) To determine the workload and work scheduling; (b) to assist in budgeting and staffing of Education, Policy and Development; and (c) to assess training needs of MSHA personnel. Disclosure outside the Department of Labor may be made: (1) to the U.S. Department of Justice when related to litigation or anticipated litigation; (2) to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations or for enforcing or implementing a statute, rule, regulation, order or license; and (3) to a Federal agency which has requested information relevant to or necessary to its hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files. Punchcards and Mag tapes.

RETRIEVABILITY:

Computerized records are indexed by social security number and district office.

SAFEGUARDS:

Manual records kept in locked file cabinets. Computerized data accessible only by authorized personnel.

RETENTION AND DISPOSAL:

Audio; video; slides; discs; photographic material; manuals; and syllabuses are permanent. These records are offered to NARS for evaluation after thirty years.

SYSTEM MANAGER(S) AND ADDRESS:

Education Specialist, Qualification & Certification Unit, Education, Policy and Development, MSHA, 730 Simms St., Lakewood, Colorado 80215.

NOTIFICATION PROCEDURE:

To determine whether the records are maintained on you in this system write the System Manager, cited under "System Location".

RECORDS ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORDS SOURCE CATEGORIES:

Individual on whom record is maintained.

LABOR/MSHA-18

SYSTEM NAME:

Coal Mine Safety and Health Management Information System.

SYSTEM LOCATION:

(1) Office of the Administrator for Coal Mine Safety and Health, U.S. Department of Labor, 4015 Wilson Boulevard, Arlington, Virginia 22203. (2) Substantially all Coal Mine Safety and Health Offices listed in the appendix.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Coal Mine Safety and Health personnel and key officials at surface and underground coal installations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Annual manpower and activity plans; operational characteristics of surface and underground coal operations; identification of key officials at individual mines; functional time utilization information for all Coal Mine Safety and Health personnel; location categorization of all time utilized by inspection personnel for on-site visits to individual mines; violation information on individual mines, and information on plans and other documents submitted by coal mine operators.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 91-173 as amended by Pub. L. 95-164, 30 U.S.C. 801 et seq.; 29 U.S.C. 668.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To record the time utilization of Coal Mine Safety and Health personnel and: (a) To maintain information on characteristics of mining operations. (b) To maintain violation information. (c) To monitor the submission and subsequent actions taken on plans and other documents submitted by coal mine operators.

Disclosure outside the Department of Labor may be made: (1) To the U.S. Department of Justice when related to litigation or anticipated litigation; (2) to appropriate Federal, State local or foreign agencies responsible for investigating or prosecuting the violations of or for enforcing or implementing a statute, rule, regulation, order or license; and (3) to a Federal agency which has requested information relevant to or necessary to its hiring or retention of an employee, or issuance of a security clearence, license, contract, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files: Magnetic tape and disk units.

RETENTION AND DISPOSAL:

Source documents are destroyed when no longer needed. Reports are destroyed after 10 years.

RETRIEVABILITY:

By mine identification number, social security number for noninspection personnel, by Authorized Representative number for inspection personnel, by organization code, and by violation number.

SAFEGUARDS:

Access limited to authorized representatives in regard to computerized data. Manual records kept in locked file cabinets.

SYSTEM MANAGER(S) AND ADDRESS:

Administrator for Coal Mine Safety and Health, MSHA, Department of Labor, 4015 Wilson Boulevard, Arlington, Virginia 22203.

NOTIFICATION PROCEDURE:

To see your records, write the System Manager. Describe as specifically as possible the records sought.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Coal Mine Safety and Health personnel submit inspection, time utilization, violation and other enforcement information in accordance with prescribed procedures.

Appendix—Mine Safety and Health Administration

Headquarters Office

Mine Safety and Health Administration, U.S. Department of Labor, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Metal and Nonmetal Mine Safety and Health

District Manager, Northeastern District, Metal & Nonmetal Mine Safety and Health, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213.

Subdistrict Manager, Northeastern District, Metal & Nonmetal Mine Safety and Health, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213.

Subdistrict Manager, Northeastern District, Metal & Nonmetal Mine Safety and Health, U.S. Post Office & Courthouse, Room 247, Albany, New York 12201.

District Manager, Southeastern District, Metal & Nonmetal Mine Safety and Health, 228 West Valley Avenue, Room 102, Birmingham, Alabama 35209.

Subdistrict Manager, Southeastern District, Metal & Nonmetal Mine Safety and Health, 228 West Valley Avenue, Room 102, Birmingham, Alabama 35209.

Subdistrict Manager, Southeastern District, Metal & Nonmetal Mine Safety and Health, 301 West Cumberland Avenue, Room 223, Knoxville, Tennessee 37902.

District Manager, North Central District, Metal & Nonmetal Mine Safety and Health, 228 Federal Building, Duluth, Minnesota 55802.

Subdistrict Manager, North Central District, Metal & Nonmetal Mine Safety and Health, 228 Federal Building, Duluth, Minnesota 55802.

Subdistrict Manager, North Central District, Metal & Nonmetal Mine Safety and Health, 501 Busseron Street, Vincennes, Indiana 47591.

District Manager, South Central District, Metal & Nonmetal Mine Safety and Health, 1100 Commerce Street, Room 4c50, Dallas, Texas 75242.

Subdistrict Manager, South Central District, Metal & Nonmetal Mine Safety and Health, 1100 Commerce Street, Room 4c50, Dallas, Texas 75242.

Subdistrict Manager, South Central District, Metal & Nonmetal Mine Safety and Health, 900 Pine Street Bldg., 2nd Floor, Rolla, Missouri 65401.

District Manager, Rocky Mountain District, Metal & Nonmetal Mine Safety and Health, 730 Simms Street, Lakewood, Colorado 80215.
Subdistrict Manager, Rocky Mountain District, Metal & Nonmetal Mine Safety and Health, 730 Simms Street, Lakewood, Colorado 80215.
Subdistrict Manager, Rocky Mountain District, Metal & Nonmetal Mine Safety and Health, 307 West 200 South, Suite 3003, Salt Lake City, Utah 84101.
District Manager, Western District, Metal & Nonmetal Mine Safety and Health, 620 Central Avenue, Bldg. 7, Alameda, California 94501.
Subdistrict Manager, Western District, Metal & Nonmetal Mine Safety and Health, 117—107th Avenue, N.E., Bellevue, Washington 98004.
Subdistrict Manager, Western District, Metal & Nonmetal Mine Safety and Health, 2721 North Central Avenue, South Tower, Amerco Towers, Phoenix, Arizona 85004.
ADP Liaison—MSHA, Metal & Nonmetal Mine Safety and Health, 730 Simms Street, Lakewood, Colorado 80215.

Coal Mine Safety and Health

District Manager, District 1, Coal Mine Safety and Health, Penn Place, 20 N. Pennsylvania Avenue, Wilkes-Barre, Pennsylvania 18701.
District Manager, District 2, Coal Mine Safety and Health, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213.
Subdistrict Manager, District 2, Coal Mine Safety and Health, 200 James Place, Monroeville, Pennsylvania 15146.
Subdistrict Manager, District 2, Coal Mine Safety and Health, Sunray and Goucher, Johnstown, Pennsylvania 15905.
District Manager, District 3, Coal Mine Safety and Health, 5012 Mountaineer Mall, Morgantown, West Virginia 26505.
District Manager, District 4, Coal Mine Safety and Health, Stadium Drive and Bluestone Road, Mt. Hope, West Virginia 25880.
Subdistrict Manager, District 4, Coal Mine Safety and Health, Stadium Drive and Bluestone Road, Mt. Hope, West Virginia 25880.
Subdistrict Manager, District 4, Coal Mine Safety and Health, 110 Gott Road, Princeton, West Virginia 24740.
Subdistrict Manager, District 4, Coal Mine Safety and Health, 475 N. Main Street, Madison, West Virginia 25130.
District Manager, District 5, Coal Mine Safety and Health, 546 Alexandria Avenue, Norton, Virginia 24273.
Subdistrict Manager, District 5, Coal Mine Safety and Health, 546 Alexandria Avenue, Norton, Virginia 24273.
Subdistrict Manager, District 5, Coal Mine Safety and Health, 102 Augusta Avenue, Richlands, Virginia 24641.
District Manager, District 6, Coal Mine Safety and Health, 218 High Street, Pikeville, Kentucky 41501.
Subdistrict Manager, District 6, Coal Mine Safety and Health, 218 High Street, Pikeville, Kentucky 41501.
District Manager, District 7, Coal Mine Safety and Health, Municipal Building, Daniel Boone Drive, Barbourville, Kentucky 40906.
Subdistrict Manager, District 7, Coal Mine Safety and Health, 616 Manchester Street, Barbourville, Kentucky 40906.
Subdistrict Manager, District 7, Coal Mine Safety and Health, 228 West Valley Avenue, Birmingham, Alabama 35209.
Subdistrict Manager, District 7, Coal Mine Safety and Health, Meadowbrook Manor, Combs Lane–Airport Gardens, Hazard, Kentucky 41701.
District Manager, District 8, Coal Mine Safety and Health, 501 Busseron Street, Vincennes, Indiana 47591.
Subdistrict Manager, District 8, Coal Mine Safety and Health, 905 W. Washington Street, Benton, Illinois 62812.
Subdistrict Manager, District 8, Coal Mine Safety and Health, 50985 National Road, St. Clairsville, Ohio 43950.
District Manager, District 9, Coal, Mine Safety and Health, 730 Simms Street, Lakewood, Colorado 80215.
Subdistrict Manager, District 9, Coal Mine Safety and Health, 730 Simms Street, Lakewood, Colorado 80215.
Subdistrict Manager, District 9, Coal Mine Safety and Health, 575 East 1st South, Price, Utah 84501.
District Manager, District 10, Coal Mine Safety and Health, MSHA Building, Highway 41 North, Madisonville, Kentucky 42431.
Subdistrict Manager, District 10, Coal Mine Safety and Health, 509 S. Third Street, McAlester, Oklahoma 74501.
Subdistrict Manager, District 10, Coal Mine Safety and Health, MSHA Building, Highway 451 North, Madisonville, Kentucky 42431.
ADP Liaison—MSHA, Coal Mine Safety and Health, 730 Simms Street, Lakewood, Colorado 80215.

Assessment Office

Office of Assessments—MSHA, 4015 Wilson Boulevard, Arlington, Virginia 22203.

Training

Beckley Training Center—MSHA, Airport Road, Beckley, West Virginia 25801.
Qualification and Certification Unit—MSHA, Education, Policy and Development, 730 Simms Street, Lakewood, Colorado 80215.

Technical Support

Pittsburgh Technical Support Center—MSHA, 4800 Forbes Avenue, Pittsburgh, Pennsylvania 15213.
Denver Technical Support Center—MSHA, 730 Simms Street, Lakewood, Colorado 80215.
Health and Safety Analysis Center—MSHA, 730 Simms Street, Lakewood, Colorado 80215.

DOL/OSHA-1

SYSTEM NAME:

Discrimination Complaint File

SYSTEM LOCATION:

Standard Federal Regions I through V: U.S. Department of Labor, Occupational Safety and Health Administration Operations Review Office, Federal Building, Room 1110A, Charles Center, 31 Hopkins Plaza, Baltimore, Md. 21201; Standard Regions VI through X: U.S. Department of Labor, Occupational Safety and Health Administration Operations Review Office, Federal Office Building Room 3100, 909 First Avenue, Seattle, Washington 93174.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed complaints pursuant to section 11(c) of the Occupational Safety and Health Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files compiled in connection with investigations of discrimination complaints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 11(c) of the Occupational Safety and Health Act (Pub. L. 91–596).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files.

RETRIEVABILITY:

By complainant's name or case identification number.

SAFEGUARDS:

Locked storage equipment, and personnel screening.

RETENTION AND DISPOSAL:

Destroy 5 years after case is closed.

SYSTEM MANAGER(S) NAME AND ADDRESS:

Regional Administrator at address where system is located.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Individual complaints filed alleging discrimination and information compiled in connection with investigations of alleged acts of discrimination.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with paragraph (k)(2) of the Privacy Act, invetigatory material compiled for law enforcement purposes

which is maintained in the Discrimination Complaint File is exempt from paragraphs (c)(3); (d), (e)(1); (e)(4)(G), (H), and (I); and (f) of 5 U.S.C. 552a. Disclosure of information contained in this file could threaten investigators, witnesses, informants and their families with adverse consequences and could hinder effective enforcement of the Occupational Safety and Health Act. In order to conduct effective investigations it is necessary to guarantee the confidentiality of information being collected. Release of such information would constitute a breach of the guarantee of confidentiality, could lead to the intimidation, harassment of dismissal from employment of those involved, and could discourage those contacted in future investigations from cooperating with investigators.

DOL/OSHA-2

SYSTEM NAME:

Complaints about State Program Administration Files (CASPA)

SYSTEM LOCATION:

All Regional Offices, Area Offices and State Plans, States; see 29 CFR 70.36.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who have filed complaints about the administration of State Occupational Safety and Health programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files compiled in connection with investigation of subject complaints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 18(f) of the Occupational Safety and Health Act (Pub. L. 91–596).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files.

RETRIEVABILITY:

By name of complainant.

SAFEGUARDS:

Locked file cabinets.

RETENTION AND DISPOSAL:

a. Complaints which raise questions on overall trends in State performance: Destroy 5 years after state plan discontinuance.

b. All other complaints: Destroy 7 years after case is closed.

SYSTEM MANAGER(S) AND ADDRESS:

Regional Administrator for Occupational Safety and Health. For address see 29 CFR 70.36.

NOTIFICATION PROCEDURE:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Complaints filed by individuals and information compiled in connection with investigations of such complaints.

DOL/OSHA-4

SYSTEM NAME:

Advisory Committee Candidates' Biographies.

SYSTEM LOCATION:

Division of Consumer Affairs, OSHA, Room N–3635, 200 Constitution Avenue, NW., Washington, D.C. 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Background resumes of individuals who are members of, or have been considered for membership on an OSHA Advisory Committee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act (Pub. L. 91–596); Federal Advisory Committee Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual file.

RETENTION AND DISPOSAL:

a. Advisory Committee Members: *Permanent* Transfer to National Archives 3 years after expiration of term.

b. Advisory Committee Candidates not selected to serve on an advisory committee: Destroy when 5 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Division of Consumer Affairs, Room N–3635, 200 Constitution Avenue, NW., Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

CONTESTING RECORD PROCEDURES:

As above.

DOL/OSHA-6

SYSTEM NAME:

Compliance Safety & Health Officer Manpower File.

SYSTEM LOCATION:

OSHA, Office of Management Data Systems, Room 156, 2100 M Street, NW., Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Time sheets/logs documenting compliance officer activities, cover inspection, monitoring and other compliance-related data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act (Pub. L. 91–596).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Magnetic tape media and manual files.

RETRIEVABILITY:

By compliance officer/investigator name and by inspection/investigation identification.

SAFEGUARDS:

Computer file available only through password system, and in locked storage equipment.

RETENTION AND DISPOSAL:

Source document forms for ADP system: Destroy after 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Management Data Systems, Room 156, 2100 M Street, NW., Occupational Safety and Health Administration, Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Inspectors'/investigators' time logs.

DOL/OSHA–7

SYSTEM NAME:

Employees Reports of Unsafe or Unhealthy Working Conditions.

SYSTEM LOCATION:

Occupational Safety and Health Administration. Office of Federal Agency Programs (OFAP), Room N–3476, Washington, D.C. 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Federal agency employees filing complaints with OFAP because employer's final disposition of their report alleging an unsafe or unhealthy working condition was not satisfactory.

CATEGORIES OF RECORDS IN THE SYSTEM:

Workplace hazardous conditions complaints.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 CFR 1960.28, OSHA Act 1970.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files.

RETRIEVABILITY:

By OFAP log number, and by name (if OFAP authorized by employee).

SAFEGUARDS:

Locked storage equipment.

RETENTION AND DISPOSAL:

Destroy after 5 years old.

SYSTEM MANAGER(S) NAME AND ADDRESS:

Director, Office of Federal Agency Programs, Occupational Safety and Health Administration, Room N–3476, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Complaints submitted by individuals to OFAP for follow-up action. Employees are notified in writing that OFAP (a) has received complaint, (b) has referred the report to the appropriate OSHA regional office or back to the employing agency for investigation, or (c) has information concerning resolution of complaint.

DOL/OSHA–8

SYSTEM NAME:

State Compliance Officer accompanied visit and on-the-job evaluation records.

SYSTEM LOCATION:

All Area Offices in States with approved state plans, see 19 CFR 70.36 for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

State Compliance Officers.

CATEGORIES OF RECORDS IN SYSTEM:

On-the-job evaluations through accompanied visits or inspections conducted by State inspectors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 18(f) of the Occupational Safety and Health Act (Pub. L. 91–596).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USERS:

State Program Administrators upon request.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files.

RETRIEVABILITY:

By name of State compliance officers.

SAFEGUARDS:

Locked file cabinets.

RETENTION AND DISPOSAL:

Destroy 7 years after evaluation.

SYSTEM MANAGER(S) AND ADDRESSES:

Each Regional Administrator for OSHA at individual Regional Offices. For addresses see 29 CFR 70.36.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Report forms submitted by Federal monitoring inspector.

DOL/OSHA–9

SYSTEM NAME:

OSHA Compliance Safety and Health Officers (CSHO's) training records.

SYSTEM LOCATION:

All Regional offices and the OSHA Training Institute: See CFR 70.36 for addresses.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

CSHO's of the OSHA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records reflecting training courses completed by CSHO's.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Occupational Safety and Heath Act of 1970 (Pub. L. 91–596).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual file.

RETRIEVABILITY:

By name of CSHO.

SAFEGUARDS:

Locked file cabinets.

RETENTION AND DISPOSAL:

Being determined.

SYSTEM MANAGER(S) AND ADDRESS:

Each Regional Administrator for OSHA at Regional Offices or the Manager, OSHA Training Institute; see 29 CFR 70.36 for addresses.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Office of Personnel Management official personnel folders, Certificates of training, verification of record by individuals concerned.

DOL/OSHA–10

SYSTEM NAME:

OSHA Private Sector Instructor files for Construction and Voluntary Compliance Courses.

SYSTEM LOCATION:

U.S. Department of Labor Occupational Safety and Health Administration. Training Institute, 1555 Times Drive, Des Plaines, Illinois 60018.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Students who have satisfactorily completed courses 400–1 and 500–2 and, who as a result of taking the courses have elected to conduct the same or similar courses for their employing organization or other interested groups.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reports transmitted to Training Institute by individuals who have completed courses sponsored by Institute.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act of 1970 (Pub. L. 91–596).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files.

RETRIEVABILITY: BY NAME OF STUDENT.

SAFEGUARDS:

Locked file cabinets.

RETENTION AND DISPOSAL:

Inactive files are retained for one year beyond the last active date. If the files are not reactivated, they are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Administrative Officer, U.S. Department of Labor, Occupational Safety and Health Administration, Training Institute, 1555 Times Drive, Des Plaines, Illinois 60018.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURE:

As above.

RECORD SOURCE CATEGORIES:

The information contained in these files is voluntarily provided by the subject individuals.

DOL/OSHA–11

SYSTEM NAME:

OSHA Training Institute Course Files.

SYSTEM LOCATION:

1555 Times Drive, Des Plaines, Illinois 60018.

CATEGORIES OF INDIVIDUALS COVERED IN THE SYSTEM:

Employees of: U.S. Department of Labor; OSHA State and Territorial Governmentrs; other Federal agencies; private sector.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Forms: a. OSHA Training Institute Form 102, Biographical Data Sheet (used for all students; b. DL–1–101, Registration and Enrollment Form (used for U.S. Department of Labor, OSHA, State, and Territorial employees). c. Optional registration and enrollment forms used for employees from other Federal agencies. d. Optional forms or letters used by private sector for registration and enrollment. 2. Index cards maintained for each U.S. Department of Labor and State participant. Card contains name, Social Security Number, and listing of courses the individual has taken and status of same.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 21(b) of the Occupational Safety and Health Act of 1970 (Pub. L. 91–596).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual or ADP Files.

RETRIEVABILITY:

By individuals' name and region.

SAFEGUARDS:

Locked file cabinets.

RETENTION AND DISPOSAL:

Dispose of when no longer needed for administrative purposes.

SYSTEM MANAGER(S) AND ADDRESS:

U.S. Department of Labor, Occupational Safety and Health Administration, Training Institute, 1555 Times Drive, Des Plaines, Illinois 60018.

NOTIFICATION PROCEDURES:

As above.

RECORD ACCESS PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

The students and the OSHA Form 43.

DOL/SOL–1

SYSTEM NAME:

Conflict of Interest File.

SYSTEM LOCATION:

U.S. Department of Labor, Room N–2700, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Those persons from whom reports may be required under Section 202 are those allegedly having conflicts of interest who must file reports. Investigation relates to either trial, litigation or criminal prosecution.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigative reports, legal analyses, forwarding memoranda.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 202, LMRDA. Section 601, LMRDA (investigative authority); Section 209, LMRDA; Section 607, LMRDA.

ROUTINE USERS OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Files interchanged in the processing of cases with the Department of Justice and Assistant U.S. Attorneys.

STORAGE:

Manual files.

RETRIEVABILITY:

Indexed by name.

SAFEGUARDS:

Restricted to official business within agency, personnel screening.

RETENTION AND DISPOSAL:

Currently files are maintained for fiscal years 1975 through 1982; for prior years sent to National Archives and Records Service.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING,, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

SYSTEM MANAGER(S) AND ADDRESS:

Associate Solicitor, Division of Labor-Management Laws, Office of the Solicitor, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

NOTIFICATION PROCEDURES:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Complainants, witnesses, investigative reports.

DOL/SOL–2

SYSTEM NAME:

Employment and Training Administration Investigatory File.

SYSTEM LOCATION:

Room N–2101, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Named plaintiffs and complainants in court and administrative proceedings involving the Employment and Training Administration. Individual subjects of an administrative investigation under Employment and Training Administration programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Court and litigation files contain little, if any, information regarding the individual other than that supplied by the individual in its complaint. Investigatory files include employment and financial information related to possible fradulent activity on the part of the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Information is disclosed to Department of Justice for that agency's determination regarding potential litigation and in the course of actual litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files.

RETRIEVABILITY:

By name of plaintiffs and complainants and individual subjects being investigated.

SAFEGUARDS:

Physical security.

RETENTION AND DISPOSAL:

Files are maintained as long as the case is open. When the case is closed and it is determined that the file is no longer needed, the file is then sent to Archives for ultimate disposal.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Solicitor for Employment and Training, Room N–2101, U.S. Department of Labor, Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

As above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Information is normally obtained from other organizations within the Department of Labor.

DOL/SOL–3

SYSTEM NAME:

Federal Tort Claims Act (FTCA).

SYSTEM LOCATION:

U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N–2620, Washington, D.C. 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimant under Federal Tort Claims Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

Tort claims file, including negligence, medical, personnel and legal reports, summaries, correspondence and memoranda.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

28 U.S.C. 2671 *et seq.*

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None other than those contained in the Department's Prefatory Statement published in the Federal Register of September 8, 1975 (40 FR 41739).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files.

RETRIEVABILITY:

Name of claimant.

SAFEGUARDS:

Files are kept in office suite that is locked after working hours.

RETENTION AND DISPOSAL:

Records retention is being determined by NARS.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Solicitor, Division of Employee Benefits, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N–2620, Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

See above.

RECORD ACCESS PROCEDURES:

Inquirer should provide his full name, plus date and place of incident.

CONTESTING RECORD PROCEDURES:

See above.

RECORD SOURCE CATEGORIES:

Claimants, current and former employers, witnesses, physicians, insurance companies, attorneys, police, hospitals, other individuals.

DOL/SOL–5

SYSTEM NAME:

Comprehensive Employment and Training Act (paragraph 416 (b) (CETA).

SYSTEM LOCATION:

U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N–2620, Washington, D.C. 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Tort claims file, including negligence, medical, personnel and legal reports, summaries, correspondence and memoranda.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 926(b).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None other than those contained in the Department's Prefatory Statement published in the Federal Register of September 8, 1975 (40 FR 41739).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files.

RETRIEVABILITY:

Name of claimant.

SAFEGUARDS:

Files are kept in office suite that is locked after working hours.

RETENTION AND DISPOSAL:

Records retention is being established by NARS.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Solicitor, Division of Employee Benefits, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N–2620, Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

See above.

RECORD ACCESS PROCEDURES:

Inquirer should provide his full name, plus date and place of incident.

CONTESTING RECORD PROCEDURES:

See above.

RECORD SOURCE CATEGORIES:

Claimants, current and former employers, witnesses, physicians, insurance companies, attorneys, police, hospitals other individuals.

DOL/SOL–6

SYSTEM NAME:

Military Personnel and Civilian Employees Claims Act.

SYSTEM LOCATION:

U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N–2620, Washington, D.C. 20210.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Claimants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Tort claims file, including negligence, medical, personnel and legal reports, summaries, correspondence and memoranda.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 240–243.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None other than those contained in the Department's Prefatory Statement published in the Federal Register of September 8, 1975 (40 FR 41739).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual files.

RETRIEVABILITY:

Name of claimant.

SAFEGUARDS:

Files are kept in office suite that is locked after working hours.

RETENTION AND DISPOSAL:

Records retention is being established by NARS.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Solicitor, Division of Employee Benefits, U.S. Department of Labor, 200 Constitution Avenue, NW., Room n–2026, Washington, D.C. 20210.

NOTIFICATION PROCEDURE:

See above.

RECORD ACCESS PROCEDURES:

Inquirer should provide his full name, plus date and place of incident.

CONTESTING RECORD PROCEDURES:

See above.

RECORD SOURCE CATEGORIES:

Claimants, current and former employers, witnesses, physicians, insurance companies, attorneys, police, hospitals, other individuals.

DOL/SOL–7

SYSTEM NAME:

Attorney Assignment Record—SOL–7.

SYSTEM LOCATION:

SOL Divisional Offices, Washington, D.C.; SOL Regional and Sub-Regional Offices terminals at various locations. DOL computer, GAO Building, Washington, D.C.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Attorneys employed by the Office of the Solicitor.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual attorney assignments; identification of cases pending, status of litigated cases, opinions requested, case agency record, and miscellaneous assignments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Civil Service Reform Act.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

None.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Manual and computer files.

RETRIEVABILITY:

Name of attorney.

SAFEGUARDS:

Manual files are kept locked. Computer files accessible only through proper code number.

RETENTION AND DISPOSAL:

Records are maintained for life of assignment and are then disposed.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Solicitors, Office of the Solicitor, Washington, D.C.; Regional Solicitors and Associate Regional Solicitors at various field locations.

NOTIFICATION PROCEDURE:

See above.

RECORD ACCESS PROCEDURES:

As above.

CONTESTING RECORD PROCEDURES:

As above.

RECORD SOURCE CATEGORIES:

Case files, correspondence files, opinion files, and miscellaneous files.

DOL/SOL–8

SYSTEM NAME:

Litigation Files—Special Litigation Task Force (the "system").

SYSTEM LOCATION:

U.S. Department of Labor, Office of the Solicitor, Washington, D.C.

CATEGORY OF INDIVIDUALS COVERED BY THE SYSTEM:

The Special Litigation Task Force maintains records as defined in 5 U.S.C. 552a(a)(4) (the "records"). The records relate specifically to defendants, respondents, witnesses and other individuals who may have provided information relating to, or who may have been involved in, matters that are part of the Central States litigation. These records relate generally to litigation under the Employee Retirement Income Security Act of 1974 (the "Act") that involves the Secretary of Labor and the Central States Southeast and Southwest Areas Health and Welfare and Pension Funds (the "Central States litigation").

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains records gathered by the Special Litigation Task Force in connection with the Central States litigation. The records may be derived from materials filed with the Department of Labor, court records, articles from publications, published financial data, information received from employee benefit plans, business organizations and individuals, statements of witnesses, information received from federal, state, local, and foreign regulatory and law enforcement organizations, and from other sources. The system also contains records that incorporate the work product of the Special Litigation Task Force and other privileged documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

29 U.S.C. 1132, 1134.

ROUTINE USES OF THE RECORDS, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) The records may be used by the Department of Labor, Department of Justice, Treasury Department,

Commerce Department and other Federal Government personnel and consultants investigating possible violations of the Employee Retirement Income Security Act of 1974.

(2) The records may be used in any proceeding where the Employee Retirement Income Security Act of 1974 is in issue or in which the Secretary of Labor, any past or present Federal Employee or consultant directly or indirectly involved in investigations or other enforcement activities under the Employee Retirement Income Security Act of 1974, is a party or is otherwise involved in an official capacity.

(3) The records may be made available pursuant to 29 U.S.C. 1134(a) to any person actually affected by the matters therein contained.

(4) The records may be referred when there is an indication of a violation or potential violation of law to the appropriate agency, whether federal, state, local or foreign, to be used by the agency to investigate possible violations of laws administered by it and to bring appropriate proceedings.

(5) The records may be referred, when appropriate, to a bar association, court, or federal, state, local or foreign licensing authority for possible disciplinary action.

(6) The records may be disclosed to a federal, state, local or foreign governmental authority, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the lettering of a contract, or the issuance of a license, grant or benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

(7) The records may be given or shown to anyone during the course of the Central States litigation if the Special Litigation Task Force has reason to believe that the person to whom such disclosure is made may have further information about the matter discussed therein and that those matters may be relevant to the Central States litigation.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

The records are maintained in hard copy, microfilm/microfiche or machine readable (computer/tape) form.

RETRIEVABILITY:

The records are indexed by name.

SAFEGUARDS:

Access to and use of the records are limited to those persons whose official duties require it.

RETENTION AND DISPOSAL:

The records retention is being determined by NARS.

SYSTEM MANAGER(S) AND ADDRESS:

Associate Solicitor, Special Litigation Task Force, U.S. Department of Labor, P.O. Box 37296, Washington, D.C. 20013.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the specific exemption authority provided by 5 U.S.C. 552a(k)(2), this system is exempt from the following provisions of the Privacy Act: 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f) and the portions of 29 CFR Part 70a which implement these provisions.

Notice of Intention to Exempt

Civil Law Enforcement: The principal function of the Special Litigation Task Force is the prosecution of civil lawsuits alleging violations of the Employee Retirement Income Security Act of 1974. The system of records maintained by the Special Litigation Task Force constitutes "investigatory material compiled for law enforcement purposes" as defined in subsection (k)(2) of the Privacy Act. 5 U.S.C. 552a(k)(2). Disclosure of the records compiled with regard to the Central States litigation would substantially compromise the effectiveness of such litigation. Disclosure of these records could facilitate the concealment of evidence and lead to the intimidation of, or harm to, informants, witnesses and their respective families. Accordingly, these records are entitled to exemption from subsections (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f) of the Privacy Act. 5 U.S.C. 552a.

Appendix I—Responsible Officials

The titles of the responsible officers of the various independent agencies in the Department of Labor are listed below. Unless otherwise specified, the mailing address of these officials shall be:

U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210

Chief, Administrative Law Judge.
Chairperson, Employees Compensation Appeals Board.
Chairperson, Benefits Review Board.
Deputy Under Secretary for International Affairs.
Director, Office of Information and Public Affairs.
Deputy Solicitor, Office of Solicitor.
Assistant Secretary for Administration and Management.
Director of Information, Privacy and Management Information System, Office of Inspector General.
Management Information Chief, Division of Management Information, Bureau of Labor Statistics.
Staff Utilization Chief, Division of Operation, Bureau of Labor Statistics.
Chairman, Wage Appeals Board.
Director, President's Committee for the Employment of the Handicapped.
Assistant Secretary for Labor-Management Relations (LMSA).
Assistant Administrator for Field Operations, LMSA.
Director, Office of Labor-Management Relations Services, LMSA.
Director, Office of Labor-Management Policy Development, LMSA.
Director, Office of Labor-Management Standards Enforcement, LMSA.
Director, Office of Veterans' Reemployment Rights, LMSA.
Deputy Administrator for Pension and Welfare Benefit Programs, LMSA.
Director, Office of Management, LMSA.
Deputy Under Secretary for Employment Standards, Employment Standards Administration.
Director, Office of Workers' Compensation Programs.
Associate Director for Federal Employees' Compensation.
Associate Director for Longshore and Harbor Workers' Compensation.
Associate Director for Coal Mine Workers Compensation.
Administrator, Wage and Hour Division.
Director, Office of Federal Contract Compliance Programs.
Chief, OFCCP Policy Implementation and Operations Review Staff.
Chief, OFCCP Division of Program Policy.
Chief, OFCCP Division of Program Operations.
Chief, OFCCP Division of Program Analysis.
Chief, OFCCP Division of Enforcement Coordination.
Director, Office of Administrative Management, ESA.
Director, Office of Program Development and Accountability, ESA.
ESA Office of Information and Consumer Affairs.
Assistant Secretary for Mine Safety and Health (MSHA).[1]
Executive Assistant to the Assistant Secretary of Labor, Occupational Safety and Health Administration (OSHA).
Office of Field Coordination, OSHA.
Office of Information & Consumer Affairs, OSHA.
Equal Employment Opportunity Officer, OSHA.
Director, Directorate of Health Standards Programs, OSHA.
Director, Directorate of Safety Standards Programs, OSHA.
Director, Directorate of Policy, Legislation and Interagency Affairs, OSHA.
Director, Directorate of Administrative Programs, OSHA.

[1] This official's mailing address is Ballson Tower #3, 4015 Wilson Blvd., Arlington, Virginia 22203.

Director, Directorate of Federal Compliance and State Programs, OSHA.
Director, Directorate of Technical Support, OSHA.

(2) The mailing address for the responsible officials in the Employment and Training Administration is the Patrick Henry Building, 601 D Street, NW., Washington, D.C. 20213.

Administrator, Bureau of Apprenticeship.
Administrator, Office of Management Informations Systems.
Administrator, Office of Foreign Labor Certifications.
Administrator, Office of Job Corps.
Administrator, Office of Research and Evaluation.
Director, Special Review Staff.
Chief, Division of Special National Level Programs.

(3) The titles of the responsible officials in the field offices of the various independent agencies are listed below. Unless otherwise specified, the mailing addresses for these officials, by regions, shall be:

Region I: J.F.K. Building, Government Center, Boston, Massachusetts 02203.
Region II: 1515 Broadway, New York, New York 10036.
Region III: 3535 Market Street, Philadelphia, Pennsylvania 19104.
Region IV: 1371 Peachtree Street, N.E., Atlanta, Georgia 30309.
Region V: 230 South Dearborn Street, Chicago, Illinois 60604.
Region VI: 555 Griffin Square Building, Griffin and Young Streets, Dallas, Texas 75202.
Region VII: Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106.
Region VIII: Federal Office Building, 1961 Stout Street, Denver, Colorado 80202.
Region IX: Federal Building, 450 Golden Gate Avenue, San Francisco, California 94102.
Region X: 909 First Avenue, Seattle, Washington 98174.

Office of the Assistant Secretary for Administration and Management

Regional Administrators for Administration and Management. Regional Personnel Officers.

Office of Information and Public Affairs

Regional Information Directors (All Regions).

Employment and Training Administration

Regional Administrators for Employment and Training (All Regions).
Regional Directors, Job Corps (All Regions).

Labor-Management Services

Assistant Regional Administrators for Labor-Management Services.
Regions II, III, IV, V, VII, and IX.

Area Administrators for Labor-Management Services

1365 Peachtree St., N.E., Suite 540, Atlanta, Georgia 30367.
New Studio Building 110 Tremont St., Rm. 211, Boston, Massachusetts 02108.
Federal Building 111 W. Huron St., Rm. 1310, Buffalo, New York 14202.
175 W. Jackson Boulevard, Suite 1201A, Chicago, Illinois 60604.
Federal Office, 1240 E. Ninth St., Rm. 821, Cleveland, Ohio 44199.
555 Griffin Square Building, 707 Griffin & Young Sts., Dallas, Texas 75202.
Federal Office Building, 1961 Stout St., Rm. 152, Denver, Colorado 80294.
Federal Office Building & U.S. Courthouse, Rm. 630, 231 W. Lafayette St, Detroit, Michigan 48226.
134 Evergreen Place, Rm. 201, East Orange, New Jersey 07018.
Federal Office Building, Rm. 650, Carlos Chardon St., Hato Rey, Puerto Rico, 00918.
300 Ala Moana, Rm. 5115, P.O. Box 50204, Honolulu, Hawaii 96850.
Federal Office Building, 911 Walnut St., Rm. 3000, Kansas City, Missouri 64106.
Federal Building, Rm. 4334, 300 N. Los Angeles St., Los Angeles, California 90012.
Washington Square Building, Suite 504, 111 N.W. 183rd St., Miami, Florida 33169.
Butler Square Building, Rm. 652 East, 100 North Sixth St., Minneapolis, Minnesota 55403.
1808 West End Building, Rm. 716, Nashville, Tennessee 37203.
Federal Office Building, Rm. 940, 600 South St., New Orleans, Louisiana 70130.
26 Federal Plaza, Rm. 537, New York, New York 10278.
James A. Byrne Courthouse, Rm. 7401, 601 Market St., Philadelphia, Pennsylvania 19106.
Federal Office Building, Rm. 804, 1000 Liberty Ave., Pittsburgh, Pennsylvania 15222.
210 Tucker Boulevard, Rm. 570, St. Louis, Missouri 63101.
211 Main Street, Rm. 317, San Francisco, California 94105.
Federal Office Building, Rm. 3135, 909 First Avenue, Seattle, Washington 98174.
1730 K Street, N.W., Rm. 558, Riddell Building, Washington, D.C. 20006.

The Employment Standards Administration

Regional Administrator: All Regions.
Assistant Regional Administrator for Wage and Hour Division: All Regions.
Assistant Regional Administrator for Office of Federal Contract Compliance Programs: All Regions.
Executive Assistant to the Regional Administrator: All Regions.

Office of Workers' Compensation Programs—Deputy Commissioner

147 Milk Street, Boston, Massachusetts 02109.
1515 Broadway, New York, New York 10036.
3535 Market Street, Philadelphia, Pennsylvania 19104.
Charles Center South, 31 Hopkins Plaza, Baltimore, Maryland 21201.
Stanwick Building, 3661 Virginia Beach Boulevard, East Norfolk, Virginia 23502.
400 West Bay Street, Box 35049, Jacksonville, Florida 32202.
Federal Office Building, 600 South Street, New Orleans, Louisiana 70130.
2320 LaBranch Street, Houston, Texas 77004.
1240 East Ninth Street, Room 879, Cleveland, Ohio 44199.
230 South Dearborn Street, Chicago, Illinois 60604.
1910 Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106.
1531 Stout Street, Room 303, Denver, Colorado 80202.
450 Golden Gate Avenue, Box 36022, San Francisco, California 94102.
Federal Office Building, 909 First Street, Seattle, Washington 98174.
1833 Kalakaua Avenue, Room 610, Honolulu, Hawaii 96315.
McLachlen Building, Room 405, 616 11th Street, N.W., Washington, D.C. 20211 (FECA).
812 Connecticut Avenue, N.W., Washington, D.C. 20211 (DCCA).
Director, Condominio San Alberto Building, 7th Floor, 120 Ponce de Leon Avenue, Santurce, Puerto Rico 00907.

Occupational Safety and Health Administration

400–2 Totten Pond Road, 2nd Floor, Waltham, Massachusetts 02154.
Federal Building, Room 334, 55 Pleasant Street, Concord, New Hampshire 03301.
MDC Building, 2nd Floor, 555 Main Street, Hartford, Connecticut 06103.
169 Weybosset Street, 5th Floor, Providence, Rhode Island 02903.
1200 Main Street, Suite 513, Springfield, Massachusetts 01103.
40 Western Avenue, Room 121, Augusta, Maine 04330.
90 Church Street, Room 1405, New York, New York 10007.
990 Westbury Road, Westbury, New York 11590.
Belle Mead GSA Depot Building T3, Belle Mead, New Jersey 08502.
2 East Blackwell Street, Dover, New Jersey 07801.
136–21 Roosevelt Avenue, 3rd Floor, Flushing, New York 11354.
2101 Ferry Avenue, Room 403, Camden, New Jersey 08104.
Leo W. O'Brien Federal Building, Clinton Avenue & North Pearl Street, Room 132, Albany, New York 12207.
220 Delaware Avenue, Suite 509, Buffalo, New York 14202.
Teterboro Airport Professional Building, 377 Route 17, Room 206, Hasbrouck Heights, New Jersey 07604.
US Courthouse & FOB, Carlos Chardon Avenue, Room 555, Hato Rey, Puerto Rico 00918.
100 South Clinton Street, Room 1267, Syracuse, New York 13260.
Room 242 US Customs House, Second & Chestnut Street, Philadelphia, Pennsylvania 19106.
400 Penn Center Boulevard, Suite 600, Pittsburgh, Pennsylvania 15235.
147 West 18th Street, Eire, Pennsylvania 16501.
Progress Plaza, 49 North Progress Avenue, Harrisburg, Pennsylvania 17109.
Federal Building, Room 6226, 400 North 8th Street, PO Box 10186, Richmond, Virginia 23240.
Federal Building, Room 1110, Charles Center 31 Hopkins Plaza, Baltimore, Maryland 21201.
Federal Office Building, Room 3007, 844 King Street, Wilmington, Delaware 19801.
Penn Place, Room 2005, 20 North Pennsylvania Avenue, Wilkes-Barre, Pennsylvania 18701.
550 Eagan Street, Room 303, Charleston, West Virginia 25301.

Building 10, Suite 33, LaVista Perimeter Office Park, Tucker, Georgia 30084.
Todd Mall, 2047 Canyon Road, Birmingham, Alabama 35126.
Federal Building, Suite 1445, 100 West Capitol Street, Jackson, Mississippi 39201.
Art Museum Plaza, Suite 4, 2809 Art Museum Drive, Jacksonville, Florida 32207.
Room 127, John C. Watts, Federal Building, 330W Broadway, Frankfort, KY 40601.
1835 Assembly Street, Room 1468, Columbia, South Carolina 29201.
951 Government Street, Suite 511, Mobile, Alabama 36604.
Federal Building, Room 302, 299 East Broward Boulevard, Fort Lauderdale, Florida 33301.
1600 Hayes Street, Suite 302, Nashville, Tennessee 37203.
Federal Office Building, Room 406, 310 New Bern Avenue, Raleigh, North Carolina 27601.
400 Mall Boulevard, Suite J, Savannah, Georgia 31406.
700 Twiggs Street, Room 124, Tampa, Florida 33602.
1400 Torrence Avenue, 2nd Floor, Calumet City, Illinois 60409.
6000 West Touhy Avenue, Niles, Illinois 60648.
344 Smoke Tree Business Park, North Aurora, Illinois 60542.
Federal Office Building, Room 4028, 550 Main Street, Cincinnati, Ohio 45202.
Federal Office Building, Room 899, 1240 East 9th Street, Cleveland, Ohio 44199.
Federal Office Building, Room 634, 200 North High Street, Columbus, Ohio 43215.
231 West Lafayette, Room 628, Detroit, Michigan 48226.
USPO & Courthouse, Room 422, 46 East Ohio Street, Indianapolis, Indiana 46204.
2618 North Ballard Road, Appleton, Wisconsin 54911.
Federal Building US Courthouse, 500 Barstow Street, Room B-9, Eau Claire, Wisconsin 54701.
Clark Building, Room 400, 633 West Wisconsin Avenue, Milwaukee, Wisconsin 53203.
2934 Fish Hatchery Road, Suite 220, Madison, Wisconsin 53713.
801 Butler Square Building, 100 North 6th Street, Minneapolis, Minnesota 55403.
228 NE Jefferson, 3rd Floor, Peoria, Illinois 61613.
218A Main Street, Belleville, Illinois 62220.
Federal Office Building, Room 734, 234 North Summit Street, Toledo, Ohio 43604.
1425 West Pioneer Drive, Irving, Texas 75061.
130 Petroleum Tower, 811 North Carancahua Street, Corpus Christi, Texas 78474.
2320 LaBranch Street, Room 2118, Houston, Texas 77004.
Western Bank Building, Room 1407, 505 Marquette Avenue, NW, Albuquerque, New Mexico 87102.
American Bank Tower, Suite 310, 221 West 6th Street, Austin, Texas 78701.
Hoover Annex, Suite 200, 2156 Wooddale Boulevard, Baton Rouge, Louisiana 70806.
West Mark Building, Suite 212, 4120 West Markham, Little Rock, Arkansas 72205.
50 Penn Place, Suite 408, Oklahoma City, Oklahoma 73118.
Federal Building, Room 421, 1205 Texas Avenue, Lubbock, Texas 79401.
1150 Grand Avenue, 6th Floor, 12 Grand Building, Kansas City, Missouri 64106.
210 Walnut Street, Room 815, Des Moines, Iowa 50309.
Overland-Wolf Building, Room 100, 6910 Pacific Street, Omaha, Nebraska 68106.
4300 Goodfellow Building, Room 105E, St. Louis, Missouri 63120.
216 North Waco, Suite B, Wichita, Kansas 67202.
Petroleum Building, Suite 210, 2812 1st Avenue North, Billings, Montana 59101.
Federal Building, Room 348, PO Box 2439, Bismark, North Dakota 58501
Tremont Center—1st Floor, 333 West Colfax, Denver, Colorado 80204.
US Post Office Building, Room 505, 350 South Main Street, Salt Lake City, Utah 84101.
211 Main Street, San Francisco, California 94105.
1050 East William Street, Suite 402, Carson City, Nevada 89701.
300 Ala Moana Bulevard, Suite 5122, PO Box 50072, Honolulu, Hawaii 96850.
400 Oceangate, Suite 530, Long Beach, California 90802.
Amerco Towers, Suite 300, 2721 North Central Avenue, Phoenix, Arizona 85004.
Federal Building, 701 C Street, Box 29, Anchorage, Alaska 99513.
121-107th Street, NE, Bellevue, Washington 98004.
1315 West Idaho Street, Boise, Idaho 83702.
1220 Southwest 3rd Street, Room 640, Portland, Oregon 97204.
OSHA Training Institute, US Department of Labor, 1555 Times Drive, Des Plaines, Illinois 60018.
OSHA Cincinnati Laboratory, USPO Building, Room 108, 5th and Walnut Streets, Cincinnati, Ohio 45202.
Analytical Laboratory, 390 Wakara Way Research Park, Salt Lake City, Utah 84108.

Appendix II.—For General Assistance, You May Wish To Contact the Following Agency Coordinators for the Privacy Act

Agency	Person	Address	Telephone
Office of the Secretary (OSECY)	Elaine F. Jackson	S-5526, Frances Perkings Building	523-6312
Office of the Assistant Secretary for Administration and Management (OASAM)	Elaine F. Jackson	S-5526 Frances Perkings Building	523-6312
Bureau of Labor Statistics (BLS)	Rosemary Sheehy	Room 2115, GAO Building	523-1971
Employment Standards Administration (ESA)	Clark Forkel	C-3321, Frances Perkings Building	523-8489
Employment and Training Administration (ETA)	James Moriarty	Room 5100, Patrick Henry Building	376-6694
Office of Inspector General (OIG)	Anthony Rossi	S-5512, Frances Perkings Building	357-0497
Deputy Under Secretary for International Affairs or Bureau of International Labor Affairs (ILAB).	Dora E. Carrington	S-5303, Frances Perkings Building	523-6136
Labor-Management Services, Administration (LMSA)	Paul Fitzpatrick	N-5663, Frances Perkings Building	523-6859
Mine Safety and Health Administration (MSHA)	Richard Baker	Room 735, Ballston Tower No. 3, Arlington, VA	235-1470
Occupational Safety and Health Administration (OSHA)	James Foster	N-3637, Frances Perkings Building	523-8148
Office of Solicitor	Miriam Miller	N-2428, Frances Perkings Building	523-8198

Building Addresses
a. Frances Perkings Building, 200 Constitution Avenue NW., Washington, D.C. 20210.
b. GAO Building, 441 G Street NW., Washington, D.C. 20212.
c. Patrick Henry Building, 601 D Street NW., Washington, D.C. 20213.
d. Ballston Tower No. 3, 4015 Wilson Blvd., Arlington, Virginia 22203.

[FR Doc. 82-18677 Filed 7-12-82; 8:45 am]
BILLING CODE 4510-23-M

federal register

Tuesday
July 13, 1982

Part III

Department of Labor

Occupational Safety and Health Administration

Access to Employee Exposure and Medical Records; Proposed Modification; Request for Comments and Notice of Public Hearing

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-112E]

Access to Employee Exposure and Medical Records; Proposed Modification; Request for Comments and Notice of Public Hearing

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Notice of proposed rulemaking; request for comments and notice of public hearing.

SUMMARY: OSHA is hereby proposing to modify the Access to Employee Exposure and Medical Records rule, 29 CFR 1910.20. Principally, and as a result of receiving numerous requests, comments and suggestions for changes to the standard, OSHA is proposing to modify: (1) The definition of "employee"; (2) the definition of "exposure"; (3) the definition of "toxic substance"; (4) the preservation requirements for employee exposure and medical records; (5) the prohibition on the microfilm storage of X-rays; and (6) the trade secret protection provisions.

The new regulation would maintain the benefits to occupational health in the current regulation while providing greater flexibility for employers to comply with the standards. This notice solicits comments on the proposed modifications. This notice also announces that OSHA has scheduled an informal public hearing to allow interested parties to present information and data related to the issues raised by the proposed modification.

DATES: Comments and notices of intention to appear at the public hearing must be received on or before September 14, 1982. Statements and any documentary evidence to be presented at the hearing must be submitted by September 21, 1982.

The public hearing is scheduled to begin on October 5, 1982, in Washington, D.C., at 9:30 a.m.

ADDRESSES: Comments should be submitted in quadruplicate to the Docket Office, Docket H-112E, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room S6212, Washington, D.C. 20210; (202) 523-7894.

Notices of intention to appear at the hearings, statements and documentary evidence should be submitted in quadruplicate to Mr. Tom Hall, Division of Consumer Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-3635 Washington, D.C. 20210; (202) 523-8024.

The hearing will be held at the Auditorium, Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C.

Written comments received and notices of intention to appear, as well as any other information gathered by the Agency during this rulemaking, will be available for inspection and copying in the Docket Office, Room S-6212 at the above address.

FOR FURTHER INFORMATION CONTACT:

Proposal: Mr. David Welsh, Office of Special Standards Programs, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room N-3663, Washington, D.C. 20210; (202) 523-7166.

Hearings: Mr. Thomas Hall, Division of Consumer Affairs, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., N-3635, Washington, D.C. 20210; (202) 523-8024.

SUPPLEMENTARY INFORMATION:

A. Background

On May 21, 1980, the Occupational Safety and Health Administration (OSHA) issued its rule entitled Access to Employee Exposure and Medical Records. 29 CFR 1910.20; 45 FR 35212 *et seq*. The rule imposes three major obligations on employers. First, employers are required to preserve and maintain exposure and medical records pertinent to an employee's occupational exposure to toxic substances or harmful physical agents. 20 CFR 1910.20(d). Generally, employee exposure records and analyses based on exposure or medical records must be retained for thirty years. 29 CFR 1910.20(d)(1)(ii) and (iii). Employee medical records must be retained for the duration of employment plus thirty years. 29 CFR 1910.20(d)(1)(i).

Second, throughout these time periods the employer must ensure access to pertinent exposure records by the exposed employee, fellow employees exposed or potentially exposed to similar job hazards, designated employee representatives, and OSHA. 29 CFR 1910.20(e). Access to medical records must also be ensured to the employee who is the subject of the records and to OSHA. Likewise, access to medical records must be ensured to an employee's designated representative, such as the employee's collective bargaining agent, but, because of the privacy interests involved, only if the employee has provided specific written consent for such access. 29 CFR 1910.20(e)(2)(ii)(B); *cf.* § 1910.20(c)(10). Employee and designated representative access must be provided at a reasonable time, place, and manner, but in no event later than fifteen (15) days after the request is made. 29 CFR 1910.20(e)(1). OSHA access must be provided immediately upon request, 29 CFR 1910.20(e)(3), but because of the personal privacy interests affected by access to medical records, OSHA's access to such records is further conditioned upon compliance with the procedures and protections which were simultaneously promulgated as 29 CFR Part 1913.

Third, upon entering into employment and annually thereafter, employees must be informed by their employers of their rights under the rule and of the requisite procedures for exercising those rights. 29 CFR 1910.20(g).

In issuing the regulation, the Secretary considered its potential impact on trade secrets. 29 CFR 1910.20(f). Although identities of toxic substances, levels of exposure, and health status data may not be withheld, the employer may delete any other trade secret data which discloses manufacturing processes or the percentage of a chemical substance in a mixture. In addition, the provisions of the final rule permit employers to condition access to trade secrets upon basic written agreements not to misuse this information.

On May 21, 1980, the Industrial Union Department, AFL-CIO, petitioned the United States Court of Appeals for the District of Columbia Circut to review the rule pursuant to Section 6(f) of the OSH Act, 29 U.S.C. 655(f), the statute's provision for exclusive court of appeals' preenforcement review of occupational safety and health standards, *Industrial Union Dep't AFL-CIO* v. *Marshall*, No. 80-1550. The Chemical Manufacturers Association and the Chamber of Commerce of the United States later intervened in that lawsuit.

On July 18 and 21, 1980, a number of individuals and two trade associations, the Association of Diving Contractors and the Louisiana Chemical Association, petitioned the Fifth Circuit Court of Appeals under the same section 6(f) review provision. These cases were transferred to the D.C. Circuit under 28 U.S.C. 2112(a) and consolidated with the pending IUD case. Also in the D.C. Circuit, but in abeyance, is *National Constructions Ass'n* v. *OSHA*, No. 80-1820, a challenge to the standard's application to the construction industry. In addition, there is a challenge to the regulation pending in the United Stares District Court for the Western District of Louisiana, which the District Court originally dismissed for lack of subject matter jurisdiction, but which has since

been remanded to it by the Fifth Circuit Court of Appeals. *Louisiana Chemical Association* v. *Bingham*, 657 F. 2d. 777 (5th Cir. 1981).

The records access rule expressed OSHA's policy, which became formalized after a full rulemaking proceeding, that employees, their representatives, and OSHA need access to employer maintained exposure and medical information in order to protect employee health and safety, and that this need is a proper subject for OSHA regulation. However, since particular provisions of the rule raised complex policy and legal questions concerning issues which in some cases had been resolved based on a limited rulemaking record and which had not yet been fully reviewed in light of the current administration's policies, OSHA obtained from the D.C. Circuit a six month deferral of the briefing schedule, beginning August 7, 1981. This deferral was later extended to expire in February, 1983. However, the agency has been forced to defend the existing rule in the district court case and a decision is expected before the end of the year.

OSHA has reviewed all aspects of the regulation, including: (1) Current enforcement experience: (2) the issues raised by the litigation; (3) petitions for modification of the standard from trade associations representing the flavor, fragrance, food and feed processing industries; and (4) other comments on the regulation that have been received from numerous interested persons. As a result of this review, OSHA has decided to propose modification of specific provisions of the rule. A draft of this proposal has been reviewed by the Advisory Committee on Construction Safety and Health. The issues involved in the proposed modification are discussed in the "Statement of Significant Issues" section of this preamble.

Legal Authority

By this proposal, OSHA seeks to modify, after rulemaking, its final rule on Access to Employee Exposure and Medical Records, 29 CFR 1910.20 (the "records access rule"). That rule was issued under both section 6(b) "standard-setting" and section 8 "general rulemaking" authority (see 45 FR 35243–48).

The issue of whether the records access rule is properly characterized as an "occupational safety and health standard" within the meaning of section 3(8) and issued under section 6(b) or a "regulation" under section 8(g)(2) has been the subject of litigation. The rule was challenged by both industry and union parties in the courts of appeals under section 6(f), the Act's provision for pre-enforcement review of OSHA "standards." As noted above, these petitions have been consolidated in the Court of Appeals for the District of Columbia, where the briefing schedule has been suspended until February 10, 1983, to allow OSHA this opportunity for reconsideration.

The rule was independently challenged in the U.S. District Court for the Western District of Louisiana. The district court dismissed the challenge for want of subject-matter jurisdiction on the ground that OSHA properly characterized the rule as a standard, which is reviewable only in a court of appeals. The Fifth Circuit Court of Appeals reversed this decision, holding that the rule is a section 8 regulation and not a section 6 standard; therefore the case was remanded to the district court. *Louisiana Chemical Association, et al.* v. *Bingham, et al.*, 657 F. 2d 777 (5th Cir., 1981). The Court of Appeals' reasoning was that Congress apparently intended standards to aim toward correction of specific and already identified hazards, rather than mere inquiry into possible hazards, and that the records access rule, while falling under the more general class of enforcement and detection regulations contemplated by Congress in section 8, does not address a particular hazard. This conclusion was based on the fact that the rule does not require employers to create the records in the first place and that the rule pertains to thousands of substances not all of which are known to pose a significant risk. The agency is currently defending the existing regulation in the district court case and a decision is expected before the end of the year.

Recognizing that this proposed rule can no longer be characterized as an occupational safety and health standard in the Fifth Circuit as a result of this decision, OSHA reaffirms its reliance on its section 8 general rulemaking authority to support the issuance of this proposed amendment (see 45 FR 35245–47). In so doing, the Secretary finds the rule, as proposed to be modified, necessary to carry out his responsibilities under the Act. In particular, the rule directly and indirectly promotes the control and detection of occupational health hazards by requiring the preservation and availability of toxic exposure and employee medical records to employees, their representatives, and to OSHA. As such, it contributes significantly to the protection of employees from toxic substances and harmful physical agents. With it, OSHA acts to fulfill its mandate to "assure so far as possible every working man and woman * * * safe and health working conditions." Section 2(b) of the Act.

In addition, however, OSHA believes that this rule not only falls squarely within the ambit of section 8 but also meets the somewhat more stringent and distinct requirements of section 6(b), as limited by the section 3(8) definition of an "occupational safety and health standard." In OSHA's opinion, the preservation and access requirements clearly satisfy the statutory element of "practices, means, methods * * * reasonably necessary or appropriate to provide safe or healthful employment and places of employment." In this regard, it should be noted that the rule operates not simply by making the record available to OSHA for enforcement purposes but directly to the employees themselves to assist them in achieving more healthful employment and places of employment." Secondly, in our view the rule addresses a significant risk—the risk of acute and chronic adverse health effects from workplace exposure to toxic substances and harmful physical agents. Further, the rule will significantly reduce this risk by providing employees with information necessary to avoid the risks and to correct unsafe conditions to the extent possible.

To the extent that the Fifth Circuit in *Louisiana Chemical Ass'n* v. *Bingham, supra.*, took a narrower view of what constitutes "significant risk," we do not believe that such a result is dictated by the Supreme Court decision in *Industrial Union Department* v. *American Petroleum Institute*, 448 U.S. 607 (1980). That decision, which established a finding of "significant risk" as a threshold condition for all section 6(b) standards, itself observed that Congress had an "information-gathering function" in mind when it enacted section 6(b)(7), and that requirements of this nature may be imposed at lower exposure levels than those that would support the regulation of a specific toxic substance on the basis of a finding of significant risk. This is so because it is necessary to "keep a constant check on the validity of the assumption made in developing the permissible exposure limit, giving it a sound evidentiary basis for decreasing the limit if it was initially set too high," *id.* at 2822, or *a fortiori*, if no permissible exposure limit was set at all. Furthermore, whatever the problems of breadth posed by the original rule which detracted from its status as a standard, we note that the proposed modifications—particularly the toxicological criteria introduced into the

"toxic substance" definition and the elimination of the fourth category of "exposure record"—have sharpened the focus of the rule considerably. Thus the rule now covers only actual exposure records pertaining to substances which are known to pose serious toxic hazards and to employees in employments characterized by exposures to such hazards. OSHA therefore believes that, in addition to meeting the legal criteria for a section 8 regulation, the proposed rule is, for purposes of judicial review, a section 6 standard.

In addition, it is important that the records access rule be characterized as an occupational safety and health standard in order to avoid protracted multiple district court litigation, which would result in: (1) General confusion over the applicability of the rule, (2) delays in the resolution of the validity of the rule, and (3) enforcement and compliance problems that would ensue from conflicting or inconsistent judicial decisions. Therefore, to preserve our right to relitigate the jurisdictional issue of section 6(b) authority should be challenged outside the Fifth Circuit, OSHA continues to rely on section 6(b) independent authority for issuance of this rule.

Finally, this proposal provides for modification of the trade secret protections of the rule. These changes are intended to provide for the maximum degree of trade secret protection which the Agency considers to be consistent with its mandate to promote the health and safety of employees. As a matter of legal authority, OSHA has previously taken the position that its mandate requires it to balance and accommodate the interests in occupational safety and health with the protection of trade secrets, but that any unavoidable conflict should be decided in favor of the health interest. (See 45 FR 35248–51, Records Access Preamble.) This position has been based on (1) federal preemption doctrine, which says that state law (i.e., trade secret protection) may be preempted if it burdens or conflicts with federal law; (2) the OSHA statute, whose limited trade secret section (Section 15; 29 U.S.C. 664) itself takes a balanced approach and does not directly restrict OSHA's otherwise broad rulemaking authority in the area of providing access to toxic substance information; and (3) analagous judicial contexts, where the courts have adopted a balancing approach favorable to the health and safety interest. By contrast, industry has argued, based on the Supreme Court decision in *Chrysler* v. *Brown*, 441 U.S. 281 (1979), that OSHA lacks the authority to require the disclosure of any trade secret because the Act does not affirmatively and explicitly give it that authority, but rather is protective of trade secrets as evidenced by Section 15. The argument has also been made that a requirement to disclose trade secrets may result in an unconstitutional "taking" of private property without just compensation violative of the Fifth Amendment. However, in providing protection to trade secret interests, OSHA must be cognizant of the recent cotton dust decision, *American Textile Manufacturers Institute* v. *Donovan*, 101 5 Ct. 2744 in which the Supreme Court declared that Congress in passing the OSH Act had made a legislative decision to strike the balance in favor of protecting the health of employees to the extent feasible. In our opinion, the proposed modifications, while providing significantly greater protection to trade secrets than does the current standard, satisfy this statutory mandate.

Statement of Significant Issues

A. *Scope and application.*—1. *General.* The rule currently applies to each general industry, maritime, and construction employer who makes, maintains, contracts for, or has access to employee exposure or medical records, or analyses thereof, pertaining to employees exposed to toxic substances or harmful physical agents. It applies whether or not the covered records are related to specific occupational safety and health standards. Also, the regulation applies to records created prior to the effective date of the regulation, August 21, 1980. The broad scope of the regulation has created certain problems, which we address as follows.

2. *Employees covered.* A literal construction of the rule would indicate that records of employees only marginally exposed to toxic substances and clearly not at health risk from such exposures are covered by the regulation. For example, records of office workers who make only infrequent or sporadic visits to production areas where toxic substances or harmful physical agents are present could be considered subject to the retention and access provisions of the regulation. However, OSHA's original intent was to provide access rights only to workers with significant toxic exposures.

For example, Dr. Leonard Guarraia of the Synthetic Organic Chemical Manufacturers Association (SOCMA) states "(W)e believe this rule covers almost every employer in the general industry, maritime and construction categories because the applicability of the standard pertains to employees exposed to 'toxic' substances or 'harmful' physical agents, but does not depend on any showing that the level of actual exposure is excessive or harmful" (Ex. 58, p.3).

Mr. J. Laurence McCarty (Prudential Insurance) also notes that the definition of "exposure" is "so overly inclusive that the company president on an annual tour walking past an area where a toxic substance is being stored would have to get a notice as an exposed employee since there is 'potential exposure' " (Ex. 31, p.2).

There is merit in this argument and therefore OSHA is proposing explicitly to limit the regulation's coverage to only those employees "whose work directly involve(s) the manufacturing, processing, installation, handling, packaging, transport, disposal, or use of toxic substances, or who (are) subject to harmful physical agents (e.g., noise, ionizing and non-ionizing radiation, hypo- or hyperbaric pressure) in any manner different from non-occupational situations; and includes, but is not limited to, coverage or production, maintenance, transport and construction workers" (paragraph (b)(1)). This modification targets the regulation at those specific employees whose job duties typically involve exposure to toxic substances or harmful physical agents. Production, maintenance, construction, and transport workers are covered if toxic substances or harmful physical agents are present in their workplaces, with no further inquiry necessary on whether each individual is working directly with a toxic substance or harmful physical agent. For instance, an electrician working near a welding operation on a construction site would be covered. At the suggestion of the Advisory Committee for Construction Safety and Health, "installation" was added to clarify the broad coverage of construction workers.

Coverage means that they have a right of access to their medical records and to relevant exposure records, and that these records must be retained in accordance with the rule. "White collar" employees and employees in other industries (e.g., service industries) where exposures to toxic substances or harmful physical agents do not typically occur would not in most cases be covered by the regulation.

However, the regulation would continue to provide for access to exposure and medical records of any general industry, construction or maritime employee not otherwise covered by the standard who is accidentally exposed to a toxic

substance or harmful physical agent to a degree sufficient to require medical treatment. Records documenting the extent and treatment of injuries due to accidental exposures have clear occupational health importance and therefore should be subject to the access provisions of this regulation. However, since medical records of accidentally exposed employees would not normally be segregated from medical records of non-exposed employees, medical records related to accidental exposures would not be subject to the retention requirements of the regulation. Otherwise, when an employer of employees not normally covered by the standard disposes of medical records, he would have to make a determination of whether or not each record to be disposed of was related to an accidental exposure, and therefore subject to mandatory retention.

Access to medical records concerning accidental exposures must be provided for as long as the employer does retain the record.

Exposure records relating to accidental exposures would, on the other hand, be subject to thirty year retention. Since exposure records would not normally be kept for employees in that work location, the determination of specific records subject to retention would not be difficult.

This proposed modification is consistent with the original intent of the standard, which was not generally meant to apply to office workers or workers exposed only to safety hazards causing cuts, falls, and traumatic injuries (45 FR 35258 and 35265).

3. *Records created under contract.* The status under the standard of records created under contract was a source of confusion to many affected parties (Ex. 62, pp. 37–46; Ex. 60, p. 3). Therefore, paragraph (b)(3) is being modified to clarify the obligations of employers who contract for exposure or medical services. The proposed modification requires that "each employer shall ensure that the requirements of this section are made known to physicians and others providing medical or industrial hygiene services under contract to the employer and shall make a good faith effort to ensure, by modification of the contract if necessary, that such persons comply with the preservation and access requirements of the section." This modification should alleviate employer concerns that they will be held strictly liable for noncompliance of contract physicians not fully under their control even when they have done everything reasonably possible to assure compliance.

Records of emergency medical treatments for traumatic injuries or illnesses would not be covered if no written contract for medical services was in effect at the time of the accident.

4. *Industries covered.* Several trade groups have argued that certain industries ought to be exempted from coverage. In particular, employer groups in the flavor and fragrance industries (Exs. 44, 45, 47, 48, 50, 52), the grocery manufacturing industry (Exs. 46, 49, 51, 53–56), the feed manufacturing industry (Ex. 26), the construction industry (Exs. 40–43), and the commercial diving industry (Ex.), have argued for limited or full exemption from the provisions of the standard. The flavor and fragrance industries are currently the subject of a partial administrative stay designed to protect its trade secrets (46 FR 40490–91). This stay has been extended to February 15, 1983.

The flavor, fragrance and grocery industries base their justifications for exemption primarily on the following assertions: (1) The broad definition of "toxic substance" includes many food and fragrance substances which, on the basis of objective data, are demonstrated to be safe; (2) the possibility for disclosure under the regulation of valuable trade secret formulas greatly outweighs the benefits of disclosure; and (3) the records access regulation overlaps regulation of these industries by the Food and Drug Administration (FDA) and the Department of Agriculture (USDA).

For example, the Flavor and Extract Manufacturers Association (FEMA) states that "(T)he standard's definition of toxic substances is so broad that many traditional innocuous food ingredients (i.e., sugar, vanilla, and lemon oil) would be considered 'toxic' within the meaning of the standard. The sheer number of substances considered 'toxic' under the standard will make compliance with requests for disclosure both extremely costly and very difficult" (Ex. 44, p. 1). FEMA also notes that "(T)rade secrets are the lifeblood of the flavor industry and are most carefully guarded by flavor manufacturers * * * The disclosure required by the standard would threaten the very existence of the flavor industry without any showing that flavors and flavor materials present significant risks to any worker or that those risks would be lessened or eliminated because of the standard" (Ex. 44, p. 2).

With regard to agency overlap, a statement submitted by the Grocery Manufacturers Association asserts that "(T)he primary intent of the FDA and USDA regulations is to reduce the possibility of microorganisms, chemicals, filth or other contaminants in food. However, one of the obvious effects of these regulations is the reduction of employee exposure to harmful food substances by regulating the proper use, storage, and handling of materials that may be toxic" (Ex. 46, p. 2).

OSHA review of the scientific evidence, however, indicates that many of the materials used in flavor, fragrance and grocery manufacturing could be toxic under workplace conditions. Although FDA regulations ensure that the concentrations of these toxic substances are too low in finished consumer goods to be of health significance, workplace exposures to bulk quantities may nonetheless be toxic to workers unless necessary precautions are taken. Furthermore, the jurisdictions of FDA and USDA do not extend to the protection of workers from exposures to harmful materials during manufacturing processes (Exs. 50, 51).

Therefore, rather than exempt these industries entirely, we have responded to their legitimate concerns through proposed modification of specific provisions of the regulation. In particular, we propose both narrowing the definition of "toxic substance" and modifying the trade secret provisions to substantially reduce the likelihood that the release of trade secrets will be required. In fact, the trade secret modifications basically parallel the current stay for the flavor and fragrance industries, which has evidently satisfied those industries' concerns in this interim period.

The feed manufacturing industry petition seeks a stay of the standard as it applies to employee exposure records (Ex. 26). The industry maintains that " 'Exposure records' have been so broadly defined so as to include nearly every piece of paper generated in many workplaces * * * (we) did not fully realize that the regulation likewise requires retention of literally thousands of routine documents." (Ex. 26, p. 2).

OSHA is responding to these bona fide concerns by narrowing the definition of "employee exposure record" to include only those records traditionally regarded as occupational exposure records.

The diving industry sought a stay of the records access standard as it applied to employees engaged in commercial diving on the grounds that: (1) The standard was improperly promulgated as it applied to them; (2) divers are not exposed to "toxic substances or harmful physical agents"; and (3) the standard jeopardized valuable trade secrets such as

proprietary decompression tables (Ex. 86). The Agency, while denying this stay request as lacking merit, issued an official interpretation of recordkeeping obligations in the diving industry which explained the interaction between the records access standard, 29 CFR 1910.20, and the commercial diving standard, 29 CFR 1910.401–441 (Ex. 87). Since employees in the commercial diving industry are subject to occupational illness associated with their workplace exposure (e.g. mixed gases, hyperbaric pressure), OSHA sees no basis for excluding the industry from the proposed records access rule. Certain proposed modifications to the rule—for instance, the proposed limitation on access to "similarly situated" exposure records which gave rise to the industry's concerns about access to proprietary decompression tables—should alleviate the industry's concerns about the rule's inpact while assuring their employees the benefits of the standard.

Employers in the construction industry argue that the records access standard poses certain practical compliance difficulties. The industry maintains that: (1) Construction employees are exposed to toxic substances, if at all, for only brief periods since their work requires movement from place to place on the construction site; (2) due to the large number of temporary employees (the typical construction employee annual turnover rate is between 300 and 600 percent), the regulation would require long-term retention of huge numbers of individual records having a negligible degree of occupational health significance; (3) the principal types of employee records generated on a construction site are much different from those generated in general industry—most monitoring is done on an area basis, and records do not reveal the identities of employees who may have been working in those areas; and (4) medical records generated would be primarily those concerned with first-aid and emergency treatment (Docket H–112C; Ex. 2–42A, pp. 4–6).

Because of the construction industry records access issues, OSHA partially stayed the records access regulation with respect to the construction industry (46 FR 23740; April 28, 1980). In that notice, OSHA solicited comments from interested parties concerning the experience of the construction industry under the regulation, and specifically what aspects of the construction industry render the regulation inappropriate. A total of 47 comments were received. Also, the Advisory Committee for Construction Safety and Health (CAC) met June 10–12, 1981, in Washington, D.C. and considered the issue of records access (Exs. 62, 63). OSHA published a summary and analysis of the comments and the Advisory Committee recommendations in the **Federal Register** on September 15, 1981 (46 FR 45758).

Based on its analysis of the comments and CAC recommendations, OSHA lifted the stay. At the same time, the agency issued interpretations which incorporated most of the CAC recommendations and stated that the construction records access issues would continue to be reviewed as part of the general modification process.

In developing this proposal, three basic alternatives were considered for dealing with construction industry concerns: (1) Exempt the construction industry from the regulation; (2) modify the regulation in accordance with CAC recommendations and the concerns of other industries (recognizing that the records access concerns of construction employers and non-construction employers are often similar); or (3) specifically exempt the construction industry from certain provisions of the regulation.

The alternative of exempting the construction industry from the regulation was not chosen by OSHA since, as has been argued by construction labor unions, construction workers are often exposed to toxic substances and generally are less protected than industrial workers (Docket H–112C; Exs. 24, 31, 33, 41, and 45). We argue that their need for access to records that are kept on toxic exposures or health status is at least as great as industrial workers. Most complaints from affected employers do not challenge, and in fact largely support, the basic premises of the regulation, but instead target certain specific provisions, such as the broad scope of the regulation, as being too burdensome.

OSHA has therefore decided to respond to the construction industry's specific concerns through a combination of both the second (modification of standard) and third (exemption from certain provisions of the standard) alternatives. Specifically, OSHA has decided to propose the following: (1) Exemption of construction industry from medical records retention requirements beyond the duration of employment; (2) modification of the definition of "toxic substance;" (3) removal of records of most first-aid and emergency treatment from the definition of "employee medical record;" (4) elimination of purchase order type records of chemical identity from the definition of "exposure record;" and (5) incorporation of various interpretations which were made in response to the June 11, 1981, CAC recommendations.

A draft of this current proposal was submitted to the Advisory Committee which met on March 3–5, 1982, for its further consideration. The CAC submitted seven additional recommendations, which were considered in developing this proposal (Ex. 77, 78, 82). These recommendations are discussed elsewhere in the preamble in conjunction with the issues to which they pertain.

B. *Definitions.*—1. *Analysis using exposure or medical records.* The paragraph (c)(2) definition of "Analysis using exposure or medical records" is being modified to exclude "research" and "other" studies, thereby including only data compilations or statistical studies based on information contained at least in part in employee exposure or medical records. This modification is meant to conform the language of the regulation closer to the original intent, which was to cover such records as "charts, graphs, tables, industrial hygiene surveys, evaluation of disease experience, and other summaries and evaluations" of exposure and/or medical data (45 FR 35260). For the most part, these records simply represent conclusions that could be drawn by any competent health professional with access to the underlying exposure or medical records. Industrial hygiene surveys are included within the definition because they can provide an overview of where the toxic exposure problems in a plant are, as well as a critical understanding of the methodologies and sampling techniques being used.

On the other hand, the definition is not meant to cover such records as engineering reports or the records of experimental toxicological research, which typically bear only a tenuous relationship to the actual workplace exposures or health of employees. In making this distinction, OSHA is particulary concerned that the standard not act as a disincentive to employers who are inclined to conduct research in the occupational health area beyond routine measuring or monitoring of toxic exposures.

2. *Employee.* Modification of the definition of "employee" (paragraph (c)(4)) is being proposed to be consistent with changes made in the "scope and application" section. "Employee" is now defined as any employee "whose work directly involves the manufacturing, processing, handling, installation,

packaging, transport, disposal, or use of toxic substances, or who is subject to harmful physical agents in any manner different from typical non-occupational situations, and includes, but is not limited to, coverage of production, maintenance, construction and transport workers."

"Employee" also includes any employee exposed to a toxic substance or harmful physical agent to a degree sufficient to require medical attention.

3. *Employee exposure record.* In the absence of more formal exposure records (air contaminant measurement, biological monitoring data, material safety data sheets), paragraph (c)(5) of the current regulation treats any other record which reveals the identity of a toxic substance (e.g. purchase records) as an "exposure record." The requirement to keep and make available this information, when coupled with the current broad definitions for "toxic substance" and "exposure," is the source for much of the concern regarding trade secret disclosure and the practical burdens of complying with the regulation.

Mr. David Bossman (American Feed Manufacturers Association) comments that "(T)he rule, as adopted . . . requires employees to retain for at least 30 years massive quantities of routine documents, including production records, shipping records, invoices, etc., which are not at all directly related to the purpose of the rule" (Ex. 26, p. 7).

OSHA is proposing narrowing the definition of "exposure record" to conform closer to the common meaning of that term. This modification will reduce both the possibility of trade secret disclosure and the employer burdens in complying with the regulation.

The proposal requires retention and access for only the following types of exposure records: (1) Environmental (workplace) monitoring results; (2) biological monitoring results defined as exposure records by OSHA standards (other biological monitoring results would now be treated as medical records, which are entitled to greater confidentiality protection); and (3) material safety data sheets. Other records which reveal the identity of a toxic substance or harmful physical agent are no longer treated as exposure records. However, the employer is still required to inform an employee upon request of the identity of a toxic substance to which the employee is exposed (paragraph (e)(2)(ii)). This requirement will ensure that workers will continue to be able to find out what toxic substances they are currently working with, while reducing the burden on employers of maintaining a voluminous historical record which would provide little information of value concerning past toxic exposures.

This proposed modification responds favorably to the major concerns of many employers, including the construction, flavor and fragrance, food processing and feed manufacturing industries. These industries maintain that this requirement relating to general "exposure" records is especially burdensome, and that access to records such as purchase orders could jeopardize many valuable trade secrets (Ex. 44).

The current paragraph (c)(5) definition of "employee exposure record" includes all records of biological monitoring results that measure employee exposure. The proposed modification excludes records of biological monitoring results not defined as exposure records by specific occupational safety and health standards. This modification is proposed in response to comments that there are some privacy concerns connected with biological monitoring results, which are often kept in medical files. OSHA agrees, and in those instances where non-mandatory biological monitoring is performed, these records should be considered medical records. In cases such as the lead standard, where OSHA decides to require biological monitoring of a toxic substance due to significant health risks associated with exposure, the information does not significantly infringe upon personal privacy interests and is considered of critical importance to similarly or potentially exposed workers. Therefore, it should be readily accessible to those workers, their unions, and OSHA.

4. *Employee medical record.* The definition of "employee medical record" (paragraph (c)(6)) is being narrowed. The current definition includes all employee X-rays, regardless of the purpose for which they were taken. However, X-rays taken to detect and treat broken bones due to falls or other traumatic occurrences do not serve to assist in the detection of occupational diseases. Therefore, the proposal considers only those X-rays taken for the purposes of establishing a baseline or determining specific occupational illness as part of the medical record. The storage of, and access to, X-rays of broken bones and other traumatic injuries would not be regulated by OSHA but rather would be subject to the policies of each individual employer or physician.

The proposal is adding paragraph (c)(6)(ii)(B) to clarify that OSHA does not consider certain first-aid records to be a part of the employee's medical record. Like X-rays of traumatic injuries, first-aid records are not typically used to detect occupational disease. However, if a first-aid record is made by a physician or becomes part of an individual worker's medical record, it is then considered part of the medical record and subject to the regulation's retention and access provisions.

Paragraph (c)(6)(ii)(D) is being added to exclude from the definition of "employee medical record," "records created solely in preparation for litigation which are privileged from discovery under the applicable rules of procedure or evidence." This modification simply incorporates an interpretation that has already been made with respect to the existing standard. The purpose of this exclusion is to make clear that the rule is not meant to provide a way around local rules of discovery or evidence when the claim to which the record in question relates is being litigated and the record itself is a product of the litigation. As we explained when the interpretation was first published:

> The question has been raised whether an employer must provide access to records which are created solely in anticipation of litigation and which are otherwise privileged from discovery under the prevailing rules of procedure or evidence. An example could be a medical opinion prepared for the employer for purposes of aiding the employer's case by a company physician after a workmen's compensation claim has been filed. It has been OSHA's interpretation that the standard does not contemplate coverage of such a record if the record would not otherwise be available to the employee or his attorney in the litigation. On the other hand, the mere fact that a medical record (see definition at 29 CFR 1910.20(c)(6)) not originally created in anticipation of specific litigation will ultimately be used as evidence in a private legal proceeding does not put it outside the scope of the standard. (46 FR 40490)

5. *Exposure.* The paragraph (c)(8) definition of exposure is being to be deleted due to the changes in the scope of the regulation. As discussed earlier in this section, the current regulation covers all "exposed" employees. The proposed scope specifies more particularly which employees are covered, thereby eliminating the necessity to separately define "exposed."

6. *Specific written consent.* The definition of "specific written consent" (proposed paragraph (c)(9)(ii); (c)(10)(ii) in the current regulation) would remain unchanged except for a clarifying modification of the language indicating that "specific written consent" does not authorize the release of medical information not in existence on the date

of the written authorization unless the release of particular future information is expressly authorized.

7. Toxic substance. The definition of "toxic substance" (proposed paragraph (c)(10); (c)(11) in the current regulation) is being narrowed to include only those chemicals on the National Institute for Occupational Safety and Health (NIOSH) Registry of Toxic Effects of Chemical Substances (RTECS) list which meet certain toxicological criteria. The regulation currently requires the retention and disclosure of exposure information regarding any "toxic substance or harmful physical agent." "Toxic substance" was defined broadly, most notably by including any substance listed in the NIOSH RTECS list—a compendium of over 39,000 chemicals including such common substances as sugar and salt. Many affected parties have criticized RTECS as overinclusive.

The current regulation also defines as toxic any substance which "is regulated by any Federal law or rule due to hazard to health." This provision was broadly interpreted by some to mean that all food ingredients are "toxic" since they are substances regulated by the Food and Drug Administration. Mr. Sherwin Gardner (GMA) noted that "this regulation does not discriminate between the few genuine hazards (e.g.: flour dust inhalation) and the vast majority of safe food substances to which workers are exposed" (Ex. 55, p. 1). This was not OSHA's original intent, which was to cover such regulated substances as air and water pollutants and other serious health hazards. The deletion of this provision should not affect occupational health benefits since OSHA believes that the proposed "toxic substance" definition adequately delineates the scope of the regulation and includes the regulated substances which pose a toxic risk to workers.

For instance, many food ingredients will continue to be covered by the regulation since they meet the proposed criteria for "toxic substance." The handling of bulk quantities of dyes, additives, and other food ingredients considered toxic under the proposed definition can represent a potential hazard in food processing operations. FDA regulations do not extend to occupational exposures, but instead require that the concentrations of hazardous ingredients in consumer goods be kept at safe levels.

The "toxic substance" definition also included any substance which "has yielded positive evidence of an acute or chronic health hazard in human, animal, or other biological testing conducted by, or known to, the employer," ((c)(11)(iii)) and any substance which "has a material safety data sheet available to the employer indicating that the material may pose a hazard to human health" ((c)(11)(iv)).

Therefore OSHA is proposing to modify current paragraph (c)(11)(ii) pertaining to the use of RTECS, and to delete the requirements of (c)(11)(i) with regard to substances regulated by other Federal agencies. The aspect of the definition pertaining to positive studies known to the employer is proposed to be modified to incorporate the same toxicity criteria which would now limit the use of RTECS. In other respects, that provision, as well as the one pertaining to material safety data sheets, remains unchanged.

The modification of (c)(11)(ii) (renumbered as (c)(10)(iii)) retains the use of RTECS as a basic source of information, but greatly limits its application by adding specific toxicity criteria which would indicte whether or not a substance is likely to pose an occupational health risk. To come under the definition of "toxic substance" a substance would not only have to be listed in RTECS but would have to fulfill one of the following conditions: (1) Be reported to cause human toxicity at any dose level; (2) be reported to cause cancer or reproductive effects in animals at any dose level; (3) have a reported oral rat LD50 (that does required to kill 50% of the treated animals) of less than 500 milligrams per kilogram of body weight; (4) have a reported rabit skin contact LD50 of less than 1000 milligrams per kilogram of body weight; or (5) have a reported rat inhalation LC50 (that atmospheric concentration required to kill 50% of the exposed animals) of less than 2000 parts per million of gas or vapor, or less than 20 milligrams per liter of mist, fume or dust. Conditions (3), (4) and (5) are adopted from the "toxic chemical" definition in the American National Standards Institute's document, "American National Standard for the Precautionary Labeling of Hazardous Industrial Chemicals" (ANSI Z129.1–1976). These toxicological measurements are commonly performed for chemicals used in industrial processes.

NIOSH has generated from RTECS a list containing 3,492 substances which meet these criteria (Ex. 88). This list represents a greater than 90 percent decrease in the number of chemicals specified under the "toxic substance" definition. OSHA intends to make such a list available to affected parties, and to periodically issue an updated list.

In considering the proposed definition of "toxic substance," it should be remembered that, while the definition does in some sense determine the scope of the rule, the rule does not directly regulate any of the substances which falls within the definition. Rather, what is being regulated is access to which records relating to those substances or to employees exposed to those substances and which the employer has chosen to create. Thus, while the definition of "toxic substance" may encompass several thousand chemicals, only a fraction of them is likely to be present in any one workplace. Moreover, while some medical records are likely to be kept on employees who work directly with the covered substances in the workplace, it is less likely that there will be exposure records on all of them. Rather, an employer is likely to have exposure records only for those workplace chemicals which are most common or most hazardous. The scope of the employer's obligation will therefore, in most cases, be considerably narrower than the scope of the "toxic substance" definition would initially suggest.

Alternatives to this proposed modification will also be considered. An option to the proposed "toxic substance" definition is limiting the definition to only those substances which are regulated by OSHA, or to other lists of substances having recognized occupational health significance, such as the ACGIH TLV list (American Conference of Governmental Industrial Hygienists, "Threshold Limit Values for Chemical Substances and Physical Agents in the Workroom Environment"). The regulation could be further limited to records of employees actually subject to exposures greater than the levels prescribed by OSHA or the ACGIH. For instance, Mr. John Webster (Ohio Gas Association) writes that "(W)e would recommend that OSHA require records to be kept only when there has been exposure to identified harmful physical agents" (Ex. 30, p. 4).

These latter options were not chosen for proposal since the benefits of the regulation largely reside in its role in the detection of occupational diseases, especially those diseases associated with the currently unrecognized hazards of many non-regulated or under-regulated sustances. Limiting the regulation only to the recognized hazards contained in these lists would therefore eliminate the regulation's role in detecting unknown hazards. Also eliminated would be much of the other public health benefits associated with providing workers access to critical information about unregulated toxic exposures and effects.

C. *Retention periods.* The regulation currently requires exposure and analysis records to be kept for thirty years and medical records to be kept for the duration of employment plus thirty years. These periods reflect the latency periods associated with some occupational diseases, most notably cancer.

Affected parties, construction industry employers in particular, have expressed concern over the need and expense of retaining records of short-term employees for the full thirty year periods (See Ex. 36 (American Gas Association); Docket H–112C, Ex. 2–42A (NCA)). They argue that exposure and medical records of short-term employees would likely not be of occupational health benefit, since in twenty or thirty years it would be nearly impossible for a researcher to trace the cause of an occupational disease to short-term employment at a particular job-site when the employee had worked at dozens of essentially similar job sites. It would also be nearly impossible to locate the former employees should follow-up be necessary.

OSHA is therefore proposing exempting from the retention requirements any individually identified medical records of short-term (i.e., less than one year) employees. Although records of short-term employees may often be of future occupational health significance, the total burdens of maintaining these records do not appear to be justified. These employees would instead be given a copy of their records upon termination of employment. Having the record travel with the employee rather than being kept by each of several employers should be of greater overall health benefit to the employee.

Also, based on comments from construction industry employers that due to the nature of construction employment extensive recordkeeping would unduly burden employers (Docket H–112C; Exs. 2–3, 2–6A, 2–14), OSHA is proposing to modify the current standard's retention requirements for medical records generated and maintained by construction industry employers to the duration of an employee's employment provided that the record is turned over to the employee upon termination of employment. This modification would not apply, however, to any medical records retention requirements contained in substance-specific OSHA standards.

In addition, OSHA is proposing changing the retention period for medical records to length of employment plus 5 years, but in no event less than thirty years after the beginning of employment. At the expiration of the retention period the medical record may be discarded. This modification will considerably reduce the burden of the current rule by shortenting the outer limit of how long medical records of permanent employees will have to be kept. At the same time, the proposed retention period is still sufficiently lengthly to achieve the purposes of the rule, e.g., the preservation of worklife health records for research purposes. At the end of this period, an employee can in any event request a copy of the entire record to keep as part of his or her personal medical files. Thus, there should be no diminution of health benefits to the individual employee as a result of this proposed modification.

OSHA is also at this time soliciting information concerning the research benefit of retaining employee medical records beyond the duration of employment. OSHA is specifically interested in whether researchers engaged in current or completed research have made significant use of company-maintained medical records of former or deceased employees. OSHA is also interested in information concerning the number of occupational health investigations currently planned or forseeable which intend to make use of these records. OSHA hopes to determine whether the forseeable research needs for the medical records of former employees justify the expense to employers of maintaining these records.

In addition, OSHA solicits information and suggestions to make the retention requirement cost-effective. For example, epidemiological studies are generally performed in larger workplaces where a sufficient number of workers make up a study population. Therefore, it may be cost effective to require only these larger workplaces to preserve records beyond the duration of employment and to require the smaller firms to preserve records for the duration of employment.

D. *Access to Records.* The current regulation requires that requested records be made available within 15 days of the request. However, several commenters argue that situations may arise where it is not possible to comply with the fifteen day limit (Exs. 27, 28). Records may be stored at locations remote from where the request is made, or extraordinarily large numbers of records may be requested.

The proposed modification of paragraph (e)(1)(i) clarifies OSHA's intent in requiring records to be made available within fifteen working days. The modification allows employers to exceed the 15 day limit providing that: (1) It is not reasonably possible to fulfill the request within 15 days; and (2) within the 15 day period the employer apprises the requesting party of the reasons for the delay and an approximation of when the requested records will be available. The CAC recommended that OSHA explicitly require the 15 day limit with regard to the employer's obligation to notify the requesting party of any reasons for delay.

Paragraph (e)(1)(ii) is being added to indicate that an employer may require of the requesting party reasonable information to assist the employer in the location or identification of requested records. Typically, such information should be limited to only the dates and locations an employee worked during the time period in question. This information will assist employers in locating requested records and will preclude extensive searches of records by employers to determine which specific records are covered by a request. OSHA has also adopted a CAC recommendation that, in this case, only information related to locating the record may be requested by the employer.

The proposal would also add paragraph (e)(1)(iv) to indicate that "in the case of an original X-ray, the employer may restrict access to on-site examination or make other suitable arrangements for the temporary loan of the X-ray." This modification is intended to clarify an employer's responsibility in providing access to X-rays. Under paragraph (e)(1)(iii) of the proposed standard, the employer is required to provide an employee a copy of the record, or make copying facilities available to the requestor. However, in the case of X-rays a copy is not interchangeable with the original. Also, specialized equipment is required for copying X-rays, and this equipment is not normally available to employers. The proposed modification indicates that the copying provisions of the standard are intended to apply to the parts of the employee medical record which can be easily photocopied or reproduced, and not to X-rays.

A clarifying modification is proposed for paragraph (e)(2) concerning employee and designated representative access to records. The current regulation requires employers to provide an employee or designated representative access to exposure records of all employees having exposures similar to those of the subject employee. This provision is capable of overly broad interpretation, suggesting employee and

designated representative rights of access to potentially large numbers of duplicative records, specifically with regard to access to exposure records of other similarly exposed employees. This provision was intended only as an alternative when personally identified exposure records are inadequate to determine the amount and nature of toxic substances or harmful physical agents to which the employee is or has been subjected. The proposal therefore permits access to exposure records of other employees only in the absence of relevant personal exposure records, and only to the extent necessary to determine the subject employee's exposure.

As noted above in B.3., OSHA is proposing to narrow the definition of "employee exposure record" by excluding reference to "any other record which reveals the identity of a toxic substance or harmful physical agent." However, while these records no longer have to be retained or made available to employees, OSHA has decided to preserve the obligation for the employer to provide information on the identities of toxic chemicals currently in the workplace (paragraph (e)(2)(ii)). The requirement to provide such information would be subject to the trade secret protections in paragraph (f). The paragraph (e)(2)(ii) obligation, combined with the limitation of "employee exposure record," will retain the occupational health benefits derived from informing workers of the identities of the substances to which they are exposed, while removing the burden on employers to retain these records for thirty years.

E. *OSHA Access.* The current regulation requires that each employer, upon request, provide "immediate" access to records for authorized OSHA employees. The proposal substitutes the word "prompt," which reflects OSHA's intent that the employer must not unduly delay providing the requested records to the requesting OSHA official, but, consistent with whatever legal protections are available to the employer, makes them available to OSHA as soon as possible. The phrase "without derogation of any constitutional and statutory rights that the employer chooses to exercise" is proposed to be added to make explicit OSHA's recognition that its access to records takes place against a background of Fourth Amendment law, particularly as explicated in *Marshall* v. *Barlow's Inc.*, 436 U.S. 307 (1978). Although issuance of this rule is designed to promote voluntary compliance with OSHA access requests, the Agency will seek a search warrant or subpoena, as appropriate, if an employer exercises his right to require that OSHA resort to legal process before obtaining such access.

F. *Union Access to Records.* The current rule grants recognized or certified collective bargaining agents automatic status as designated representatives, without requiring individual employee authorization, for purposes of access to exposure and analysis records. The purpose of this special status was to assure that unions would have ready access to exposure information so that they could better represent the interests of their members in the occupational safety and health area. Comparable special status was not granted with respect to medical records, however, because of the significantly greater privacy interests involved. Commenters have questioned whether, under the OSH Act, unions should be treated preferentially to other designated representatives who have to obtain written authorization to establish the agency relationship. Further, commenters have also complained that providing unions unconsented access to employee exposure records enables union officials to burden employers with large-scale records access requests and is best handled through traditional collective bargaining (Ex. 33, DuPont).

In three recent companion decisions concerning union access to exposure and analyses records, the National Labor Relations Board (NLRB) held that unions do have a right of access to these records since the information contained in the records is presumptively relative to the unions' role as collective bargaining agent for unit employees. *Minnesota Mining and Mfg. Co.* 261 NLRB No. 2 (April 9, 1982); *Colgate-Palmolive, Inc.* 261 NLRB No. 7 (April 9, 1982); *Borden Chemical, a Division of Borden, Inc.* 261 NLRB No. 6 (April 9, 1982).

In the *3M* case, for instance, the union requested: (1) Morbidity and mortality statistics on all past and present employees; (2) the generic names of all substances used and produced at the plant; (3) results of clinical and laboratory studies of any employee, including the results of experimental toxicological investigations regarding workplace substances; (4) certain health information derived from insurance and workmen's compensation records; (5) a listing of contaminants monitored by the company, including sampling protocols; (6) a description of the company's hearing conservation program, including noise level surveys; (7) radiation sources in the plant; and (8) an indication of plant work areas which exceed recognized heat standards.

In its final decision, the NLRB ordered the company to furnish to the union: (a) The information it requested concerning employee health and safety programs, monitoring and testing systems, devices and equipment, and statistical data related to working conditions to the extent that such information does not include individual medical records from which identifying data have not been removed; and (b) the generic names of all chemicals and substances used and produced in the company's plant and which do not constitute trade secrets. Further, the NLRB ordered the company to bargain collectively with the union regarding access to the generic names of trade secret chemicals and substances with the express hope that parties could agree on a method of providing the information with suitable protections for the trade secrets. *Accord: Colgate—Palmolive, supra; borden Chemical, supra.*

The NLRB decisions apparently grant at least under most circumstances, unconsented rights of access for union representatives to exposure and analysis records that are equal to or greater than the rights provided by the current OSHA provision. If this is the case, the retention of such a provision in the agency's records access rule would appear to afford no additional assurance of ready access by unions to these types of records and data, and may therefore no longer be necessary. In addition, the deletion or revision of this provision by OSHA in light of the NLRB decisions may represent an appropriate accommodation of national safety and health policy and national labor relations policy. Under any modification of the rule, individual employees would still be free to specifically authorize a union to act as a designated representative for purposes of access to these records.

However, because of the importance of the issue to all parties, the need to be cautious and thorough in evaluating the impact of the NLRB decisions on the OSHA rule, and the possibility that, under limited circumstances, the retention of the special union access provision may not be duplicative of the rights now available in the collective bargaining context, OSHA has not altered the current union access provision in the proposed rule. Interested persons are encouraged to comment on whether modifications of the existing rule which would limit or delete the automatic status of unions as as designated representatives are appropriate in light of experience under

the current rule, the recent NLRB decisions, and considerations of safety and health. The agency will make its final determination concerning this issue once it has carefully evaluated the entire rulemaking record.

G. *Trade secret provisions.* The current regulation requires the disclosure of a toxic substance identity even if the employer considers the identity to be a trade secret. At the same time, the standard permits an employer to delete from requested records any trade secret information which discloses manufacturing processes, or discloses the percentage of a substance in a mixture. If the employer chooses to delete such information, he must notify the person requesting the records that such information was deleted on trade secret grounds. If the deletion of information adversely affects the ability to determine the nature of an employee's exposure, the employer must provide alternative information sufficient to allow adequate exposure evaluation.

The provision requiring toxic substance identity disclosure is troublesome to the flavor and fragrance industries and chemical industries, which maintain that the preservation of trade secrets is vital to corporate profitability, and that the standard's exclusive reliance on confidentiality agreements to protect trade secrets is inadequate (Ex. 44 (FEMA); Ex. 35 (CSMA)).

The purpose of the regulation is to provide employees with information on the chemical hazards to which they are potentially exposed. With this information they can better ensure that they are adequately protected against these hazards. Any barrier to disclosure between an employer and his employees can only serve to limit the effectiveness of the regulation. However, OSHA believes it necessary to modify the regulation so as to strike a better balance between providing employees with information unnecessary to maintain the benefits established by the standard and protecting legitimate trade secrets.

Unqualified trade secret protection can act as a significant barrier to the disclosure of exposure information. A trade secret can be anything which a business in fact keeps secret from its competitors and the public, provided it is minimally novel and commercially valuable. *Restatement of Torts,* s757 comment (b) (1939); Cavitch, *Business Organizations* s232.01 (1975). Absolute secrecy is not essential; information can be considered a trade secret even though it is divulged to employees or licensees with a "need to know," provided the holder of the secret had taken steps to restrict unnecessary access to, and the use of, this privileged knowledge. Cavitch, supra, s232.01(1). Trade secret protection entitles the holder of a trade secret to its commercial exploitation and to certain judicial remedies for a breach of confidence or dispossession of the trade secret through improper or unethical means (industrial theft, bribery, spying, ect.). The Supreme Court had identified the maintenance of standards of commercial ethics and the encouragement of invention as the broadly stated policies behind trade secret law. *Kewanee Oil Co.* v. *Bicron,* 416 U.S. 470 (1974). Unlike patents or copyrights, however, there is not comprehensive Federal law of trade secrets, as it is basically a state-created right.

The conflict between access to exposure and medical records and trade secret interests arises whenever an employer is asked to reveal information such as the identity of a chemical which the employer considers to be a trade secret. While most trade secrets relate to process information or formula or percentage mixture information, none of which is required to be disclosed by the regulation, the identity of a chemical or mixture ingredient may itself be considered a trade secret if its existence is unknown to a competitior (e.g. certain intermediates, catalysts) or cannot practically be "reverse engineered" by analytical techniques.

The same identity information, however, may be essential to the detection of occupational disease. Since exact chemical identity is the passkey to the scientific literature, this information must be available to an industrial hygienist or other health professional who is evaluating the hazards associated with a chemical. Likewise, it must be available to an epidemiologists who is attempting to link patterns of disease with exposure to a particular chemical and to a treating or consulting physician who suspects that a patient's health problems may be the result of chemical exposure. While not every employee needs the chemical identity, as distinct from hazardous effects and precautionary information, at all times, a primary goal of the regulation is to encourage employees to seek out advice and information about the chemicals in their workplaces. For this to happen effectively, they need to know the identities of the toxic substances they are exposed to.

In attempting to accommodate the competing interests between chemical identity disclosure and trade secret protection, OSHA has also taken into account the existence of several factors which contribute to the regulatory dilemma. First, a chemical is a trade secret in some contexts but not others, and it may be equally hazardous in either event. Second, whether or not a chemical's identity is a trade secret is basically a matter of an employer's self-definition; therefore, permitting non-disclosure of trade secret identity without any offsetting obligation could result in overclassification of chemicals as trade secrets.

Third, the value of a trade secret, once lost, cannot be fully recaptured, although private remedies for unathorized disclosures can result in the assessment of monetary damages and injunctive relief. And fourth, OSHA possesses neither the capacity nor expertise to act as a screen of all information which an employer is to disclose to employees and claims to be trade secret.

To accommodate these competing interests, OSHA initially proposed (August 7, 1981; 46 FR 40492) to strengthen the current trade secret protection provisions by permitting liquidated damages clauses in confidentiality agreements entered into by designated representatives. That proposal is now being merged into the current rulemaking, where it may receive broader consideration in the context of the interrelated issues raised by this general reconsideration.

OSHA is further proposing other modifications of the trade secret provisions to make them more protective of trade secrets. In general, these proposed provisions limit the requirements of disclosure to only certain categories of highly toxic chemicals (e.g., carcinogens) and make the confidentiality agreement authorization a more meaningful protection. More particularly, the proposal includes a provision which permits the employer to withhold precise chemical identity information of hazardous chemicals which constitute a trade secret, unless the chemical is a carcinogen, mutagen, teratogen, or a cause of significant irreversible damage to human organs or body systems and ther is a need to know the precise chemical name. The "need-to-know" qualification is meant to limit access to employees or their representatives with a legitimate health purpose. A distinction is thus drawn between "high chronic hazard" chemicals, where identities must be disclosed, and all other hazardous chemicals, whose identities may be withheld (except from a treating or consulting physician) if they constitute a trade secret. With

respect to these latter chemicals, the employer is nevertheless required to:

(1) Be capable of substantiating that it is a trade secret;

(2) Identify the chemical by a generic chemical classification;

(3) Provide all other information on the properties and effects of the chemical; and

(4) In any event, release on a confidential basis the chemical identity to a treating or consulting physician who has stated in writing (except in an emergency) that a patient's health problems may be the result of occupational exposure. Since the employee's personal or treating physician may not be familiar with the toxic effects of workplace chemicals, the CAC recommended that trade secrets also be mandatorily disclosed to consulting physicians assisting in the treatment of disorders of suspect occupational causation. OSHA has adopted this recommendation.

With respect to the "high chronic hazards," the identities of which must be disclosed, and the other hazards which an employer may choose to disclose, the regulation permits the employer to condition access to such information by employees or their designated representatives upon the signing of a confidentiality agreement. The agreement may resrict use of the information to health purposes, prohibit redisclosure of the information to anyone not specified in the agreement other than a treating or consulting physician, and provide for compensation or other legally appropriate relief for competitive harm which may result from a breach of the agreement. The terms of such an agreement should be worked out between the employer and the requesting party and be governed by the applicable state law. Thus, for example, OSHA intends to be neutral on the kinds of damages provisions that may be included. OSHA believes that this provision, with its combination of requirements and authorizations, reflects the current practice of responsible employers and will serve to maximize the amount of necessary hazard-related information available to employees, protect the commercial value of trade secrets, and minimize the potential problem of employers overclassifying chemicals as trade secrets in order to avoid the need to disclose chemical identities to their employees.

This accommodation of trade secret interests has been arrived at after careful consideration of this issue. At this point in the rulemaking, OSHA believes that the proposed modifications provide an optimum solution to this difficult problem and are consistent with its mandate to protect the health of workers to the extent feasible. At the same time, OSHA is fully aware that opinions vary widely on this matter and that a number of other alternatives, ranging from total disclosure of chemical identity regardless of the trade secret interest to total protection of trade secrets regardless of the health consequences, are theoretically possible. OSHA invites comment on all such alternatives and the trade secret issue in general.

Other proposed changes to the regulation, such as the redefinitions of "exposure," "exposure record," and "toxic substance," will also greatly help alleviate the trade secrets. problem by narrowing the regulation's scope. Because a signficantly smaller set of records will be covered, many trade secret problems will be avoided at the threshold.

H. *X-ray microfiliming.* Paragraph (d)(2) of the regulation states that "nothing in this section is intended to mandate the form, manner, or process by which an employer preserves a record so long as the information contained in the record is preserved and retrievable, except that X-ray films shall be preserved in their original state." The X-ray preservation requirement resulted from a finding by OSHA at that time that the diagnostic detail of certain X-rays could be lost when the original X-ray is microfilmed. X-rays related to a possible diagnosis of pneumoconiosis are particularly susceptible to this loss of detail. Pneumoconiosis is the accumulation of dust in the lungs and the tissue reaction to its presence. Inhalation of the dusts of coal, aluminum, beryllium, asbestos, aluminum oxide, silica, hematite (iron oxide), talc, kaolin, mica and cement are commonly associated with the development of pneumoconioses. The earliest diagnostic indications of pneumoconiosis are often barely perceptible changes in the chest X-ray.

Following promulgation of the standard, OSHA received comments from a number of interested parties concerning the requirement that X-rays be kept in their original state. (Exs. 3–5, 8, 10–15). They argued in general that modern microfilm processes can reduce X-rays for storage without an appreciable loss of diagnostic detail. Also, they maintain that microfilm storage is preferable for long-term X-ray preservation due to the fact that microfilm processes use archival materials (which are specially resistant to fading and decay). By contrast, original X-rays can fade and crack over time to the possible detriment of their diagnostic value.

After consideration of the available evidence, OSHA has decided to propose two modifications of the records access standard: (1) Exempt X-rays taken for the purpose of diagnosing broken bones from the definition of "employee medical record," and (2) allow the microfilm storage of remaining X-rays provided certain requirements are met.

As mentioned above in B.4., X-rays taken for the purpose of diagnosing bone fractures are not of value in the detection and prevention of occupational disease. The microfilm storage of the remaining X-rays will be allowed if performed under the supervision of a licensed radiologist who is a diplomate of the American Board of Radiology. In addition, for the microfilm storage of a chest X-ray where the subject worker has been exposed to a substance known to cause pneumoconiosis, the supervising radiologist shall consult with and obtain the written approval of the microfilm process from both: (a) A licensed physician who is a diplomate of the American Board of Internal Medicine certified in the subspecialty of pulmonary disease, and (b) a "B" reader certified by the National Institute for Occupational Safety and Health (NIOSH). Of course, approval by a single individual who meets both criteria is acceptable. OSHA believes that the microfilming of chest X-rays of workers exposed to toxic substances known to cause pneumoconiosis deserves separate consideration. In this case extremely fine shadings of image density are often required for proper analysis and diagnosis. Therefore there is an increased risk that diagnostic detail could be lost if current standard microfilm processes are used. The American College of Radiology's Task Force on Pneumoconiosis concurs in this view (Ex. 66).

This proposal relies on the professional expertise of radiologists to ensure that X-rays are microfilmed with minimal loss of diagnostic detail. This requirement is performance oriented, since any microfilm process satisfactory to the supervising radiologist may be used.

Radiologists have the principal training and responsibility for the interpretation of X-rays, and it is therefore appropriate to have the microfilming performed under the direction of a licensed radiologist. The requirement that the radiologist be a diplomate of the American Board of Radiology adds further assurance that the microfilming will be of high quality.

This is of particular importance in that the future interpretation of X-rays or microfilm most likely would be performed by a physician not involved in the initial microfilming process.

The requirement for approval of a licensed physician who is a diplomate of ABIM and certified in the subspecialty of pulmonary disease is included since these physicians would be especially sensitive to the difficulties in the X-ray diagnosis of pneumoconiosis.

A NIOSH certified "B" reader has demonstrated proficiency in the use of the ILO–U/C classification for interpreting chest X-rays for pneumoconiosis and other chest diseases. (Ex. 2). The ILO–U/C system of chest X-ray standards is meant to improve the interpretation and reporting of X-ray abnormalities caused by pneumoconiosis-producing dusts.

The use of quantifiable standards (e.g. resolution, image density) to regulate the microfilming of X-rays was considered by OSHA. However, the lack of consensus by national microfilm industry associations in identifying meaningful standards, coupled with forseeable problems enforcing such standards, led OSHA not to include this approach in the proposal.

To further minimize the possibility that diagnostic information will be lost during the microfilm process, OSHA is considering the recommendation of the Advisory Committee for Construction Safety and Health requiring that existing interpretations of X-rays be microfilmed along with the original X-rays.

However, due to uncertainties with regard to the feasibility and medical acceptability of this procedure, OSHA has decided not to include this provision in the proposed Appendix. OSHA is interested in receiving comments from interested persons concerning the appropriateness of this recommendation.

I. *Duty to Inform Employees.* The current regulation in paragraph (g)(1) requires that "upon an employee's first entering into employment, and at least annually thereafter, each employer shall inform employees exposed to toxic substances or harmful physical agents of (the regulation)." "Employees" was defined under paragraph (c)(4) as including former employees. Therefore, the regulation was susceptible to the interpretation that employers were required to inform former employees of the provisions of the regulation. Locating and informing large numbers of former employees would require a massive expenditure of resources. This was not OSHA's original intent. To clarify OSHA's intent, the word "current" has been inserted into paragraphs (g)(1) and (g)(2) to indicate that the employer's notification responsibility extends only to employees currently employed.

Preliminary Regulatory Impact Assessment and Regulatory Flexibility Certification

A. Introduction

Executive Order 12291 (46 FR 13197, February 19, 1981) provides for a "regulatory analysis" when a rule has major economic consequences for the general economy, individual industries, geographical regions or levels of government. E.O. 12291 replaced Executive Order 12044, which also had provided for regulatory analyses of major regulations.

OSHA issued the access to exposure and medical records regulation on May 23, 1980 (45 FR 35212–35303). At that time, OSHA concluded that this regulation would impose compliance costs below the Executive Order 12044 threshold of $100 million in annual costs for the economy. This is largely because the final rule would not require new records or reports, nor would impose any additional environmental or employee monitoring or medical surveillance requirements. Finally, the rule was performance-oriented, in that the content of exposure and medical records was left to the employer. As a result, OSHA determined that a regulatory analysis under E.O. 12044 was unnecessary.

The proposed revisions to the access regulation will further lower compliance costs. Also, the access regulation would not appear to exercise a significant impact on competition, productivity, domestic investment, employment, innovation, or foreign competition, which are criteria to be considered under the current executive order. For these reasons, this proposed regulation is not considered major under the new E.O. 12291.

Likewise, the Regulatory Flexibility Act of 1980 (Pub. L. 96–353, 94 Sta. 1164 (5 U.S.C. 60 *et seq.*)) requires that OSHA give special consideration to the economic impact of the proposed regulation on small entities. Such consideration should include a description of regulatory alternatives and estimates of the impact of reporting, recordkeeping, and other compliance requirements in order to minimize any significant impact of the proposed rule on small entities. The following analysis meets the requirements of the Regulatory Flexibility Act and addresses the economic implications of the changes proposed to the existing regulation and the bases for these determinations, and concludes that the proposed rule will not have a disproportionate economic impact on small entities.

B. Proposed Revisions

Several proposed modifications to the current access regulation have economic implications. The proposed changes include the following:

(1) Redefinition of employees covered by the proposal,

(2) Redefinition of "toxic substance,"

(3) Retention of records, and,

(4) Trade secret issues.

1. *Employee Coverage.* Currently, the regulation covers all employees who are exposed to toxic substances and harmful physical agents in the workplace, including those who experience incidental exposures, such as white collar employees who may make infrequent visits to production areas where toxic substances are present. The new proposal would limit employee coverage to those, "whose work directly involves the manufacture, processing, installation, handling, packaging, repackaging, transport, disposal, or use of toxic substances, or is subject to harmful physical agents including but not limited to production, maintenance, construction, and transport workers." This change will limit the access regulation to those workers who are more than casually exposed to toxic substances. Office workers, in general, will not be covered by the new proposal. This change will substantially reduce the costs and will target the regulation at those workers with exposures to toxic substances in the workplace.

2. *Redefinition of Toxic Substances for Medical and Exposure Records.* Another change to the rule is the redefinition of toxic substances. Under the existing regulation, toxic substances are defined to include the approximately 39,000 substances listed in the latest printed edition of the National Institute of Occupational Safety and Health's *Registry of Toxic Effects of Chemical Substances* (RTECS), many of which impose low health risks. Under the proposed regulation, toxic substances are more specifically defined to include only those substances that:

(a) Cause human toxicity;

(b) Cause cancer or harmful reproductive effects in animals;

(c) Have a median lethal dose of less than 500 milligrams per kilogram of body weight when administered orally to albino rats;

(d) Have a median lethal dose of less than 1000 milligrams per kilogram of body weight when administered by

continuous contact to the bare skin of albino rabbits; or

(e) Have a median lethal concentration in air of less than 2000 parts per million by volume of gas or vapor, or less than 20 milligrams per liter of mist, fume or dust when administered to albino rats.

This change limits recordkeeping requirements to those substances considered to be the most hazardous and reduces the number of toxic substances by approximately 90 percent. The corresponding number of records covered by the standard is probably reduced to a somewhat lesser extent because many of the workers experience exposures to multiple substances.

This modification, however, may cause some reduction in the benefits of the proposal because some substances that do not currently meet the proposed criteria may be found to be hazardous long after exposure has already occurred and the results have been discarded. Asbestos, for example, was long believed to be biologically inert, but has been proven to be a potent carcinogen. Also, the carcinogenicity of vinyl chloride was discovered through careful analysis of the medical records of exposed workers.

3. *Retention of Records.* The new proposal reduces the kinds of medical and exposure records that must be kept and provides for greater flexibility in the keeping of records, particularly X-rays. For example, many employee health records generated in industrial health units involve minor treatments of broken bones, cuts, bruises, or occasional headaches. These records are of little long-term value and need not be retained by the employer. Under the proposal, employers may summarize the results of continuous readouts and laboratory reports, rather than keep the full reports. This should result in reductions in the number of records being stored without any loss in essential information. Under the proposal, required material safety data sheets need only be maintained until replaced by a more recent copy. Also, X-rays of broken bones need not be kept, while X-rays of occupational health significance may be microfilmed under proper supervision. Microfilming could mean a potential cost savings to employers, because they could recover the silver content of X-rays, and the retention of information would require much less storage space.

Under the new standard, employers need not maintain records of short-term employees (i.e., those who have worked less than 1 year). Employers have the alternative of maintaining these records or of providing them to employees upon termination of their employment. This modification should substantially reduce the costs of compliance, especially for industries with higher than average turnover. At the same time, the employee receives his medical record so that no health information is lost. In the construction industry, this option is being adopted for all employees, regardless of the length of employment.

In the absence of formal exposure records (air contaminant measurements, biological monitoring data, and material safety data sheets), the current regulation treats any other record that reveals the identity of a toxic substance (e.g., and inventory record or a purchase record) as an "exposure record." The requirement to retain this information and make it available has been the source of much employer concern regarding costs due to the very large number of records that are included under this provision.

Under the proposed regulation these "other records" are no longer treated as exposure records, and therefore are not subject to access and retention requirements. However, the employer is still required to inform an employee upon request of the identity of a toxic substance to which the employee is exposed. These changes will significantly reduce employer costs and, at the same time, will ensure that workers will continue to have access to information on the toxic substances they are or could be working with.

Finally, the proposed regulation modifies the requirement that employee medical records be retained for 30 years after termination of employment to one of 30 years, or the length of employment, whichever is longer. This modification will result in some cost savings from the shorter retention periods.

Long-term recordkeeping is valuable for diagnosis in the treatment of latent diseases, including cancer and epidemiological research linking occupational illness to hazardous exposures. It is possible that shortening the time period for maintaining medical records may reduce some of the benefits of the access regulation, because latency periods for cancer may be greater than 30 years. However, this effect should not be significant, because in most cases, the retention of records for 30 years should be adequate.

4. *Trade Secrets Issues.* The proposed revision to the trade secret provision recognizes both the employer's rights with respect to proprietary information and the employee's need for exposure information. If the employee requests information on exposures to highly toxic substances involving a trade secret, the employer can provide the employee or his designated representative with access to the information on the basis of a confidentiality agreement. The proposed modifications of the trade secret provisions are more protective of trade secrets than the current rule. The likelihood of competitive harm resulting from trade secret disclosure under the rule should therefore be greatly reduced.

C. Summary of Costs

OSHA's Office of Regulatory Analysis estimates that the current access rule affects over 27 million workers. Eliminating coverage of casually exposed workers and turning records over to short-term employees will reduce the number of workers fully covered by the new proposal by more than 10 million.

The number of workers presently exposed to toxic substances was determined by calculating a growth rate in the labor force from 1970 to 1980 based on data in the Bureau of Labor Statistics, *Employment and Earnings, March, 1981* (Ex. 80). In addition, the number of short-term employees was estimated using figures from BLS *Job Tenure Declines As Work Force changes* (Ex. 79). The 10 million figure was arrived at by eliminating casually exposed and short-term workers. Although both figures are further based upon results of the 8-year-old data presented in the *National Occupational Hazard Survey* (NOHS) (Docket H-112, Ex. 171) and may be somewhat outdated, a substantial reduction in the number of workers covered represents a lessening of the compliance burden on employers.

The number of records that must be kept by employers, as well as the related costs, will also be reduced by changes in the definitions of toxic substances for medical and exposure records and by changes in the requirements for retaining these records.

When assessing the costs of the access regulation, it must be noted that several states already require employers to provide employees with access to their medical records. Many major corporations have kept extensive exposure and medical records on employees, often beyond the period of employment, prior to the implementation of the access regulation, and many have provided considerable access to their employees. The storage and access costs of these firms should be subtracted from the total compliance costs of the proposed regulation. At present, other OSHA regulations require recordkeeping for exposures to some toxic substances and harmful physical

agents, such as noise, vinyl chloride, lead, and asbestos. The recordkeeping costs for these and other harmful physical agents and toxic substances that have recordkeeping requirements under other OSHA regulations should also be subtracted from the compliance costs of the access regulation.

Moreover, employee preemployment health information may be the only health information recorded by some employers. Where preemployment information is the only information kept, the cost of storage and access will be minimal.

D. Summary of the Benefits

Employee medical and exposure records are potentially important to the detection, treatment, and prevention of occupational disease. If workers and their representatives are to play a meaningful role in their own health management they must have an opportunity to look at their medical and exposure records. Access will enable workers and their personal physicians to uncover patterns of health impairment and disease. Access to exposure and medical records and long-term preservation of these records will also facilitate formal occupational health research.

The new regulation will maintain the benefits to occupational health in the current regulation and will reduce compliance burdens on employers. The number of records kept and the time they need to be stored will be reduced, but exposure records of substances considered most hazardous will still be retained for at least 30 years. Employers have been given increased flexibility as to the format of recordkeeping. This should reduce compliance burdens while maintaining essential health information.

Employers still also recieve increased protection from trade secret disclosure. The trade secret provisions will protect employers, but will give employees access to necessary exposure information.

E. Regulatory Flexibility Analysis

The impact of the 1980 access rule on small businesses was determined to be insignificant. According to the NOH survey, only 1.4 percent of all small firms (8–250 employees) regularly monitor workplace environmental conditions, while only 2.3 percent of these firms have a formally established health unit. Approximately one-half of all small firms collect some preemployment health information on new employees, but less than 10 percent provide periodical medical exams to workers. The U.S. Department of Commerce *County Business Patterns 1977* (Ex. 81) estimates that more than 68 percent of all employees work in firms of less than 250 employees.

To summarize the results of the NOH survey as it pertains to small entities.

(1) Most small firms do not collect health information beyond that of new employees,

(2) Few small firms provide formal or periodic health care, and

(3) Few small firms monitor workplace environmental conditions.

The vast majority of small entities will not be affected by the proposed regulation because medical surveillance and environmental monitoring are not required. The regulation, however, does require that firms creating medical and exposure records must keep them and grant employee access to them. Since small entities overwhelmingly do not either create such records or have them in large numbers, the economic impact of the regulation on these firms is relatively small. The effect of the proposed changes will further reduce any impacts of the access regulation on small entities, because proposed revisions to the current rule will lessen compliance burdens on employers. They will be of particular benefit to those employers, including many small businesses, who have many short-term employees.

Public Participation

Interested persons are invited to submit written data, views, and arguments on this proposed standard. These comments must be received on or before September 14, 1982, and submitted in quadruplicate to the Docket Officer, Docket H–112E, U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Room S–6212, Washington, D.C., 20210; (202) 523–7894. Written submissions must clearly identify the provisions of the proposal which are addressed, and the position taken on each issue.

Under section 6(b)(3) of the Act, OSHA is scheduling a public hearing to permit interested persons an opportunity to submit oral testimony concerning the issues raised by the proposed standard. The hearing is scheduled to begin on October 5, 1982 in Washington, D.C., at 9:30 a.m.

Notices of Intention to Appear

All persons wishing to participate in the public hearing must file a notice of intention to appear, in quadruplicate, on or before September 21, 1982, addressed to OSHA Division of Consumer Affairs, Docket No. H–112E, Room N–3635, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210; (202) 523–8024.

The notices of intention to appear must contain the following information:

(1) The name, address and telephone number of each person to appear;

(2) The capacity in which the person will appear;

(3) The approximate amount of time requested for the presentation;

(4) The specific issues that will be addressed;

(5) A detailed statement of the position that will be taken on each issue addressed; and

(6) Whether the party intends to submit documentary evidence and if so, a brief summary of that evidence.

Filing of Testimony and Evidence Before Hearing

Any party requesting more than 15 minutes for a presentation at the hearing, or submitting documentary evidence, must provide in advance the complete text of the testimony and documentary evidence to be presented. These texts shall be submitted in quadruplicate to the OSHA Division of Consumer Affairs, at the above address, and must be submitted by September 21, 1982.

These submissions will be available for inspection and copying at the OSHA Docket Office, Room S6212, at the above address.

Each submission received will be reviewed to ascertain if the amount of time requested in the notice of intention to appear is appropriate. In those instances where the information contained in the submission does not justify the amount of time requested, a more appropriate time allocation will be made and the participant will be notified of the change. Any party who has not substantially complied with this requirement may be limited to a 15 minute presentation, and may be requested to return for questioning at a later time.

Conduct of Hearing

The hearing will begin at 9:30 a.m. with resolution of any procedural matters relating to the proceeding. The hearing will be conducted in accordance with 29 CFR Part 1911, allowing full development of the record and permitting all parties to exercise their rights of participation.

The hearing will be presided over by an Administrative Law Judge who will have all the powers necessary or appropriate to conduct a full and fair informal hearing as provided in 29 CFR Part 1911. Following the close of the hearing or of any post hearing comment

period, the presiding Administrative Law Judge will certify the record to the Assistant Secretary of Labor for Occupational Safety and Health.

All written and oral submissions, as well as other information gathered by the Agency, will be considered in any action taken. The record of this rulemaking, including written comments and materials submitted in response to this notice and notices of intention to appear at the public hearing, will be available for inspection and copying in the Docket Office, Room S-6212, at the above address, between the hours of 8:15 a.m. and 4:45 p.m.

Authority and Signature

This document was prepared under the direction of Thorne G. Auchter, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Pursuant to Sections 6(b), 8(c) and 8(g) of the Act, it is hereby proposed to amend 29 CFR 1910.20 to read as set forth below.

List of Subjects in 29 CFR Part 1910

Occupational safety and health, Health, Health records.

(Secs. 6(b), 8(c) and 8(g). Pub. L. 91-596, 84 Stat. 1593, 1599,1600; 29 U.S.C. 655, 657; 29 CFR Part 1911; Secretary of Labor's Order No. 8-76 (41 FR 25059))

Signed at Washington, D.C. this 7th day of July, 1982.

Thorne G. Auchter,

Assistant Secretary for Occupational Safety and Health.

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

It is proposed to revise § 1910.20 of title 29 CFR to read as follow:

§ 1910.20 Access to employee exposure and medical records.

(a) *Purpose.* The purpose of this section is to provide employees and their designated representatives a right of access to relevant exposure and medical records; and to provide representatives of the Assistant Secretary a right of access to these records in order to fulfill responsibilities under the Occupational Safety and Health Act. Access by employees, their representatives, and the Assistant Secretary is necessary to yield both direct and indirect improvements in the detection, treatment, and prevention of occupational disease. Each employer is responsible for assuring compliance with this section, but the activities involved in complying with the access to medical records provisions can be carried out, on behalf of the employer, by the physician or other health care personnel in charge of employee medical records. Except as expressly provided, nothing in this section is intended to affect existing legal and ethical obligations concerning the maintenance and confidentiality of employee medical information, the duty to disclose information to a patient/employee or any other aspect of the medical-care relationship, or affect existing legal obligations concerning the protection of trade secret information.

(b) *Scope and application.* (1) This section applies to each general industry, maritime, and construction employer who makes, maintains, contracts for, or has access to employee exposure or medical records, or analyses thereof, pertaining to:

(i) Employees whose work directly involves the manufacture, processing, installation, handling, packaging, repackaging, transport, disposal, or use of toxic substances, or who is subject to harmful physical agents (e.g. noise, heat, cold, vibration, repetitive motion ionizing and non-ionizing radiation, hypo or hyperbaric pressure) in any manner different from typical non-occupational situations, and includes, but is not limited to, coverage of production, maintenance, construction, and transport workers; and

(ii) Employees accidentally exposed to a toxic substance or harmful physical agent to a degree sufficient to require medical attention.

(2) This section applies to all employee exposure and medical records, and analyses thereof, of such employees, whether or not the records are mandated by specific occupational safety and health standards.

(3) This section applies to all employee exposure and medical records, and analyses thereof, made or maintained in any manner, including on an in-house or contractual (e.g., fee-for-service) basis. Each employer shall assure that the requirements of this section are made known to physicians and others providing medical or industrial hygiene services under contract to the employer, and shall make a good faith effort to assure, by modification of the contract if necessary, that such persons comply with the preservation and access requirements of the section.

(c) *Definitions.* (1) "Access" means the right and opportunity to examine and copy.

(2) "Analysis using exposure or medical records" means any compilation of data or any statistical study based at least in part on information collected from individual employees exposure or medical records or information collected from health insurance claims records, provided that either the analysis has been reported to the employer or no further work is currently being done by the person responsible for preparing the analysis.

(3) "Designated representative" means any individual or organization to whom an employee gives written authorization to exercise a right of access. For the purposes of access to employee exposure records and analyses using exposure or medical records, a recognized or certified collective bargaining agent shall be treated automatically as a designated representative without regard to written employee authorization.

(4) "Employee" means an employee whose work directly involves the manufacturing, processing, installation, packaging, repackaging, transport, disposal, or use of toxic substances, or who is subject to harmful physical agents in any manner different from typical non-occupational situations. "Employee" includes, but is not limited to, production, maintenance, construction, and transport workers. "Employee" includes current employees, former employees, and employees being assigned or transferred to such work. "Employee" also includes any employee accidentally exposed to a toxic substance or harmful physical agent to a degree sufficient to require medical attention. In the case of a deceased or legally incapacitated employee, the employee's legal representative may directly exercise all the employee's rights under this section.

(5) "Employee exposure record" means a record containing any of the following kinds of information:

(i) Environmental (workplace) monitoring or measuring of a toxic substance or harmful physical agent, including personal, area, grab, wipe, or other form of sampling, as well as related collection and analytical methodologies, calculations, and other background data relevant to interpretation of the results obtained;

(ii) Biological monitoring results which are designated as exposure records by specific occupational safety and health standards; and

(iii) Material safety data sheets.

(6) (i) "Employee medical record" means a record concerning the health status of an employee which is made or maintained by a physician, nurse, or other health care personnel or technician, including:

(A) Medical and employment questionnaires or histories (including job description and occupational exposures);

(B) The results of medical examinations (pre-employment, pre-assignment, periodic, or episodic) and laboratory tests (including chest and other X-ray examinations taken for the purposes of establishing a base-line or detecting occupational illness, and all non-mandated biological monitoring);

(C) Medical opinions, diagnoses, progress notes, and recommendations;

(D) Descriptions of treatments and prescriptions; and

(E) Employee medical complaints.

(ii) "Employee medical record" does not include medical information in the form of:

(A) Physical specimens (e.g., blood or urine samples) which are routinely discarded as a part of normal medical practice;

(B) First-aid records (not including medical histories) if made on-site by a non-physician and if maintained separately from the employer's medical program and its records;

(C) Records concerning health insurance claims if maintained separately from the employer's medical program and its records, and not accessible to the employer by employee name or other direct personal identifier (e.g., social security number, payroll number, etc.);

(D) Records created solely in preparation for litigation which are privileged from discovery under the applicable rules of procedures or evidence; or

(E) Records concerning voluntary employee assistance programs (alcohol, drug abuse, or personal counseling programs) if maintained separately from the employer's medical program and its records.

(7) "Employer" means a current employer, a former employer, or a successor employer.

(8) "Record" means any item, collection, or grouping of information regardless of the form or process by which it is maintained (e.g., paper document, microfiche, microfilm, X-ray film, or automated data processing).

(9) "Specific written consent" (i) means a written authorization containing the following:

(A) The name and signature of the employee authorizing the release of medical information;

(B) The date of the written authorization;

(C) The name of the individual or organization that is authorized to release the medical information;

(D) The name of the designated representative (individual or organization) that is authorized to receive the released information;

(E) A general description of the medical information that is authorized to be released;

(F) A general description of the purpose for the release of the medical information; and

(G) A date or condition upon which the written authorization will expire (if less than one year).

(ii) A written authorization does not operate to authorize the release of medical information not in existence on the date of written authorization, unless the release of future information is expressly authorized, and does not operate for more than one year from the date of written authorization.

(iii) A written authorization may be revoked in writing prospectively at any time.

(10) "Toxic substance" means any chemical substance or biological agent (bacteria, virus, fungus, etc.) which:

(i) Has yielded positive evidence of an acute or chronic health hazard (consistent with (c)(10)(iii)(A)–(E) below) in testing conducted by, or known to, the employer;

(ii) Is the subject of a material safety data sheet kept by or known to the employer indicating that the material may pose a hazard to human health; or

(iii) Is listed in the latest printed edition of the National Institute for Occupational Safety and Health (NIOSH) Registry of Toxic Effects of Chemical Substances (RTECS), provided that the substance:

(A) Has been reported to cause human toxicity at any dose level;

(B) Has been reported to cause cancer or reproductive effects in animals at any dose level;

(C) Has a median lethal dose (LD50) of less than 500 milligrams per kilogram of body weight when administered orally to albino rats;

(D) Has a median letal dose (LD50) of less than 1000 milligrams per kilogram of body weight when administered by continuous contact to the bare skin of abino rabbits; or

(E) Has a median letal concentration (LC50) in air of less than 2000 parts per million by volume of gas or vapor, or less than 20 milligrams per liter of mist, fume or dust when administered to albino rats.

(d) *Preservation of records.* (1) Unless a specific occupational safety and health standard provides a different period of time, each employer shall assure the preservation and retention of records as follows:

(i) *Employee medical records.* The medical record for each employee shall be preserved and maintained for at least the duration of employment plus five (5) years, but in no event less than thirty (30) years, from the beginning of employment, except that:

(A) Health insurance claims records maintained separately from the employer's medical program and its records need not be retained for any specified period;

(B) The medical records of employees who have worked for less than one (1) year for the employer need not be retained beyond the term of employment if they are provided to the employee upon the termination of employment;

(C) The medical records of employees in the construction industry need not be retained beyond the term of employment if they are provided to the employee upon the termination of employment; and

(D) The medical records of employees covered solely due to accidental toxic substance or physical agent exposures do not have to be retained for any specific length of time.

(ii) *Employee exposure records.* (A) The following employee exposure records shall be preserved and maintained for thirty (30) years:

(*1*) Environmental (workplace) monitoring results;

(*2*) Summaries of continuous read-out data;

(*3*) Data relevant to the results obtained, including, but not limited to, name(s) of employee(s) monitored, date and location of the monitoring or measurement, and the collection and analytical methodologies used.

(B) Background data to environmental (workplace) monitoring or measuring, such as laboratory reports, calculations, worksheets, and continuous read-outs, shall be preserved and maintained for one (1) year.

(C) Material safety data sheets shall be preserved and maintained until replaced by a more recent copy.

(D) Biological monitoring results designated as exposure records by specific occupational safety and health standards shall be preserved and maintained as required by the corresponding standard.

(iii) *Analyses using exposure or medical records.* Each analysis using exposure or medical records shall be preserved and maintained for at least thirty (30) years.

(2) Nothing in this section is intended to mandate the form, manner, or process by which an employer preserves a record so long as the information contained in the record is preserved and retrievable. In the case of X-ray films, Appendix B shall apply.

(e) *Access to records.*—(1) *General.* (i) Whenever an employee or designated representative requests access to a

record, the employer shall assure that access is provided in a reasonable time, place, and manner. If the employer cannot reasonably provide access to the record within fifteen (15) working days, the employer shall within the fifteen (15) working days apprise the employee or designated representative requesting the record of the reason for the delay and the earliest date when the record will be available.

(ii) The employer may require of the requester only such information as should be readily known to the requester and which may be necessary to locate or identify the records being requested (e.g. dates and locations where the employee worked during the time period in question).

(iii) Whenever an employee or designated representative requests a copy of a record, the employer shall assure that either:

(A) A copy of the record is provided without cost to the employee or representative,

(B) The necessary mechanical copying facilities (e.g., photocopying) are made available without cost to the employee or representative for copying the record, or

(C) The record is loaned to the employee or representative for a reasonable time to enable a copy to be made.

(iv) In the case of an original X-ray, the employer may restrict access to on-site examination or make other suitable arrangements for the temporary loan of the X-ray.

(v) Whenever a record has been previously provided without cost to an employee or designated representative, the employer may charge reasonable, non-discriminatory administrative costs (i.e., search and copying expenses but not including overhead expenses) for a request by the employee or designated representative for additional copies of the record, except that:

(A) An employer shall not charge for an initial request for a copy of new information that has been added to a record which was previously provided; and

(B) An employer shall not charge for an initial request by a recognized or certified collective bargaining agent for a copy of an employee exposure record or an analysis using exposure or medical records.

(VI) Nothing in this section is intended to preclude employees and collective bargaining agents from collectively bargaining to obtain access to information in addition to that available under this section.

(2) *Employee and designated representative access*—(i) *Employee exposure records.* Except as limited by paragraph (f) of this section, each employer shall, upon request, assure the access of each employee and designated representative to employee exposure records relevant to the employee. For the purpose of this section, an exposure record relevant to the employee consists of:

(A) A record which measures or monitors the amount of a toxic substance or harmful physical agent to which the employee is or has been subjected;

(B) In the absence of such directly relevant records, such records of other employees with past or present job duties or working conditions related to or similar to those of the employee as are necessary to reasonably indicate the amount and nature of the toxic substances or harmful physical agents to which the employee is or has been subjected; and

(C) Any exposure record pertaining to workplaces or working conditions to which the employee is being assigned or transferred.

(ii) *Current identity information.* Except as limited by paragraph (f) of this section, the employer shall, upon request, inform each employee and designated representative of the identities (chemical name, if known) of the toxic substances and harmful physical agents to which the employee is subjected.

(iii) *Employee medical records.* (A) Each employer shall, upon request, assure the access of each employee to employee medical records of which the employee is the subject, except as provided in paragraph (e)(2)(ii)(D) of this section.

(B) Each employer shall, upon request, assure the access of each designated representative to the employee medical records of any employee who has given the designated representative specific written consent. Appendix A to this section contains a sample form which may be used to establish specific written consent for access to employee medical records.

(C) Whenever access to employee medical records is requested, a physician representing the employer may recommend that the employee or designated representative:

(*1*) Consult with the physician for the purposes of reviewing and discussing the records requested;

(*2*) Accept a summary of material facts and opinions in lieu of the records requested; or

(*3*) Accept release of the requested records only to a physician or other designated representative.

(D) Whenever an employee requests access to his or her employee medical records, and a physician representing the employer believes that direct employee access to information contained in the records regarding a specific diagnosis of a terminal illness or a psychiatric condition could be detrimental to the employee's health, the employer may inform the employee that access will only be provided to a designated representative of the employee having specific written consent, and deny the employee's request for direct access to this information only. Where a designated representative with specific written consent requests access to information so withheld, the employer shall assure the access of the designated representative to this information, even when it is known that the designated representative will give the information to the employee.

(E) A physician, nurse, or other responsible health care personnel maintaining employee medical records may delete from requested medical records the identity of a family member, personal friend, or fellow employee who has provided confidential information concerning an employee's health status.

(iii) *Analyses using exposure or medical records.* (A) Each employer shall, upon request, assure the access of each employee and designated representative to each analysis using exposure or medical records concerning the employee's working conditions or workplace.

(B) Whenever access is requested to an analysis which reports the contents of employee medical records by either direct identifier (name, address, social security number, payroll number, etc.) or by information which could reasonably be used under the circumstances indirectly to identify specific employees (exact age, height, weight, race, sex, date of initial employment, job title, ect.), the employer shall assure that personal identifiers are removed before access is provided. If the employer can demonstrate that removal of personal identifiers from an analysis is not feasible, access to the personally identifiable portions of the analysis need not be provided.

(3) *OSHA access.* (i) Each employer shall, upon request, and without derogation of any constitutional and statutory rights that the employer chooses to exercise, assure the prompt access of representatives of the Assistant Secretary of Labor for Occupational Safety and Health to employee exposure and medical records and to analyses using exposure or

medical records. Rules of agency practice and procedure governing OSHA access to employee medical records are contained in 29 CFR 1913.10.

(ii) Whenever OSHA seeks access to personally identifiable employee medical information by presenting to the employer a written access order pursuant to 29 CFR 1913.10(d), the employer shall prominently post a copy of the written access order and its accompanying cover letter for at least fifteen (15) working days.

(f) *Trade secrets.* (1) An employer may delete from records requested by an employee or designated representative any trade secret which discloses manufacturing processes, or discloses the percentage of a chemical substance in a mixture, provided the employee or designated representative is notified that information has been deleted on trade secret grounds.

(2) An employer may withhold the precise chemical name of a chemical only if:

(i) The employer can substantiate that it is a trade secret;

(ii) The chemical is not a carcinogen, mutagen, teratogen, or a cause of significant irreversible damage to human organs or body systems for which there is a need to know the precise chemical name;

(iii) The chemical is identified by a generic chemical classification which would provide useful information to a health professional; and

(iv) All other information on the properties and effects of the chemical contained in the requested record is disclosed.

(3) The withheld information shall be provided on a confidential basis to a treating or consulting physician who states in writing (except in an emergency situation) that a patient's health problems may be the result of occupational exposure. The employer shall inform the requesting employee or designated representative at the time of the trade secret claim that the withheld information will be made available to the treating or consulting physician on this basis.

(4) To the extent that names of trade secret chemicals are disclosed, the employer may condition employee and designated representative access to such information upon acceptance of a reasonable confidentiality agreement. The agreement may restrict use of the information to health purposes, prohibit redisclosure of the information to anyone not specified in the agreement other than a treating or consulting physician, and provide for compensation or other legally appropriate relief for competitive harm which may result from a breach of the agreement.

(g) *Employee information.* (1) Upon an employee's first entering into employment, and at least annually thereafter, each employer shall inform current employees covered by this section of the following:

(i) The existence, location, and availability of any records covered by this section;

(ii) The person responsible for maintaining and providing access to records; and

(iii) Each employee's rights of access to these records.

(2) Each employer shall keep a copy of this standard and its appendices and make copies readily available, upon request, to employees. The employer shall also distribute to employees any informational materials concerning this standard which are made available to the employer by the Assistant Secretary of Labor for Occupational Safety and Health.

(h) *Transfer of records.* (1) Whenever an employer is ceasing to do business, the employer shall transfer all records subject to this section to the successor employer. The successor employer shall receive and maintain these records.

(2) Whenever an employer is ceasing to do business and there is no successor employer to receive and maintain the records subject to this standard, the employer shall notify affected current employees of their rights of access to records at least three (3) months prior to the cessation of the employer's business.

(3) Whenever an employer either is ceasing to do business and there is no successor employer to receive and maintain the records, or intends to dispose of any records required to be preserved for at least thirty (30) years, the employer shall:

(A) Transfer the records to the Director of the National Institute for Occupational Safety and Health (NIOSH) if so required by a specific occupational safety and health standard; or

(B) Notify the Director of NIOSH in writing of the impending disposal of records at least three (3) months prior to the disposal of the records.

(4) Where an employer regularly disposes of records required to be preserved for at least thirty (30) years, the employer may, with at least (3) months notice, notify the Director of NIOSH on an annual basis of the records intended to be disposed of in the coming year.

(i) *Appendices.* The information contained in the appendices to this section is not intended, by itself, to create any additional obligations not otherwise imposed by this section nor detract from any existing obligation.

Appendix A to § 1910.20

Sample Authorization Letter for the Release of Employee Medical Record Information To a Designated Representative

I (full name of worker/patient), hereby authorize (individual or organization holding the medical records) to release to (individual or organization authorized to receive the medical information), the following medical information from my personal medical records: (Describe generally the information desired to be released)

_____

_____

I give my permission for this medical information to be used for the following purpose:

_____

_____

but I do not give permission for any other use or re-disclosure of this information.

(Note: Several extra lines are provided below so that you can place additional restrictions on this authorization letter if you want to. You may, however, leave these lines blank. On the other hand, you may want to (1) specify a particular expiration date for this letter (if less than one year); (2) describe medical information to be created in the future that you intend to be covered by this authorization letter; or (3) describe portions of the medical information in your records which you do not intend to be released as a result of this letter.)

_____

_____

_____

_____

Full name of Employee or Legal Representative

_____

Signature of Employee or Legal Representative

_____

Date of Signature

Appendix B to § 1910.20

Microfilm Storage of X-Ray

X-rays taken for the purpose of establishing a base-line or detecting occupational illness shall be kept in their original state or microfilmed, provided that:

A. The microfilm storage of X-rays shall be performed under the supervision of a licensed radiologist who is a diplomate of the American Board of Radiology; and

B. For the microfilm storage of chest X-rays of employees exposed to a toxic substance

known to cause pneumoconiosis, the supervising radiologist shall consult with and obtain the written approval of both a licensed physician who is a diplomat of the American Board of Internal Medicine certified in the subspecialty of pulmonary disease, and a "B" reader certified by the National Institute for Occupational Safety and Health in accordance with 42 CFR 37.51.

C. After the consultation required by paragraph B, Appendix B, the supervising radiologist shall attach to the X-ray a summary of the interpretation of the X-ray. This summary shall be microfilmed along with the X-ray and made part of the employee's medical record.

[FR Doc. 82-18873 Filed 7-9-82; 8:45 am]
BILLING CODE 4510-26-M

federal register

Tuesday
July 13, 1982

Part IV

Department of the Interior

Fish and Wildlife Service

Determination of Hedeoma Apiculatum (McKittrick Pennyroyal) To Be a Threatened Species and Determination of Critical Habitat

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Determination of Hedeoma Apiculatum (McKittrick pennyroyal) To Be a Threatened Species and Determination of Its Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The U.S. Fish and Wildlife Service determines a plant, *Hedeoma apiculatum* W. S. Stewart (McKittrick pennyroyal), to be a Threatened Species and hereby designates its Critical Habitat under the authority contained in the Endangered Species Act. This plant occurs in Texas and New Mexico. The number of existing individuals is estimated to be less than 1,100 and their reproductive potential appears to be low. The populations occurring on Federal lands are threatened by the gradual destruction of habitat through long-term overuse and need to be considered in plans for park development such as trails, campsites, and visitor facilities.

The single known population on private land would be potentially threatened by any major change in land use. This determination of *Hedeoma apiculatum* to be a Threatened Species with Critical Habitat implements the protection provided by the Endangered Species Act of 1973, as amended.

DATES: This rule becomes effective on (August 14, 1982).

ADDRESSES: Questions concerning this action may be addressed to the Director (FWS/OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, 703/235-2771.

SUPPLEMENTARY INFORMATION:

Hedeoma apiculatum W. S. Stewart (McKittrick pennyroyal), a member of the mint family, was first collected in 1882, but remained undescribed until 1939. A long-lived perennial herb, this plant forms dense tufts of leaves from woody rootstocks and stands 10 to 15 cm in height. Its showy pink flowers are solitary or in two to three-flowered clusters, two (2) cm in length, and as with most mints, the flowers are axillary and crowded towards the apex (Irving, in 1980).

Hedeoma apiculatum is endemic to open, limestone rock surfaces and outcrops in canyons and along streamways in the Guadalupe Mountains of Texas and New Mexico at elevations above 1660 meters, and is particularly vulnerable to disturbance (Riskind, 1974; Brown and Lowe, 1977). The surrounding vegetation is sparse. The substrate in which these plants are found consists mostly of sand caught in rock fissures and in weathered pockets of limestone (U.S.D.A., 1974), thus there exists no natural protection from physical events, either natural or man-made. The continued existence of this plant and the fragile habitat in which it occurs could be threatened by trampling and unplanned development in the area.

Background

Section 12 of the Endangered Species Act of 1973 directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94-51, was presented to Congress on January 9, 1975. On July 1, 1975, the Director published a notice in the **Federal Register** (40 FR 27832-27924) of his acceptance of the report of the Smithsonian Institution as a petition within the context of section 4(c)(2) of the Act, and of his intention thereby to review the status of the plant taxa named within. *Hedeoma apiculatum* was included in the July 1, 1975, Notice of Review. On August 15, 1980 (45 FR 45682), the Service proposed *Hedeoma apiculatum* to be Threatened species and proposed to determine its Critical Habitat.

Rules contained in 50 CFR Part 17, Subpart G, detail the regulations to protect Threatened plant species. These rules describe the prohibitions and permit procedure to grant exceptions, under certain circumstances, to such prohibitions.

The Department has determined that this document is not a major rule under E.O. 12291. Since this rule was proposed before January 1, 1981, a Determination of Effects on Small entities is not required by the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.* This rule does not contain information collection requirements which require approval by the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3507).

Summary of Comments and Recommendations

In the August 15, 1980, **Federal Register** proposed rule (45 FR 54682) and associated notifications and press releases, all interested parties were requested to submit factual reports or information which might contribute to the development of a final rule. Letters were sent to the Governors of Texas and New Mexico notifying them of the proposed rule and soliciting their comments and suggestions. Only two comments were received during the comment period from August 15, 1980, through November 13, 1980, and they are discussed below.

The Superintendent of Guadalupe Mountains National Park in Texas commented through the Southwest Regional Director of the National Park Service on the proposed Critical Habitat for *Hedeoma apiculatum.* He stated that "The current proposal presents management problems for us with regard to at least one area proposed—that on McKittrick Ridge * * * The route of the upper McKittrick Canyon trail goes through the middle of the now proposed McKittrick Ridge Critical Habitat area. This trail is an essential route for hikers traveling from the canyon to the park high country * * * In that the park population of *Hedeoma apiculatum* is fairly widespread and not restricted to the three proposed Critical Habitat sites, we strongly recommend that the McKittrick Ridge site be deleted from this proposal." The Fish and Wildlife Service response: The population on McKittrick Ridge is one of the three major populations of this species and therefore should appropriately be included as part of *Hedeoma apiculatum's* Critical Habitat, which is defined as that area which is considered to be critical and necessary to the species' continued survival. Based on our current biological understanding of *Hedeoma apiculatum,* the population above Turtle Rock on McKittrick Ridge must be considered as critical to the survival of this species. Moreover, it is not anticipated that declaring this population part of the Critical Habitat will have an adverse impact on use of the new McKittrick trail. Declaring this area Critical Habitat will not close it to use by hikers. At this time, it is appropriate only to monitor the status of this population to see what impact, if any, recreationists are having on it. Recent conversations between the National Park Service and the Fish and Wildlife Service have reached an understanding on the meaning of this Critical Habitat designation and its implications for park management which are predicted to be minimal. The National Park Service now supports the listing of *Hedeoma apiculatum* as Threatened.

The Texas Organization for Endangered Species commented on the

shortness of time between the publication of the proposal (August 15, 1980) and the date set for the public meeting (August 27, 1980). The Service response: Due to an oversight, this proposal was not published with the other plant proposal (*Eriogonum gypsophilum*) which together were the subject of the public meeting which had already been arranged for August 27, 1980, in Carlsbad, New Mexico. Service personnel were aware of the short lead time between the publication of the proposal in the Federal Register and the public meeting. However, the decision was made to proceed based on organizational and financial factors. It was an unusual situation which is not indicative of normal Service procedures.

No comments were received from the governors of Texas and New Mexico.

There was only one oral comment at the public meeting on this proposal, and it was made by a representative from the National Park Service. The Park Service spokeman was concerned about the effect of designating Critical Habitat on park hiking trails, especially the McKittrick Ridge trail. The Service responded that it was extremely unlikely that they would request that the trail be moved, but that it was impossible to predict the results of any biological consultation beforehand. The Service said that at this time it is appropriate to monitor the impacts of hikers on this population. The National Park Service also submitted a written comment on this action which was previously addressed.

Conclusion

After a thorough review and consideration of all available information, the Director has determined that *Hedeoma apiculatum* (McKittrick pennyroyal) is a Threatened species throughout all or a significant portion of its range due to one or more of the factors described in section 4(a) of the Endangered Species Act.

The Director has determined that *Hedeoma apiculatum* is primarily affected by factor numbers 1, 2, 4, and 5. All five factors and their application to *Hedeoma apiculatum* are as follows:

(1) *Present or threatened destruction, modification, or curtailment of its habitat or range.* Populations of *Hedeoma apiculatum* in Guadalupe Mountains National Park and adjacent Lincoln National Forest are relatively well protected from major modification or destruction of habitat. The administration of Guadalupe Mountains National Park recognizes the fragile nature of the park's plant and animal communities (U.S. Department of Interior, 1973) and has implemented some protective management strategies. Moreover, a U.S. House of Representatives committee report recommended that there be close cooperation between the Forest Service and the National Park Service in preserving the environmental resources of the North McKittrick Canyon and other canyons in the Lincoln National Forest (U.S. Department of Interior, 1973). Yet, the populations of *Hedeoma apiculatum* are potentially threatened. Existing trails allow access to most of the localities of *Hedeoma apiculatum* and as the number of trail users increases there is the danger of destruction of the local habitat. The plants are easily dislodged and the cumulative impact of hikers leaving the trail and climbing over the ledges and boulders that support colonies of *Hedeoma apiculatum* could be devastating to the small and slowly reproducing populations. Moreover, the showy and distinctive plants of *Hedeoma apiculatum* are highly visible from the trails and could be subject to increasing pressures from taking.

A number of new trail alignments are planned within the range of *Hedeoma apiculatum*. These do not appear to threaten the known localities and may actually reduce visitor pressure in some areas. However, Guadalupe Mountains National Park is a relatively new park and in all likelihood will attract an increasing number of visitors in the years ahead. During 1979 the park experienced approximately 29,000 backcountry user days compared to 26,258 user days in 1978. Trail counts of hikers into the South McKittrick biological area, a locality of *Hedeoma apiculatum*, totaled 323 in 1978 and more than 520 in 1979. Future increases, as well as construction of additional trails, shelters or camping areas to accommodate them, could potentially threaten the survival of *Hedeoma apiculatum*. Proper park management plans for this species should be prepared.

Dr. Robert Irving, of R. S. Irving & Associates, Little Rock, Arkansas, has noted that some small populations in the South McKittrick fork have disappeared since the late 1960's. This could be due to human disturbance, flooding or a combination of both threats. The population on private ranch land could potentially be threatened by increased grazing or major changes in land use.

(2) *Overutilization for commercial, sporting, scientific or educational purposes.* Although no evidence exists, there is the potential of taking this showy species for cultivation in rock gardens or for other purposes.

(3) *Disease or predation.* Grazing has occurred on the privately-owned site where this species occurs. This grazing does not presently appear to threaten the species.

(4) *Inadequacy of existing regulatory mechanisms. Hedeoma apiculatum* is not protected by State law. Existing Federal Regulations in 36 CFR 2.25 and 36 CFR 261.9 prohibit taking of this species in the Lincoln National Forest and the Guadalupe Mountains National Park; however, these regulations are difficult to enforce in a comprehensive fashion. Guadalupe Mountains National Park recognizes the fragile nature of this plant and its habitat and has implemented some protective management strategies. The Endangered Species Act will offer additional protection for this species.

(5) *Other natural or manmade factors affecting its continued existence.* Any human pressure on this species may increase the possibility of small populations going extinct through natural population fluctuations. The restricted distribution of *Hedeoma apiculatum* and the small number of known individuals will intensify any adverse impacts. In addition to man-induced threats, field work between 1966 and 1979 indicated that periodic and severe floods can reduce the populations of *Hedeoma apiculatum* in and adjacent to streambeds. Any such disturbance is likely to have a severe impact on this species as the reproductive potential is low and few young plants have been observed in the wild.

Critical Habitat

The Act defines "Critical Habitat" as (i) the specific areas within the geographical area occupied by the species at the time it is listed, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by the species at the time it is listed, in accordance with the provisions of Section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

Subsection 4(f)(4) of the Act requires, to the maximum extent practicable, that any proposal to determine Critical Habitat be accompanied by a brief description and evaluation of those activities which, in the opinion of the Secretary, may adversely modify such habitat if undertaken, or may be impacted by such designation.

Any activity which would result in increased trampling or disturbance of the fragile substrate where *Hedeoma apiculatum* occurs would probably adversely modify the Critical Habitat. The long term solution on how to best protect *Hedeoma apiculatum* may be to greatly reduce the human traffic in the area where this plant occurs. In this respect, Critical Habitat designation may affect Federal activities by prohibiting the development of new trails in areas where the plant occurs, relocating old trails, or other steps by the National Park Service and the Forest Service to protect this species. Initially, only monitoring of the impact of hikers is recommended. New trails could be located in such a way to minimize impact on *Hedeoma apiculatum* and still provide park visitors with access to the concerned areas. As stated earlier, the National Park Service supports the listing.

The Endangered Species Act of 1978 added the following provision to Subsection 4(a)(1) of the Endangered Species Act of 1973:

> At the time any such regulation (to determine whether a species is endangered or threatened) is proposed, the Secretary shall also by regulation, to the maximum extent prudent, specify any habitat of such species which is then considered to be Critical Habitat.

Critical Habitat for *Hedeoma apiculatum* is being determined to include the three areas in Texas where the three largest and best known populations of this species occur.

Critical Habitat was not proposed for the smallest population in Guadalupe Mountains National Park (Texas), the population in Lincoln National Forest (New Mexico) or the population located on private land. These three populations are not included in Critical Habitat at this time because they are very small populations which are not well studied or understood, in contrast to the three areas with the larger populations which are being determined to constitute the Critical Habitat. After management and recovery plans have been developed for this plant and after these populations are better known, Critical Habitat may be beneficial and may also be proposed for these three additional populations.

Subsection 4(b)(4) of the Act requires the Service to consider economic and other impacts of specifying a particular area as Critical Habitat. The Service has prepared an impact analysis and believes that economic and other impacts of this action are not significant in the foreseeable future. As previously stated, only minimal impacts upon the National Park Service and the Forest Service are expected. The Fish and Wildlife Service has notified and is working with the Forest Service and the National Park Service, the two agencies which have jurisdiction over the land and water under consideration in this action. The U.S. Forest Service, National Park Service, other Federal agencies, and other interested organizations were requested to submit information on economic or other impacts of the proposed action and this information was utilized in completing this final impact analysis. The Service's draft economic impact analysis was used as part of the basis for the Service's decision whether to exclude any area from Critical Habitat for *Hedeoma apiculatum*.

Effects of This Rule

In addition to the effects discussed above, the effects of this final rule would include, but would not necessarily be limited to, those mentioned below.

The Act and implementing regulations published in 50 CFR Part 17, Subpart G set forth a series of general prohibitions and exceptions which apply to all threatened plant species, excluding seeds of cultivated plants treated as Threatened, unless a special rule pertaining to that Threatened species has been published and indicates otherwise. The regulations which pertain to Threatened plants are found at 50 CFR 17.71 and are summarized below.

With respect to *Hedeoma apiculatum* all prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.71, would apply except for certain exceptions with respect to seeds. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to import, export, transport in interstate or foreign commerce in the course of a commercial activity, or sell or offer for sale this species in interstate or foreign commerce. Certain exceptions would apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.72 also provide for the issuance of permits to carry out otherwise prohibited activities involving Threatened species, under certain circumstances. International and interstate commercial trade in *Hedeoma apiculatum* is not known to exist. It is not anticipated that many permits involving plants of wild origin would ever be requested.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species which is proposed or listed as Endangered or Threatened. This rule requires Federal agencies to satisfy their statutory obligations with respect to this species. This action requires Federal agencies to insure that activities they authorize, fund or carry out are not likely to jeopardize the continued existence of this species, and to insure that their actions are not likely to result in the destruction or adverse modification of its Critical Habitat which has been determined by the Secretary. Possible effects of this rule on the U.S. Park Service and the Forest Service have already been discussed. Park and National Forest management are likely to be affected but not in a major way (see discussion under Summary of Factors affecting the species). In a telephone conversation on April 14, 1982, Gerard Hoddenbach (National Park Service, Sante Fe, New Mexico) stated that the Park Service still agrees with this position (which was stated in the February 17, 1982, memorandum to the U.S. Fish and Wildlife Service from the Director, Southwest Region, National Park Service). A May 14, 1982, letter from the National Park Service further documents their support of the listing. In addition, there is no known or anticipated Federal involvement in activities on the private land on which this species occurs.

National Environmental Policy Act

An environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1000 N. Glebe Road, Arlington, Virginia, and may be examined by appointment during regular business hours. This assessment forms the basis for a decision that this is not a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)C) of the National Environmental Policy Act of 1969.

Authors

This final rule is being published under the authority contained in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*; 87 Stat. 884, 92 Stat. 3751, 93 Stat. 1225). The authors of this rule are Barry S. Mulder, Washington Office of Endangered Species (703/235–2760), and Ms. Rosemary Carey, Ms. Sandra Limerick, and Dr. Russell Kologiski, Office of Endangered Species, Albuquerque, New Mexico (505/776–3972).

Literature Cited

Brown, D. E. and C. H. Lowe. 1977. Map, Biotic communities of the Southwest (scale 1:1,000,000). Rocky Mountain Forest and

Range Exp. Station, U.S.D.A. Forest Service.
Irving, R. S. 1980. Systematics of *Hedeoma* (Labiatae). SIDA 8(3):218–295.
Irving, R. S. 1980. Status Report on *Hedeoma apiculatum*. U.S. Fish and Wildlife Service, Office of Endangered Species, Albuquerque, New Mexico.
Riskind, D. 1974. Report submitted to the National Park Service: The Rare and Endangered Flora of Guadalupe Mountains National Park, Texas.
U.S. Department of Agriculture, Soil Conservation Service. 1974. General Soil Map, Culberson Co., Texas.
U.S. Department of the Interior, National Park Service. 1973. Master Plan, Guadalupe Mountains National Park, Texas.

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Regulation Promulgation

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as follows:

1. Amend § 17.12 paragraph (h) by adding, in alphabetical order under the family "Lamiaceae," the following to the list of plants:

§ 17.12 Endangered and threatened species.

* * * * *

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Lamiaceae—*Hedeoma apiculatum.*	Mint Family—KcKittrick pennyroyal.	U.S.A. (TX, NM)	T	117	17.96(a)...	N/A.

§ 17.96 [Amended]

2. Also, amend § 17.96(a) by adding the Critical Habitat of *Hedeoma apiculatum* in alphabetical order as follows:

Critical Habitat for Hedeoma apiculatum

1. Family Lamiaceae: *Hedeoma apiculatum* (McKittrick pennyroyal) Texas, Culberson County; 3 areas in Guadalupe Mountains National Park: 85 acres in Devil's Den Canyon; 60 acres above Turtle Rock on McKittrick Ridge and 180 acres in South McKittrick Canyon.

1. Devil's Den Canyon: from the 5,400′ contour on the canyon floor (1.1 km northwest of Pratt Lodge) and along the sides of the canyon southwestward following the 6,000′ contour on the north side of the canyon (beginning at Texas coordinates 19,892 m E., 39,169 m N.) and the 6,200′ contour on the south side (beginning at Texas coordinates 19,699 m E., 38,651 m N.) to approximately the 6,000′ elevation point of the canyon floor.

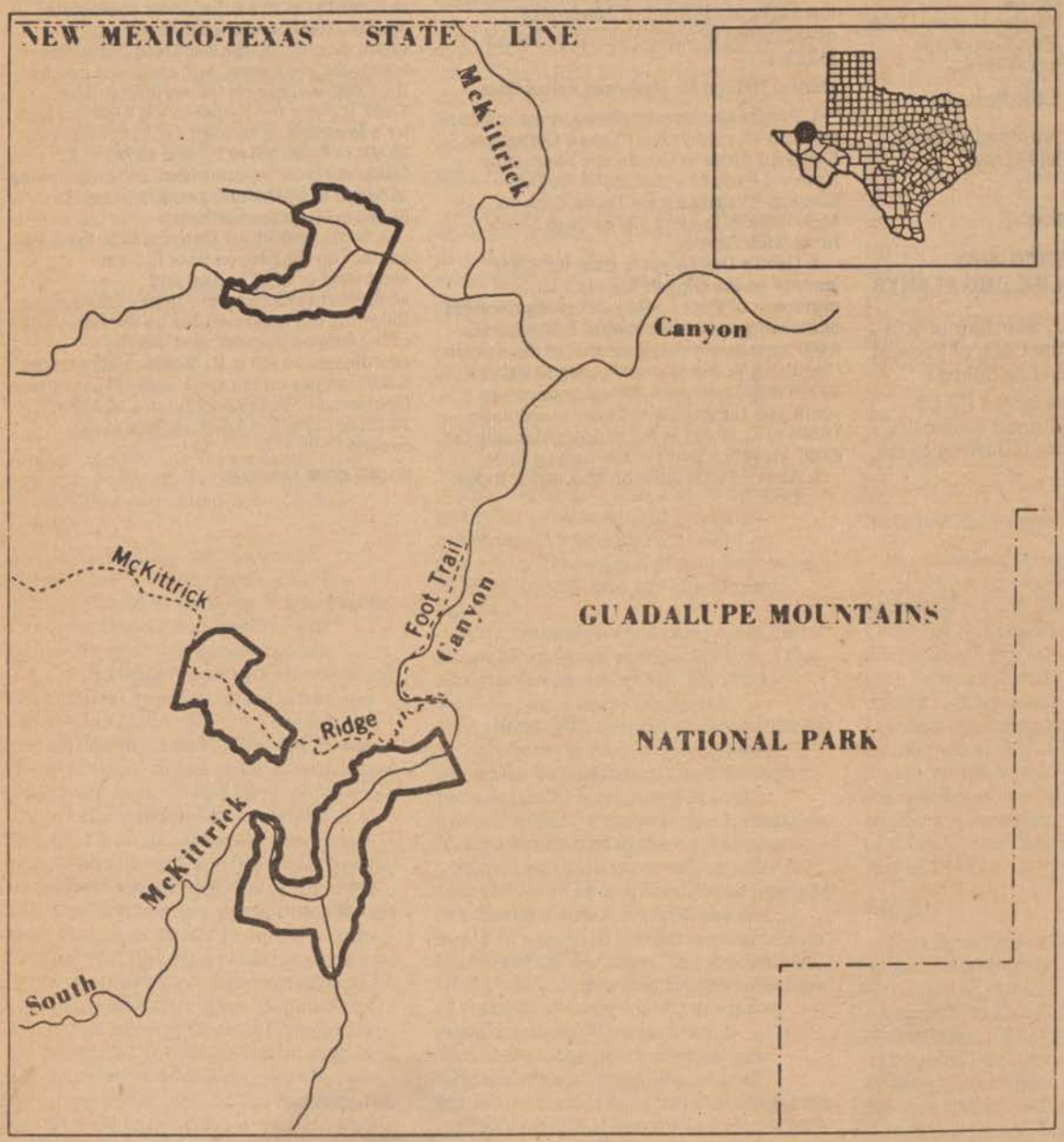
2. Above Turtle Rock on McKittrick Ridge: high ridge surrounding unnamed peak 2.65 km southwest of Pratt Lodge and located 19,073 m E., 36,439 m N. on the Texas coordinate system. The boundaries defined approximately by the 6,800′ contour on the southeast, southwest, and northeast and by the 7,400′ contour on the northwest. The 7,400′ contour connected to the 6,800′ contour by a line passing through Texas coordinates 18,699 m E., 36,530 m N., and 18,781 m E., 36,854 m N. on the southwest and coordinates 19,145 m E., 36,819 m N., and 19,000 m E., 36,952 m N. on the northeast.

3. South McKittrick Canyon: from the 5,400′ contour on the canyon floor (2.2 km southwest of Pratt Lodge) and southwestward along the sides of the canyon following the 5,800′ contour on the north side of the canyon (beginning at Texas coordinates 20,169 m E., 36,434 m N.) and the 6,200′ contour on the south side of the canyon (beginning at Texas coordinates 20,289 m E., 36,121 m N.) to the 5,800′ contour of the canyon floor.

BILLING CODE 4310-55-M

McKITTRICK PENNYROYAL

Culberson County, TEXAS



Dated: June 18, 1982.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 82-18887 Filed 7-12-82; 8:45 am]

BILLING CODE 4310-55-C

Federal Register

Tuesday
July 13, 1982

Part V

Environmental Protection Agency

Standards Applicable to Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; Liability Coverage Requirements; Final Rule and Notice of Extension of Effective Date

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 264 and 265

[SWH-FRC 2168-2]

Standards Applicable To Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities; Liability Coverage Requirements

July 6, 1982.

AGENCY: Environmental Protection Agency.

ACTION: Final rule and notice of extension of effective date.

SUMMARY: The effective date for qualifications of insurers providing liability insurance used to satisfy liability coverage requirements applicable to owners or operators of hazardous waste management facilities, as such requirements are included in 40 CFR Parts 264 and 265, is extended from July 15, 1982, to October 16, 1982. The effective date for the rest of the liability coverage requirements remains July 15, 1982. This extension is being provided to allow 6 months between the date of promulgation and the effective date for the insurer qualification provision, in accordance with Section 3010(b) of the Resource Conservation and Recovery Act of 1976, as amended. During the period between July 15 and October 16, 1982, owners or operators may use certificates of insurance or policy endorsements that do not certify to the qualifications of the insurer.

DATES: Effective date for 40 CFR 264.147(a)(1)(ii), 264.147(b)(1)(ii), 265.147(a)(1)(ii), and 265.147(b)(1)(ii), is changed to October 16, 1982. Effective date for 40 CFR 264.147(g) and 265.147(g) is July 15, 1982.

ADDRESS: The public docket for the liability coverage regulation is located in Room S269-C, U.S. Environmental Protection Agency, 401 M St., S.W., Washington, D.C., which is open to the public from 9 a.m. to 4 p.m., Monday through Friday, excluding holidays.

FOR FURTHER INFORMATION CONTACT: Call the RCRA/Superfund Hotline at (800) 424-9346 (toll-free) or (202) 382-3000, or Emily Sano at (202) 382-4503.

SUPPLEMENTARY INFORMATION:

A. The Liability Coverage Requirements

On April 16, 1982, EPA promulgated a revised interim final rule, 40 CFR 264.147 and 265.147, which established liability coverage requirements for owners and operators of hazardous waste treatment, storage, and disposal facilities subject to the Federal regulatory program under the Resource Conservation and Recovery Act of 1976, as amended (47 FR 16544-16561).

The April 16 regulation requires all such owners or operators to demonstrate financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations of their facilities. The minimum amount of this coverage is $1 million per occurrence, $2 million annual aggregate. Owners or operators of landfills, surface impoundments, or land treatment facilities must also demonstrate financial responsibility for nonsudden accidental occurrences in the amount of at least $3 million per occurrence, $6 million annual aggregate.

The required liability coverage may be demonstrated through liability insurance or by passing a financial test. Proof of liability insurance used to satisfy the requirements must be submitted in the form of an endorsement to the insurance policy or a certificate of insurance. The wording of these documents is specified in § 264.151 (i) and (j), respectively.

The April 16 regulation revised liability coverage requirements that were promulgated on January 12, 1981 but never put into effect. Rules for liability coverage were proposed on December 18, 1978, and May 19, 1980.

Insurer Qualifications. The April 16 regulation states that "Each insurance policy must be issued by an insurer which, at a minimum, is licensed or eligible as an excess or surplus lines insurer, in one or more States." (§§ 264.147(a)(1)(ii), 264.147(b)(1)(ii), 265.147(a)(1)(ii), and 265.147(b)(1)(ii).)

The background of this requirement is as follows. The proposed liability coverage requirements of May 19, 1980 (45 FR 33273), provided that owners or operators must obtain insurance from insurers licensed or eligible to insure in the jurisdiction where any of the owner's or operator's facilities are located. The Agency received comments to the effect that participation of insurers should not be so restricted. The Agency evaluated the issue and at that time concluded that it was preferable not to establish minimum qualifications for insurers in order not to restrict the market and availability of insurance. The January 12, 1981, regulations, therefore, did not include qualifications for insurers. Several commenters on those regulations, however, urged EPA to establish insurer qualifications.

Upon reconsideration of this issue, the Agency decided that minimum qualifications should be included to help assure the integrity of insurers whose policies are used by owners or operators to meet the liability coverage requirements. Therefore the revised regulations of April 16, 1982, require owners or operators to obtain insurance from insurers which are licensed to transact the business of insurance or are eligible as an excess or surplus lines insurer, in one or more States. These qualifications will assure that insurers are subject to some regulatory oversight by State insurance departments but will still permit broad participation in providing the insurance.

In the preamble to the revised regulations, the Agency discussed comments received on the issue of insurer qualifications and requested further public comment. Depending on the results of evaluating the comments received and findings of further study, the Agency may decide to propose revisions to the insurer qualifications or to retain them as they are.

Effective Date of the Regulation of April 16, 1982

The effective date of the liability coverage requirements as a whole was set at July 15, 1982, or 90 days from the date of promulgation. By this date, owners or operators must demonstrate liability coverage for sudden accidental occurrences. The requirement for coverage of nonsudden accidental occurrences is phased in over 3 years because of the current limited availability of liability insurance for nonsudden accidental occurrences. The largest owners or operators of landfills, surface impoundments, or land treatment facilities ($10 million or over in annual sales or revenues) must have coverage for nonsudden accidental occurrences by January 15, 1983; those between $5 million and $10 million must have this coverage by January 15, 1984; and all others must have coverage by January 15, 1985.

Section 3010(b) of RCRA provides that EPA's hazardous waste regulations and revisions thereto take effect 6 months after promulgation. The primary purpose of the provision is to allow persons affected by the rulemaking sufficient lead time to prepare for compliance with major new regulatory requirements. The Agency set the effective date of the revised rules at 3 months rather than 6 months from the date of promulgation because in general the previous requirements were not substantially changed except in ways that add greater flexibility and feasibility regarding compliance.

B. Extension of Effective Date for Insurer Qualification Requirement

Since promulgation of the April 16, 1982 regulation, the Agency has been advised by a large insurer that the July 15, 1982 effective date afforded insufficient time in which to obtain the necessary State qualifications. In view of this concern and the fact that, with regard to insurer qualifications, the April 16, 1982 regulation imposed a more stringent requirement than did the January 12, 1981 regulation, EPA has decided to extend the effective date for the insurer qualification requirement until October 16, 1982. As required by Section 3010(b) of RCRA, this date is 6 months after the promulgation of the April 16, 1982 regulation. For reasons stated above, the Agency has retained the July 15, 1982 effective date for the remainder of the regulation.

As noted above, insurance used to satisfy the liability coverage requirements must be evidenced by a policy endorsement or certificate of insurance worded as specified in § 264.151 (i) and (j). The specified wording for both the endorsement and the certificate of insurance contains a statement certifying that the insurer is licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more States. In conformity with the extension of the effective date for the insurer qualification requirement, the Agency will accept, until October 16, 1982, endorsements and certificates of insurance that do not certify to the insurer's qualifications. This is provided by adding a paragraph (§§ 264.147(g) and 265.147(g)) to the regulations which states that notwithstanding any other provision of these regulations, owners or operators using insurance to satisfy the liability coverage requirements may use, until October 16, 1982, endorsements and certificates that do not certify to insurer qualifications.

As of October 16, 1982, the insurer qualifications requirement will become effective. On that date, any insurance used to satisfy the liability coverage requirements must be issued by insurers meeting the qualifications specified in the April 16, 1982, regulation, and endorsements or certificates of insurance must conform to § 264.151 (i) or (j). Any owners or operators who had submitted endorsements or certificates without the statement certifying to the qualifications of the insurer will have to submit new ones conforming to § 264.151 (i) of (j) to the Regional Administrators of the EPA Regions in which their facilities are located.

C. Executive Order 12291, Paperwork Reduction Act, and the Regulatory Flexibility Act

The Agency has concluded that today's action extending the effective date for the insurer qualifications requirement is not a major rule for which a regulatory impact analysis must be prepared under Executive Order 12291.

Under the Paperwork Reduction Act of 1980, the Office of Management and Budget reviews reporting requirements in regulations in order to minimize reporting burdens and cost to the government. OMB has approved the reporting requirements of the liability coverage regulation (notice of approval was published July 1, 1982, 47 FR 28626). Today's action allows owners and operators the option of using, until October 16, 1982, endorsements and certificates of insurance that do not contain the statement certifying to the insurer's qualifications. Such endorsements and certificates of insurance must be replaced with endorsements and certificates conforming to § 264.151 (i) and (j) by October 16. The Agency does not consider this resubmission of documents, which stems from use of the option, to be a significant added paperwork burden.

The Regulatory Flexibility Act requires Federal Agencies to analyze the impact of regulations on small entities. Such an analysis of the liability coverage requirements is being undertaken. Extension of the effective date for the insurer qualifications requirement will provide additional time to some owners and operators, whose insurers do not presently meet the qualifications specified in the regulations, to obtain coverage fully conforming to the April 16, 1982, regulations. To the extent such owners or operators are small entities, additional flexibility has been provided. The Agency has concluded that a Regulatory Flexibility Analysis specifically for this extension is not necessary.

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

List of Subjects in 40 CFR Parts 264 and 265

Hazardous materials.

Dated: July 9, 1982.

Anne M. Gorsuch,

Administrator.

For reasons set out in the preamble, Title 40 CFR Parts 264 and 265 are amended as set forth below.

PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

Subpart H—Financial Requirements

1. The authority citation for Part 264 reads as follows:

Authority: Secs. 1006, 2002(a), and 3004, Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), and 6924).

2. Section 264.147 is amended by adding paragraph (g) as follows:

§ 264.147 Liability requirements.

* * * * *

(g) Notwithstanding any other provision of this Part, an owner or operator using liability insurance to satisfy the requirements of this section may use, until October 16, 1982, a Hazardous Waste Facility Liability Endorsement or Certificate of Liability Insurance that does not certify that the insurer is licensed to transact the business of insurance, or eligible as an excess or surplus lines insurer, in one or more States.

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

Subpart H—Financial Requirements

1. The authority citation for Part 265 reads as follows:

Authority: Secs. 1006, 2002(a), and 3004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), and 6924).

2. Section 265.147 is amended by adding paragraph (g) as follows:

§ 265.147 Liability requirements.

* * * * *

(g) Notwithstanding any other provision of this Part, an owner or operator using liability insurance to satisfy the requirements of this section may use, until October 16, 1982, a Hazardous Waste Facility Liability Endorsement or Certificate of Liability Insurance that does not certify that the insurer is licensed to transact the business of insurance, or eligible as an excess or surplus lines insurer, in one or more States.

[FR Doc. 82-18973 Filed 7-12-82; 8:45 am]

BILLING CODE 6560-50-M

Reader Aids

Federal Register

Vol. 47, No. 133

Monday, July 12, 1982

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419 523-3517
General information, index, and finding aids	523-5227
Incorporation by reference	523-4534
Printing schedules and pricing information	523-3419

Federal Register

Corrections	523-5237
Daily Issue Unit	523-5237
General information, index, and finding aids	523-5227
Privacy Act	523-5237
Public Inspection Desk	523-5215
Scheduling of documents	523-3187

Laws

Indexes	523-5282
Law numbers and dates	523-5282 523-5266
Slip law orders (GPO)	275-3030

Presidential Documents

Executive orders and proclamations	523-5233
Public Papers of the President	523-5235
Weekly Compilation of Presidential Documents	523-5235
United States Government Manual	523-5230

SERVICES

Agency services	523-4534
Automation	523-3408
Library	523-4986
Magnetic tapes of FR issues and CFR volumes (GPO)	275-2867
Public Inspection Desk	523-5215
Special Projects	523-4534
Subscription orders (GPO)	783-3238
Subscription problems (GPO)	275-3054
TTY for the deaf	523-5229

FEDERAL REGISTER PAGES AND DATES, JULY

28605-28894.....1
28895-29206.....2
29207-29512.....6
29513-29640.....7
29641-29816.....8
29817-30046.....9
30047-30228.....12
30229-30448.....13

CFR PARTS AFFECTED DURING JULY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
4950.....28895
4951.....28897
4952.....29641

Executive Orders:
12369.....28899
12370.....30047

5 CFR

213.....28901
315.....28905
316.....28905
531.....30229
950.....29643, 29817
1201.....28906

Proposed Rules:
550.....28962
551.....28962
1204.....28964
1205.....28964

7 CFR

2.....29817
6.....30049
60.....29643
210.....28909
301.....28909, 29207
724.....28911
725.....28912
726.....28912
908.....28605, 29817
910.....28913, 29818
911.....29646, 29647
915.....29647
925.....28914
1427.....28605
1464.....28606
1942.....29819
1955.....30230

Proposed Rules:
54.....30079
101.....28965
210.....28966
945.....29683
958.....30257
982.....30258
1011.....30080
1030.....29247
1046.....30080
1048.....30080
1207.....28680

8 CFR

238.....28608
212.....30044
235.....30044

Proposed Rules:
214.....29851

9 CFR

82.....29648
92.....30230
312.....29821
317.....29513
381.....29513, 29821

Proposed Rules:
113.....30259
114.....30081
201.....29852
203.....29852
307.....28966
327.....29685
381.....28966

10 CFR

50.....30232
500.....29209
503.....29209

Proposed Rules:
50 252

12 CFR

5.....29823
615.....28608

Proposed Rules:
220.....29253
303.....29554
304.....29554
347.....29554
561.....29558
563.....29558

13 CFR

125.....29211

14 CFR

39.....28609-28612, 29212, 29649, 30049-30051
71.....28613-28614, 29213-29219, 29649-29651, 30052
91.....29219, 29814
223.....30236
385.....29223

Proposed Rules:
Ch. I.....29688
39.....29253, 29255
71.....28680, 29255-29259, 29689-29692
121.....29782
253.....28681
262.....28683

15 CFR

30.....29828

16 CFR

13.....30237, 30238
460.....29830

Proposed Rules:
Ch. I.....29462
801.....29182, 30261

802.....29182, 30261
803.....29182, 30261
1017.....29562

17 CFR

5.....29515
210.....29832
229.....29832
230.....29651, 29832
231.....29832
239.....29832
240.....29651, 29832
249.....29832
275.....29652
279.....29652

Proposed Rules:

1.....30261
210.....28684
229.....28684
230.....28688
231.....28684
239.....28688
240.....28684, 28688, 29259
241.....28684
249.....29259

18 CFR

Proposed Rules:

154.....28966
157.....28966
271.....29265, 29569, 29852
375.....28966
381.....28966

20 CFR

619.....30238

21 CFR

172.....29946
178.....30239-30241
182.....29946, 29952, 29953
184.....29946, 29952
186.....29953
193.....29523
436.....30241
440.....30241
442.....30241
444.....30241
446.....30241
510.....30241
520.....30242
546.....29843
556.....30242
558.....28914, 28915, 29844, 30241, 30244, 30246

Proposed Rules:

182.....29956-29965
184.....29956
333.....29986
341.....30002
344.....30012
452.....30266
888.....29052

23 CFR

772.....29653

24 CFR

200.....29523
203.....29524
204.....29524
213.....29524
220.....29524
221.....29524
234.....29524
235.....29524
570.....30053

Proposed Rules:

201.....28967

26 CFR

1.....28915
32.....29224

Proposed Rules:

1.....29692
31.....28695, 29266

29 CFR

5.....28916, 29845
1952.....28614, 28917
2200.....29525

Proposed Rules:

1404.....29569
1910.....30420

30 CFR

211.....29845
221.....29845
231.....29845
250.....29845, 30055
270.....29845

Proposed Rules:

Ch. VII.....29693, 30267
75.....30025
251.....28706
700.....28706, 30266
701.....28706, 30266
715.....30266
717.....30266
736.....30266
740.....28706
741.....28706
742.....28706
743.....28706
744.....28706
745.....28706
746.....28706
760.....30266
762.....30266
769.....30266
770.....30266
771.....30266
772.....30266
773.....30266
775.....30266
776.....30266
778.....30266
779.....30266
780.....30266
782.....30266
783.....30266
784.....30266
785.....30266
786.....30266
787.....30266
788.....30266
815.....30266
816.....30266
817.....30266
818.....30266
819.....30266
822.....30266
823.....30266
824.....30266
826.....30266
827.....30266
843.....30266
850.....30266
904.....30267
912.....30214
915.....29570
945.....29671
948.....29852

31 CFR

535.....29528

33 CFR

Ch. I.....28615
100.....28615, 28616
110.....29658
165.....29659
204.....30057

Proposed Rules:

117.....30176

36 CFR

211.....30246
261.....29229

37 CFR

201.....29529

38 CFR

3.....29530
17.....29668
21.....30247
36.....29230

Proposed Rules:

21.....29267, 29269, 30269
36.....29270

39 CFR

233.....28918

Proposed Rules:

111.....29273

40 CFR

33.....29668
52.....28617, 28623, 29231, 29233, 29531-29539, 29668, 30057-30060
60.....28624, 30061-30065
61.....30061-30065
62.....29234
81.....28626, 29540, 30065
120.....29541
123.....29236
180.....28626
264.....28627, 30446
265.....28627, 30446

Proposed Rules:

52...28967,29273,29572, 29573
81.....28968, 29573
122.....29274
180.....29573-29576
264.....29274
704.....30081
712.....29853
720.....28969
761.....30082, 30083, 30270

41 CFR

Ch. 101.....30248
5-2.....28627
5-3.....28918
5-16.....28647
5A-2.....28627
5A-3.....28918
5A-16.....28647
5A-71.....28650
5A-72.....28650
5A-74.....28650
5A-76.....28650
5B-2.....28627
5B-3.....28918
5B-4.....28627
5B-16.....28647
9-5.....28924
9-7.....28924
9-23.....28924
9-50.....28924

42 CFR

122.....28650
431.....28652
435.....28652
436.....28652

Proposed Rules:

433.....29275

43 CFR

17.....29542

Proposed Rules:

3140.....28971

Public Land Orders:

1168 (Revoked in part by PLO 6290).....28656
1344 (Revoked in part by PLO 6290).....28656
1429 (Revoked in part by PLO 6290).....28656
1744 (Revoked in part by PLO 6290).....28656
2165 (Revoked in part by PLO 6290).....28656
2285 (Revoked in part by PLO 6290).....28656
2354 (Revoked by PLO 6293).....29846
2965 (Revoked in part by PLO 6290).....28656
3072 (Revoked in part by PLO 6290).....28656
6290.....28656
6291.....28656
6292.....29553
6293.....29846

44 CFR

64.....28931-28936, 30249, 30253
65.....28657, 30251
67.....28937-28958
70.....28657-28659

Proposed Rules:

67.....28661-28676, 29854

45 CFR

16.....29472
74.....29472
96.....29472

46 CFR

Ch. I.....28707-28715
1.....28676
10.....28677

12 28677
187 28677
528 30255
536 29670
537 30255

Proposed Rules:

502 29278
503 29280
522 29278
531 29278
536 29278
540 29278
542 29280
543 29280
544 29280

47 CFR

2 ..... 28960, 30066
21 29237
73 ..... 29245, 29846–29850, 30066, 30069
74 30066
83 28960
87 28960
97 29673

Proposed Rules:

Ch. I 29282
73 ..... 29286–29291, 29854–29859

49 CFR

5 29678
173 29678
178 29678
571 30077
1033 29679
1036 29246
1063 30077

Proposed Rules:

172 28716
173 28716
175 28716
177 28716
178 28716
571 ..... 30083, 30084
575 30084

50 CFR

17 30440
640 29202
661 30078

Proposed Rules:

20 30162
661 28971
681 30270

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

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
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS		DOT/FHWA	USDA/SCS
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing July 7, 1982